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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 5, 2001.

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

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

PRAYER

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

Lord, we seek Your blessing upon all Members of the House of Representatives and the people of this Nation.

Once Abram responded to Your call of faith he was given Your promise: ''I will make you into a great nation. I will bless you and make your name so great that it shall be used in blessings.''

You fulfilled Your promise to our father in faith even as now You fulfill Your promise in us and in our time. Ever since the founding of this Nation in faith, You have blessed this land and its people. As in the past, so now and forever, we seek Your blessing and hope that these United States will be the Nation You design; the place where Your promise is fulfilled.

In turbulent times, Lord, do not allow us to lose our primal focus: It is You who will make us into a great Nation.

In present circumstances of war and economics, let us not simply react as if we alone counted, but guide us to wisely respond as a great Nation. By Your blessing upon us and our daily work, make us a great people called to do noble deeds and truly be a blessing upon the world both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. McNULTY 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.

AMERICA NEEDS STIMULUS BILL

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

Mr. FOLEY. Mr. Speaker, how low will the Democratic Party go? I read in USA Today that the gentlewoman from New York (Mrs. LOWEY), the chairman of the DCCC, was planning on running ads blaming President Bush for the recession, calling it his recession. Well, for those Americans who are out of work and unemployed, it is a personal recession; and I take great umbrage at the gentlewoman for running ads at a time when we are in a national crisis fighting an evil enemy in Afghanistan and would make this a political opportunity to attack our Commander in Chief. It is regrettable, it is shameful, and it is out of bounds.

Mr. Speaker, Members should cease these kind of play games and start working. On the other side of this building, the Senate dawdles, fails to address a stimulus bill because the majority leader wants to run for President of the United States. If he was President now, we would have real problems because he cannot make a basic decision. I urge my colleagues to insist that the Senate pass a stimulus bill so we can repair the economy and move forward, and say to the Democrats and the DCCC, take your ads and shove them.

NOTICE

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to criticize the Senate in their remarks.

CONGRATULATIONS TO THE UNIVERSITY OF TENNESSEE

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

Mr. CLEMENT. Mr. Speaker, President Bush has said let us get back to normal as much as we possibly can. We had a football game, the gentleman from Tennessee (Mr. DUNCAN) and I know, that happened in Florida between the University of Tennessee and Florida, and we had not beaten Florida in 30 years in Florida, in Gainesville, but we won that battle.

Mr. Speaker, we were an 18-point underdog, but we did very well and now are playing for the SCC championship, and I want to congratulate the University of Tennessee, my alma mater. I am a former college president at Cumberland University, and I want my colleagues to know that we hold the distinction at Cumberland of being defeated worse in football than any other school in America: Cumberland 0, Georgia Tech 222.

If Members want to know more about that game, there is a book written about that game, ''You Dropped It, You Pick It Up.'' One of the Cumberland players dropped the ball during the game. The Cumberland player said, ''Pick it up, pick it up.'' Another Cumberland player said, ''You dropped it, you pick it up.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The previous speaker and all Members are reminded to observe proper decorum in the House during 1-minute speeches.

MILITARY TRIBUNALS

(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, much debate has occurred recently on President Bush's decision to utilize military tribunals to hold all terrorists responsible for their actions. I come to the floor to state my whole-hearted support for his decision. Let us get one thing straight. Terrorists do not, by definition, conduct themselves as lawful combatants. They began this war with us; and, consequently, they should be treated as war criminals if captured.

Mr. Speaker, I strongly disagree with the arguments of the other side that say using military tribunals would not ensure a fair trial. To the contrary, it allows for an appeals process through all levels of the military courts and ultimately to the United States Supreme Court.

I remind my colleagues that President Bush's decision to use military tribunals as a means of bringing terrorists to justice has historical precedence dating back to Presidents Franklin Roosevelt, Abraham Lincoln, and even George Washington.

Mr. Speaker, terrorists are not abiding by the rules of a civil society. They should be held accountable for their actions as war criminals.

AMERICA'S STEEL INDUSTRY IS DYING

(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, Congress has bailed out everybody, airlines, insurance companies, even car makers. Chrysler is now owned by Germans. Bailout for almost everyone except America's steel industry, which is dying. Since 1998, 25 American steel companies have filed for bankruptcy, with thousands and thousands of unemployed steelworkers losing their benefits, losing their health care, losing their families, losing their homes. Unbelievable. Meanwhile, Daimler Chrysler is now lighting up cigars. Beam me up.

Mr. Speaker, I yield back the fact that America cannot build smart bombs with Styrofoam; and we had better take a look at our domestic ability to produce steel for our national defense.

CLONING BAN MUST BE PASSED BY SENATE

(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, Congress' job is to represent the people. That does not mean that we should be a rubber stamp for every poll that is taken. The American people expect us to exercise our judgment; and, in fact, that is our constitutional duty. But when the Gallup organization tells us that 88 percent of the American people oppose cloning, it is pretty hard to deny the will of this country.

Mr. Speaker, creating human life through cloning is unethical, and it is bad science. Creating human life with the intent to kill it in experiments is even worse. Yet that is the justification we are hearing. The scientists that are cloning human beings say that it is okay as long as they kill them off before they reach maturity. That is sick. It is time to demonstrate that at least we can still tell right from wrong.

Mr. Speaker, the House has already passed a ban on human cloning. The other body needs to act immediately. There is no time to wait.

HOMELAND SECURITY NEEDS TO BE STRENGTHENED

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

Mrs. CHRISTENSEN. Mr. Speaker, the war that our country is waging in response to the attacks of September 11 and to eliminate the terrorists who are responsible for it is, without question, necessary and important. But so are our homeland security needs.

The U.S. Customs Service, Immigration and Naturalization Service, the Coast Guard and regional defense forces need more staff, assets and funding. Our public health infrastructure, which will be our frontline biological and chemical defense, is full of holes and needs to be strengthened, especially in poor communities.

Our children, who must be prepared to carry out the long-term security mission, are being undereducated in rundown schools and need a major investment of our time and capital.

The biggest obstacles to meeting our obligations for security for our communities, including access to quality health care and a sound education for our children, is the tax cut. The insistence that we move forward and, worse, move it up at this time is putting our country and every citizen at risk.

Mr. Speaker, we need to roll back the tax cut so that we can properly prepare this country to meet our critical health, education and security needs.

PASS TRADE PROMOTION AUTHORITY

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

Mr. LINDER. Mr. Speaker, more than 95 percent of the world's population lives outside of the United States. For most American businesses this means that, in order to remain competitive, they must be allowed to market their goods and services across borders. This is particularly true for small business. There are more than 25 million small businesses in America, and they employ more than half the country's private workforce. Small businesses create three out of four new jobs and account for half of the America's annual economic production. Undoubtedly, small businesses are vital to the United States, and trade in turn is vital to them.

Mr. Speaker, nearly 97 percent of U.S. merchandise exporters are small- and medium-sized businesses. Companies with less than 20 employees account for more than two-thirds of all U.S. exporting firms. Further, the number of American small businesses that export grew by more than 200 percent between 1987 and 1997.

The United States is the single most competitive nation in the world. Tomorrow, Congress will have an opportunity to enable America's small businesses to prove their global competitiveness. We must pass Trade Promotion Authority and allow our small businesses to compete.

PASS TRADE PROMOTION AUTHORITY

(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, I, too, rise in strong support of the bipartisan Trade Promotion Authority that this House will take up tomorrow. Just like a labor union designates one person to negotiate its contract with management, America needs one voice empowered to put our interest first at the world trade negotiating table.

As my colleague from Georgia just expressed so well, Trade Promotion Authority is in the interest of small business. Ninety percent of exports come from companies with less than 500 employees. For every $1 billion in increased exports, we create 20,000 new jobs that pay an average of 17 percent more than the domestic economy.

Mr. Speaker, the only question for my colleagues is simply this: Do Members trust this President to put America's interests first at the trade negotiating table? I say proudly, along with some 80 percent of the American people, I trust this President. President Bush deserves a vote of confidence from this House. He deserves Trade Promotion Authority, and I urge a ''yes'' vote tomorrow.

□ 1015

DECREASING DELAY AND INCREASING SECURITY AT AIRPORTS

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

Mr. DUNCAN. Mr. Speaker, I rise today to commend the National Air Transportation Association and its leader, James K. Coyne, for coming up with an innovative Sky ID program. This plan would identify frequent flyers on commercial and general aviation planes and aviation personnel who could be classified as trusted travelers. They would have to undergo an intensive background check to be included in this program, but it would be completely voluntary, and people would be free to choose whether to participate or not. Their carry-on and other bags would still be screened, but this plan would be a significant step toward the goal of shortening the lines and reducing the delays at our Nation's airports.

The plan would use advanced digital identification technology and would produce smart cards with biometric template information so they could not be used by others. This plan would be similar to security systems used in very sensitive areas by the Department of Defense.

I want to encourage and urge the FAA to work closely with the National Air Transportation Association in this effort to decrease delays and, at the same time, increase security in a very low-cost way at our Nation's airports.

SUPPORT TRADE PROMOTION AUTHORITY

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

Mr. ISAKSON. Mr. Speaker, 10 weeks ago this Congress, with one lone dissenting vote, granted the President of the United States the authority to send our sons and daughters in harm's way, to root out and bring justice to the terrorists or take justice to them.

Tomorrow, this House will have the chance to vote on Trade Promotion Authority for our President, an exact comparable authority for the President of the United States to do for the global economy what we have allowed him to do militarily across the ocean and in Afghanistan.

If there were ever a time for us to ensure prosperity in the long-term in the 21st century, it is to give the President the same power to make the American economy the strongest weapon for peace and security and for employment of all our citizens.

I urge my colleagues to support Trade Promotion Authority tomorrow when it reaches the floor of the House of Representatives.

CREATING AN ENVIRONMENT OF GROWTH

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

Mr. TOOMEY. Mr. Speaker, we all know we have got a weak economy right now. The slowdown that began in September of 2000 accelerated in September of 2001, and the result is that hundreds of thousands of Americans have lost their jobs as a result.

What is our responsibility in Congress? I think it is to help to create an environment of growth and hope and opportunity to enable our neighbors to get back to work, and there are two vital ways we can do that.

One is to pass an economic stimulus package that lowers the tax burdens that are keeping people out of work. We have done that in the House. The President supports that. I hope the rest of the necessary steps are taken soon.

The second thing we can do is pass Trade Promotion Authority tomorrow. Give this President the authority to lower the barriers to open up foreign markets to American goods and services and help people get back to work producing those goods and services. The fact is, Mr. Speaker, that the American workforce is the most productive workforce in the world. If we are given a chance to compete, we win.

Let us give this President the opportunity to open up those markets, give our workers the opportunity to compete and let people get back to work.

BEEFING UP RESEARCH TO STIMULATE ECONOMIC GROWTH

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

Mr. SMITH of Michigan. Mr. Speaker, yesterday I introduced a bill, H.R. 3400, that I think moves in the direction of establishing spending priorities. That legislation provides for beefing up the kind of research that is going to stimulate economic growth. A companion bill develops extra protection against cyber terrorism.

I chair the Subcommittee on Research of the Committee on Science. The bill increases our emphasis on basic research for information technology and networking, which has been so important in our economic expansion. The other bill increases our research effort to counter cyberterrorism. We will take up these two bills tomorrow in the Committee on Science.

As we approach additional spending on defense, we need to understand that defense spending has gone down while social spending since 1991 has increased by about 30 percent; and we need to start setting priorities that are going to help the two main goals that this Congress should be looking at: one is the defense and security of the people of this country, and the other is continued economic growth.

Our goal should be to reduce spending that is lower priority so as to accommodate security and economic needs without mounting huge deficits.

SMALL BUSINESS AND TRADE IN ILLINOIS

(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, today I rise to talk about the success of a small business in Illinois, a business that can continue to offer products and services to foreign markets if we pass H.R. 3005, a bill to renew Trade Promotion Authority.

W.S. Darley & Company, a Melrose Park, Illinois-based, family-owned small business will have to hire more workers to fill a $12.8 million order for 40 fire trucks, spare parts and services from the Ghana National Fire Service. The company, founded in 1908, overcame stiff foreign competition to win Ghana's government contract, which is expected to lead to substantial additional business.

Passing H.R. 3005 is a necessary step in continuing to expand exports to foreign markets, including new and emerging marketplaces. W.S. Darley & Company is just one of more than 14,000 Illinois companies that rely on exports and are eager to find new opportunities in the global marketplace. Passing TPA will give U.S. negotiators the credibility they need to make agreements that will create those opportunities.

GRANT TRADE PROMOTION AUTHORITY TO PRESIDENT

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

Mr. OXLEY. Mr. Speaker, I rise this morning to speak on granting Trade Promotion Authority to the President. Free trade is good for our overall economy; but as chairman of the Committee on Financial Services, I would like to focus this morning on how important trade is to our country's vital financial services sector.

Ambassador Zoellick gave a compelling presentation to our committee just recently on the advantages of trade and services. Note, for example, that our financial services trade surplus was $8.88 billion last year. That is a surplus. Financial services exports have seen an overall net increase of 273 percent over the last 10 years.

Clearly, we want to encourage continued growth in this vital industry. In my home State of Ohio, Columbus has had the distinction of being one of the fastest growing cities in the country, partly because of its emergence as a financial services center. But U.S. exports of financial services also help to promote the development of capital markets, open economies and democracy across the world.

When the President does not have Trade Promotion Authority, other countries are reluctant to enter into new agreements with the United States, so it is more difficult to get the kind of trade agreements that open up new markets for our financial services companies; and ultimately, that threatens U.S. preeminence in the international financial world.

We cannot afford to lose that standing. It is just one reason why this Congress needs to approve TPA tomorrow.

OPPOSE FAST TRACK TRADE AUTHORITY

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

Ms. McCOLLUM. Mr. Speaker, tomorrow the House will vote on a bill offered by the chairman of the Committee on Ways and Means which concedes to the executive branch this body's constitutional authority to negotiate trade agreements. My role in Congress is to represent the voices and values of the working men and women of Minnesota's fourth district, not to abdicate my vote to the President.

I want an opportunity to have input on agreements that promote global trade. Trade agreements are essential to our economic well-being, to our role as a global leader in promoting workers' rights, human rights and healthy environment. This Fast Track trade authority requires no congressional approval prior to the signing of a trade agreement, only consultations. This body may only vote to certify that the administration has failed to consult with Congress.

I was not elected to Congress to be a consultant. We are the House of Representatives, not the House of Consultants. I urge my colleagues to oppose H.R. 3005.

TIGHTENING BORDER CONTROL

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

Mr. GRAVES. Mr. Speaker, we have taken many good steps since September 11 toward protecting our country. As our focus returns to the domestic issues, let us not overlook one critical piece missing from our Nation's security plan, tightening border control.

Each day, countless travelers freely cross our borders without proving their right to be in our country. Our ability to screen these people, even when this is an option, is severely compromised and must be addressed by bolstering the technology and intelligence capabilities at our ports of entry.

I, along with some of my colleagues, have introduced the Enhanced Border Security Act to strengthen our border security and monitor foreign nationals, particularly those on student visas visiting our country.

Our legislation would allow government law enforcement and intelligence agencies to share background information through a shared database. Additionally, this legislation will track foreign students receiving visas from educational institutions to ensure they are accounted for upon their arrival, during their study, and when their visa expires.

I urge my colleagues to join me in supporting this comprehensive legislation that will help ensure the safety of our Nation.

SUPPORT TRADE PROMOTION AUTHORITY

(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, I just heard the gentlewoman from Minnesota commenting about Trade Promotion Authority, and there were a couple of comments that she made that I think need clarification.

One of these is the President has trade negotiating authority and has always had trade negotiating authority. What TPA does is let us participate in the process during the negotiating process, with consultation before, during and after the agreement is reached with another country.

The important thing to keep in mind is we had President Clinton go forward with his executive authority to negotiate that agreement with Jordan. He did bring it back, and we ultimately have the authority to vote it up or vote it down; that authority is retained.

I hope the gentlewoman will look at this, because TPA gives us greater opportunity for involvement in the process than anything that we have done in the past. Please, we need support on both sides of the aisle. It is a bipartisan issue.

FREEZING COPAY FOR VETERANS' PRESCRIPTION COSTS

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

Mr. STRICKLAND. Mr. Speaker, I think veterans across this country would be upset to learn that at a time when we are giving multi-billion dollar tax breaks to wealthy corporations, we are in fact contemplating increasing the cost of prescription medications available to our veterans by a whooping 250 percent. We are in the process of increasing the copay for our veterans from $2 per prescription to $7 per prescription.

Now, many veterans receive 10 or more prescriptions per month. Ten times seven is $70 a month. This is absolutely outrageous and unacceptable, when we are providing billions of dollars in tax breaks to profitable corporations, we would burden the veterans in our country by increasing the copay for their medications by 250 percent.

This House should support my bill, H.R. 2820, which would freeze the copay for 5 years at its $2 per prescription level.

THANKING THOSE SERVING AND WHO HAVE SERVED IN THE MILITARY

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

Mr. SHIMKUS. Mr. Speaker, it has been quoted as saying that war is hell. We mourn the reported deaths of our soldiers in Afghanistan. We know the risks of combat. We know that wars are fought and won on the battlefield, and it is only on the rarest of occasion that in warfare we do not lose some of our own.

The military accepts these risks, the military and our government. We do not like it, but it is reality. To serve and protect, that is what they do. Duty, honor, country. Our liberty is paid for by the blood of our sons and daughters.

I pause to thank those who are serving in the military and those who have served in the past.

APPOINTMENT OF CONFEREES ON H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

Mr. GIBBONS. Mr. Speaker, since September 11, all Americans have witnessed our intelligence community at its best.

We have witnessed their loss, our first combat loss of an American hero in our war against terrorism, CIA agent Johnny "Mike" Spann. We must provide the resources needed to combat terrorism at the most basic level, intelligence.

This is a good bill. It provides significant resources to the intelligence community, which during the 1990s was underfinanced, understaffed, and underappreciated.

The 1990s was a "risk averse" period, during which the bullies of the world began to get the idea that the United States had gone soft, and no longer had a will to defend American lives and American interests.

The intelligence community often was not performing aggressively enough, though this was by no means the fault of the dedicated men and women who constitute the intelligence agencies' rank-and-file.

They are now doing a stupendous job of catchup, and they deserve the best support we can give them.

Regarding today's needs, we are providing logistical and technical resources for a worldwide campaign to root out terrorism.

Our intelligence officers are working on the ground in Afghanistan, as the American public is now aware—sadly aware with the news of our fallen CIA hero.

What the American public will probably never know is that American intelligence officers are working around the clock, worldwide, to neutralize terrorist cells and otherwise diminish the possibility of future attacks on innocent American citizens.

As for future needs, this bill provides resources for greater foreign language expertise, increased specialized training, increased analytical expertise to include measures to restore the intelligence community's ability to provide worldwide analytical coverage.

This administration and this Congress are acutely aware of the need for a strong intelligence capability. We on the Intelligence Committee have done our utmost to give the intelligence agencies what they need to do their job.

I urge your support on this motion.

□ 1030

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

The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. GOSS, BEREUTER, CASTLE, BOEHLERT, GIBBONS, LAHOOD, CUNNINGHAM, HOEKSTRA, BURR of North Carolina, and CHAMBLISS; Ms. PELOSI, Mr. BISHOP, Ms. HARMAN, and Messrs. CONDIT, ROEMER, HASTINGS of Florida, REYES, BOSWELL, and PETERSON of Minnesota.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Messrs. STUMP, HUNTER and SKELTON.

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 76, and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 76) making further continuing appropriations for the fiscal year 2002, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I would first yield to the gentleman from Florida for an explanation of his request, after which I have a series of questions I would like to put to him about it.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding. This continuing resolution extends the current CR until December 15. The terms and conditions of the previous CR will remain in effect. All ongoing activities will be continued at current rates under the same terms and conditions as fiscal year 2001, with the exception of the agencies covered by fiscal year 2002 appropriations bills that have been enacted into law.

Mr. Speaker, this CR is noncontroversial, and I urge the House to move the legislation to the Senate so that the government can continue to operate smoothly and efficiently and so that we can continue our work to finish those few regular appropriations bills that are still remaining.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I would like to ask the gentleman several questions.

It is my understanding that the defense appropriations bill, and I do this because I think there are a lot of unrealistic expectations which are being directed at this committee by people who I do not think have sufficient appreciation for the detailed work that is required in order to produce legislation on, for instance, something as complicated as the defense bill.

My understanding is that that bill is 197 pages long and is expected, by the time the Senate is finished deliberating on it, to contain literally thousands of differences between the House and the Senate; is that not correct?

Mr. YOUNG of Florida. Mr. Speaker, the gentleman is correct.

Mr. OBEY. Mr. Speaker, let me ask another question under my reservation. Assuming that the Senate could pass the Department of Defense bill immediately, how long, in the gentleman's experience, does it usually take for the staff to put together the conference notes so that members of the conference understand what the differences are, and how long does it take usually after the conclusion of the conference for the staff to put together the required papers so that we know that what we vote on is what we actually agreed to in the conference?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Surely.

Mr. YOUNG of Florida. Mr. Speaker, the answer is, of course it depends on the bill and the situation with that bill. In the case of the defense bill that we are dealing with now, the basic bill, the $317 billion defense bill, probably will not be that difficult to conference. Where there will be difficulty will be in the $20 billion supplemental that we have dealt with here in the House and that the other body is now dealing with and is possibly changing considerably. So it could take 4 or 5 working days, or longer, just to get that bill ready to go to conference.

Once the agreements are actually reached in conference, it could take as many as 10 days in order to complete consideration of this bill. It is a major bill. Of our discretionary accounts, it is half of our discretionary spending. In most years we do not have a lot of differences going into conference on that bill, but this year, because of the $20 billion supplemental that is a result of the September 11 attacks, there are substantial differences between the House-passed bill and what the Senate is probably going to consider today or tomorrow.

Mr. OBEY. Mr. Speaker, continuing under my reservation, I thank the gentleman for his comments. I think that they are most accurate and, to me, what it demonstrates is that, under the most optimistic assumptions, if the Senate could proceed virtually immediately to conclude its action on that bill, we are talking about at least a

week after that point before we could possibly have this bill close to coming back to the House and probably a significant number of additional days.

I would add to that that, obviously, the Senate is not going to be in a position, based on what has been happening over there, to conclude this bill today.

So I have asked these questions, Mr. Speaker, in order to indicate my judgment that the date of December 15 for the expiration of this continuing resolution is incredibly optimistic. I do not think it, in fact, recognizes reality, and that it seems to me that if we are trying to extend this CR to the point where we think that the Congress will actually finish its work for this year that the date would have to be significantly later, I regret to say.

I would also say, continuing under my reservation, that with respect to the homeland security issue which the gentleman has mentioned, as I think has been obvious around this town for years, Congress often loses the off button at the end of the session. I do not know who has it, but, obviously, it is a whole lot easier to hit the start-up button for a congressional session than it is to find the off button at the end of the year, and whoever has that off button, I wish they would come forward, or we are going to be sitting here Christmas Eve still not having our work done.

I would also say that I think one of the keys to finding that off button is a willingness to compromise. I wish I thought I could see that on the part of the White House, especially on the part of OMB, with respect to the homeland security package. What is at stake in that package is, very simply, the security of every American citizen on the home front. With something that is that important, in order for Congress to finish its business on that item, for instance, we need a spirit of cooperation on both sides.

I must say I do not find that kind of spirit of cooperation coming from the White House on this item when we are called down to the White House for a meeting and, before we can get a word out of our mouths to explain what it is that our concerns are about homebased security, we are told immediately, ''Fellows, no matter what you are about to say, we are going to veto anything that you are thinking before we have even heard what it is you are thinking of.'' I do not think that is a way to promote compromise, and I do not think that creates the right atmosphere for resolving differences.

So I would simply say that I believe that, while I am not going to object to this, Mr. Speaker, I think December 15 is unreasonably optimistic, unless we have a major attitude adjustment on the part of OMB, and I have not detected a spectacular capacity of that agency to provide that.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 76

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–44 is further amended by striking the date specified in section 107(c) and inserting in lieu thereof ''December 15, 2001''.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on three motions to suspend the rules on which further proceedings were postponed yesterday.

Votes will be taken in the following order:

H. Con. Res. 242, by the yeas and nays;

H.R. 3348, by the yeas and nays;

H. Con. Res. 102, by the yeas and nays.

H. Res. 298 will be postponed until later today.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

RECOGNIZING RADIO FREE EUROPE/RADIO LIBERTY'S SUCCESS IN PROMOTING DEMOCRACY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 242.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 242, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 1, not voting 28, as follows:

[Roll No. 469]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
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
Meeks (NY)
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
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak

Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
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)
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Paul

NOT VOTING—28

Andrews
Berman
Boozman
Cubin
Cummings
DeFazio
Gutierrez
Hefley
Hostettler
Johnson (CT)
Johnson, Sam
Kingston
Kucinich
LaTourette
Meehan
Meek (FL)
Ney
Pelosi
Quinn
Reyes
Roukema
Sanchez
Souder
Thomas
Thurman
Waxman
Weldon (PA)
Young (AK)

□ 1106

Mr. OXLEY changed his 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.

Stated for:

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 469 I was unavoidably detained. Had I been present, I would have voted ''yea.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to 5 minutes the period of time within which a vote by electronic device will be taken on each question on which the Chair has postponed further proceedings.

GEORGE P. SHULTZ NATIONAL FOREIGN AFFAIRS TRAINING CENTER

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3348.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3348, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, answered ''present'' 2, not voting 24, as follows:

[Roll No. 470]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
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
Meeks (NY)
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
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
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)
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (FL)

ANSWERED ''PRESENT''—2

Rahall
Wu

NOT VOTING—24

Andrews
Berman
Cubin
DeFazio
Gutierrez
Harman
Hostettler
Hunter
Johnson (CT)
Johnson, Sam
Kingston
Kucinich
LaTourette
Meehan
Meek (FL)
Ney
Quinn
Reyes
Roukema
Sanchez
Thurman
Waxman
Weldon (PA)
Young (AK)

□ 1117

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:

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 470 I was unavoidably detained. Had I been present, I would have voted ''yea.''

HUNGER TO HARVEST: DECADE OF SUPPORT FOR SUB-SAHARAN AFRICA RESOLUTION

The SPEAKER pro tempore (Mr. GILLMOR). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 102, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 102, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 9, not voting 24, as follows:

[Roll No. 471]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
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.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
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
Meeks (NY)
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
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
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
Strickland
Stump
Stupak
Sununu
Sweeney
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)
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—9

Barr
Berry
Bonilla
Collins
Flake
Goode
Herger
Paul
Rohrabacher

NOT VOTING—24

Andrews
Camp
Cubin
DeFazio
Dicks
Foley
Gutierrez
Hostettler
Johnson, Sam
Kingston
Kucinich
LaTourette
Meehan
Meek (FL)
Ney
Quinn
Reyes
Roukema
Sanchez
Saxton
Sessions
Waxman
Weldon (PA)
Young (AK)

□ 1125

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

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

BEAR RIVER MIGRATORY BIRD REFUGE VISITOR CENTER ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3322) to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah.

The Clerk read as follows:

H.R. 3322

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 ''Bear River Migratory Bird Refuge Visitor Center Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Bear River marshes have been a historical waterfowl oasis and an important inland waterfowl flyway for thousands of years.

(2) Congress created the Bear River Migratory Bird Refuge as one of the first National Wildlife Refuges, for the purpose of protecting waterfowl habitat and migratory birds, educating the public regarding, and enhancing public appreciation of, waterfowl habitat and migratory birds.

(3) The Bear River Migratory Bird Refuge was virtually destroyed by the devastating floods that occurred between 1983 and 1985.

(4) Refuge employees, aided by volunteers, have taken valiant actions to rebuild the Refuge by restoring habitat, increasing its attractiveness to waterfowl, reducing waterfowl botulism, and providing recreational and educational opportunities to the public.

(5) The Bear River Migratory Bird Refuge lacks a functional education and administrative center.

(6) The creation of such a facility would significantly enhance public appreciation of waterfowl and the need to preserve waterfowl habitat.

(7) Congress has taken significant steps to provide funding for the construction of an education and administrative center.

SEC. 3. DEFINITIONS.

For the purpose of this Act, the following definitions apply:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) REFUGE.—The term ''Refuge'' means the Bear River Migratory Bird Refuge in Box Elder County, Utah.

(3) EDUCATION AND ADMINISTRATIVE CENTER.—The term ''Education and Administrative Center'' means the facility identified in the Environmental Assessment dated 1991 and entitled ''Restoration and Expansion of the Bear River Migratory Bird Refuge''.

SEC. 4. AUTHORIZATION OF CONSTRUCTION OF THE EDUCATION CENTER.

(a) CONSTRUCTION.—The Secretary shall construct the Education and Administrative Center at the Refuge for the purposes of providing for the interpretation of resources of the Refuge for the education and benefit of the public, the advancement of research, protection, and health of waterfowl habitat, and for the administration of the Bear River Migratory Bird Refuge.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $11,000,000 to carry out subsection (a).

SEC. 5. MATCHING CONTRIBUTIONS REQUIREMENTS.

(a) DONATION OF FUNDS AND SERVICES.—The Secretary may accept donations of funds and services from nonprofit organizations, State and local governments, and private citizens for the construction of the Education and Administrative Center.

(b) MATCHING FUNDS.—The Secretary may not require matching funds or contributions in kind with a combined total value of more than $1,500,000 for construction of the Education and Administrative Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

The Bear River marshes in the northern portion of the Great Salt Lake have been a waterfowl oasis and an important inland waterfowl flyway for centuries, and I am pleased that the House is taking action to improve research opportunities and educational experiences at the refuge.

To give a little history of the Bear River marshes, in 1843, explorer John C. Fremont described the area by saying ''The waterfowl made a noise like thunder, as the whole scene was animated with waterfowl.'' Later, settlers moved in and began draining the marshes so slowly that no one noticed until 1910 when botulism killed over 2 million birds and another deadly outbreak in 1920 killed 1.5 million birds. In 1928, at the urging of many individuals and organizations, Congress turned this unique area into a National Wildlife Refuge. The refuge soon became a popular attraction for various groups from sportsmen and school groups to wildlife photographers.

Then came Utah's 100-year floods of 1983 and 1985 when there was a manmade river running down State Street in Salt Lake City and Glen Canyon Dam was spilling over. Those wet years also caused the rising Great Salt Lake to breach the refuge dikes and saltwater contaminated wildlife habitat, destroyed marsh vegetation and destroyed the newly constructed visitors and administrative facilities.

In 1989, the water finally receded, and since that time refuge employees and scores of volunteers have worked tirelessly cleaning debris, moving 1 million cubic yards of earth, restoring 47 water control structures and 47 miles of dikes, and purchasing easements to restore the habitat to its previous condition.

□ 1130

Mr. Speaker, thanks to their good efforts, the refuge once again attracts hundreds of waterfowl and an increasing number of human visitors. There are 221 species of birds that have been recorded at the refuge, and 206 of those constantly come back each year. However, the refuge still lacks a functional education and administrative center which denies the public a rich educational opportunity.

I have worked with my colleagues on the Committee on Appropriations and with the Senate Committee on Appropriations to provide funding for the reconstruction of these facilities. Local communities, the Friends of Bear River Bird Refuge and other nonprofit groups have demonstrated their interest and dedication to a research and education center by raising an additional $1.5 million for the project.

This bill recognizes the efforts of the refuge staff, the community, and the local Friends group to rebuild the refuge. Between the prior appropriations and the contribution from local supporters, over 80 percent of the funding has already been secured. This is a good bill.

Finally, I would like to compliment Al Trout, the refuge manager, who has worked so diligently to put this together, a truly dedicated public servant.

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

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

Mr. Speaker, I am pleased to support the legislation of the distinguished gentleman from Utah (Mr. HANSEN) which would authorize the construction of a new education and administrative center at one of our Nation's oldest migratory bird refuges. It was unfortunate that floods destroyed the center nearly 18 years ago. I understand the frustration of the gentleman from Utah (Mr. HANSEN) that a new facility has not been built to replace the original building.

As Members may recall, the 1997 National Wildlife Refuge Improvement Act established environmental education and resource interpretation as priority uses at all national wildlife refuges. Education centers like the one planned for Bear River are essential to ensure that the Fish and Wildlife Service promotes the wildlife wonders throughout our national wildlife refuge system and generates public awareness and appreciation for these resources.

Mr. Speaker, I urge Members to support this legislation. I look forward to working with both the gentleman from Utah (Mr. HANSEN) and our ranking member, the gentleman from West Virginia (Mr. RAHALL), who adds his commendation and support for the bill to improve visitor services within our national wildlife refuges.

Mr. MATHESON. Mr. Speaker, it is with great pleasure that I rise today in support of the Bear River Migratory Bird Refuge Visitor Center Act. This legislation will allow the Refuge to construct an educational and administrative headquarters. It is my hope that bird enthusiasts throughout the West will be able to come to see the thousands of birds that visit the area each year and hear what explorer John C. Fremont called ''a noise like thunder.''

The Refuge was created by Congress in 1928 to ensure the survival of the birds and natural wetlands of the area. Unfortunately, due to massive flooding in the 1983 to 1985, the entire Refuge was destroyed and the wetlands completely covered with water.

Today, the Refuge consists of 74,000 acres. In 1993, land acquisition added nearly 9,000 acres of uplands, wetlands, and mudflats. The historic 65,000 acres of the Refuge, consisting mainly of marsh, open water, and mudflats, have slowly seen salt deposits from the flood flushed out. Now, the wetland is on the verge of full recovery, and with marsh plants thriving, birds are returning in increasing numbers to the Refuge.

I am excited to see this legislation come before the body. I strongly believe that this bill will be beneficial to the Bear River Migratory Bird Refuge habitat by increasing its attractiveness to birds, and to people.

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

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3322.

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

A motion to reconsider was laid on the table.

FERN LAKE CONSERVATION AND RECREATION ACT OF 2001

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2238) to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2238

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 ''Fern Lake Conservation and Recreation Act of 2001''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Fern Lake and its surrounding watershed in Bell County, Kentucky, and Claiborne County, Tennessee, is within the potential boundaries of Cumberland Gap National Historical Park as originally authorized by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(2) The acquisition of Fern Lake and its surrounding watershed and its inclusion in Cumberland Gap National Historical Park would protect the vista from Pinnacle Overlook, which is one of the park's most valuable scenic resources and most popular attractions, and enhance recreational opportunities at the park.

(3) Fern Lake is the water supply source for the city of Middlesboro, Kentucky, and environs.

(4) The 4500-acre Fern Lake watershed is privately owned, and the 150-acre lake and part of the watershed are currently for sale, but the Secretary of the Interior is precluded by the first section of the Act of June 11, 1940 (16 U.S.C. 261), from using appropriated funds to acquire the lands.

(b) PURPOSES.—The purposes of the Act are—

(1) to authorize the Secretary of the Interior to use appropriated funds if necessary, in addition to other acquisition methods, to acquire from willing sellers Fern Lake and its surrounding watershed, in order to protect scenic and natural resources and enhance recreational opportunities at Cumberland Gap National Historical Park; and

(2) to allow the continued supply of water from Fern Lake to the city of Middlesboro, Kentucky, and environs.

SEC. 3. LAND ACQUISITION, FERN LAKE, CUMBERLAND GAP NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) FERN LAKE.—The term ''Fern Lake'' means Fern Lake located in Bell County, Kentucky, and Claiborne County, Tennessee.

(2) LAND.—The term ''land'' means land, water, interests in land, and any improvements on the land.

(3) PARK.—The term ''park'' means Cumberland Gap National Historical Park, as authorized and established by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) ACQUISITION AUTHORIZED.—The Secretary may acquire for addition to the park lands consisting of approximately 4,500 acres and containing Fern Lake and its surrounding watershed, as generally depicted on the map entitled ''Cumberland Gap National Historical Park, Fern Lake Watershed'', numbered 380/80,004, and dated May 2001. The map shall be on file in the appropriate offices of the National Park Service.

(c) AUTHORIZED ACQUISITION METHODS.—

(1) IN GENERAL.—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary may acquire lands described in subsection (b) by donation, purchase with donated or appropriated funds, or exchange. However, the lands may be acquired only with the consent of the owner.

(2) EASEMENTS.—At the discretion of the Secretary, the Secretary may acquire land described in subsection (b) that is subject to an easement for water supply facilities and equipment associated with the withdrawal and delivery of water by a utility from Fern Lake to the city of Middlesboro, Kentucky, and environs.

(d) BOUNDARY ADJUSTMENT AND ADMINISTRATION.—Upon the acquisition of land under this section, the Secretary shall revise the boundaries of the park to include the land in the park. Subject to subsection (e), the Secretary shall administer the acquired lands as part of the park in accordance with the laws and regulations applicable to the park.

(e) SPECIAL ISSUES RELATED TO FERN LAKE.—

(1) PROTECTION OF WATER SUPPLY.—The Secretary shall manage public recreational use of Fern Lake, if acquired by the Secretary, in a manner that is consistent with the protection of the lake as a source of untreated water for the city of Middlesboro, Kentucky, and environs.

(2) SALE OF WATER.—

(A) CONTRACT WITH UTILITY.—Upon the Secretary's acquisition of land that includes Fern Lake, the Secretary shall enter into a contract to sell untreated water from the lake to a utility that delivers and distributes water to the city of Middlesboro, Kentucky, and environs. The Secretary shall ensure that the terms and conditions of the contract are equitable, ensuring a balance between the protection of park resources and the delivery and distribution of sufficient water to continue meeting the water demands of the city of Middlesboro, Kentucky, and environs.

(B) PROCEEDS FROM WATER.—The Secretary shall negotiate a reasonable return to the United States for the sale of the water, which the Secretary may receive in the form of reduced charges for water service. Proceeds from the sale of the water, reduced by any offsets for water service to the park, shall be available for expenditure by the Secretary at the park without further appropriation.

(f) CONSULTATION REQUIREMENTS.—In order to better manage Fern Lake and its surrounding watershed, if acquired by the Secretary, in a manner that will facilitate the provision of water for municipal needs as well as the establishment and promotion of new recreational opportunities made possible by the addition of Fern Lake to the park, the Secretary shall consult with—

(1) appropriate officials in the States of Kentucky, Tennessee, and Virginia, and political subdivisions of these States;

(2) organizations involved in promoting tourism in these States; and

(3) other interested parties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, H.R. 2238 was introduced by the gentleman from Kentucky (Mr. ROGERS) and would authorize the Secretary of the Interior to acquire Fern Lake and its surrounding watershed in Tennessee and Kentucky from willing sellers for addition to the Cumberland Gap National Historical Park. The boundary expansion would enhance the visitors' recreational experience and allow the National Park Service to preserve the 4,500 acre Fern Lake watershed and the water supply for the city of Middlesboro, Kentucky. Since the early 1900s, Fern Lake has been the sole source of drinking water for the city of Middlesboro, Kentucky.

Cumberland Gap, located where the borders of Tennessee, Kentucky and Virginia meet, forms a major break in the Appalachian Mountain chain. The park commemorates the story of the first gateway to the West, first used by the Native Americans and then by pioneers.

Mr. Speaker, during the subcommittee hearing on H.R. 2238, concerns were raised by the National Park Service on how it is to manage the water system once it acquires Fern Lake. At the Committee on Resources markup, I offered an amendment to address the water issue. The amendment was adopted and supported by both the majority and minority of the committee. However, since that time, the National Park Service has continued to express concern with the water management section of the bill.

Mr. Speaker, late yesterday afternoon the administration, the majority and the minority of the committee and the gentleman from Kentucky (Mr. ROGERS) agreed to the amendment before us. I believe the amendment further clarifies for the Service its responsibility protecting the resources in the park, while assuring the city of Middlesboro, Kentucky, that their continued water needs will be met.

H.R. 2238 is a unique and complex bill. The gentleman from Kentucky (Mr. ROGERS) has worked hard to accommodate the concerns raised by the administration, while remaining focused on his priority of ensuring long-term protection for Fern Lake and a continued supply of water for his constituents. I urge my colleagues to support H.R. 2238, as amended.

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

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

Mr. Speaker, Cumberland Gap National Historical Park serves two important purposes: The park preserves an absolutely beautiful area, while also allowing people to explore the important historical role played by the Cumberland Gap. The gap, located at the intersection of the Kentucky, Tennessee and Virginia borders, was first a passageway for large game animals, then Native Americans, and finally hundreds of thousands of American settlers heading to the American West.

Like the park itself, H.R. 2238 serves two important purposes. The bill would authorize the Secretary of the Interior to acquire for addition to the park an approximately 4,500 acre parcel known as the Fern Lake Watershed. During the hearings we held on this matter, photographs showed it to be a lush, undeveloped area, and the administration testified as to its eagerness to add the land to the park.

In addition, passage of H.R. 2238 will ensure a reliable, long-term water supply for a community that depends on Fern Lake. The Secretary would be authorized to grant easements over the newly acquired property to facilitate the continued use of the lake as the municipal water supply for the town of Middlesboro, Kentucky, and to contract with the utility for the sale and distribution of the water to the town and its environs.

Mr. Speaker, we realize this is a somewhat unusual arrangement. However, the lake will be a valuable addition to the park, and we feel sure that the National Park Service, the utility and the town will develop a good, mutually beneficial working relationship.

Mr. Speaker, our ranking member, the gentleman from West Virginia (Mr. RAHALL), joins me in commending the gentleman from Kentucky (Mr. ROGERS) for his hard work on this legislation, and we urge support for H.R. 2238.

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

Mr. RADANOVICH. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS), who is the sponsor of the legislation.

Mr. ROGERS of Kentucky. Mr. Speaker, I am pleased and honored to have the opportunity to rise in support

of H.R. 2238, the Fern Lake Conservation and Recreation Act of 2001. This has been a long road, but with the help and services of the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. RADANOVICH), as well as the gentleman from West Virginia (Mr. RAHALL) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) on the floor this morning, we have come together and crafted an excellent bill that is worthy of the Chamber's support. I appreciate their efforts in getting this legislation to the floor in such a timely manner and making the necessary corrections to it that enables it to become, I think, a successful bill.

Mr. Speaker, the bill before the House today is an essential piece of legislation which will forever protect one of the most pristine areas in the Commonwealth of Kentucky, indeed the Nation, for future generations. The bill aims to incorporate, as has been said, Fern Lake, an unspoiled body of water nestled in the Appalachian Mountains, into the Cumberland Gap National Historical Park.

The photographs that stand before us this morning are simple testimony to the absolute beauty of this pristine area. For those who are not familiar with this part of the world, the Cumberland Gap National Park is 20,000 acres of virtually untouched frontier, mountains and countryside, established by Congress in 1940. It is, as some have said, the first frontier, where Daniel Boone blazed the Cumberland Gap Trail in the late 18th century leading the way for thousands and tens of thousands of other settlers hoping to find a fresh start in this new world, moving from the Eastern Seaboard, 13 colonies, into the hinterlands of this great Nation. This is where they first came through.

Congress rightly recognized the importance of permanently protecting this frontier, and today we will hopefully vote to continue these endeavors by approving this Fern Lake addition. In short, this bill will protect the lake as a clean and safe source of rural water for the city of Middlesboro, Kentucky, its only source, enhance the scenic, recreational, wildlife, cultural value of the park, and increase tourism opportunities in the tristate areas of Kentucky, Tennessee and Virginia.

As one can see from the pictures on display, the lake and the surrounding watershed are of unparalleled beauty, and these pictures capture the essence of what thousands of park visitors see each year. This spectacular landscape is visible from Pinnacle Overlook, the highest point, the most popular attraction in the national park, and it is typical of what many of our ancestors experienced as they trudged forward through this uncharted territory over 200 years ago.

Just from the photos alone, it is not hard to understand why Congress should act today to ensure the preservation of this pristine area. Because of the conditions set forth in the original Cumberland Gap legislation, no appropriate funds can be used to purchase additional acreage unless specifically authorized by Congress. H.R. 2238 provides that authorization and paves the way for an additional 4,500 acres to be included in the park if willing sellers appear and appropriations become available.

One of the principal goals of the legislation that we have before us is to ensure the continued use of the lake as a clean and safe water supply for the city of Middlesboro, Kentucky, a small city which borders the Cumberland Gap Park.

The dam was constructed in 1893, forming the lake, and that 150-acre lake has been privately owned for most of its existence, but it has been for sale on the open market since last year. Given the fact that the lake serves as the sole water source for the city, there is considerable concern that a new owner may not share the same interest as the community.

As our local resident witness testified before the hearings here, many businesses in the area rely on the uncommon purity of the water for their livelihood. With that in mind, the bill we crafted provides a valuable resource for the park, while at the same time ensuring that the city's water demands are sufficiently met.

□ 1145

We expect the Park Service to act in good faith with this community, so that the citizens of Middlesboro will be secure with the knowledge that their water supply source will always be there. I am confident the Park Service will prove to be a valuable and responsible partner in this regard.

Lastly, Mr. Speaker, it cannot be overstated how important this legislation is to the economic well-being of the citizens of rural Appalachian Kentucky. This proposed Federal investment in our rich cultural heritage would certainly bring added tourism revenue and jobs to this impoverished area. Tourism is an essential part of our region's economic development, and we must seize every opportunity to further strengthen this sector.

In conclusion, Mr. Speaker, I want to extend my special gratitude and thanks to everyone who has made this day possible. The committee and the subcommittee have been very forthcoming, the staff has been extraordinarily helpful in this respect, and we appreciate it on both sides of the aisle.

I want to extend a special thanks to Middlesboro Mayor Ben Hickman and County Executive Jennifer Jones, who first brought this idea to my attention, and also Mrs. Karla Bowling, the president of the Bell County Chamber of Commerce, who traveled not just once but twice to this city to provide her expert testimony in support of this bill. We are grateful especially for their service.

Mr. Speaker, I strongly urge passage of this important legislation. I thank Members for their support.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume to just thank the distinguished gentleman from Kentucky. He has brought the wonderful pictures and really laid out all of the reasons why this bill should be supported.

We would also like to add our congratulations on his having passed the transportation appropriations bill with such a broad consensus and such a strong vote.

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

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

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2238, as amended.

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

A motion to reconsider was laid on the table.

RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT AMENDMENT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2115) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington.

The Clerk read as follows:

H.R. 2115

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

SECTION 1. LAKEHAVEN, WASHINGTON, WASTEWATER RECLAMATION AND REUSE PROJECT.

(a) AUTHORIZATION.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1635. LAKEHAVEN, WASHINGTON, WATER RECLAMATION AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Lakehaven Utility District, Washington, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the Lakehaven Utility District.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 1634 the following:

''Sec. 1635. Lakehaven, Washington, Water Reclamation and Reuse Project.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Washington (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, the bill H.R. 2115, as sponsored by the gentleman from Washington (Mr. SMITH), would authorize the Bureau of Reclamation to add the Lakehaven Utility District reclamation projects to its current list of 25 specifically authorized projects under title XVI of the Reclamation Wastewater and Groundwater Study and Facilities Act.

Lakehaven Utility District is proposing a water reclamation program that would result in the reduction or elimination of local secondary wastewater to the Puget Sound, conjunctive use of reclaimed water, groundwater and surface water, and enhancement of existing wetlands and fish habitat.

Lakehaven has two secondary wastewater treatment plants currently discharging over 6 million gallons of water a day to the Puget Sound. They would use reclaimed water to manage groundwater levels, thereby enhancing the reliability of existing water supplies. The project would result in the construction of additional treatment systems at the district's two wastewater treatment plants and would further purify all or portions of the plant's secondary effluent.

Lakehaven is also planning the construction of transmission and distribution pipeline systems to transport water to reuse areas where facilities will be developed to direct the water to the aquifer. This would be done through injection wells, sub-surface infiltration galleries and land applications in areas that are currently wetland restoration project areas.

The cost for these facilities is estimated to be $38 million. Under title XVI, the Federal portion of the cost of constructing facilities cannot exceed 25 percent, with a maximum of $20 million.

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

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of Washington asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Washington. Mr. Speaker, first of all I want to thank the chairmen of the subcommittee and the full committee for bringing this issue through the committee and to the floor. It is an issue that is very, very important to my district.

The Lakehaven Utility District is one of the largest utility districts that I represent and have some critical wastewater needs, as was mentioned. The projects that they have put forward are very innovative and show a great deal of promise in developing new technology to help us deal with wastewater, both in terms of recycling it and properly disposing of it.

Some of the problems that we have in this country that do not get as much attention or are not as well noticed are some of the critical infrastructure problems. When most people think of infrastructure, they think of transportation, they think of airports, maybe they think of education; but wastewater treatment is one of the more critical infrastructure issues that our country faces, and we are facing a critical backlog of projects that need help and support.

This bill would give us the authorizing language that we need in order to move forward in this project. We are fully aware of the fact we also have to get in line with the other 25 projects to try to get it appropriated, but this is the first necessary step in that process.

I really want to compliment the Lakehaven Utility District and their commissioners, who have worked so hard on this project. I think they have been very forward-thinking, and the project they have put forward looked at new technologies and new ways to deal with wastewater in ways that hopefully will help become a model for the country and move forward.

They are fully prepared to fund, obviously, a portion of this project and just need a little Federal help to make it happen.

Again, I want to thank the chairman, I want to thank all the people on the committee, for allowing this to come forward, and, again, the folks in Lakehaven for doing the work.

Lastly, I am going to take a personal moment. It is my wife's birthday today; and, unfortunately, she is back home in my district. So this is my only opportunity to say happy birthday to her in any sort of visual format. So, happy birthday.

Again, I thank the chairman for bringing this bill up, and urge passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2115.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the three bills just considered, H.R. 3322, H.R. 2238, and H.R. 2115.

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

There was no objection.

NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT ACT

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2538) to amend the Small Business Act to expand and approve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians, as amended.

The Clerk read as follows:

H.R. 2538

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 ''Native American Small Business Development Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Approximately 60 percent of Indian tribe members and Alaska Natives live on or adjacent to Indian lands, which suffer from an average unemployment rate of 45 percent.

(2) Indian tribe members and Alaska Natives own more than 197,000 businesses and generate more than $34,000,000,000 in revenues. The service industry accounted for 17 percent of these businesses (of which 40 percent were engaged in business and personal services) and 15.1 percent of their total receipts. The next largest was the construction industry (13.9 percent and 15.7 percent, respectively). The third largest was the retail trade industry (7.5 percent and 13.4 percent, respectively).

(3) The number of businesses owned by Indian tribe members and Alaska Natives grew by 84 percent from 1992 to 1997, and their gross receipts grew by 179 percent in that period. This is compared to all businesses which grew by 7 percent, and their total gross receipts grew by 40 percent, in that period.

(4) The Small Business Development Center program is cost effective. Clients receiving long-term counseling under the program in 1998 generated additional tax revenues of $468,000,000, roughly 6 times the cost of the program to the Federal Government.

(5) Using the existing infrastructure of the Small Business Development Center program, small businesses owned by Indian tribe members, Alaska Natives, and Native Hawaiians receiving services under the program will have a higher survival rate than the average small business not receiving such services.

(6) Business counseling and technical assistance is critical on Indian lands where similar services are scarce and expensive.

(7) Increased assistance through counseling under the Small Business Development Center program has been shown to reduce the default rate associated with lending programs of the Small Business Administration.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stimulate economies on Indian lands.

(2) To foster economic development on Indian lands.

(3) To assist in the creation of new small businesses owned by Indian tribe members,

Alaska Natives, and Native Hawaiians and expand existing ones.

(4) To provide management, technical, and research assistance to small businesses owned by Indian tribe members, Alaska Natives, and Native Hawaiians.

(5) To seek the advice of the governing bodies of Indian tribes, corporations organized pursuant to the Alaska Native Claims Settlement Act and other Alaska Native entities, and Native Hawaiian organizations on where small business development assistance is most needed.

(6) To ensure that Indian tribe members, Alaska Natives, and Native Hawaiians have full access to existing business counseling and technical assistance available through the Small Business Development Center program.

SEC. 3. SMALL BUSINESS DEVELOPMENT CENTER ASSISTANCE TO INDIAN TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HAWAIIANS.

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

''(7) ADDITIONAL GRANT TO ASSIST INDIAN TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HAWAIIANS.—

''(A) IN GENERAL.—Any applicant in an eligible State that is funded by the Administration as a Small Business Development Center may apply for an additional grant to be used solely to provide services described in subsection (c)(3) to assist with outreach, development, and enhancement of small business startups and expansions that are owned by Indian tribe members, Alaska Natives, or Native Hawaiians and that are located in Alaska or Hawaii, or on Indian lands in the 48 contiguous States.

''(B) ELIGIBLE STATES.—For purposes of subparagraph (A), an eligible State is a State that has a combined population of Indian tribe members, Alaska Natives, and Native Hawaiians that comprises at least 1 percent of the State's total population, as shown by the latest available census.

''(C) GRANT APPLICATIONS.—An applicant for a grant under subparagraph (A) shall submit to the Associate Administrator an application that is in such form as the Associate Administrator may require. The application shall include information regarding the applicant's goals and objectives for the services to be provided using the grant, including—

''(i) the capability of the applicant to provide training and services to a representative number of Indian tribe members, Alaska Natives, and Native Hawaiians;

''(ii) the location of the Small Business Development Center site proposed by the applicant;

''(iii) the required amount of grant funding needed by the applicant to implement the program; and

''(iv) the extent to which the applicant has consulted with the governing bodies of Indian tribes, corporations organized pursuant to the Alaska Native Claims Settlement Act and other Alaska Native entities, and Native Hawaiian organizations, as appropriate.

''(D) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under subparagraph (A) shall comply with all of the requirements of this section, except that the matching funds requirements of paragraph (4)(A) shall not apply.

''(E) MAXIMUM AMOUNT OF GRANTS.—No applicant may receive more than $300,000 in grants under this paragraph in a fiscal year.

''(F) REGULATIONS.—After providing notice and an opportunity for comment and after consulting with the Association recognized by the Administration pursuant to paragraph (3)(A) (but not later than 180 days after the date of enactment of this paragraph), the Administrator shall issue final regulations to carry out this paragraph, including regulations that establish—

''(i) standards relating to educational, technical, and support services to be provided by Small Business Development Centers receiving assistance under this paragraph; and

''(ii) standards relating to any work plan that the Associate Administrator may require a Small Business Development Center receiving assistance under this paragraph to develop.

''(G) DEFINITIONS.—In this paragraph, the following definitions apply:

''(i) ASSOCIATE ADMINISTRATOR.—The term 'Associate Administrator' means the Associate Administrator for Small Business Development Centers.

''(ii) INDIAN LANDS.—The term 'Indian lands' means, in the 48 contiguous States, land that is a 'reservation' for the purposes of section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903) and land that is an 'Indian reservation' for the purposes of section 151.2 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(iii) INDIAN TRIBE.—The term 'Indian tribe' means a federally recognized Indian tribe.

''(iv) INDIAN TRIBE MEMBER.—The term 'Indian tribe member' means an individual who is a member of an Indian tribe.

''(v) ALASKA NATIVE.—The term 'Alaska Native' means an individual who is—

''(I) a 'Native' for the purposes of section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b));

''(II) a descendent of an individual who is a 'Native' for the purposes of section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); or

''(III) a Tsimshian Indian who is an enrolled member of the Metlakatla Indian Community.

''(vi) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

''(H) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $7,000,000 for each of fiscal years 2002 through 2004.

''(I) FUNDING LIMITATIONS.—

''(i) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Funding under this paragraph shall be in addition to the dollar program limitations specified in paragraph (4).

''(ii) LIMITATION ON USE OF FUNDS.—The Administration may carry out this paragraph only with amounts appropriated in advance specifically to carry out this paragraph.''.

SEC. 4. STATE CONSULTATION WITH LOCAL TRIBAL COUNCILS.

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

''(9) ADVICE OF GOVERNING BODIES OF INDIAN TRIBES, ALASKA NATIVE CORPORATIONS AND OTHER ENTITIES, AND NATIVE HAWAIIAN ORGANIZATIONS.—A State receiving grants under this section shall request the advice of the governing bodies of Indian tribes, corporations organized pursuant to the Alaska Native Claims Settlement Act and other Alaska Native entities, and Native Hawaiian organizations, as appropriate, on how best to provide assistance to Indian tribe members, Alaska Natives, and Native Hawaiians and where to locate satellite centers to provide such assistance.''.

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

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

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2538.

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

There was no objection.

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

Mr. Speaker, I am pleased to join with my good friend, the gentleman from New Mexico (Mr. UDALL), in offering this bill today.

While many Americans are justifiably anxious about a one-half percent jump in the unemployment rate, about 60 percent of our Native American population lives in or adjacent to Indian lands that suffer from an average unemployment rate of 45 percent. This past summer I had the opportunity to visit Santa Fe in the heart of the district of the gentleman from New Mexico (Mr. UDALL); and at that time we held a hearing involving the contracting practices of one of our labs out there, the Los Alamos lab.

The evidence adduced at the hearing pointed out quite significantly that the Native American tribes are not getting their share of the amount of Federal dollars that are being poured into the Los Alamos facility.

One of the purposes of this bill is to extend the facilities of the SBCDs, the Small Business Development Centers, of which there are over 1,000 in this country, for the purpose of business counseling and technical assistance to the Native Americans who may wish to become involved in the procurement process.

What is good about this bill, Mr. Speaker, is the fact that this is a self-help program, it involves the outlay of a relatively small amount of money, it is aimed directly at the Native Americans that really need the assistance, and it is the type of learning of business techniques that makes the Native Americans better able to compete to go after these Federal contracts and in the private sector.

So I join in the support of this bill and would encourage my colleagues to support H.R. 2538.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me thank the majority leader for allowing this legislation to come before the House for consideration. I also would like to thank the gentleman from Illinois (Chairman MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their work and commitment to expanding small business opportunities for all Americans.

H.R. 2538 will establish a 3-year pilot program for providing grants to Small Business Development Centers for assisting Native American, Native Alaskan and Native Hawaiian populations with their small business development needs.

Today we have demonstrated how important small business is to the health of our economy, but there are still places in this country where economic prosperity has often failed to reach. These areas deserve our attention and assistance.

Consider this: nowhere in America has poverty persisted longer than on or near Native American reservations, which suffer an average unemployment rate of 45 percent. However, the number of businesses owned by Indian tribe members and Native Alaskans grew by 84 percent from 1992 to 1997, and their gross receipts grew by 179 percent in that period. This is compared to all businesses which grew by 7 percent, and their total gross receipts grew by 40 percent in that period.

I would like to continue this growth and expansion of small enterprise through this legislation. My bill ensures that Native Americans, Native Alaskans and Native Hawaiians seeking to create, develop and expand small businesses, have full access to the counseling and technical assistance available through the SBA's SBDC program. The business development tools offered by SBDCs can assist Native Americans with the information and opportunity to build sustainable businesses in their communities.

The Native American Small Business Development Act would permit State Small Business Development Centers to apply for Federal grants to establish one or more Native American Small Business Development Centers. In an effort to ensure the quality and success of the program, the proposal requires grant applicants to provide the SBA with their goals and objectives, including their experience in assisting entrepreneurs with the difficulties in operating a small business.

In addition, the applicant must show their ability to provide training and services to a representative number of Native Americans, Native Alaskans and Native Hawaiians. Most importantly, applicants must seek the advice of the local native population on specific needs and the location of services they will provide.

It is clear we can do more to aid Native American entrepreneurs. Not enough has been done to assist Native Americans in building their businesses, which in turn helps benefit their communities.

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I hope to change that with this legislation.

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

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume. I want to acknowledge the work of my colleagues on the Committee on Resources, in particular the gentleman from Utah (Mr. HANSEN). They contributed immensely to this bill in order to make sure that we are helping as many native Americans as possible, and particularly in clarifying the language as it applies to Alaska natives. I thank them for their contribution to this important legislation.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking member and a very hardworking member on this piece of legislation.

Ms. VELAZQUEZ. Mr. Speaker, I rise in strong support of H.R. 2538, the Native American Small Business Development Act. This is an important piece of legislation which we need now more than ever. I thank the gentleman from New Mexico for his hard work on this issue, and I congratulate him for bringing it to the floor today.

In the past decade, our economy has created more than 15 million new jobs and the greatest boom time on record. American small business has been an integral part of this growth. Small companies and entrepreneurs employ half our workers, create jobs 75 percent faster than large firms, and make up nearly half our gross domestic product. They are the key to our success and will be the key to our economic recovery.

But the prosperity many Americans have enjoyed failed to reach some places in our country. Certain regions and communities peer over an ever-widening canyon that separates them from those better off. These areas deserve our attention and our help to fill that gap.

Nowhere in America is poverty more persistent than on and near Native American reservations where citizens suffer a staggering average unemployment rate of 45 percent. Over a third of reservation inhabitants live below the poverty line.

But one of the bright spots on many reservations during the past decade has been the growth of small business. From 1992 to 1997, the number of businesses owned by Native Americans grew by 84 percent. Their gross receipts also grew during that time by 179 percent. Those rates dwarf national figures for small business. Clearly, Native American enterprise is a powerful engine for renewal.

While such spirit is innate, success is learned. We know from consistent and incontrovertible evidence that technical assistance helps small companies. Entrepreneurs who learn business skills are twice as likely to succeed.

The gentleman from New Mexico (Mr. UDALL), my good friend, understands this principle, which is why he introduced his innovative and valuable legislation. I commend him for his leadership and stewardship of this bill.

The Native American Small Business Development Act will provide the technical assistance and aid needed to spur and perpetuate an extraordinary burst of enterprise. It ensures that those seeking to develop small businesses will have full access to counseling and technical assistance provided by the SBA's Small Business Development Program.

With the economy in a downturn, we need this bill now more than ever, because enterprise is the engine of recovery. These hardworking entrepreneurs deserve the best service available to build and grow. This legislation will ensure they receive that aid which will help spread and sustain prosperity to every corner of our country.

Mr. Speaker, I urge all of my colleagues to support this legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, today I join my colleagues in support of H.R. 2538, the Native American Small Business Development Act. Within the past decade, America's small businesses have experienced unprecedented growth and have contributed greatly to our Nation's economic upswing prior to September 11. Now they will be an important engine for recovery.

As the premier technical assistance providers to America's entrepreneurs, Small Business Development Centers are responsible, in large part, for the successes of small businesses.

We know that many of these businesses operate near or at their profit margin and do not have the additional resources to hire legal or technical experts. This is where the SBDCs step in to provide free or, in a few instances, low-cost technical assistance. Research shows that small businesses that receive this technical assistance are twice as likely to succeed as those which do not.

Mr. Speaker, for too long our Nation's Native American population, the first Americans, have been, as they have often been referred to as, the ''forgotten people.'' As a member of the Committee on Resources, like the gentleman from New Mexico (Mr. UDALL), and as a person with Native American lineage myself, I want to commend the gentleman from New Mexico for introducing this bill, and I am pleased to support it, and I look forward to its passage today.

While our country has experienced economic prosperity over the past decade, the Native American community, including the Alaskan Natives and Native Hawaiian communities, continue to lag behind. For example, the average unemployment rate for Native American communities, particularly on reservations, averages about 45 percent, with one-third of Native Americans living below the poverty level. With only limited help, Native American small businesses have grown at a rate of 84

percent over the past 5 years, but we need to help them more. We need to help them do better.

Mr. Speaker, H.R. 2538 will provide $7 million to fund a 3-year pilot program to provide technical assistance to Native American, Native Alaskan, and Native Hawaiian businesses. This program will give these businesses better access to the SBDC network, no matter where they are located. It will help to sustain and, hopefully, boost the growth of Native American, Native Alaskan and Hawaiian Native businesses which, in turn, will spur the much-needed economic growth in these communities.

Once again, I would like to commend the gentleman for championing this cause and bringing this legislation to the floor, and I urge my colleagues to support it.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me congratulate the gentleman from New Mexico (Mr. UDALL) on the introduction of this bill. I also want to commend the chairman and ranking member for the efficient manner in which they have moved this legislation to the floor.

Mr. Speaker, I rise in support of H.R. 2538, the Native American Entrepreneurial Development Act. This legislation would provide $7 million to fund a 3-year program for technical assistance to Native American businesses.

Mr. Speaker, the reality is that when we provide an opportunity for Native American businesses to grow and develop, to experience some sense of technical knowledge, to be able to come into the mainstream, then we are really doing the work, I think, that we were sent here to do.

I do not want to be redundant, but I certainly want to commend again the gentleman from New Mexico for his sensitivity and understanding and recognition of the needs of the people that he represents. Again, I commend the chairman, the gentleman from Illinois (Mr. MANZULLO), and the ranking member for the efficiency and the good work of this Committee on Small Business. With all due respect to other committees, Mr. Speaker, I think that this is probably one of the most bipartisan, one of the most efficient committees in Congress, and we all do an outstanding job on it.

Mr. UDALL of New Mexico. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for his leadership on this issue, and I thank the chairman for his leadership on the committee.

I just rise very quickly to say that I had an opportunity to visit Ship Rock, New Mexico, with President Clinton when we went on the tour of the Digital Divide. At that time, I had a chance to visit an Indian reservation, and I had a chance to speak with and discuss with the people there the issues of small business. I am so happy that the gentleman has chosen and has had an opportunity to address this issue.

Secondly, I had a chance to visit the Small Business Development Center in Hawaii where they were doing innovative things on a lot of little small islands where they were able to put the counselor for the Small Business Development Center on a computer at one end and the people on the small islands at the other end to engage in counseling. So I am so happy that the gentleman has taken the leadership in this area, and I rise in support of him and congratulate him on the work he is doing, and the chairman as well.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just thank the chairman of the committee, the gentleman from Illinois (Mr. MANZULLO), once again. I want to echo what has been said earlier, that we have one of the most bipartisan committees in the Congress, and I know because of all of the chairman's hard work we have gotten this bill through and gotten this done.

I want to take the opportunity to thank the staff on both sides and my staff member, Tony Martinez, who has worked very hard on this.

Members from both parties talked about visiting my district and learning from those experiences out there, and I think one of the things they learned is that we can make a real difference for Native American entrepreneurs with this piece of legislation.

So let me once again just thank the gentleman from Illinois (Mr. MANZULLO) for all of his hard work.

Mr. RANGEL. Mr. Speaker, I rise today in support of the bill H.R. 2538, an important piece of legislation for the Native American small businesses community.

Now, more than ever, we need to develop and expand the Native American private sector. Industries employ a growing number of individuals on reservations. The expansion of small businesses positively impacts these communities by putting money directly into their hands and places them directly in control of their destinies.

In addition to creating new small businesses and enlarging existing ones we must provide management, technical, and research assistance to Native Americans who seek to create, develop, or expand small businesses. Only by providing them full access to the necessary business counseling and technical assistance can we ensure their success, a success that is so important to the future of those communities.

With our priority to support the Native American small business community, we build a stronger economy and provide jobs to tribal members. This will, in turn, open the doors for the future of the tribal Nations. Native Americans face various challenges and we have the obligation to actively pursue methods to improve the Native American standard of living.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 2538 as amended, and wish to clarify how the program authorized in this bill operates with respect to my Alaska Native constituents.

H.R. 2538 as amended does not differ in substance from the bill as reported by the Committee on Small Business. Rather, the measure under consideration today simply recognizes the unique Native American policies that Congress has implemented in the State of Alaska, and clarifies how the grant program the bill authorizes will be implemented in that State.

In the 48 contiguous States, Congress's policy on Native Americans has focused on recognizing groups of Native Americans as ''federally recognized tribes'' that are distinct political entities and a majority of whose members reside on reservations and other land that is owned by the United States in trust.

However, while Congress has routinely designated groups of Alaska Natives as ''tribes,'' it has done so for the sole purpose of ensuring that Alaska Natives are eligible for programs and services that the United States provides to Native Americans because of their status as Native Americans.

Congress has not recognized any group of Alaska Natives as a ''federally recognized tribe'' that is a distinct political entity.

Instead, since 1884 Congress has required Alaska Natives to be, at all locations in Alaska, subject to the same criminal and civil state laws that non-Native Alaskans are required to observe.

Consistent with that policy, in 1971 when it extinguished Alaska Native aboriginal title by enacting the Alaska Native Claims Settlement Act, Congress required Alaska Natives to organize business corporations under the laws of the state of Alaska and then directed the Secretary of the Interior to convey the corporations fee title to 44 million acres of Federal land.

The amendments made to H.R. 2538 as reported by the Committee on Small Business simply acknowledge that Congress' Alaska Native policy is quite different from the Native American policy that Congress has implemented in the 48 contiguous States. It will also ensure that the intent of H.R. 2538 can be effectively met in Alaska for the benefit of Alaska Natives.

I would like to thank the gentleman from New Mexico and the chairman and ranking members of the Small Business Committee, and their staff, for their assistance in making appropriate changes to the language in the bill as reported.

These amendments will ensure the programs authorized by H.R. 2538 assist Alaska Natives as intended. I support H.R. 2538 as amended.

Mr. MATHESON. Mr. Speaker, it is with great pleasure that I rise today to support H.R. 2358, the Native American Entrepreneurial Development Act. This legislation is a great step forward for the small businesses owned and operated by Native Americans.

As many of us know, there are over 1,000 Small Business Development Centers across the United States serving over 600,000 businesses. Over 30 percent of those businesses are minority-owned. Unfortunately, while small businesses helped in our Nation's economic boom in the 1990s, Native American communities have lagged behind. Unemployment, especially on reservations, continues to be a rampant 45 percent. Even worse, nearly one in three Native Americans live far below the poverty line.

This legislation focuses on a $7 million pilot program that will provide technical assistance

to Native American businesses. Since Native American businesses have grown at a rate of 84 percent over the last 5 years, H.R. 2358 will help more Native Americans find success as they launch companies and access the Small Business Development Center's network.

I appreciate the work and leadership of my colleagues on this legislation. As we work together, I believe that we will find more positive solutions that will help Native Americans throughout the United States become more successful. I ask my colleagues to support H.R. 2358, the Native American Entrepreneurial Development Act, and give Native American businesses the opportunity to access capitol, hire strong, skilled workers, and successfully negotiate Federal, State, and local laws and regulations.

Mr. KILDEE. Mr. Speaker, as co-chairman of the Congressional Native American Caucus, I rise in strong support of H.R. 2538, a bill that amends the Small Business Act to expand and improve the assistance provided by the Small Business Development Centers (SBDC) for Native American tribal members. Alaska Natives and Native Hawaiians. I want to thank my good friend from New Mexico, Congressman TOM UDALL, for introducing this bill. I am proud to be an original cosponsor.

Mr. Speaker, the bill establishes a 3-year pilot project that allows any SBDC in a State, whose Native American tribal members, Alaska Native, or Native Hawaiian populations are 1 percent of the State's total population, to apply for grants from the Small Business Administration. The grants will help the SBDCs to assist the small business owners with their entrepreneurial needs.

The purpose of this bill is to create jobs and to foster economic development on tribal lands. It is my hope that by using the existing structure of the Small Business Administration's SBDC program, small businesses on tribal land will have a better chance for success. Due to limited resources, the SBDC program has had a difficult time providing counseling and technical assistance to small business owners on tribal land. This bill will provide SBDC the adequate resources it needs to reach out to small business owners in Indian country.

Mr. Speaker, I ask my colleagues to support this measure.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of H.R. 2538, the Native American Small Business Development Act.

Native people throughout our country continues to struggle because they lack the basic economic infrastructure to support businesses. Consequently, the poverty rate for native people remains at an unacceptable level. According to the Census Bureau, the poverty rate for American Indians and Alaska Natives averaged 25.9 percent from 1998 through 2000.

In Hawaii, census data indicates that Native Hawaiians continue to be clustered in the state's poorest areas. According to the State of Hawaii's Office of Hawaiian Affairs, Native Hawaiians significantly lag behind the state's averages for family income and high school graduation rates. The unemployment rate for Native Hawaiians living in Hawaii during 2000 was 7.2 percent, well above the state average of 4.3 percent.

Despite these sobering statistics, native people continue to show a strong entrepreneurial spirit. These businesses are gateways allowing individuals to find their way out of poverty.

H.R. 2538 creates a 3-year pilot program to support this entrepreneurial spirit by providing grants to Small Business Development Centers that assist the small business needs of native people.

Under this bill, Small Business Development Centers can obtain $300,000 grants to assist with outreach, development, and enhancement of small businesses owned by Indian tribe members, Native Alaskans, and Native Hawaiians. The bill will target the grants to businesses located on or near native lands, which will create new job opportunities for native people living in these areas.

The bill require states to consult with local native groups to determine the best way to provide assistance and where to locate satellite business centers. The cooperative nature of the relationship between the Small Business Development Centers and native people will help ensure the success of the program.

I urge my colleagues to vote for H.R. 2538 and help provide small business opportunities to Native Americans throughout America.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 2538, as amended.

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

The title of the bill was amended so as to read: ''A bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians.''.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS IN HONORING THE CREW AND PASSENGERS OF UNITED AIRLINES FLIGHT 93

Mr. MICA. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 232) expressing the sense of the Congress in honoring the crew and passengers of United Airlines Flight 93.

The Clerk read as follows:

H. CON. RES. 232

Whereas on September 11, 2001, acts of war were committed against the United States, killing and injuring thousands of innocent people;

Whereas these attacks were directed at the World Trade Center in New York, New York, and the Pentagon in Washington, D.C., which are symbols of the Nation's economic and military strength;

Whereas United Airlines Flight 93 was hijacked by terrorists as part of these attacks;

Whereas while Flight 93 was still in the air, passengers and crew, through cellular phone conversations with loved ones on the ground, learned that other hijacked airplanes had been used in these attacks;

Whereas during these phone conversations several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over the aircraft;

Whereas it is believed that it was this effort to overpower the hijackers that caused Flight 93 to crash in southwestern Pennsylvania, short of what is believed to have been its intended target: Washington, D.C.; and

Whereas the crash resulted in the death of everyone on board the aircraft: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) on September 11, 2001, the passengers and crew of hijacked United Airlines Flight 93 possibly averted the use of that aircraft in a further terrorist attack on the United States by attempting to overpower the hijackers;

(2) the United States owes its deepest gratitude to the passengers and crew of Flight 93, and extends its condolences to the families and friends of Captain Jason Dahl, First Officer Leroy Homer, flight attendants Lorraine G. Bay, Sandra W. Bradshaw, Wanda A. Green, Ceecee Lyles, Deborah A. Welsh, and passengers Christian Adams, Todd Beamer, Alan Beaven, Mark Bingham, Thomas Burnett, William Cashman, Georgine Corrigan, Joseph Deluca, Patrick Driscoll, Edward Felt, Jane C. Folger, Colleen Fraser, Andrew Garcia, Jeremy Glick, Kristin Gould, Lauren Grandcolas, Donald Greene, Linda Gronlund, Richard Guadagno, Toshiya Kuge, Hilda Marcin, Waleska Martinez, Nicole Miller, Louis J. Nacke, Donald Peterson, Mark Rothenberg, John Talignani, Honor Elizabeth Wainio, and 9 passengers whose families wish them to remain anonymous; and

(3) a memorial plaque to these victims should be placed on the grounds of the Capitol, and a copy of the wording of the plaque, together with a copy of this resolution from the Congressional Record, should be sent to a designated survivor of each victim.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

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

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

Mr. Speaker, this resolution was introduced by the gentleman from Kentucky (Mr. FLETCHER). As of yesterday, it had 131 cosponsors, and I know many others are interested in cosponsoring this important resolution.

The resolution was introduced on September 20, 2001, 9 days after the September 11 attack on America.

In my view, all the victims who gave their lives on September 11 are American heroes. Of course, much attention has been rightfully focused on the heroes that took heroic actions in the World Trade Center and also in the Pentagon. But, Mr. Speaker, the passengers of United Flight 93 deserve special recognition.

As the fourth plane hijacked on that day, the passengers, unfortunately, knew the fate that awaited them. Rather than accept that fate, however, the passengers of Flight 93 acted. We know they courageously fought back against the terrorists. While they did not succeed in saving the aircraft or

their own lives, they were able to prevent hijackers from achieving their horrible objectives. In that process, Mr. Speaker, they lost their lives, and they lost their lives conducting heroic actions.

While we may never confirm the targets of those terrorists, we know they were headed, in fact, to Washington and, more than likely, this very Capitol building. The heroic actions of the passengers and crew of Flight 93 saved many lives. Therefore, it is entirely fitting that we, my colleagues in the Congress today, honor the crew and passengers on Flight 93 with both this resolution and also with a memorial plaque on the grounds, as called for in this resolution.

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I want to take this opportunity to again congratulate our colleague, the gentleman from Kentucky (Mr. FLETCHER), for his initiative in introducing this significant resolution, and urge its adoption in the House.

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

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

Mr. Speaker, I am very proud and privileged to rise today to support this resolution. These American heroes launched the first offensive action of the United States of America's war on terrorism. They truly are American heroes. They knew the odds were overwhelmingly against them; yet motivated by patriotism, love of God, family, and country, they attacked the terrorists to protect other Americans in America.

Someone once said, ''Responsibility is a wine press that brings forth strange juices.'' The juices that came from these passengers on United Flight 93 were unbelievable strength and unlimited courage.

Like those Americans on Bataan, Corregidor, and Wake Island, these Americans sacrificed for their country and their families. No American should ever forget what they accomplished.

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

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Kentucky (Mr. FLETCHER), who is also the author of this resolution.

Mr. FLETCHER. Mr. Speaker, I thank the gentleman from Florida for his work on the Committee on Transportation and Infrastructure.

Mr. Speaker, as we look at this, I rise today to encourage my colleagues to vote for this measure; and I really do not think it will take a lot of encouragement because we have had an overwhelming expression of enthusiasm regarding those on Flight 93 and their heroic activities.

Mr. Speaker, this is a resolution expressing a sense of Congress that a memorial plaque be established on the grounds of the Capitol. It is an expression of our thanks and condolences to the passengers and crew of United Flight 93.

I also want to thank my staff member, Phillip Brown, who has worked very hard to get this done. It was originally his idea. I think it is very appropriate as the families and survivors, and not only that, all of us, as we go about these Capitol grounds, I think it will be the appropriate thing to do. I think it will be great for posterity as they see a plaque that honors those on Flight 93 that I do believe had a significant part in saving probably our Capitol.

On September 11, United Airlines Flight 93, piloted by Captain James Dahl, departed from Newark International Airport at 8:01 on a routine flight to San Francisco with six other crew members and 38 passengers on board. Shortly after departure, the flight was hijacked by terrorists.

The hijacking was one of four, as we all remember, on the morning of September 11. We all remember that date because it was a horrible day and a turning point in our Nation's history. Four of our own planes were hijacked and targeted on buildings that define our Nation and symbolize our freedom and values and symbolize our Nation's economic and military strength. Three of these planes hit their marks, resulting in an incomprehensible tragedy and loss of innocent life on a scale not seen in this country since the Civil War.

We know that the passengers and crew learned through cellular phone conversations with loved ones on the ground of the deliberate acts of the destruction and murder occurring in New York City and Washington, D.C., and that hijacked aircraft had been used in these terrorist acts of war.

During these phone conversations, several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over the aircraft. It is believed that it was this effort to overpower the hijackers that caused Flight 93 to crash at 10:37 a.m. in southwestern Pennsylvania near Schwenksville, short of what is believed to have been its intended target, Washington, D.C., and probably, this very Capitol building we stand in today.

These efforts of these individuals on this plane heroically limited the damage the terrorists could inflict, losing their lives for their country in the process. We owe the passengers and the crew our gratitude and our honor.

The participants of the resistance on board Flight 93 showed selfless courage and patriotism:

Passengers like Todd Beamer, whose young widow is here today in Washington. He told a telephone operator how much he loved his expecting wife and two sons, and he asked her to call them. He asked her to pray the Lord's Prayer and Psalm 23 with him. He told her, ''I am going to have to go out in faith,'' and his now famous words ''Let's roll'' have become a rallying cry in America.

Passengers like Tom Burnett, who left what he knew would be likely his last conversation with his wife saying, ''Okay, we are going to do something.''

Passengers like Jeremy Glick, who told his wife that the passengers and crew had taken a vote and agreed to try to take back the plane.

Crew members like Sandra Bradshaw, who told her husband of the plan to rush the hijackers and take back control of the plane, and that she was boiling water to use as a weapon against the terrorists.

The passengers and crew, all of whom are survived by loved ones, husbands, wives, children, and parents, very likely averted the destruction of the U.S. Capitol and the symbol this institution has become for the democratic process of government, and in the process, saving hundreds, perhaps thousands of lives.

By their heroic acts, Lady Liberty still stands at the top of our noble dome, and the light of freedom still shines brightly here in the Capitol.

This resolution expresses the sense of Congress that a memorial plaque to honor, and I would like to read these names, Captain Jason Dahl, First Officer Leroy Homer, flight attendants Lorraine G. Bay, Sandra W. Bradshaw, Wanda A. Green, Ceecee Lyles, Deborah A. Welch, passengers Christian Adams, Todd Beamer, Alan Beaven, Mark Bingham, Thomas Burnett, William Cashman, Georgine Corrigan, Patricia Cushing, Joseph DeLuca, Patrick Driscoll, Edward Felt, Jane C. Folger, Colleen Fraser, Andrew Garcia, Jeremy Glick, Christine Gould, Lauren Grandcolas, Donald Greene, Linda Gronlund, Richard Guadagno, Toshiya Kuge, Hilda Marcin, Waleska Martinez, Nicole Miller, Louis J. Nacke, Donald Peterson, Jean Peterson, Mark Rothenberg, Christine Snyder, John Talignani, and Honor Elizabeth Wainio.

This plaque should be crafted and placed here on the grounds of the United States Capitol expressing our thanks and condolences; and a copy of the plaque, together with a copy of this resolution from the CONGRESSIONAL RECORD, should be sent to a designated survivor of each victim.

I am confident with the passage of this resolution that the Speaker of the House, the House minority, the Senate majority leader, and the Senate minority leader will ask and direct the Architect of the Capitol to begin plans for design, crafting, and placement of this plaque, to begin as soon as possible.

I also want to thank my colleagues for their support of this resolution; and after this vote, I intend to send a letter to the leadership regarding this sense of Congress, and I invite my colleagues to join me.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to join in strong support of House Concurrent Resolution 232, in honor of all of the

passengers and the crew on United Flight 93 that were lost on that fateful day, September 11, 2001.

Mr. Speaker, I rise today because two of those who lost their lives came from Hawaii: Georgina Corrigan and Christine Snyder.

Nothing could be more appalling than the spectacle of the airplanes crashing into the World Trade Center, and then to learn that a plane had also crashed in the Pentagon, and to learn about the crash in the fields in Pennsylvania. But the most devastating news for the people of Hawaii was to learn the names of all of the individuals from Hawaii who were lost in all of the four sites.

The two who lost their lives at Pennsylvania in United Flight 93 are especially endeared to all of us here in the Capitol because there is nothing to discount the basis of information that we have that that plane, had it not been overtaken by those passengers, was destined to Washington, D.C. and quite probably the Capitol building itself. We would not be standing here today, we would not be part of this great legislative body if the people on Flight 93 had not taken the heroic stand that they did.

So I stand here on behalf of all of the grateful people of this Capitol and its vicinity and of the government here in Washington, D.C. to especially pay tribute to those who lost their lives in Flight 93, United, and especially to remember the two women from Hawaii whose beloved ones, their friends and relatives, have all already had memorial services for them. They were distinguished in the lives and careers they had. So I am here today to express on behalf of their families and all of their friends our gratitude and our everlasting love and devotion in their memory.

Mr. MICA. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this resolution honoring the crew and passengers of United Flight 93. But, Mr. Speaker, my colleagues must be aware that as we honor these passengers we are honoring them for disregarding government policy. That government policy related to how one deals with a hijacking situation. That government policy mandated that we have full cooperation of the passengers and the crew with any potential hijackers.

Amazingly, the FAA has still not changed that policy, despite the obvious changes in circumstance that make this policy ridiculous.

Of all the precautions that we have been taking or could be taking to make sure that there are not any more hijackings, there are only really two things that matter: to secure the aircraft cockpits so they cannot be broken into; and, most importantly, to make sure that the crew and passengers never again cooperate with hijackers, and never open the door to that cockpit to any hijacker, no matter what may be happening in the cabin.

Nothing else, not the banning of tasers or knives or even strip searches, is going to make air travel any safer than that.

As we honor these people who gave their lives and were so brave and courageous, let us admit that perhaps we have made some mistakes in Congress in dealing with this crisis. The fact is that we have moved forward in response to these horror stories on September 11 and the bravery on Flight 93 and the other planes that were hijacked, and we have put in place policies that may be backfiring right now.

Instead of saving the industry, we may be killing the airline industry, and that is the very last thing we should do to honor these brave people on Flight 93, who more than any other fellow Americans stand for freedom to travel. Instead of saving our airline industry, we have people who are being now so inconvenienced that they are giving up airline travel. This makes no sense at all. We should today, as we honor these heroes of Flight 93, reexamine what we put in place so our airlines can serve people.

As the gentleman from California (Mr. FILNER) mentioned to me a few moments ago, we are losing more passengers to this incredible, nonsensical way that we are hindering people from getting on the plane to the inconvenience that we have created that is not making travel any safer than we are losing passengers for fear of terrorism.

So today, let us honor these people who fought so bravely, these Americans on Flight 93, United 93; and let us say that what they were fighting for was the freedom to travel. Let us back up the airline industry. Let us not do something that just makes us feel good or makes the American people feel good; but instead, let us put in practice some of the changes in policy needed to make airline transportation safer, but is not some sort of show that makes things more inconvenient, thus killing the airlines.

□ 1230

Mr. LIPINSKI. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. MASCARA).

Mr. MASCARA. Mr. Speaker, I thank the gentleman from Illinois (Mr. LIPINSKI) for yielding me the time.

Mr. Speaker, I rise to honor American heroes. Since September 11 our Nation has learned a lot about heroes. Not surprisingly, they are everywhere across this great country of ours. Some of the first heroes to stand up for America on the tragic day were the men and women of United Flight 93.

When the 44 men and women aboard Flight 93 discovered what was intended for that plane, they united to make the ultimate sacrifice for their Nation. Their valor thwarted either an attack on this building or on the Nation's White House. These brave passengers and crew members knew that if they did not act the terrorists would strike another blow against the country they love.

Flight 93 went down just outside of my district. That is now hallowed ground. Family and friends of the passengers and crew of Flight 93 visit that site to continue to remember their loved ones.

This Congress should make sure that their brave actions will never be forgotten by their family and friends and every citizen of this Nation for generations to come. This Congress should show our Nation's gratitude by passing this resolution and erect a memorial plaque on the Capitol grounds in honor of the men and women of Flight 93. These citizens were true American heroes.

Mr. MICA. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. MICA) has 8 minutes remaining. The gentleman from Illinois (Mr. LIPINSKI) has 15 minutes remaining.

Mr. MICA. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from Florida (Mr. MICA), for yielding me the time.

Mr. Speaker, I rise today in very strong support of this resolution to honor the heroes on Flight 93 who undoubtedly gave their lives so that other people, perhaps people in this building, perhaps all of us, would be able to live.

Words, it seems to me, seem inadequate to express the deep emotions that we feel for the loss suffered by the surviving family members of those who perished on September 11. We offer our sincere condolences, and we pray that God may supernaturally intervene with healing, comfort, and peace for them, especially during this holiday season.

Mr. Speaker, we will not forget the action of those on Flight 93. Like I said, they probably saved the lives of many people here in Washington. Capitol Hill was a very busy morning on September 11. Many congressional hearings were taking place. As a matter of fact, as chairman of the Committee on Veterans Affairs, at 10 o'clock I was convening a hearing with the American Legion, and there were several hundred legionnaires in attendance at that hearing.

On the Senate side, the First Lady was preparing to testify on a hearing on early childhood development.

Their lives were saved, the lives of all of the employees here in the Capitol were probably saved from a horror because of their very heroic action.

The planned destruction of buildings was prevented. The Capitol, the White House, the many monuments, we are not sure what the final destination was. There is a great deal of conjecture, but the odds were that they were coming here.

Our Nation, Mr. Speaker, owes these passengers and crew an enormous debt

of gratitude, and, again, their sacrifice will be remembered for many, many years to come.

I would like to just point out that there were at least seven people who lived in or near my own central New Jersey district who were on that flight. Some of the family members and friends have contacted my office, and we have tried to work on their behalf. Their names are in the resolution, but out of respect and gratitude I would like to read their names again: Flight Attendant Lorraine Bay; Todd Beamer, who was in the district just north of me, in the gentleman from New Jersey's (Mr. HOLT) district; Patrick Driscoll; Edward Felt; Jeremy Glick; Richard Guadagno. Donald and Jean Peterson were also on board that flight.

And one final point. Earlier the gentleman from California (Mr. ROHRABACHER) mentioned the fact that the crews, especially the pilots, were admonished, more than admonished, they were told by the FAA that they were to cooperate if there was a hijacking and go to wherever it is the hijackers wanted them to go. My own brother is an airline pilot. He is a 757 captain with a major airline, and he, too, has told me how obnoxious it is that that was the policy, take them to Cuba, take them to Tripoli, take them to where it is they want to go because they have got to put the safety of the passengers first. It is obnoxious now more than ever because we know that there are different designs on those planes being carried out.

I just want to make it very clear, it is my sense and a sense that this will not happen, that whether it be the crew or whether it be the passengers—or not—that we will never see another airliner turned into a cruise missile again because there will be action taken; and, again, Flight 93 has set a precedent that will live on forever, that people will not stand idly by when they know that they are going to be part of a terrorist action unwittingly, as were the other flights.

Again, I want to commend the maker of the resolution, the gentleman from Kentucky (Mr. FLETCHER), my good friend, for offering it.

Mr. LIPINSKI. Mr. Speaker, I yield myself the balance of my time.

In conclusion, I once again would like to salute the crew and the passengers of United Airlines Flight 93 and express my personal condolences to all their family members.

I would also, though, like to refer to some references that an earlier speaker made here. Since this tragedy on September 11, the United States Government has voted $5 billion to airlines in this country. We have voted $10 billion in loan guarantees to airlines in this country, and we have passed an extremely strong aviation security bill in this country. I believe all of those efforts are to improve not only the safety and security of American aviation but to get people back into the air, get people back flying.

I also believe that in the security bill that we passed we spent a considerable amount of time talking about the training on terrorist attacks that crews should receive. So I think that since this horrendous terrorist attack on September 11 we in the House and the Senate and the executive branch of government have done a great, great deal to improve aviation security and safety and, also, as I said earlier, to get Americans back into the air.

Let us hope and pray and work towards the day when American aviation will be perfectly secure and no one will have any hesitation about flying.

Once again, my sincere condolences to the family of United Flight 93, the passengers, the crew; and, once again, I salute those courageous American heroes who tried to retake that flight and perished in their attempt. I thank them.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is indeed fitting that we honor and recognize the heroic efforts of the passengers and crew of Flight 93. This memorial resolution and the proposed plaque are indeed fitting, again, for those heroic actions.

I must say, Mr. Speaker, that since September 11 many of us have been concerned about the welfare of some of those families left behind from Flight 93. My wife Pat and other congressional spouses and some in Congress have also been involved in trying to meet some of the financial needs of the families. Some of them were children left behind. The resolution and plaque are a great tribute from Congress, but these families, particularly in the time of holidays and their own personal needs, are in dire straits.

Again, they have not gotten the attention of the victims of the World Trade Center or the Pentagon, but, nonetheless, they were great heroes, and they are now in need.

I urge my colleagues and others to contact a Web site, www.capitolheroes.org. That is www.capitolheroes.org, to aid those families. So today we fittingly recognize those families with this resolution and those heroes with this plaque, but we also try to remember those left behind as survivors, and not only this resolution but our thoughts and prayers go out to the survivors and family left behind.

Mrs. ROUKEMA. Mr. Speaker, I rise today with a heavy heart in support of this resolution that honors the great bravery, courage, and patriotism of the crew and passengers abroad United Airlines Flight No. 93, including Jeremy Glick of West Milford, NJ. Though we may never know what took place in the final minutes on that flight, we can be certain that because of Jeremy's actions, along with other passengers and crew members, lives were saved. Not only do the passengers and crew of Flight No. 93 deserve the highest of honors, but they deserve our immense gratitude.

One of my constituents, Jeremy Glick, was among the 37 passengers and 7 crew members on board United Airlines Flight No. 93 that on September 11, 2001, departed from Newark International Airport at 8:01 a.m., on its scheduled route to San Francisco, CA. Shortly after departure, the plane was hijacked by terrorists. It is clear from the evidence that after learning that other hijacked planes had been used to attack the World Trade Center in New York City, Jeremy and others onboard United Airlines Flight No. 93 decided to fight the terrorists for control of the plane. Their brave defiance appears to have caused United Flight No. 93 to crash prematurely, potentially saving hundreds or thousands of lives. The White House or the Capitol clearly could have been the intended target of the terrorists.

I would like this Chamber to know about one of the men who saved lives, possibly lives in this House, on September 11. Jeremy Glick was a devoted family man. His wife Lyzbeth had recently given birth to their daughter Emerson. Anyone who has seen the picture of Jeremy holding his baby daughter can clearly see the deep love that was in his heart.

Jeremy was a man who loved life. Lyz, his brother Jared, or any of his friends could tell you endless stories that end in laughter. Ironically, Jeremy and his buddies dressed up like their favorite super heroes a couple of weeks ago. Jeremy dressed up as the Green Lantern. Little would we know that on September 11, 2001, Jeremy became a super hero.

Soon after the terrorists took over the plane, Jeremy called his wife on his cell phone. Jeremy told his family about the terrorists and the location of the plane. Jeremy's family relayed the information to the police over another phone line. After Jeremy learned that other terrorists crashed planes into the World Trade Center he left his phone for a while and returned to say that the men voted to attack the terrorists. He left the phone and said he would be back—he never came back on the line.

It is not hard to imagine Jeremy deciding to join with other passengers to fight the terrorists. He was well over six feet and was a college judo champion. It was reported that Jeremy faced the terrorists armed only with a plastic knife from an airline meal. I believe that Jeremy did not even need the plastic knife because he had courage and bravery on his side when he fought with the cowards who commandeered the plane.

Jeremy's last words to his wife were, ''Lyz, I need you to be happy.'' It should be the hope and prayer of all Americans that Lyz will be happy. Lyz said after the crash, ''I think God had a larger purpose for him, He was supposed to fly out the night before, but couldn't. I had Emmy one month early, so Jeremy got to see her. You can't tell me God isn't at work there.'' I believe God is at work with the Glicks.

One thing that Lyz can definitely be, as we all are, is proud. The incredible courage and bravery that Jeremy showed in the face of certain danger is an inspiration to us all. When Jeremy died, he did it on his own terms—fighting against evil, with a brave heart, and boundless courage to sacrifice himself so others could live. For this reason, I have introduced a resolution urging the Congress to grant Jeremy the Congressional Gold Medal. On behalf of our country, let us recognize this man who served us in one of our most horrific hours. Jeremy Glick truly deserves the highest of our Nation's honors.

Now our Nation faces a long and hard struggle to rid the world of the evil that took

Jeremy's and so many others lives on September 11. Many thousands of our men and women in uniform are meeting that challenge. Jeremy—though not expecting to—became one of the first ''soldiers'' in this crusade. I will forever remember and honor Jeremy as a true American superhero.

Mr. Speaker, I urge passage of this measure.

God bless Jeremy Glick and God bless America.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 232.

The question was taken.

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

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

The yeas and nays were ordered.

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

TODD BEAMER POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3248) 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''.

The Clerk read as follows:

H.R. 3248

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

SECTION 1. TODD BEAMER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 65 North Main Street in Cranbury, New Jersey, shall be known and designated as the ''Todd Beamer Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Todd Beamer Post Office Building.

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

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3248.

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

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3248 introduced by our distinguished colleague, the gentleman from New Jersey (Mr. HOLT). This measure designates 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''. Members of the entire House delegation from the State of New Jersey are cosponsors of this legislation.

Mr. Speaker, many heroes emerged on September 11, from firefighters and policemen to military personnel at the Pentagon to citizens such as Todd Beamer. Todd Beamer, a resident of Cranbury, was one of the passengers on the hijacked United Flight 93 who gave their lives fighting the hijackers and denying them their deadly mission on September 11.

Mr. Beamer was a husband, father, a businessman and a citizen. He is survived by his wife, Lisa, and their two children and a third child who is expected in about 2 weeks. His courageous acts and the acts of all of the passengers on Flight 93 are an inspiration to all Americans. Their acts saved countless lives.

Mr. Speaker, I urge adoption of H.R. 3248.

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

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

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), in consideration of H.R. 3248, legislation naming a post office in Cranbury, New Jersey, after Todd Beamer.

H.R. 3248 was introduced by the gentleman from New Jersey (Mr. HOLT) on November 7, 2001. I would like to begin my remarks by thanking the gentleman from New Jersey (Mr. HOLT) for continuing the tradition of naming post offices after individuals of accomplishment and people who have given up much to the betterment of their community and of their Nation.

Naming a postal facility after Todd Beamer sets a very high standard indeed; for Todd Beamer not only accomplished much, he gave his life in defense of our country.

The consideration of H.R. 3248 on the heels of H. Con. Res. 232 is important, important because we in the Congress express our appreciation to the passengers and crew of the hijacked United Airlines Flight 93 for diverting the use of that aircraft from its intended target, Washington, D.C., possibly headed for the White House or the Nation's Capitol. As the resolution states, we in the Congress extend our condolences to the victims, families and friends. We also place a memorial plaque honoring the victims of Flight 93 on the Capitol grounds.

□ 1245

Acknowledging the heroic struggle aboard Flight 93 leads us to the consideration of H.R. 324, and the fateful telephone call from Todd Beamer to a telephone operator. Todd Beamer, along with other passengers on the plane, organized resistance to the hijacking after learning the fate of three planes, two of which flew into the World Trade Center and one which hit the Pentagon.

Mr. Speaker, on September 11, Flight 93 took off from Newark, New Jersey, bound for San Francisco, with Captain Jason Dahl in the pilot's seat. Along the way, it suddenly and unexpectedly detoured, heading for Washington, D.C.

Before I conclude my comments, I would like to express my sincere condolences to the widow of Todd Beamer. She has handled the loss of her husband extremely well. But in addition, Lisa Beamer has become a real activist, organizing assistance for victims and the families of those who were victimized. She is in Washington this day, trying to generate support for the families of those who lost loved ones. Her children and family can take great comfort in knowing that their father and son was a hero and a master of his fate. His actions have left behind a great legacy, a legacy of patriotism, a legacy of love, a legacy of courage, and a legacy of leadership. Mr. Speaker, I often define leadership as the ability to do what needs to be done, but to do it first.

In closing, I am proud to support H.R. 3248. I thank the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), and the ranking minority member, the gentleman from California (Mr. WAXMAN), for moving quickly to schedule this bill. I also again express my appreciation to my colleague, the gentleman from New Jersey (Mr. HOLT), for introducing this legislation.

In what has been quoted as the final immortal words of Todd Beamer, I close, Mr. Speaker, by asking America, ''Are you ready? Let's roll.'' I urge the swift passage of H.R. 3248.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT), who is the sponsor of this legislation.

Mr. HOLT. Mr. Speaker, I thank my colleague and friend from Illinois for yielding me this time, and I rise to speak in favor of H.R. 3248, legislation to designate the United States Post Office in Cranbury, in my home district, as the Todd Beamer Post Office.

I too want to express my appreciation to the chairman of the committee, the gentleman from Indiana (Mr. BURTON), and the ranking member, the gentleman from California (Mr. WAXMAN), as well as the majority leader, the gentleman from Texas (Mr. ARMEY), for allowing this bill to come to the floor; and I thank my colleagues for their eloquent remarks.

This is, I think, very appropriate. America has found a hero in Todd Beamer, one of the passengers on hijacked Flight 93. We all mourn the loss of Todd Beamer and the others on that flight; and our hearts and prayers go out to Lisa Beamer, who is here with us in the gallery now, and to their two fine children, whom I have observed, and to all the other families of people on that plane. We hold up the memory of Mr. Beamer as one who represents what is good about America. All of America knows of his reciting the 23rd Psalm, the Lord's Prayer, and his words, ''Let's roll.''

At a time like this, we seek to draw lessons for us Americans who are left behind after September 11. For a couple of centuries observers from around the world, from Alexis de Toqueville to Winston Churchill, have spoken about the marvelous ability of Americans to rise to meet a challenging situation, the ability of individual Americans to step from their ordinary lives to do extraordinary things. You will notice I do not say ordinary Americans, because, in fact, that is the essence of what makes this country. There are no ordinary Americans. There are Americans who will, at one time or another, rise to do extraordinary things.

I attended a memorial service for Todd at the church in Plainsboro, New Jersey, where the Beamer family worships. And from the remembrances delivered lovingly by friends and family, I learned a lot about the character of this national hero. He was an outstanding athlete who led and inspired his athletes and who said he always seemed to somehow find a way to come up with a critical run. He was a fine businessman who stood out in a national company. He was an involved and loving father of David, 3 years old, and 1-year-old Andrew, and was looking forward to the upcoming birth of his third child. But especially, especially I learned that he was a man of deep religious faith, a faith that allowed him to look past death to act so courageously on board Flight 93.

We believe that the band of passengers who fought the hijackers, Todd's father calls them freedom fighters, saved hundreds, perhaps thousands of lives that would have been taken if that plane had made its fiery descent into the hijackers' intended target. And it is worth noting that none of those people whose lives were saved know who they are. We will never know. But all Americans can be grateful.

Ours is a diverse country, with a rich religious tradition, a very diverse religious tradition. And September 11 was a particularly tough day for Muslims. They find that day hard because there were some people who wanted to say that those were Muslims who hijacked the plane. But good Muslims assure me that no follower of Mohammed would have done that. Because it is written not only in the Judeo-Christian tradition but also in the Koran. In the Talmud it says, ''Whoever saves a single life is honored as though he saved an entire world.'' And in the Koran, ''If anyone saved a life, it would be as though he saved the life of the whole people.''

The memory of the people on board Flight 93 reminds us that this is not the last time that America will need heroes. Andrew and David can grow up knowing that their father acted heroically. They can also see it in the way their mother has borne this hard time. The survival of American ideals, though, beyond the immediate Beamer family, depends day in and day out on ordinary Americans stepping out of their ordinary lives to do extraordinary things, courageous things. It is appropriate, I think, that people will be able to find inspiration as they look at the Federal post office in Cranbury and pause for a moment to reflect on the essence of America, what we can extract from our diversity, and also to reflect on the meaning of religious faith in our lives.

It is only fitting that a memorial for Todd be established in Cranbury, where he and his family live.

First settled in 1697, the town of Cranbury is one of the oldest towns in New Jersey. It derived its name from the brook on whose banks it had its beginning. Over 80 soldiers from the Revolutionary War are buried in the town. While it today is in close proximity to some of our Nation's largest metropolitan areas, Cranbury retains its unique village character.

The opportunity comes to every American to do courageous things. I want to repeat that. To every American. Now, most of us will never have the chance, thank God, to have to face down an armed hijacker. But many will have the opportunity in their neighborhoods or among their friends to face down bigotry, intolerance, or injustice. The memory of people like Todd Beamer helps us meet those challenges.

This legislation is one small honor for Todd Beamer and for all the heroes on Flight 93 and elsewhere around the country on September 11. It is not the last time America will need heroes.

I urge my colleagues to join me in passing this bill, and I also urge that we honor the survivors and families left after the atrocities through appropriate compensation and tax relief.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Although the Chair understands the gentleman's sentiment, the Chair must remind all Members not to introduce or bring to the attention of the House any occupant in the gallery.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I am pleased to yield 3½ minutes to my distinguished colleague, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlewoman from Virginia for yielding me this time.

Let me just say, Mr. Speaker, I rise in very strong support of H.R. 3248, to designate the United States Postal Service facility in Cranbury as the Todd Beamer Post Office Building, and want to thank the gentleman from New Jersey (Mr. HOLT) for sponsoring the legislation that is before us today.

Mr. Speaker, when Congress names particular facilities in honor of someone, we do it because they have made an outstanding contribution to society. I can think of no one who deserves that honor more than Todd Beamer. The accounts of his heroism aboard Flight 93 fill us with awe and gratitude and inspire us. And by all accounts, it was Todd's faith in the Lord that inspired him to act with such decisiveness and tenacity and with such courage.

Todd's deeds and the actions of his fellow passengers aboard Flight 93 have become powerfully etched into the psyche of America itself. Flight 93 has become a symbol of the American spirit, the spirit of courage and selfless sacrifice, of standing up to cowards who would kill in the middle of the night or by using aircraft as cruise missiles.

When faced with the ultimate test of character, Todd Beamer did not flinch for one moment. He took bold action to stop an act of terrorism in progress. On his last phone call from the aircraft, Todd told Lisa Jefferson, the GTE air phone supervisor working out of the Illinois facility, that he and his other passengers aboard Flight 93 were planning to overpower the hijackers and to stop their suicide attack. Miss Jefferson cautioned him to consider carefully what he was saying: ''Are you sure that that is what you want to do, Todd?'' Todd's response: ''It's what we have to do.''

Mr. Speaker, how often do we hear those words—this is something I have to do—the notion that someone is acting out of a moral imperative is astonishing in this day and age. Well, Todd did it and did it with great distinction and courage.

Many in America before September 11 had become jaded about the notion of selfless sacrifice, Mr. Speaker, of doing what is right even when you know it may cost you your very life. We know from the Scriptures that our Lord Jesus Christ said, ''There is no greater love than he who lays down his life for his brother or for his sister,'' and that is exactly what Todd Beamer has done. Surely he has, is and will be greatly blessed in Heaven for his sacrifice.

Mr. Speaker, the cowardly terrorists counted on both the element of surprise and on the element of intimidation to achieve their awful end, but they did not count on meeting face to face with the likes of Todd Beamer. Todd Beamer was an extraordinary man on what should have been an ordinary flight. And when faced with a horrific set of circumstances, Todd stepped up to the plate and he did what had to be done. And he never, not for a moment, by all accounts, even hesitated.

Instead, Todd drew his courage and strength from his faith. He told Lisa

Jefferson, ''I don't think we're going to get out of this thing. I'm going to have to go out on faith.'' Mr. Speaker, his last words, as we all know, and as President Bush has quoted, was ''Let's roll.'' And those words, I think, have mobilized and motivated and inspired all Americans in our current fight in Afghanistan. ''Let's roll.'' Let's stop these terrorists.

Let me finally remind Members of Todd's embrace of Psalm 23, which surely was in Todd's heart in those final moments, where it is said by King David, ''The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures; he leadeth me beside the still waters. He restoreth my soul; he leadeth me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I fear no evil; for thou art with me; thy rod and staff they comfort me.''

A post office memorializing Todd Beamer is the least we in Congress can do to honor his supreme sacrifice. He was a great man; and we honor his widow Lisa—a strong woman in her own right and his family.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself the balance of my time.

Somehow or another, heroes arise in times of great need. Heroes arise in times of great need. At a time of crisis and great need, Todd Beamer and his fellow passengers rose up. And because they rose up, we have the ability to continue to stand up on this floor and protect the rights of Americans and of people all over the world.

So we take this moment not only to designate a post office in honor of Todd Beamer, but we say, ''Thank you, Todd. Thank you, passengers and crew of Flight 93.''

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

□ 1300

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, every time we hear of the deeds of the folks like Todd Beamer on Flight 93, we are left with the kind of introspection that can be very challenging. We have to say to ourselves, what would I have done? How would I have reacted under similar circumstances? We all want to think that we would have done what Mr. Beamer and others did. We can only hope that is the case, but we can also only hope that we will not have to face that challenge.

But if we do, if something like that ever comes up again, the fact is that any American who has read the story, becomes acquainted with the actions of the people on Flight 93, we can sincerely believe that the possibility for us to do the right thing under those circumstances, to do what they did, is greater because we know what they did, and because of what it does for us internally, because of the way it changes us, because of the courage, perhaps, that they have given us.

Mr. Speaker, we also are able to put faces together with names now of people who were on the plane. I take this opportunity also to think about and to speak for just a moment about Captain Jason Dahl. Mr. Dahl chose to be on the plane that day. He scheduled himself for Flight 93. From everything we have learned about Mr. Dahl, it is certainly understandable and it is quite probable that it was his decision even to take the plane into the ground rather than into any other edifice.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from New Jersey (Mr. HOLT) for introducing this legislation and for working so hard to ensure its passage. I encourage all Members to support this resolution. Mr. Speaker, to quote Todd Beamer, ''Let's roll.''

Mr. TANCREDO. Mr. Speaker, I rise in support of H.R. 3248 and wish to fully express my gratitude to the crew of United Flight 93, and especially its captain, Jason M. Dahl. It was with immense sadness that I learned that the Dahl family and indeed all of Colorado had been robbed on September 11th of a good man and a good father. Mr. Dahl's family, to paraphrase President Lincoln, must feel enormous pride for having laid such a costly sacrifice upon the altar of freedom.

According to a friend, Dahl learned to fly before he learned to drive. A neighbor remembered Dahl's football and baseball games in the street with neighborhood children and his commitment to his family and his community. Having read the statements of those who eulogized him, I cannot help but conclude that the gentleman flying that plane was one of America's best—a great father and husband alkike. Since September 11th, America has rediscovered the importance of family, and turned to family members for comfort and understanding. It is no small tragedy that the Dahl family does not have this luxury, having been left incomplete on September 11th.

Most of us saw evil on that day watching the pictures of the two planes collide with the World Trade Towers in New York City. Jason Dahl almost surely saw evil in a different form. He must have seen it in the faces of the hijackers and known that it was in their hearts.

The loss of Mr. Dahl and all of the passengers aboard Flight 93 will not be forgotten—certainly not by this body. This morning, we passed a resolution calling for a plaque to be placed on the grounds of the Capitol memorializing their deaths. I would suggest that their memory will go much farther. The fact that this great building and its dome—two irreplaceable symbols of American democracy—still stand today will always be a living memorial to their sacrifice.

My prayers, Mr. Speaker, are with all of the innocent civilians who died aboard that plane, and especially Jason Dahl and his family.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3248.

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

A motion to reconsider was laid on the table.

EXPRESSING SOLIDARITY WITH ISRAEL IN THE FIGHT AGAINST TERRORISM

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 280) expressing solidarity with Israel in the fight against terrorism.

The Clerk read as follows:

H. CON. RES. 280

Whereas 26 innocent people in Israel were murdered in cold blood and at least 175 wounded by Palestinian terrorists, all within 14 hours, during the weekend of December 1–2, 2001;

Whereas this is the equivalent, on a proportional basis, of 1,200 American deaths and 8,000 wounded;

Whereas United States Middle East envoy Anthony Zinni has labeled the terrorism of December 1–2, 2001, ''the deepest evil one can imagine'';

Whereas this bloody weekend is part of an ongoing terror campaign often targeted at youth and families and perpetrated by the Islamic fundamentalist groups Hamas and Palestinian Islamic Jihad and other Palestinian terrorist groups;

Whereas President Bush declared at a joint session of Congress on September 20, 2001, that ''Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime''; and

Whereas President Bush declared on December 2, 2001, that ''Chairman Arafat must do everything in his power to find those who murdered innocent Israelis and bring them to justice'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the vicious terrorist attacks resulting in the death of 26 and the wounding of at least 175 innocent people in Israel within 14 hours during December 1–2, 2001, and extends its deepest sympathies to the Israeli nation and to the families of the victims;

(2) expresses outrage at the ongoing Palestinian terrorist campaign and insists that the Palestinian Authority take all steps necessary to end it;

(3) demands, specifically, that the Palestinian Authority take action immediately to—

(A) destroy the infrastructure of Palestinian terrorist groups;

(B) pursue and arrest terrorists whose incarceration has been called for by Israel; and

(C) either—

(i) prosecute such terrorists, provide convicted terrorists with the stiffest possible punishment, and ensure that those convicted remain in custody for the full duration of their sentences; or

(ii) render all arrested terrorists to the Government of Israel for prosecution;

(4) urges the President to take any and all necessary steps to ensure that the Palestinian Authority takes the actions described in paragraph (3), including, if necessary, suspending all relations with Yasir Arafat and the Palestinian Authority;

(5) further urges the President to insist that all countries harboring, materially supporting, or acquiescing in the private support of Palestinian terrorist groups end all

such support, dismantle the infrastructure of such groups, and bring all terrorists within their borders to justice;

(6) commends the President for his strong leadership against international terrorism, his forthright response to this most recent outrage, and his swift action to freeze additional sources of terrorist funds; and

(7) expresses the solidarity of the United States with Israel in our common struggle against the scourge of terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H. Con. Res. 280.

The SPEAKER pro tempore. Is the gentleman from California (Mr. LANTOS) in opposition to the motion to suspend the rules?

Mr. LANTOS. Mr. Speaker, I strongly support the resolution.

The SPEAKER pro tempore. As a Member opposed to the motion, the gentleman from Michigan (Mr. DINGELL) may control the 20 minutes reserved for opposition.

Mr. HYDE. Mr. Speaker, I ask unanimous consent to divide my time with the gentleman from California (Mr. LANTOS).

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

There was no objection.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that each side be given an additional 10 minutes in view of the fact that we have a number of speakers.

Mr. DINGELL. Mr. Speaker, parliamentary inquiry. Each side, I would like to know what that means?

The SPEAKER pro tempore. Does the gentleman from Michigan object?

Mr. DINGELL. Mr. Speaker, I do not. I simply reserve the right. That means 10 minutes more for those supporting the motion and 10 minutes more for the opposition?

The SPEAKER pro tempore. The Chair would state that it would make the motion debatable for an hour evenly divided.

Mr. DINGELL. Mr. Speaker, I do not object to that.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HYDE) will control 15 minutes, the gentleman from California (Mr. LANTOS) will control 15 minutes, and the gentleman from Michigan (Mr. DINGELL) will control 30 minutes.

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

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 280, the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, yesterday the House leadership would have met with Israeli Prime Minister Sharon in the United States Capitol to discuss the status of the peace process. Instead, he had to return home to Israel, and we are here on the floor of the House joining with the people of Israel in their grief over the losses from the horrific terrorist attack of the past weekend.

As Israel buries its dead, comforts its bereaved and begins to heal its wounded, we send through this resolution a signal of sincere condolence and solidarity with the people and the government of the State of Israel.

The American people also join in President Bush's forthright expression of support for Israel's right of self-defense. Mr. Speaker, yesterday the President took additional actions to cut off funding for terrorists, funds which originated here in the United States. Hamas is now understood to be a terrorist organization of global reach, even if that reach is mainly from Iran, Syria, or Lebanon into Israel.

This resolution calls on Palestinian Authority Chairman Arafat to do what the President's spokesman said he could have done in the past, to really crack down on those who would deliberately murder women, children and men as they go about their business on the streets.

We ask the President to act sharply against the Palestinian Authority if it does not heed our request. This is not an action we should rush to take, because the Palestinian people have chosen Chairman Arafat as their leader, and it is important that we maintain a relationship with him if at all possible. But as we do not provide aid to the Palestinian Authority itself, we cannot cut off assistance as a way of showing displeasure. A customary way of showing extreme displeasure with a foreign authority is to cut off our diplomatic relationship and compel some or all of their envoys to return home.

It seems clear that the actions or inaction of the Palestinian Authority to date merit the President's taking all appropriate actions, which could include the cutting off of our quasi-diplomatic relationship should we not see some serious action on their part.

Mr. Speaker, I believe that Chairman Arafat has a historic role to play. He needs to lead his people by stopping the violence and beginning the negotiating process. He needs to do this not because we asked him to, not because of Israel's interest, but the interests of his own people. He needs to clearly convey to his people that the way of violence is not the way forward.

I sincerely hope he chooses the path of peace, takes risks for peace, and finds a way out of his present dilemma. The United States and its friends can and should do all it can to help him, but the choice ultimately is one that he and his colleagues must make and take responsibility for.

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

Mr. DINGELL. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I rise in regretful opposition to the resolution. It is clear we have an opportunity to pass a resolution which will contribute in a significant way to the peace process. It is very clear that we have a duty to oppose terrorism, which I have always done and which I continue to do. It is also equally clear that the United States has a long-standing commitment to the freedom and independence to the State of Israel, and I strongly support that undertaking.

But I would note that here the resolution contributes very little to the accomplishment of those purposes. What this resolution does is to essentially set up a situation where the United States appears and in fact does and will be viewed by people in the area as having taken sides. The interests of the United States here are to bring to a halt terrorism and to create a lasting viable negotiated peace. That is best done by attacking the root causes of terrorism, not the least of which are the thousands or hundreds of thousands of Palestinians and others feel themselves to be unfairly, badly, and improperly treated. Their homes are destroyed. Their orchards are destroyed. Their lands are settled in defiance of their wishes their people are driven to poverty and killed. International agreements which they have made in their names are not being honored.

The duty of the United States here is a very simple one, and that is to work for peace in the Middle East. Our single most important concern in that area is peace: peace for Israel, security for Israel, peace and security for the Palestinians, an end to the fighting, a termination of terrorism. How is that done? Is it done by shooting up Arafat's helicopters? Is it done by terror bombings of people who are committing suicide to kill Israelis? No. Only one way leads to this course, the strongest possible leadership by the United States functioning as an impartial honest broker between people who find little reason not to hate each other.

Mr. Speaker, this will be done by a long process of negotiation in which the parties must come together to negotiate their differences under the strong leadership and guidance of the United States. This resolution accomplishes nothing in that end. It does nothing to move forward the peace process which came so close under the leadership of President Clinton during the last days of his administration. It does nothing to strengthen our friends in the area, the Governments of Egypt and Jordan. And it does nothing to make it possible for Mr. Arafat to provide the necessary leadership towards

meaningful discussions. Rather it, and other actions leave Arafat weaker and less capable of effective participation in the peace process.

The question Members have to ask is: How is it that Arafat is to be better disposed to move forward towards peace when his people are angry and when his helicopters are bombed and when his headquarters is threatened? The answer is, not at all. But, it goes beyond this. How is the peace process, or how are our concerns about peace in the area moved forward by weakening Arafat and by making him appear to be incapable of leading the Palestinian people? Or making the Palestinian people less willing to follow his leadership in the peace process?

Mr. Speaker, I hold no brief here for any side, none for Mr. Arafat, none for the Israelis or anybody else. I think the United States has to look to one thing. Let us look to our principal interest. Our principal interest is peace in the area. How is that to be achieved? Only in one way and no other. There is only one country in the world that has the prestige and the ability to do that and the military capability to bring that about. When it gets down to the point, we, and we alone, acting as leader of other Nations also dedicated to peace have the capacity to do what has to be done, to bring about real meaningful and final negotiations to settle the problems.

The issue here is how we bring the parties forward to begin a long and difficult a process. We must use the most intense pressure of the United States to abate and to terminate the terrible events which we are seeing in Israel, in Palestine, in the occupied territories in the Middle East. Negotiations between the parties are the only way.

I think Members can anticipate that the terrible events which occurred the other day in Israel with scores of people injured and killed are going to be replicated again and again. Angry, frustrated, bitter people are going to use that method because that is the only method that is available to the weak.

□ 1315

Again how are we going to bring the terrible events in the Middle East to a halt? By seeing to it that the problems that exist between the Israelis and the Palestinians and the others in the area are abated by negotiations between them. Is this going to be easy? Of course not. But is there an alternative way? The answer is there is no other way that that could be accomplished.

Certainly the resolution which is before us offered, by good friends of mine, for whom I have great respect, with, I am sure, the best of intentions, does not carry out the mechanisms for bringing peace and it does not offer us the prospects of seeing progress going forward. Nor does it offer this Nation the opportunity to know that we have done something which will abate the root causes of terrorism in that world which are causing deaths in the United States as well as Israel, Palestine, and other places. We have committed ourselves to a massive effort in Afghanistan, which has caused us to spend billions of dollars and to put at risk our military personnel.

I support that effort, and each year I support massive funding to help Israelis to maintain their statehood and to deal with their security problems.

This resolution is counterproductive. It does not move us forward towards world peace. It does not move us forward towards a resolution of the controversy of the differences which are major causes of terrorism, heartache, death and suffering, for Israelis and for Arabs alike, and on September 11, Americans.

This leaves us with a large new group of people who are going to say the United States sides with Israel, and that this country is not concerned about peace in the Middle East, and not concerned about addressing the enormous problems which divide the people there. We thus ignore some of the terms most important to our national security. We are talking here about an area which has the potential for the next world war occurring. Terrorism can bring it about at any time. It could happen; and if it does, the results to Israel will be calamitous. Five million Israelis, or a few more, in a small country surrounded by millions of Arabs, is facing terrible risk and danger in the event that there is significant trouble.

I am not sure that the United States can address any of the problems that we have with peace in the area easily, or that we can address the problems of assuring our own security. But we must. We have already learned the bitter anger that causes suicide bombers will kill large numbers of Israelis and Americans through terrorist tactics. I would urge my colleagues to choose a better mechanism for assuring peace in the area and the security of the United States, a negotiated settlement by the parties, driven by our leadership, and effort, with the support of the other peace loving Nations.

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

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

Mr. Speaker, I would like to say to my distinguished friend, the gentleman from Michigan (Mr. DINGELL), for whom I have enormous admiration, that he has a much more spacious view of the purpose of this resolution. We do not pretend to have an answer to the Middle East conflict; and I pray that if the gentleman does, he will come forward with it so that peace might be moved closer in that troubled part of the world.

What this resolution does is a very narrow, simple thing, and that is it shows solidarity with the Israeli people who were victimized on December 1 with an atrocity, namely the killing of 26 people, randomly, in a shopping mall, and the wounding of at least 175 of them, in the wake of what happened to our country on the 11th of September in the worst act of terrorism in recorded history in the memory of man.

So Israel and the United States are both victims of a terrible act of terrorism; and in that co-victimhood we attempt to show solidarity. That is not a mindless thing; it is not an empty gesture. It focuses on this new form of war, which is beyond contempt. I think that is very useful and necessary.

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

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

Mr. Speaker, I first want to pay tribute to the leadership of the chairman of the Committee on International Relations, our distinguished colleague, the gentleman from Illinois (Mr. HYDE), in bringing this resolution before us.

I should also mention, Mr. Speaker, that as we speak, a parallel resolution is being considered in the other body, introduced by the chairman and the ranking member of the Senate Foreign Affairs Committee.

Mr. Speaker, I rise in strong support of the Hyde-Lantos resolution expressing solidarity with the State of Israel and the Israeli people in their fight against terrorism.

Mr. Speaker, this past weekend, Israel experienced the most deadly eruption of Palestinian terrorist assassinations that country has seen in years. Some 26 utterly innocent civilians were killed, most of them young people, and 175 wounded, within a 14-hour period as a result of ruthless suicide bombs in both Jerusalem and Haifa. Once again, Palestinian terrorists targeted people on a bus and people in a shopping mall.

We as Americans, ourselves recently victimized, fully share the Israelis' sense of anger, outrage, and violation. The horror of this past weekend was, as President Bush's Middle East envoy, General Zinni, stated, ''the deepest evil one can imagine.''

Israel's casualty figures from the 14 hours of carnage are the equivalent on a proportional basis of 1,200 American dead and 8,000 American wounded. The horrors of this past weekend only underscore a relentless campaign of murder carried out by Hamas, Islamic jihad and elements of Arafat's own Fattah movement. In fact, Mr. Speaker, since that fateful date, September 11, the equivalent of 2,700 Israelis have fallen victim to Palestinian terrorism.

Each human life is a treasure far beyond what any statistic can express. Both the Jewish and Islamic traditions poignantly declare that the saving of one human life is the equivalent of saving the world and the murder of one human life is the equivalent of destroying the world. I cite the proportional figures only as a means to illustrate, Mr. Speaker, the impact these killings

have on a small nation of just 6 million people.

This Congress and the American people are angry, frustrated, and fed up with Arafat's cynical support of murderous criminals and his failure to act to prevent the killing of both Israelis and Palestinians. But Arafat's failure does not only lead to death; it leads to the danger that a bloodbath will ensue in the entire region.

We know, Mr. Speaker, that Arafat is capable of stopping terror. We have seen him do so when under sufficient international pressure. Until he does end the terror, and end it for good, we must conclude that he supports it.

It is no longer good enough, indeed, it never was, Mr. Speaker, for Arafat to run a revolving prison door, arresting a few low-level terrorists for a few days until the world diverts its glance and moves on to other issues.

The Hyde-Lantos resolution provides that the Palestinian Authority should arrest, prosecute, and punish the perpetrators of this monstrous act or turn over these terrorists to the Government of Israel for prosecution. Our resolution urges the President of the United States to take any and all steps necessary to ensure that the Palestinian Authority complies with all of our demands. If it does not, we call on our President to terminate relations with Arafat and the Palestinian Authority.

Mr. Speaker, in his historic speech to our joint session on September 20, President Bush said that nations will be judged as either being against terrorists or being for them. In this hour of their grieving, Israelis should know that the American Congress and the American people stand resolutely with them in our joint struggle against international terrorism.

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

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I rise in opposition to this piece of legislation. Not because it is completely flawed, it has great value in some of the things it says, but it has flaws.

Before I go on to those flaws, I would like to point out that the previous speaker misstated this resolution. I would ask the gentleman from California (Mr. LANTOS) to use some of his remaining time to restate correctly this resolution.

This resolution in its original form very outlandishly called on the Palestinian Authority, as though they were the perpetrators of this crime. It has been changed, because they are not.

Hamas committed these two terrible attacks, for which Hamas should be hunted down and punished, as the President is seeking to do. But in fact, the Palestinian Authority is also a victim of these attacks. They have had loss of life as a result of this. And going to the larger picture of the Middle East, Israel continues to find ways to punish and diminish the Palestinian Authority's ability to enforce the very laws that they ask to be enforced by bombing their police headquarters in retaliation for what was taken credit by Hamas to be their act.

Hamas is, in fact, an organization formed in opposition to the Palestinian Authority's very own party. I would ask that these inaccuracies be corrected, because in fact Hamas would like to see the PLO out of power. Hamas is an extreme organization with a very different bent than the Palestinian Authority's general way of doing business.

More importantly, I would call on everyone to look at item four, where it urges the President to take any and all necessary steps to ensure the Palestinians take the actions described. That was added, and it was added for a good and valid reason that I hope we will all remember should this otherwise in some ways misguided resolution pass.

The President could restore the $900 million that the Israeli Government has withheld from the Palestinian Authority. Those dollars were designed to allow them to enforce their laws, and yet that has been unlawfully and in violation of the agreement that they have made withheld.

The President could see that the Palestinian Authority, who today only has two answers to a riot, yell at them or shoot them, because they are prohibited and withheld the kind of riot control equipment that would allow them to enforce these very sanctions that we want to see that they do to root out Hamas. They have no riot control equipment; they have no billy clubs; they have no tear gas.

So I ask that we look at this somewhat erroneous resolution for what it might do for the administration, if the administration takes the initiative and does some positive things to undo the damage that has been done by Israel in breaking down the very authority that they now call on the United States to insist that they take these steps.

We were just in the West Bank on a CODEL. We saw how little ability the PLO now has, what the effects of 14 months of not receiving the funding they need to do their job are.

□ 1330

This is not a perfect document. It has been improved. I would call, once again, on the gentleman from California (Mr. LANTOS) to make those corrections so that we fairly and accurately state what item 4 and the rest of this document says, which is a call on Hammas, the Palestinian Islamic Jihad and other organizations, terrorist organizations, of which the Palestinian Authority is not one.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. DINGELL. Mr. Speaker, out of extraordinary respect and affection for the gentleman from New York (Mr. GILMAN), my good friend, I yield him an additional 1 minute.

The SPEAKER pro tempore (Mr. BASS). The gentleman from New York (Mr. GILMAN) is recognized for 3 minutes.

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

Mr. GILMAN. Mr. Speaker, I rise to urge my colleagues to fully support H. Con. Res. 280 so that the Congress can demonstrate that it stands in strong support of Israel as it confronts terrorism threats similar to the ones we have been confronted by our own Nation. I thank our distinguished chairman, the gentleman from Illinois (Mr. HYDE), and the gentleman from California (Mr. LANTOS), our ranking minority member, for bringing this measure to the floor in a timely manner.

We should be reminded that Israel has lived with these kinds of threats and terrorism for most of its existence, not just since September 11, and which have escalated just in the past few days, killing so many innocent civilians. Palestinian leader Chairman Arafat needs to know that he will receive no more second opportunities and no more benefits of doubt. This resolution does just that by demanding that Chairman Arafat root out the infrastructure of Palestinian terrorist organizations operating within its territory that is controlled by the Palestinian Authority.

This resolution demands that Chairman Arafat either prosecute Palestinian terrorists and ensure that they remain in custody, or turn over the terrorists to Israel for prosecution. These are steps that Arafat, despite repeated demands from Israel and, to some extent, from our own Nation, that he has to undertake at this time but has refused to. Our resolution urges the President to suspend relations with Mr. Arafat, the Palestinian Authority, until they, once and for all, root out the terrorist infrastructure. We must not do business as usual with Mr. Arafat while he continues to allow Palestinian suicide bombers to roam freely, enabling them to carry out more destruction against civilians.

Mr. Arafat has refused to crack down on these terrorist groups, believing that he can keep peace with the Palestinian Authority if he stands down from confronting the militants.

However, these groups actually have been undermining Mr. Arafat's leadership by provoking Israel and preventing negotiations from yielding peace and prosperity for the Palestinian people.

Mr. Speaker, this resolution puts other governments on notice that we in the Congress are watching their behavior toward Palestinian terrorism as well. Governments such as Syria and Iran must not be permitted to fund, to arm and to harbor Palestinian terrorist groups with immunity and then hide behind tepid words of support for the United States' efforts against the

Taliban and bin Laden. Syria has allowed Hammas and the Palestinian Islamic Jihad to maintain their headquarters in Damascus and to operate training camps in the Bekaa Valley of Lebanon. Iran provides about 10 percent of Hammas' total budget and virtually all of the funds used by Palestinian Islamic Jihad, according to a wide variety of reports and analyses. It also funds weapons to Hizbollah in Lebanon, an organization that helps train Hamas and Palestinian Islamic Jihad.

In conclusion, let me say, Mr. Speaker, that the passage of this resolution will send to Chairman Arafat a clear, strong message that our patience with him is at an end. As some Israeli leaders have noted, Mr. Arafat should be told to either surrender the terrorists, or surrender his power. The same policies that we are pursuing against Osama bin Laden in Afghanistan should be applied to Mr. Arafat. I urge my colleagues to fully support this measure.

Mr. LANTOS. Mr. Speaker, before yielding to the gentlewoman from Nevada, I want to make some observations on the speaker prior to the gentleman from New York (Mr. GILMAN).

I do not take back one single word of my statement. Units of Arafat Palestinian Authority have participated repeatedly in the most heinous terrorist acts and claimed credit for it. Arafat paid tribute to mass murderers and assassins on a repeated basis. He is part and parcel of the terrorist cabal.

Let me also say, with respect to sanctimonious statements about peace, there was an opportunity for peace when, under President Clinton's leadership and at his urging, former Prime Minister Barak made sweeping and phenomenal concessions to the Palestinian Authority, and instead of accepting those or coming up with a counteroffer, he started a 14-month mass murder, sweeping the region, with hundreds of Israelis and Palestinians being killed, the Palestinian economy in shambles, tourism in the whole region from Egypt to Lebanon dead. All of it because of terrorism and violence.

Mr. Speaker, I am delighted to yield 2½ minutes to the gentlewoman from Nevada (Ms. BERKLEY), my distinguished colleague and good friend.

Ms. BERKLEY. Mr. Speaker, I rise in strong support of the Hyde-Lantos resolution.

I would like to personally thank both the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for bringing this measure to the floor and for their excellent leadership on our committee.

Mr. Speaker, after the vile terrorist attacks perpetrated by Palestinian suicide bombers this weekend in Israel, many are claiming that this is the moment of truth for Yasar Arafat. The fact is, Chairman Arafat has had too many moments of truth, and he has failed them all.

The patience of the United States has been abused time and again by the Palestinian leadership. It is far past time for Chairman Arafat to start producing results. He started this Intifada over a year ago after rejecting Prime Minister Barak's generous calls for peace and, since then, has chosen to ignore America's calls for negotiation in favor of blowing up discos and pedestrian malls. Mr. Arafat and the entire Palestinian leadership must listen very clearly to the message that we are sending: You have gained nothing by killing innocent teenagers, except the wrath of America, Israel and the civilized international community.

Palestinian apologists have tried to link these terrorist attacks to Israeli policies. Let me say loud and clear that those who make this argument are the same, in many instances, who claim that the attacks on America on September 11 were motivated by America's foreign policy. Only the most despicable or deliberately blind human beings can rationalize the murder of innocent teenagers for a supposed political cause.

Mr. Speaker, our patience with the Palestinian leadership has run its course. American policy is clear that our enemies are terrorists everywhere and all governments that support them. This resolution says once and for all to Chairman Arafat, what side are you on? Do you support terror, or will you immediately and permanently dismantle the terrorist organizations that act freely within your territory?

Hamas and other terrorist organizations operate with a free hand because Arafat allows them to. If Arafat cannot control these terrorists, then why are we propping him up and pretending that he has the ability to negotiate with Israel for peace? If Chairman Arafat fails to act, then it is time to regard the Palestinian Authority as supporters of terror and deal with them as such. The choice, as it has always been, is Chairman Arafat's to make.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

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

Mr. Speaker, Yasar Arafat says that he cannot control the terrorists. It seems that we have a relatively easy decision to make. Why do we not take him at his word? If he cannot control the terrorists, then he should not pretend that he can bring peace, and we ought to stop negotiating with him. We need to look elsewhere among the Palestinians for negotiating partners. If Yasar Arafat is responsible, then terrorists under his control over the weekend killed 26 Israelis. If he is responsible, he needs to be held accountable for his actions. We need to remember that Arafat has never outlawed Hammas, he has never confiscated its weapons, he has never shut down its training camps, and he has never even publicly condemned it by name.

In 1997, then Secretary of State Madeleine Albright said that Arafat had a revolving door justice system when it came to handling terrorists. Things have not changed.

Again, the U.S. simply needs to determine, is Arafat in control, or is he not? I would suggest that, in either case, we ought to stop negotiating with him.

Further, there are better uses for taxpayer dollars than to prop up terrorists and their regimes. If we find that he is not in control, stop negotiating with him. If he is in control, hold him accountable. We ought to begin the post-Arafat era.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to the distinguished 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 gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the resolution and not, obviously, because it condemns violence. We all condemn the violence. But there is more to this resolution than just condemning the violence. I have a problem with most resolutions like this because it endorses a foreign policy that I do not endorse, and it does that by putting on unecessary demands. So the demands part of this resolution is the part that I object to, not the condemnation of violence.

By doing this, we serve to antagonize. We hear today talk about having solidarity with Israel. Others get up and try in their best way to defend the Palestinians and the Arabs. So it is sort of a contest: Should be we pro-Israel or pro-Arab, or anti-Israel or anti-Arab, and how are we perceived in doing this? It is pretty important.

But I think there is a third option to this that we so often forget about. Why can we not be pro-American? What is in the best interests of the United States? We have not even heard that yet.

I believe that it is in the best interests of the United States not to get into a fight, a fight that we do not have the wisdom to figure out.

Now, I would like to have neutrality. That has been the tradition for America, at least a century ago, to be friends with everybody, trade with everybody, and to be neutral, unless somebody declares war against us, but not to demand that we pick sides in every fight in the world. Yet, this is what we are doing. I think our perceptions are in error, because it is not intended that we make the problem worse. Obviously, the authors of the resolution, do not want to make the problem worse. But we have to realize, perceptions are pretty important. So the perceptions are, yes, we have solidarity with Israel. What is the opposite of solidarity? It is hostility. So if we have solidarity with Israel, then we have hostility to the Palestinians.

I have a proposal and a suggestion which I think fits the American tradition. We should treat both sides equally, but in a different way. Today we

treat both sides equally by giving both sides money and telling them what to do. Not $1 million here or there, not $100 million here or there, but tens of billions of dollars over decades to both sides; always trying to buy peace.

My argument is that it generally does not work, that there are unintended consequences. These things backfire. They come back to haunt us. We should start off by defunding, defunding both sides. I am just not for giving all of this money, because every time there are civilians killed on the Israeli side or civilians killed on the Palestinian side, we can be assured that either our money was used directly or indirectly to do that killing.

□ 1345

So we are, in a way, an accomplice on all of this killing because we fund both sides. So I would argue we should consider neutrality, to consider friendship with both sides, and not to pretend that we are all so wise that we know exactly with whom to have solidarity. I think that is basically our problem. We have a policy that is doomed to fail in the Middle East; and it fails slowly and persistently, always drawing us in, always demanding more money.

With the Arabs, we cannot tell the Arabs to get lost. The Arabs are important. They have a lot of oil under their control. We cannot flaunt the Arabs and say, get lost. We must protect our oil. It is called ''our oil.'' At the same time, there is a strong constituency for never offending Israel.

I think that we cannot buy peace under these circumstances. I think we can contribute by being more neutral. I think we can contribute a whole lot by being friends with both sides. But I believe the money is wasted, it is spent unwisely, and it actually does not serve the interests of the American people.

First, it costs us money. That means that we have to take this money from the American taxpayer.

Second, it does not achieve the peace that we all hope to have.

Therefore, the policy of foreign noninterventionism, where the United States is not the bully and does not come in and tell everybody exactly what to do, by putting demands on them, I think if we did not do that, yes, we could still have some moral authority to condemn violence.

But should we not condemn violence equally? Could it be true that only innocent civilians have died on one side and not the other? I do not believe that to be the care. I believe that it happens on both sides, and on both sides they use our money to do it.

I urge a no vote on this resolution.

Mr. Speaker, like most Americans, I was appalled by the suicide bombings in Israel over the weekend. I am appalled by all acts of violence targeting noncombatants. The ongoing cycle of violence in the Middle East is robbing generations of their hopes and dreams and freedom. The cycle of violence ensures economic ruin and encourages political extremism; it punishes, most of all, the innocent.

The people of the Middle East must find a way to break this cycle of violence. As Secretary of State Colin Powell told the House International Relations Committee in October, ''You have got to find a way not to find justifications for what we are doing, but to get out of what we are doing to break the cycle.''

Mr. Speaker, I agree with our Secretary of State. The Secretary also said that we need to move beyond seeing the two sides there as ''just enemies.'' I agree with that too. But I don't think this piece of legislation moves us any closer to that important goal. While it rightly condemns the senseless acts of violence against the innocent, it unfortunately goes much further than that—and that is where I regrettably must part company with this bill. Rather than stopping at condemning terrorism, this bill makes specific demands in Israel and the Palestinian areas regarding internal policy and specifically the apprehension and treatment of suspected terrorists. I don't think that is our job here in Congress.

Further, it recommends that the President suspend all relations with Yasir Arafat and the Palestinian Authority if they do not abide by the demands of this piece of legislation. I don't think this is a very helpful approach to the problem. Ceasing relations with one side in the conflict is, in effect, picking sides in the conflict. I don't think that has been our policy, nor is it in our best interest, be it in the Middle East, Central Asia, or anywhere else. The people of the United States contribute a substantial amount of money to both Israel and to the Palestinian people. We have made it clear in our policy and with our financial assistance that we are not taking sides in the conflict, but rather seeking a lasting peace in the region. Even with the recent, terrible attack. I don't think this is the time for Congress to attempt to subvert our government's policy on the Israeli-Palestinian conflict.

Finally, the bill makes an attempt to join together our own fight against those who have attacked the Untied States on September 11 and Israel's ongoing dispute with the Palestinians. I don't think that is necessary. We are currently engaged in a very difficult and costly effort to seek out and bring to justice those who have attacked us and those who supported them, ''wherever they may be,'' as the president has said. Today's reports of the possible loss of at least two our servicemen in Afghanistan drives that point home very poignantly. As far as I know, none of those who attacked us had ties to Palestine or were harbored there. Mr. Speaker, I think we can all condemn terrorism wherever it may be without committing the United States to joining endless ongoing conflicts across the globe.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank him for his leadership.

I also want to commend the gentleman from Illinois (Chairman HYDE) and, again, the chairman of the subcommittee, the gentleman from New York (Mr. GILMAN), and the gentleman from California (Mr. LANTOS) for the work they have done.

I rise in strong support of this resolution to express solidarity with Israel and the fight against terrorism. We have had leadership on the Committee on International Relations that has helped us to ensure our support for Israel, and I want to thank them all for their leadership.

The citizens of Israel know too well the threat of terrorism. This past weekend was another brutal example: 26 Israeli citizens were murdered and 175 were wounded by the terrorist group Hamas and the Palestinian jihad, all within 14 hours. This bloody weekend was part of an ongoing campaign aimed at youth and families, unacceptable acts of terrorism.

To bring an end to terrorism in Israel, Chairman Arafat has to live up to his agreements, including commitments made to stop this violence against civilians. That means fulfilling promises of prosecutions. His ability to maintain the rule of law would finally demonstrate a Palestinian interest in engaging in discussions of peace.

Without serious action to eliminate, even harness terrorism, Arafat cannot expect any opportunity for negotiations.

So the United States stands united with Israel in the effort to eliminate the terrorist attacks against our citizens. Our continued unification with other nations on this issue must not cease to be heard around the world. Our Arab allies, indeed, must understand our position and encourage Chairman Arafat to take the necessary steps against known terrorist organizations, and support him publicly when he does.

I encourage all my colleagues to support House Concurrent Resolution 280 to express our support and solidarity for the citizens of Israel.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. ACKERMAN), the distinguished ranking member of the Middle East subcommittee of the Committee on International Relations.

Mr. ACKERMAN. Mr. Speaker, I am outraged by the statement of one of the previous speakers who has now left the floor who said, with his unique sense of justice, that we should treat everybody equally; that we should treat the terrorists and victims the same; that we should treat Hamas the same way and look at them in the same way that we treat little girls going to a disco, or grandmothers taking their grandchildren out for pizza for lunch. That is not justice; that is ridiculous.

Mr. Speaker, I rise in strong support of the resolution. I would like to thank the chairman, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from California (Mr. LANTOS), for their outstanding efforts in crafting this resolution and getting it to the floor in so timely a fashion.

I believe it is critically important at this moment, this moment of truth, for the House of Representatives to speak

out against the Palestinian terrorism which has cost so many innocent Israelis their lives.

It is well past time for Congress to say enough, enough killing, enough terror, and finally, enough duplicity, excuses, and lies. Palestinian terrorism is not an accident; it is not an uncontrollable cycle. In fact, it is the result of a deliberate, deliberate refusal by the Palestinian Authority to crack down on terrorist groups like Hamas and the Palestinian Islamic jihad.

It is the result of the Palestinian Authority's revolving-door prison policy, and the Palestinian leadership's unconscionable refusal to arrest terrorists whose names and addresses are made familiar by endless Israeli requests for action, requests that have been confirmed by our own government.

Hamas is a terrorist group, and the PA harbors them. Our President says there is no difference, that the Palestinian Authority must be held accountable for these grotesque decisions which make any hope of peace an impossibility.

The Palestinian people have legitimate grievances and they have a right to express them; but they have no right, no right, no right to blow up and murder innocent men, women, and children.

Mr. Speaker, the United States cannot work during the day with Palestinian leaders on ''the peace of the brave'' while in the evening they turn a blind eye to terrorist bombings, shootings, and mayhem. As President Bush made so clear in his address to this Congress and to the American people, the time has come for every Nation and national group to choose: they are either with us or they are with the terrorists.

The Palestinian Authority has exactly that choice to make now. Either they destroy the infrastructure of Hamas, Islamic jihad, and other terrorist groups, or they will lose their relationships with the Congress, lose their relationship with the United States, and in the end, stand to lose much more than that.

Mr. Speaker, we must pass this excellent resolution. Again, I want to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) for helping the House to find its voice on this very critical issue.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that each side be given an additional 5 minutes, since we have some additional speakers.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from New York?

Mr. DINGELL. Mr. Speaker, reserving the right to object, I just want to hear again what my good friend said.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would tell the gentleman, I am asking for an additional 5 minutes for each side, since we have additional speakers.

Mr. DINGELL. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN), the gentleman from Michigan (Mr. DINGELL), and the gentleman from California (Mr. LANTOS) will each be recognized for an additional 5 minutes.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I will be voting for House Concurrent Resolution 280. This bill reflects my abhorrence and total condemnation of terrorist attacks on innocent Israelis, noncombatants. That attack, carried out on December 1 and 2, mutilated and killed 26 noncombatants, and 175 were wounded. These were human beings: men, women, and children, young people, and seniors. This monstrous atrocity must be condemned by all who believe in morality, all who believe in God, all who seek a better world and seek peace.

We condemn this as we condemn all attacks which have targeted Israelis and noncombatants in the decades past. This unconditional condemnation of such attacks on Israel, on their noncombatants, is totally justified.

But that is not enough. If America is to be a peacemaker in the Middle East, if we are to take a principled stand that will then be taken seriously by both sides when we condemn terrorism, we must condemn with equal moral outrage the murderous assaults on Palestinian noncombatants.

There are piles of bodies in the Middle East today, piles of bodies of innocent people. The Economist Magazine recently noted that the number of Palestinian noncombatants who have been killed in these last 6 weeks far outnumber the number of Israeli victims.

But there have been victims on both sides; and we need to equally, with equal fervor, condemn these attacks on innocent people. We should have zero tolerance, zero tolerance of this brutal terrorism that has kept the Middle East in such turmoil.

But let me note that does not mean, because we condemn this terrorism, that we close our eyes to the fact that Israeli soldiers are mowing down young boys who are doing nothing more than throwing rocks, a nonlethal weapon, and they use deadly force.

There are people in this body who are, with me, dedicated to human rights who would never permit a regime anywhere in the world to use such deadly force against people who are simply throwing rocks in order to call the public attention to their seeking justice for their cause. The killing of an Israeli soldier does not justify the shelling, indiscriminate shelling, of Palestinian villages, which has been part of their policy in the past, as well.

If we are to be taken seriously about condemning terrorism, if we are to be a peacemaker in the Middle East, and that is what we should be whenever there is an act of terrorism, we need to step forward; and we have not done it when the Palestinians are the victims.

Today I am going to vote for this resolution because I wholeheartedly condemn the killing that we are talking about here, with these poor Israeli people, 26 of them, and 175 wounded. These young people who are wounded probably have no legs, young people being disfigured all their lives. This is a horror story.

But it is an equal horror story when those things are done on Palestinians by the Israeli soldiers, and we need to be a peacemaker and not just give blanket approval to everything Israel does.

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

Mr. Speaker, I want to tell my good friend, the gentleman from California, that there is an enormous difference between targeting innocent civilians and collateral damage.

Today, as we speak, American soldiers were killed, killed in Afghanistan by our own forces inadvertently. There is a difference of the whole world between deliberately killing innocent civilians and retaliating, doing one's utmost to avoid killing civilians and, tragically, mistakes occurring. I think this distinction must be made on this floor.

Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank the gentleman for allowing me this time.

Let me also thank the gentleman from California (Mr. LANTOS) for his leadership in bringing forth this resolution and thank the gentleman from Illinois (Mr. HYDE), as well.

Mr. Speaker, some of our colleagues are concerned about taking a side. We are taking a side; we are taking a side against terrorists. We cannot be neutral when it comes to terrorists. Our President has said it very clearly: they are either on our side in the fight against the terrorists, or they are on the side of the terrorists.

This resolution is very straightforward. It supports the resolve of the people of Israel, and it lends the support of our Nation in their war against terrorists.

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That is exactly what the President and we asked of the American people after the attack on our country on September 11. We asked for the resolve of our people and their national support. There should not be a different standard here. We all should be opposed to the terrorist activities and support this war.

Mr. Arafat must make a choice. He either will join us in rooting out the terrorists in the Middle East or he will continue to be an ineffective leader. If he wants to be the leader of the Palestinian people that brings peace to the Middle East, then he must engage us, as this resolution calls upon him to do, to root out terrorists in the Middle East.

Mr. Speaker, this is a resolution that I hope all of us would support. It shows that we will not compromise with terrorists. It shows that we are united as a Nation, we are united in our international coalition to root out terrorist activities, whether they occur in the United States, whether they occur in Israel, or wherever they occur. Innocent people should not be targets. We cannot compromise that issue.

This resolution speaks to that, and I urge my colleagues to support the resolution, to put this body on record against terrorism.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I want to make it clear that this resolution started off as one that I could not support, and, in its final form, it is one that I will vote for, not because anything I said was less accurate. There are unsaid things. There are, in fact, challenges that the Israeli government has not met that I would hope they meet, but I would say that in the final analysis that we as a body must speak about the wrong actions that occurred, regardless of what is not in this document or any flaws that remain.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to our distinguished colleague, the gentleman from New York (Mr. CROWLEY).

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

Mr. CROWLEY. Mr. Speaker, I stand up to say, enough is enough. I rise in strong support of this resolution, and I am proud to be a cosponsor. I commend the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), our ranking member, for bringing this measure before us this afternoon.

I was both saddened and infuriated by the events that transpired in Jerusalem and Haifa this past weekend. Saddened because 26 people were murdered and 175 were injured in a cowardly terrorist attack. Infuriated because Yasser Arafat and his Palestinian Authority have done nothing to prevent these attacks since the peace process began.

Arresting low-level Hamas operatives to demonstrate that he is doing something is fooling absolutely no one. Arafat's declaration that he is cracking down on Palestinian terrorists is about as effective as the police inspector played by Claude Rains in Casablanca when he said, round up the usual suspects, while Humphrey Bogart got away.

The revolving door policy at Palestinian jails must end immediately. After years of negotiating with Arafat and the Palestinian Authority to no avail, it may be time to ask if Arafat is truly a partner interested in peace. As the old adage goes, actions speak louder than words. Arafat's actions suggest that we have been wasting our time in dealing with him.

Mr. Arafat, our patience has finally run out. You have no more bargaining chips left. President Bush issued a challenge to the world when he said, you are either with us or you are with the terrorists. Clearly, you have chosen.

Following the events of September 11, Americans have experienced what the Israelis have been dealing with since 1948. The Israeli government was there for us on 9/11, and we need to be with the Israelis today.

I urge all of my colleagues to support this resolution.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. Mr. Speaker, I rise today in strong support of H. Con. Res. 280; and I thank the gentleman from Illinois (Mr. HYDE), the chairman; the gentleman from California (Mr. LANTOS), the ranking member; and the gentleman from New York (Mr. GILMAN) for bringing this measure to the floor so quickly.

As was stated earlier, this past weekend we witnessed some of the bloodiest and most gruesome terrorist attacks on Israeli citizens by Palestinian terrorist organizations. These terrorist attacks are just another reminder that Palestinian Authority Chairman Yasser Arafat and his closest confidants continue to be the largest obstacle to peace in the Middle East by contributing to the reign of terror.

Each and every day Israelis and now Americans face disruptions to our normal civilized daily lives by the constant threat and now reality of suicide bombers and terrorist attacks. I commend President Bush for his actions yesterday in freezing the assets of the Holy Land Foundation for Relief and Development, which poses as a charitable organization but, in fact, funnels millions of dollars annually to Hamas.

In response to an earlier speaker who asked, when are we going to start acting in the U.S. interests, I pose and ask, are not we acting in the interests when we shut down organizations as that who are operating within our borders? Those organizations are using our laws to operate to raise money for terrorist activities which can just as easily take place in Israel and as we saw on 9/11 here in America.

We in America, under the leadership of President Bush, have set out to make Americans and freedom-loving people safer against the terrorists. As stated in the Bush doctrine, there is no distinction between the terrorists and those who harbor them. Just as al-Qaida receives support and sanctuary from the Taliban, Hamas, Palestinian, Islamic Jihad, Hezbollah and others are provided a sanctuary and with land to operate and with support from Mr. Arafat and his confidants.

Mr. Speaker, the time has come for the United States to stop talking about waiting for Arafat to fulfill certain conditions. How many times will we demand he reign in the terror and stop the killing? How many U.S. taxpayer dollars must we spend and entrust to Arafat and his Palestinian Authority as they continue to harbor the terrorists?

Mr. Speaker, the United States and Israel share common values and freedom of choice, and I believe this resolution signals what should be the end of the road for American patience with Mr. Arafat.

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

Mr. NADLER. Mr. Speaker, I rise in strong support of this resolution condemning the terrorist outrages committed by the Palestinian terrorist groups and expressing our solidarity with Israel.

Mr. Speaker, there can be no peace and no real negotiations as long as such terrorist attacks continue. Mr. Arafat denounces these terrorist attacks but operates a revolving door prison system, that encourages the terrorists to continue. He then lionizes the terrorist murderers and, in fact, gives death benefits and pensions to the families of the suicide bombers.

He is obviously not honest in his opposition to terrorism, and he permits it to continue and, indeed, promotes it.

Mr. Speaker, there can be no moral equivalency between the deliberate attacks of the terrorists on Israeli civilians and the unfortunate deaths of civilians who are victims when Israel attempts to attack the terrorists to prevent further terrorist attacks.

Mr. Arafat must now be held to destroy the terrorist infrastructure now. If Arafat does not do this very quickly, then Israel in all likelihood will take upon itself the necessity of doing so. Israel will have to exercise its inherent right of self-defense, as the United States is now doing in Afghanistan, and that will greatly escalate the situation.

The key to the Oslo agreement for peace talks was the renunciation of violence by both sides as leverage in negotiations. Israel has renounced that violence. Arafat, obviously, has used it as a tool. After Prime Minister Barak made a breathtaking offer of concession to Israel last year, Arafat reacted not by agreeing, not by a counteroffer, but by starting a war which has escalated into a war against civilians.

I support this resolution. We must stop that war. Israel, if necessary, must exercise its right of self-defense

to stop that war against civilians, and no one on earth can tell a sovereign nation not to fight to protect its citizens against the kind of terrorist murderers who murdered people in Jerusalem last week and in New York City on September 11.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, there comes a time in the life of a democracy when their leaders must respond to terror by unleashing a terrible, swift sword. That is this time for our allies in Israel.

Under the previous prime minister, Yasar Arafat was offered a choice. At Camp David and again at Taba, he chose between an offer of 97 percent of the territories or the gun. He chose the gun.

Many Americans thought that Arafat could make a courageous decision like Nelson Mandela to surrender the gun and govern a state, or Arafat could follow the path of Fidel Castro and preside over increasing isolation and destruction. Arafat chose unwisely and conducted a wave of violence against teenagers and commuters.

His apologists say that Arafat has no power. They are wrong. He has no judgment. President Bush put the question clearly after September 11, you are either with the terrorists or you are with the West. You cannot condemn the Taliban and hug Hezbollah. Egypt and Jordan chose wisely: Peace with Israel. Arafat chose war.

He is now harvesting the wrath of a democracy and her American ally. Americans are best when we stand with our democratic allies, and now is the time to stand with Israel. Together, we will show that the way of the suicide bomber leads nowhere, and only negotiations with the democratically elected leaders of Israel can lead to peace.

I want to thank the gentleman from Illinois (Mr. HYDE) and the gentleman from New York (Mr. GILMAN) and especially the gentleman from California (Mr. LANTOS) for his leadership on this.

The SPEAKER pro tempore (Mr. OTTER). The Chair would announce that the gentleman from Illinois (Mr. HYDE) has 3 minutes left. The gentleman from Michigan (Mr. DINGELL) has 17 minutes left. The gentleman from California (Mr. LANTOS) has 3 minutes left.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to our distinguished colleague from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, Lewis Carroll wrote about a language where down is up, black is white as jabberwocky, and some of the opponents of this resolution are engaged in it today.

The very distinguished gentleman from Michigan (Mr. DINGELL) talks about the despair of the Palestinian people as if it is a rationale for dynamite laced with nails in the middle of a busy square in front of a pizzeria and an ice cream parlor, as if the slaughter of innocents is somehow a legitimate form of political speech.

My friend from California says, oh, we have got the wrong villain. It is not the Palestinian Authority, it is not Arafat, it is Hamas, and if only you give him the chance and the tools to stamp out Hamas, he can do it.

Well, he asked for control of the territories. The Palestinian Authority has it; 95 percent of those that live in the territories are under Palestinian control. He says, I need a police force to control violence. The Israelis gave him a police force, gave him guns, gave those fighting against them guns. He said, that is not enough. He said, I need a list of the terrorists. Well, the Israelis gave him that, too. They refuse to arrest them, and then they go and slaughter innocents. We cannot have it both ways.

Some say Arafat is powerless. Well, if he is powerless, let us adopt President Bush's admonition and toss him upon the dust heap of history; and if he is powerful enough to be a partner for peace, let me ask why is it in his entire history he has not given a single speech in Arabic telling his people that it is time to live in peace with Israel. Not a single one.

Ask him why it is that he has never stopped educating the young people in the Palestinian territories to hate from their very youngest age. He even stopped a program called Seeds of Peace which let young people from Israel and from the territories get together and share their common interests.

On September 11, we in the United States learned what it was like to live in Israel. We would not think of saying to Osama bin Laden, well, let us negotiate, let us take it easy, let us give him a chance. We would never think about giving them Texas and Louisiana if only they would go away. We would never think of that then. We should not even consider that today.

We should pass this very strong resolution, and we should do even more in the future.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind the House that Members should address their comments to the Chair and not to other Members in the second person.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all persons who control time be given equally an additional 10 minutes. I know some of my colleagues do not need it, but in the spirit of collegiality, we do not want to stifle discussion.

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

Mr. MURTHA. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

□ 1415

Mr. LANTOS. In view of the objection heard, Mr. Speaker, I ask unanimous consent that each side be given an additional 5 minutes.

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

There was no objection.

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

Mr. ENGEL. I thank my colleague from California, the ranking member, for yielding me this time; and I also thank the chairman.

I rise in very, very strong support of this resolution. I want to read a quote from President Bush right from his resolution, when he stated on September 20: ''Every Nation and every region now has a decision to make. Either you are with us or you are with the terrorists. From this day forward, any Nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.''

Mr. Speaker, we are in Afghanistan going after the Taliban not because we think the Taliban plotted and planned the terrorist attacks on September 11, but because the Taliban harbored Osama bin Laden and al Qaeda, which planned these attacks. Well, if it is okay for the United States to knock off the Taliban because they did nothing to prevent terrorist acts and indeed harbored the terrorists, then Israel has the same right to go after Yasar Arafat because he has done nothing to stop terrorism.

No one is saying he sits there and plans and plots the terrorist attacks, but he certainly does nothing to stop them. Either he cannot stop them, at which point what is the point in talking to him; or he refuses to stop them, which at the same point there is no sense talking to him. He has had time.

My colleagues have mentioned where there were generous peace proposals, far beyond what any Israeli prime minister could have offered, and Yasar Arafat rejected the peace proposals of then Prime Minister Barak, and, worse than rejecting it, he walked away from the process. He did not make any counterproposal. He did not try to squeeze a few more concessions out of the Israelis. He walked away and he unleashed the intifada. As far as I am concerned, I am at my wits' end with Yasar Arafat, because he has not shown that he is a partner for peace. In order to be a partner for peace, it takes two to tango. As far as I am concerned right now, Israel is without a partner to negotiate peace.

Now, Hamas, Islamic jihad, all the terrorists have had revolving-door justice from Mr. Arafat. He arrests them and lets them out the back door. The game is played time and time and time again. He will come here to Washington, and he will issue statements in English condemning terrorism. He does not issue those statements in Arabic. He does not call for peace with Israel in Arabic. He does not do anything to help the plight of his own people. In fact, Islamic jihad and Hamas represent at least as much a threat to him and his authority and his people as they do to Israel.

We have to condemn terrorism with every force we have. And for the question before that was asked, what is in the best interest of the United States, the best interest of the United States is to go after terrorists wherever they rear their ugly head, in the United States, in Israel, or anywhere around the world. I wholeheartedly support this resolution and urge its passage.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding me this time, and I commend him and the ranking member for their outstanding leadership on this very timely resolution.

Twenty-six innocent people in Israel murdered in cold blood, 175 wounded by Palestinian terrorists all within 14 hours. On a proportional basis, as our resolution provides, this would represent 1,200 American deaths and 8,000 wounded. Today, I rise as a proud and humbled cosponsor of House Concurrent Resolution 280 expressing solidarity with Israel in its fight against terrorism.

I submit to you, Mr. Speaker, that we should do no less than we will do in this Chamber today: condemn the vicious terrorist attacks that have resulted in the deprivation of sons and daughters, husbands and wives, and grandparents of the families in Israel; expressing outrage today, as we do, of the ongoing Palestinian terrorist campaign, which is not, as some in the media say, a cycle of violence; but it is violence against the people of Israel and the self-defense of Israel. And we also demand today that the Palestinian Authority destroy the infrastructure of Palestinian terrorist groups, pursue and arrest terrorists, and bring them to justice; and our efforts both commend the President and urge all necessary steps be taken to ensure such actions by the Palestinian Authority are timely indeed.

I rise today, Mr. Speaker, as a Christian American from the heartland of this country, the great State of Indiana. And I am here to say that I represent hundreds of thousands of Americans who still believe that He will bless those who bless Israel. It is from this tender regard of the American people that this nation sprang back into existence in its historic homeland in 1948, and the enemies of Israel should know that that regard remains to this day.

I pray for the peace of Jerusalem. May there be peace within her walls and security within her citadels. May the grieving families hear from this Congress today the voice of sympathy and the voice of solidarity, and I urge all of my colleagues to support this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to my good friend and distinguished colleague from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time and also for his outstanding leadership on this issue. I rise in strong support of Israel's fight against terrorism.

The blood of combatants is unfortunate but understandable. The blood of innocents is intolerable and unacceptable. Today, we deal with that blood; and we first have to say that we must not have and shed the blood of innocents on either side. Now, the gentleman from California (Mr. LANTOS) correctly made the distinction that sometimes in the course of collateral damage innocent Palestinian blood has been shed, and we must say in all sincerity that that is truly a tragedy. But today we address a different situation, the targeted and deliberate shedding of innocent blood of Israelis, Israeli youth in many instances; and that is unacceptable.

But it is not enough to come down here today and condemn from afar. I think we also have to today say, in addition to the fact that we condemn terrorism, we have to examine our role as a country, our foreign policy. We cannot stand on the sidelines. We have to have more engagement. We have to press for a workable and serious cease-fire. We have to continue the peace process, because it is only through the peace process that we can end the shedding of innocent blood. And we have to have accountability for individuals and countries, some of whom are our allies, who tolerate, incite, and ignore the proposals of hatred within their own borders. Because it is this cycle of hatred that really causes the violence that we decry today.

So we need to both condemn today the terrorism that caused these tragic deaths and also look inside our own foreign policy to see how we can do more to combat this problem that is affecting the Middle East today.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to our distinguished colleague, the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this resolution today.

The increased violence in the Middle East and the horrible acts of terror against Israelis have recaptured the attention of the world. And as we refocus on the Middle East, and in our mutual search for peace, we have to be willing to denounce and decry the horrible acts of violence against civilians. The inexcusable terror directed against Israelis must be condemned by the world.

We must hold Yasar Arafat responsible for stopping that terror. Israel surely has a right to hold him responsible, the United Nations and the United States must hold him responsible, and the world must hold him responsible.

Israel surely has a right to defend herself, and we are seeing that today. She surely has a right to act firmly to prevent further acts of terror. But we must, as we criticize appropriately Yasar Arafat, we have to keep our eyes on the ball, which is not so much Yasar Arafat and his terrible failings, but the hope that is offered by George Mitchell and George Tenant. The Mitchell plan and the Tenant principles to restart the peace process have to be the focus of this country.

We need to move forward with a cooling off period, a cease-fire, of confidence-building measures and must restart the peace process. That is the highest priority, and I call on the House to give our full support to it.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to our distinguished colleague, the gentleman from Florida (Mr. DEUTSCH).

The SPEAKER pro tempore (Mr. OTTER). The Chair would advise that the gentleman from California (Mr. LANTOS) has 1 minute remaining.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

The SPEAKER pro tempore. The gentleman from Florida (Mr. DEUTSCH) is recognized for 2 minutes.

Mr. DEUTSCH. Mr. Speaker, I thank the ranking member of the Committee on International Relations as well as the ranking member of the Committee on Energy and Commerce for yielding me this time.

I urge my colleagues to read the resolution. I urge my colleagues to read it because I think when they read it, there should be no votes against it on the floor. I know a number of Members have spoken against it today; but I urge them to read the specifics, because I do not think there is anything in this resolution that any Member in good faith can be against.

There are things that Members can object to about Israeli policies, and there is a debate that we can go and we should articulate. But what this resolution is really talking to is specifically acts of terrorism, acts of terrorism that, as Mr. Zinn has said, and I quote, ''the deepest evil one can imagine.'' And that is what we are condemning today, to show that this Congress and the American people are grieving, are feeling some of the pain, although not as significant as the pain that Israelis individually and families are feeling today.

We have a unique role to play as America, as the world's only superpower, as a linchpin of Israel's survival and security. In fact, our role as Members of Congress are as linchpins of any potential peace in the region.

I have not given up hope. This week, Jews throughout the world are going to read a passage in the Torah about Joseph being thrown into slavery and being in a prison, and it looks as if the worst possible time exists for him. Yet at that worst possible time, by our faith and by our belief, we understand that there is hope for peace.

But I urge all of my colleagues to support the resolution.

Mr. DINGELL. Mr. Speaker, I yield myself 7 minutes.

This is a very important debate and one which merits the careful attention

of all of our colleagues. And it is one on which the body here should remain focused on the issues which are before us.

What is the real issue that confronts the United States? Is it this resolution, or is it real and lasting peace in the Middle East? The answer is our concerns are peace in the Middle East, peace for the Israelis, peace for the Palestinians, peace for the other Arab and Muslim countries in the area. And without that, there will be no peace and no security for the United States, as September 11 shows us.

I have heard a number of my colleagues say, that, you are either for us or against us on terrorism. I am aware of no one in this body who does not join me in opposition to terrorism. And I am aware of no one in this body who does not feel that peace is in the best interest of all. I am also aware of no member here who is not supportive of the continued existence of the State of Israel, and who does not feel that this should be a part of American policy and concern.

I am troubled, however, when I hear some of my colleagues, as they have done in this debate, talk about how the issue here is terrorism, and you are either with us or against us on terrorism. Not so! The issue is peace and how to achieve it. That must be our debate and our focus.

□ 1430

Peace is the important issue, and it is the one that concerns us above all others in the Mid East. It is one which we have addressed in our resolutions earlier and which we are addressing now through actions diplomatically and militarily.

Now what should be the focus of the debate here is something quite different, and that is how we focus the efforts and the energies of the United States to bring about peace. I have introduced H. Con. Res. 253 which expresses support for the Mitchell Commission Report. No action has been taken by the Committee on International Relations, and yet that is something which the United States should be speaking and upon which this body should be speaking.

I have heard nothing in this debate from the other side about what they propose to do to bring about a real peace. Is the termination of the existence of Mr. Arafat as the head of the Palestinian Authority in the best interests of the United States? Will that resolve the controversies? No, it will simply eliminate somebody who is a potential participant in meaningful peace talks, and one who with proper support can provide useful leadership.

What we suggest here is to bring all of the parties together and make them talk. Let us use the full prestige and the power of United States to accomplish that purpose. That is far better. Each day that passes means more risk of the kind of terrible crimes that we saw in the killing of scores of Israelis and the wounding of many, many more.

This is what we are talking about. The best interests of Israel, the best interests of the Palestinians, and the best interests of the United States are found most powerfully in the resolution of the controversies there. These controversies create bitter and angry people who are going to engage in terrorist activities and are the real risk to the people of the world, and to world peace.

I am surprised that my colleagues are not more publicly aware of this. We are not talking for or against Israel. We are not talking for or against the Palestinians. We are talking about two things: one, peace; and, two, a process which has to be bottomed on justice and a sense of justice by all of the parties in the area.

I do not know what I have to do to have my colleagues here understand that the interest of the United States will never be served by the conflict which exists in the Middle East, or what I have to do to have my colleagues understand that this kind of Resolution really does nothing to resolve those kinds of problems, or to make my colleagues understand that peace and security for Israel or the United States or Palestine lies only in one thing and that is a negotiated settlement in which they have come to an agreement themselves. This is something which can only be forced by the United States.

Mr. Speaker, I see nothing of that kind moving forward in this discussion. I see only further actions taken by the United States to continue what is going on now, to see the killings in Israel going on, to see frustrated, angry people going out to commit suicide just to kill a few people that they hate, lets understand that this is a risk which has already visited the United States on September 11. To begin to force the peace process to work is the one interest that we should discuss in the United States today. Regretably we are not doing so.

We could be discussing how we are going to bring these people to the table. I have heard a rich abundance of denunciation of Mr. Arafat. I remind all here I do not rise to defend Mr. Arafat, but he is the leader of the Palestinian people. We have none other to do this and no assurance that his successor will be more able or compliant.

Killings going on, and innocent people on both sides, Israelis, Palestinians and others, are being killed. I have heard great concern about the Israelis, and I share that concern. What happened the other day is terrible, it is criminal and indefensible. I have heard very little about what has transpired with the Palestinians. And I have heard even less of an awareness in this body. The failure of the United States to address this matter vigorously and to see to it that the root causes and the differences of the Israeli people and the people of the occupied territories are negotiated away is a real interest of the United States which must be addressed.

Why is it that there are so few in this body that cannot understand that? Why is it that we are debating the faults of Mr. Arafat unless we have a better alternative and a better leader acceptable to the Palestinian people. Why is it that we are failing to discuss peace and a really meaningful way of achieving that peace?

That is the end to terrorism and killing. That is the beginning of peace for Israel. It is a beginning of an end to the sorrows and misfortunes of the Israelis. It is also a beginning of an end to the sorrows and the travails that are felt by the Palestinian people.

We should be discussing these matters, and we should begin to set a policy in the United States where we are forcibly going to address these concerns and where we are finally taking meaningful action to ensure lasting peace.

I am not asking my colleagues to embark on an easy trip. I am asking them to look to find what alternative there are and then to join me and other decent people in an American effort to bring peace to the Middle East for the Israelis, and for the people of the occupied territories. We must assure we do this while we still have friends who are leading countries in the area and while we still bring all parties to the table to commence a meaningful and strong effort for peace.

I ask with each passing day, does the cause of peace get stronger with the killing of innocent Israelis in Israel or the killing of innocent Palestinians in the occupied territories? Do the frustrations and angers and the bitterness and the hate that is building over there add a single thing to our prospects for peace? I suggest not. I do suggest that we commence the beginning of a meaningful process forced with every effort that this country can put into it to abate this terrible situation.

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

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have had the opportunity to visit Israel and meet with the leaders and also meet with Chairman Arafat both in 1995 and 1999. In the times I was there and even up until last year, the United States was engaged in the peace process to the point of putting the prestige of this country and the Presidency to try to bring peace to Israel and the Palestinian question.

What happened, though, was that Chairman Arafat walked away. Whatever the reason, all of the reports from the United States is that he walked away from a peace process. The Government of Israel changed in response to that; and, of course, now we have been in the latest infatada with the loss of lives on both sides.

I add my voice in support for this resolution because as we see the loss of innocent life in Israel it condemns terrorism, whether it is on the street of New York, on the streets of Washington, or in Ben Yehuda in Jerusalem. Our country is at war because of terrorism. We lost thousands of people because of terrorism. Killing and injuring innocent people should be stopped, and it should be stopped whether it is Washington, New York, or Jerusalem or Tel Aviv.

Our friendship with Israel has not even been considered. We have been a friend of Israel for many years, and that is strong. There is no way we can condone or encourage or be silent in the loss of the innocent people that happened this last weekend.

I have an opportunity to walk the streets of Jerusalem at the very spot those bombs went off, and I think this resolution is mild compared to what should be done. I am proud of this Congress and the President of the United States in condemning the terrorism, again whether it is here in our country or anywhere in the world.

Mr. DINGELL. Mr. Speaker, I yield 7 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time and for his excellent leadership on the question before us today.

Mr. Speaker, I strongly condemn the horror that was inflicted upon innocent Israeli men, women and children by suicide bombers. I condemn that violence at all times and all places.

I think it is important to note that we can either oppose or vote present on this resolution today and still be considered a supporter of the State of Israel and a friend of Israel and a supporter of the long-standing relationship between the United States and Israel, and do not let any outside group in this town try to characterize Members in any other way, because it is possible.

Secretary Powell said it best when he phoned Chairman Arafat after the latest bombings and said this was an attack upon Arafat's authority as well as an attack upon innocent men, women and children. I think that has been lost today. In all of the demands that Arafat must go, we have lost sight that these suicide bombers were indeed attacking Chairman Arafat himself.

As I condemn the horror of the past weekend, I strongly condemn the horror that has been inflicted upon innocent Palestinians, men, women and children, carried out by the Israeli Occupation Forces, including, within the last 2 weeks, five innocent Palestinian schoolboys killed in the Gaza refugee camp just within the last 2 weeks. Such terror, such disproportionate use of power and force, continued humiliation, demolition of homes and one's livelihood by destroying their crops on their own land, such daily restriction of one's movements of the Palestinians by the Israeli Defense Forces, and I could go on and on, all of which have been accelerated over the past 14 to 15 months, but all of these events, both sides should be just as equally deplored by those concerned about human rights abuses around the world, about fairness and about peace. Every one of these attacks should be condemned.

Some in the Israeli government obviously very clearly by their own words want to get Arafat. Some statements today have alluded very strongly to the fact that we have got to get Arafat. But such action, indeed such action as this resolution today and those that call for Arafat's demise, will do zero, will do nothing to reach that just peace and may even exacerbate and take us backward from achieving that just peace that we all want to achieve.

Getting Arafat is no solution. Continued humiliation is no solution. This is the method of operation of bullies, not of those who want to return to the peace process, to the negotiating table, where, as any individual involved in negotiations knows, each party has to give a little. There is a give and take in the negotiating process. Is that the real fear here?

The military option will not secure a peace in the Middle East. The military option will not work. No peace can be achieved; and indeed, as I read through this resolution, and there are good points in this resolution about condemning terrorism, but I fail to find the word ''peace'' mentioned once in this resolution. Peace.

□ 1445

Peace. Maybe I need to read it without my glasses, but I have not found the word ''peace'' mentioned once in this resolution before us today.

Now, it is all good, or some of it is good, not all good, but some of it is good. Yes, prosecute such terrorists. Provide them with the stiffest possible punishment. Yes, ensure that they remain in custody.

Well, my question is, the Israelis today are bombing all the Palestinian police stations, their security operations. Where is Arafat going to keep those he arrests, in the living room by the fireplace in his home? So the Israelis are making it impossible to fulfill the demands that are being placed upon Arafat in this resolution today.

What if every demand in this resolution were met by 9 o'clock tomorrow morning? Would that end terrorism? Would we have peace?

Indeed, I might announce to my colleagues, as we speak, an announcement has been reached of a cease-fire, a 12-hour cease-fire, just announced between Chairman Arafat and the Israelis; and he has until whatever the 12-hour expiration time is to arrest certain militants. So let us let the parties work their will.

So, let us look at the consequences of our actions here today, and, indeed, actions of this body, regardless of whether they have the force of law or not, which this, of course, does not. But they do send a message to the participants in the Middle East.

I have traveled the region enough, extensively, including less than 2 weeks ago, having met with Chairman Arafat, President Mubarak, the Prime Minister of Lebanon, President Assad of Syria; and I know that they get a wrong signal when we pass resolutions of this nature.

So I say to my colleagues, let us truly get at the roots of terrorism. We know the causes of hatred in this part of the world. Secretary Powell said it in his speech of November 19. The occupation must end. The occupation must end, the continued expansion and building of new settlements. That is confiscation of Palestinian land.

Mr. Speaker, I say to my colleagues, please understand, that is the root of the problem here. That is what we should be addressing in this very good debate. And I commend all sides for conducting this debate today. But let us not ignore the true roots of the problem, if we indeed want to restart the peace process.

Mr. ROHRABACHER. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, one of the issues that seems to be at the heart of one of the discussions going on here today is whether or not the terrorism which we are condemning in this resolution, which I support wholeheartedly, is intentional, which we understand, but whether or not those actions on the part of the Israeli Government which result in the death of noncombatants, whether that is just collateral damage.

The gentleman has been in the Middle East many times and knows many of the players. From a firsthand point of view, does the gentleman believe that the damage that is being done to noncombatants by the Israeli army is unintentional?

Mr. RAHALL. Mr. Speaker, reclaiming my time, the gentleman asks a good question; and certainly in the eyes of many in the region, those who suffer from this infliction of horror, their answer would be yes, that it is intentional. That would be their response. That is something we must understand from our perspective, if we truly want to end the horror and the violence that comes from all sides. Indeed, there is no side that is lily white in the Middle East. Make no mistake about it, we must truly look at the causes of terrorism.

Mr. LANTOS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, closing the debate on our side, there is no moral equivalence between terrorists and the victims of terrorism. What this resolution does, and I am proud to join the gentleman from Illinois (Chairman HYDE) in being the principal sponsor of this resolution, what this resolution does is it expresses the solidarity of the American

people who were victims of terrorism on September 11 with the people of Israel who were victims again just this past weekend.

We want peace, but we will not get to peace as long as there is an attempt to create a moral equivalence between a corrupt dictatorship and its terrorist tactics and the democratic ally of the United States.

I urge all of my colleagues to vote for this resolution.

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

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is hard to help my colleagues understand the defect of this legislation, which is that it takes sides. It does this in a way which does not need to be taken, in a fashion and at a time when it is not in our National interest.

I condemn terrorism, and I condemn the killing of the innocent Israelis in Israel just recently, just as I do the killing of thousands of Americans on September 11. The roots of the events were somewhat the same: frustration, anger, ill will, hatred, and all of the things that are generated by the kind of situation that has gone on too long in the Middle East.

These are events which are not blameable on one person or another, and I do not believe that the blood of the small Palestinian boy who died in his father's arms from Israeli gunfire is any more pleasing in the eye of the almighty God than is the death of the scores of Israelis who died the other day in Israel because of a terrorist bomb. But those are really not the questions that we should be addressing here.

I just want my colleagues to keep this in mind: if the problems of the Mideast are to be resolved and if peace is to be achieved there, it is going to take an enormous effort by the United States and by every other peace loving Nation. I would note to my colleagues that it is not done by attacking other Members of this body because of their concern, and it is not done by rejecting the opportunity to use different people who are major players in that area.

If we are to succeed, we must call on everyone, the Israeli leadership, Yasar Arafat, the Palestinians, the people of Israel, the people of the United States, Lebanon and the countries like Jordan and Egypt, to help get their assistance in bringing about a viable, lasting peace, negotiated between the parties. We will also need the help of other countries in Africa, Europe, Asia and the two American continents.

I see nothing of that kind in this resolution. This resolution, as the gentleman from West Virginia mentioned, does not even use the word ''peace.'' This is what we should be talking about if we are really interested in serving the best interests of the United States. Peace, peace in the Middle East, peace with dignity and honor and respect, for and from all of the parties of that unfortunate area, and how we are to achieve it for all.

That is our interest. And that is what we should be addressing. We cannot gain anything by castigating or criticizing anyone here, or elsewhere. Our role must be that of an honest impartial broker. We must travel the long and hard path for peace; and we must start it now, not tomorrow, not sometime in the future. And we must do it by making the parties negotiate these differences out themselves, so that there can be contentment and peace and security in Israel, but also in the occupied territories; so no longer is there frustration, hunger, unemployment, misfortune in the occupied territories, and so no longer is there risk of death and destruction in Israel. That is what the interests of the United States should be and calls upon us to do. We do not serve our country well if we fail to start this effort—Now! And with great resolve.

The passing of a resolution of this kind simply shows the Arab people that the United States again is taking sides in a confrontation. It is not in the interests of this country to take sides. It is in the interests of this country to be an honest broker, who can be trusted by all of the parties there, because securing peace can only be done by the efforts of the United States leading the peace loving Nations of the world in a great and difficult effort. The bombing and killing by suicide bombers is not going to get peace. The rockets and missiles and helicopter attacks by the Israelis are going to achieve nothing. Nor will suicide bombing by terrorists. The only solution to this is negotiations between the parties to resolve the issues.

Why is it that my colleagues do not understand this simple fact. Why are we not here talking about how we remove the root causes of trouble and get down to the business of bringing about a real and lasting peace that benefits all of the people of the area and benefits the interests of the United States? That is the question we should be asking.

Taking sides benefits us not at all, but getting lasting peace does. This is not the way to get lasting peace. This is simply the way to alienate more people in the area and cause ourselves more enemies, more trouble, more risk, more peril, more killings, more misfortune for Israelis and Palestinians alike, and a longer time to achieve peace.

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

Mr. HYDE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. OTTER). The gentleman from Illinois is recognized for 3½ minutes.

Mr. HYDE. Mr. Speaker, well, this has been a stimulating debate, and it has been educational. I would like to respond as much as I can to some of the critics of the resolution.

My good friend, the gentleman from Michigan (Mr. DINGELL), describes a resolution which my resolution never was. He wants to head it in the direction of a comprehensive peace in the Middle East, something that has eluded some of the finest minds in the world for hundreds of years, certainly since 1948 with the founding of Israel. Many, many people, including the former President of the United States, spent hours and hours with the parties trying to get peace. Everybody is for peace; but in the words of Patrick Henry, ''Peace, peace, there is no peace.''

So, I did not pretend, I was not arrogant enough to decide I would set out a formula for peace. If I could do that, I certainly would do it. All I am trying to do is respond to the famous lines in Arthur Miller's play, ''Death of a Salesman,'' where Willie Loman's wife, Linda, says, ''A man is dying. Attention must be paid.'' Attention must be paid to what is going on in Israel.

How would you like to be a mother, and every day wonder if your little girl going to school will come home with all her limbs, with her life? It is a hellish way to live. I simply was trying to call attention to the horror, the indescribable horror of acts of terrorism, and show solidarity as a co-victim of horrible acts of terrorism. It is American to put your arms around a fellow democracy and not turn your back on them in their hour of need. That is what we were doing.

This simply says that when acts of terror occur, attention must be paid. It must be pointed out. We must shout about it, we must make an example of it, we must show the world the horror of what is going on. And maybe, just maybe, one day we will all get so sick of it we will not tolerate it anymore.

The gentleman from Michigan sets up a straw man. Not one word about peace. Everything we do is about peace, and objecting to terrorism is about peace, and showing solidarity to the Israeli people and to the Palestinian people.

The next time, if any, there is an atrocity, an act of terror by the State of Israel, bring a resolution to the floor. We will debate it. We will debate it. But I have not heard one. I have not seen one. Bring it to the floor and let us debate it.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, the gentleman just mentioned the Palestinian people. I wonder if that was mentioned in the resolution, expressing the concern for their plight as well. I wonder if that was in the resolution and I happened to overlook it.

Mr. HYDE. Mr. Speaker, reclaiming my time, the Palestinian involvement in the atrocity of last Saturday is mentioned, because this focuses on what happened in Jerusalem, when 26 women and children and men were killed and 1,200 were injured. That is what we are talking about.

Mr. Speaker, support our expression of solidarity with the victims of this

horrible act of terrorism. Support the resolution.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. HYDE) be granted 2 additional minutes, because the gentleman mentioned me and I would like to have his attention on that matter.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

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

□ 1500

Mr. DINGELL. Mr. Speaker, I do not propose to rebut what my dear and valued friend has said about me. I do not remember setting up a straw man, but I would like to say the gentleman has mentioned H. Con. Res. 253 which I sponsored earlier and with which the gentleman has suggested a great deal of sympathy. I wonder if maybe the committee could bring that proposal to the floor. It is a fair and even-handed statement. It is supported by the administration. It urges that the United States have as its policy the carrying forward of the Mitchell report. Why is it that we cannot have something like that before us?

Mr. HYDE. Mr. Speaker, I have no idea. If the staff will bring it to my attention, we will give it the most careful scrutiny. The gentleman from California (Mr. LANTOS) and I will do it together.

Mr. DINGELL. Mr. Speaker, I would be delighted to have the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) put that bill on the floor so that perhaps we could be together on something that is in the interest of the United States.

Mr. HYDE. Mr. Speaker, it would also be a pleasure to be with the gentleman from Michigan (Mr. DINGELL).

Mr. WAXMAN. I rise in strong support for H. Con. Res. 280 and join my colleagues in condemning Yasser Arafat and the Palestinian terrorists responsible for the massacre of innocent Israeli civilians.

In the past six months alone, Hamas suicide bombers have murdered teenagers at the discotheque in Tel Aviv, commuters on a rush hour bus ride in Haifa, pedestrians at a busy intersection in Afula, families eating lunch at a pizza store in Jerusalem, and a street filled with young Israelis and Americans out for a Saturday night in the heart of the nation's capital.

On a daily basis, the Tanzim and Force 17, Yasser Arafat's Fatah paramilitary forces, shoot at Israeli motorists on their way to work, school, or returning to their homes.

Instead of arresting, prosecuting, and outlawing these terrorists, Yasser Arafat has deliberately given them free reign, safe harbor, and license to organize and carry out heinous attacks. Instead of condemning anti-Israel incitement in Palestinian media, schools, and mosques, he has contributed the free flow of hatred that seeks to legitimize violence. And in doing so, he has turned the Palestinian Authority into nothing short of the Taliban.

The horrific events of September 11 have tragically brought home to all Americans the terrorism that Israel has long been suffering. Our solidarity has never been stronger or more important.

Now more than ever, we must renew the common purpose, strategic goals and democratic ideals that are the cement of strong U.S.-Israel relations. We must join together with Israel in defending our citizens, our values, and our future from the shadow of terrorism.

That is why this resolution determines that the United States should break off all diplomatic relations with the Palestinian Authority unless immediate action is taken to destroy the Palestinian terrorist network and arrest the perpetrators of these terrorist crimes.

Yasser Arafat must be held accountable, and there is no reason to contemplate the creation of a Palestinian state unless he can demonstrate that the terrorism will end. So far he has been unwilling to achieve this for even seven days, giving neither Israel nor the United States reason to be confident that he has the will or ability to do so permanently.

But one thing is certain—Israel as a sovereign nation has the right to take all measures necessary to defend its citizens, and it is in the interest of the United States to support its ability to do so.

Now is the time for us to pressure Yasser Arafat to crush the terrorist networks within his grasp, and urge all civilized nations of the world to abandon the ongoing efforts by Arab and Islamic states to isolate Israel in this time of crisis.

Just hours ago in Geneva, an international conference convened to condemn Israel for violations of the Fourth Geneva Convention, which was adopted in response to Nazi atrocities during the Holocaust. The agenda included biased determinations on the final status of Jerusalem, Palestinian refugees, and the imposition of a United Nations observer force.

Only yesterday, the U.N. General Assembly overwhelming voted for resolutions advocating the creation of a Palestinian state, Israeli withdrawal from the Golan Heights, and rejecting Jerusalem's status as the capital of Israel as ''illegal and therefore null and void.''

These one-sided determinations are irresponsible and counterproductive. They devastate the constructive role the international community could play in ending the violence and terrorism that have taken so many American and Israeli lives.

I commend the Administration for staunchly opposing these forums, and I applaud its actions yesterday to freeze the assets of the charities and banks raising funds in the United States to support the terrorist activities Hamas and other Palestinian groups.

Today we must do more. We must pass H. Con. Res. 280 and let Yasser Arafat and the Palestinian terrorist organizations know that there is a line that separates outlaws from the rest of civilized society and they have crossed it.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of House Concurrent Resolution 280, and urge all members to vote in support of this measure that expresses our solidarity with the people of Israel at this difficult time.

Now we know; now we understand. As Americans, we know. We see the people running down the street in panic and it looks all too familiar. Now we know.

We hear the sirens and see the dead and injured, and as much as thought we knew, now we know.

We sometimes joked about Israelis and their cell phone, and now we know how it must feel to wait for the call from your teenager who is out for the evening with friends saying, ''Mom, I'm OK,'' or just waiting for that call.

We now know the rage and frustrations of being attacked by those who prefer to die than live, and who plot and scheme to take innocent life with them.

We now know the courage and determination it takes to ''just live your life'' when ''just going shopping, out to eat or riding the bus can be life threatening.

And while hopefully we will not know what it is like to live for half a century and more on constant high alert, we understand better now intolerable that must be.

And now that it happened to here, in a place many believed was immune to such an attack, we know that terrorists must be answered, and those who harbor or support terrorists must be held accountable.

And we know, as we pray for peace, leave space for peace, continue to work for the miracle of peace in this holiday season, we know that we must defend ourselves and our children.

And we know, as Americans who love Israel, that as people, as a community, and as nations we must be united more than ever before in defense of that tiny and precious plot of land, surrounded day in and day out by hatred and danger, where our brothers and sisters want only one thing, and that is to live in peace and freedom.

I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for introducing this important measure and I urge all of my colleagues to support it.

Mr. CRANE. Mr. Speaker, I rise today in support of H. Con. Res. 280. Like the recent attacks on our country, the terrorist bombings in Israel are horrific. Once again innocent civilians have been brutally murdered by terrorists. Israel is a democracy under siege. As the world's leading democracy the United States cannot, in good conscience, stand idly by while a democratic ally is being brutally attached by evildoers.

For too long the Palestinian Authority has preached peace while terrorists use its territory as a safe haven. Even after President Bush endorsed the idea of a Palestinian state the attacks continued. If the Palestinian Authority wants to be a government it must act like one by stopping these suicide bombings from being planned and launched from its territory. The Palestinian Authority's leader, Yasser Arafat, has condemned the attacks. But he has done so before and the attacks against Israel continue. Chairman Arafat must do more than offer sympathetic remarks. I applaud and support President Bush's response and hope that Chairman Arafat's actions will back up his words and stop these attacks.

Mr. FORBES. Mr. Speaker, I rise in strong support of H. Con. Res. 280, which extends our deepest sympathies to the people of Israel for the recent string of deadly terrorist attacks in their nation and expresses our sense of solidarity with them in this difficult time.

The people of Israel have long had to live with terror on their street, and the world has largely stood by and felt great sympathy but little need to act upon it. But these attacks come at a time of heightened awareness around the globe of the necessary of riding our communities of the evil face of terrorism. Peaceful people have been made prisoners in their own communities by those who give no thought to the deadly consequences of their actions and who spread venomous hatred for their fellow man.

On September 11th, those free and peaceful people said with one resounding voice that they would no longer allow that kind of evil to destroy our world.

The war against terrorism is not America's war alone. It is a fight that we lead for freedom-loving people everywhere. Though there may be fewer dead and less extensive damage, the horrific attacks that occurred over a 14-hour period this weekend in Israel are no less atrocious than the attacks our nation suffered on September 11th. The mothers and fathers who lost their children in each of those attacks cry the same tears and feel the same pain.

We, as a nation, must stand beside our friend, Israel, in this time of need and support her in the fight to provide a prosperous, peaceful, and secure future for her people. I urge my colleagues to support Israel by supporting this resolution.

Mrs. MCCARTHY of New York. Mr. Speaker. I rise in support of H. Con. Res. 280, of which I am a cosponsor.

On Saturday, December 1st, suicide bombers killed 10 teenage Israelis and wounded more than 150 others in downtown Jerusalem. On Sunday morning, just 14 hours after the first horrific attack, a suicide bomber boarded a local bus route in the northern port city of Haifa, killing 15 and wounding 35. The victims of these attacks range in age from 14 to 75; they include students, senior citizens, and a Filipino nanny. The terrorist organization Hamas claimed responsibility for their cowardly attacks.

Since September 11th, international attention has been deflected from the everyday acts of violence in Israel to the United States' war on terrorism. Recently President Bush brought the Arab-Israeli conflict back under public purview by sending U.S. peace envoy General Anthony Zinni to the region to promote a cease-fire and possible resumption of peace talks.

When Palestinian terrorists killed 26 and wounded 175 Israelis within a matter of 24 hours, Palestinian Authority Chairman Arafat's commitment to find and prosecute terrorists was called into question, and Israel subsequently launched its own war against terrorism. Twenty-four hours after the suicide bombing in Haifa, and 36 hours after the bombings in Jerusalem, Israel retaliated against the Palestinian Authority by bombing chairman Yasser Arafat's headquarters in Gaza Strip, and police buildings in the West Bank town of Jenin.

I rise in agreement with Prime Minister Sharon and President Bush. As the chairman of the Palestinian Authority, Yasser Arafat has on more than one occasion voiced his commitment to peace, and his desire to fight terrorism. Yet words alone are not enough; they necessitate action. Yasser Arafat must take an active and responsible role in tracking and arresting those involved in terrorist activities. As the leader of the Palestinian people, Yasser Arafat must utilize his power to reign in the extraneous terrorist factions that continue to lash out at innocent Israeli civilians.

This resolution, H. Con. Res. 280, holds Arafat responsible for the actions of all his people, including Palestinian terrorists. It expresses the United States' solidarity with Israel during this difficult and emotional time. Now, more than ever, we must stand strong with our democratic allies to fight terrorist groups worldwide.

Ms. KILPATRICK. Mr. Speaker, today, I voted "present" on this Concurrent Resolution because it is my belief that the United States through the House of Representatives should remain a fair and honest broker in the Middle East. At a time when hostilities in the Middle East are escalating and all parties are looking to American officials to negotiate a fair and equitable solution, I believe that this Resolution is ill timed and diminishes the credibility of the negotiation process. It is imperative that all steps we take in this House secure our position as an impartial broker in the Middle East and this measure does not do this.

Make no mistake. I stand against terrorism and the killing of innocent civilians such as those that occurred in Israel this past weekend. I condemn them wholeheartedly. Both sides in the conflict, however, have the blood of innocents on their hands. Both sides in this conflict must make extraordinary and concerted efforts to come to the negotiating table and resolve the problems of the region. I support the findings of the Mitchell-Tenet Commission, which recommended that Congress not approve such resolutions. I regret that Congress is ignoring that recommendation. By doing so, the action of this chamber only serves to prolong the hostilities in that region and discourages both sides from engaging in the negotiation process. I strongly urge the parties to cease hostilities and do all they can to move forward with the Mitchell-Tenet recommendations.

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

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution H. Con. Res. 280.

The question was taken.

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8, rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed yesterday and earlier today.

Votes will be taken in the following order:

H. Res. 298, by the yeas and nays;

H. Con. Res. 232, by the yeas and nays; and

H. Con. Res. 280, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT VETERANS DAY CONTINUES TO BE OBSERVED ON NOVEMBER 11

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 298.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 298, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 472]

YEAS—415

Abercrombie	Calvert	Dreier
Ackerman	Camp	Duncan
Aderholt	Cannon	Dunn
Akin	Cantor	Edwards
Allen	Capito	Ehlers
Andrews	Capps	Ehrlich
Armey	Capuano	Emerson
Baca	Cardin	Engel
Bachus	Carson (IN)	English
Baird	Carson (OK)	Eshoo
Baker	Castle	Etheridge
Baldacci	Chabot	Evans
Baldwin	Chambliss	Everett
Ballenger	Clay	Farr
Barcia	Clayton	Fattah
Barr	Clement	Ferguson
Barrett	Clyburn	Filner
Bartlett	Coble	Flake
Barton	Collins	Fletcher
Bass	Combest	Foley
Becerra	Condit	Forbes
Bentsen	Conyers	Ford
Bereuter	Cooksey	Fossella
Berkley	Costello	Frank
Berman	Cox	Frelinghuysen
Berry	Coyne	Frost
Biggert	Cramer	Gallegly
Bilirakis	Crane	Ganske
Bishop	Crenshaw	Gekas
Blagojevich	Crowley	Gephardt
Blumenauer	Culberson	Gibbons
Blunt	Cummings	Gilchrest
Boehlert	Cunningham	Gillmor
Boehner	Davis (CA)	Gilman
Bonilla	Davis (FL)	Gonzalez
Bonior	Davis (IL)	Goode
Bono	Davis, Jo Ann	Goodlatte
Boozman	Davis, Tom	Gordon
Borski	Deal	Goss
Boswell	DeGette	Graham
Boucher	Delahunt	Granger
Boyd	DeLauro	Graves
Brady (PA)	DeLay	Green (TX)
Brady (TX)	DeMint	Green (WI)
Brown (FL)	Deutsch	Greenwood
Brown (OH)	Diaz-Balart	Grucci
Brown (SC)	Dicks	Gutknecht
Bryant	Dingell	Hall (OH)
Burr	Doggett	Hall (TX)
Burton	Dooley	Hansen
Buyer	Doolittle	Harman
Callahan	Doyle	Hart

Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
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.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meeks (NY)
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
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
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—18

Cubin
DeFazio
Gutierrez
Hayes
Hostettler
Johnson, Sam
Kingston
Kucinich
LaTourette
Markey
Meehan
Meek (FL)
Ney
Quinn
Reyes
Roukema
Sanchez
Young (AK)

□ 1529

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS IN HONORING THE CREW AND PASSENGERS OF UNITED AIRLINES FLIGHT 93

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Speaker, I ask unanimous consent that the text of House Concurrent Resolution 232, as proposed to be adopted under suspension of the rules, be modified by the amendment that I have placed at the desk.

The SPEAKER pro tempore (Mr. OTTER). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MICA:

Whereas on September 11, 2001, acts of war were committed against the United States, killing and injuring thousands of innocent people;

Whereas these attacks were directed at the World Trade Center in New York, New York, and the Pentagon in Washington, D.C., which are symbols of the Nation's economic and military strength;

Whereas United Airlines Flight 93 was hijacked by terrorists as part of these attacks;

Whereas while Flight 93 was still in the air, passengers and crew, through cellular phone conversations with loved ones on the ground, learned that other hijacked airplanes had been used in these attacks;

Whereas during these phone conversations several of the passengers indicated that there was an agreement among the passengers and crew to try to overpower the hijackers who had taken over the aircraft;

Whereas it is believed that it was this effort to overpower the hijackers that caused Flight 93 to crash in southwestern Pennsylvania, short of what is believed to have been its intended target: Washington, D.C.; and

Whereas the crash resulted in the death of everyone on board the aircraft: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) on September 11, 2001, the passengers and crew of hijacked United Airlines Flight 93 possibly averted the use of that aircraft in a further terrorist attack on the United States by attempting to overpower the hijackers;

(2) the United States owes its deepest gratitude to the passengers and crew of Flight 93, and extends its condolences to the families and friends of Captain Jason Dahl, First Officer Leroy Homer, flight attendants Lorraine G. Bay, Sandra W. Bradshaw, Wanda A. Green, Ceecee Lyles, Deborah A. Welsh, and passengers Christian Adams, Todd Beamer, Alan Beaven, Mark Bingham, Deora Bodley, Thomas Burnett, William Cashman, Georgine Corrigan, Patricia Cushing, Joseph Deluca, Patrick Driscoll, Edward Felt, Jane C. Folger, Colleen Fraser, Andrew Garcia, Jeremy Glick, Kristin Gould, Lauren Grandcolas, Donald Greene, Linda Gronlund, Richard Guadagno, Toshiya Kuge, Hilda Marcin, Waleska Martinez, Nicole Miller, Louis J. Nacke, Donald Peterson, Jean Peterson, Mark Rothenberg, Christine Snyder, John Talignani, and Honor Elizabeth Wainio; and

(3) a memorial plaque to these victims should be placed on the grounds of the Capitol, and a copy of the wording of the plaque, together with a copy of this resolution from the Congressional Record, should be sent to a designated survivor of each victim.

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

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

There was no objection.

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

There was no objection.

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 232, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 232, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 473]

YEAS—415

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
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)

Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
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.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
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
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meeks (NY)
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
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
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—18

Cubin
DeFazio
Gordon
Gutierrez
Hayes
Hostettler
Johnson, Sam
Kingston
Markey
Meehan
Meek (FL)
Ney
Pastor
Quinn
Reyes
Roukema
Sanchez
Young (AK)

□ 1540

Mr. BONIOR changed his vote from ''present'' to ''yea''.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SOLIDARITY WITH ISRAEL IN THE FIGHT AGAINST TERRORISM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 280.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 280, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 11, answered ''present'' 21, not voting 17, as follows:

[Roll No. 474]

YEAS—384

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
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)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—11

Abercrombie
Dingell
Hilliard
Hinchey
Jackson (IL)
McKinney
Mink
Paul
Rahall
Rush
Thompson (MS)

ANSWERED ''PRESENT''—21

Barr
Bartlett
Bonior
Boucher
Clay
Clayton
Conyers
Davis (IL)
Deal
Ehlers
Johnson, E. B.
Kaptur
Kilpatrick
Lee
Payne
Roybal-Allard
Sanders
Snyder
Stark
Waters
Watt (NC)

NOT VOTING—17

Cubin
DeFazio
Gutierrez
Hayes
Hostettler
Johnson, Sam
Kingston
Markey
Meehan
Meek (FL)
Ney
Obey
Quinn
Reyes
Roukema
Sanchez
Young (AK)

□ 1550

Mr. STARK changed his vote from ''yea'' to ''present.''

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.

HOUR OF MEETING ON THURSDAY, DECEMBER 6, 2001

Mr. ARMEY. Mr. Speaker, I move that when the House adjourns today it adjourns to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from Texas (Mr. ARMEY).

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

RECORDED VOTE

Mr. BROWN of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 322, noes 82, not voting 29, as follows:

[Roll No. 475]

YEAS—322

Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Coble
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Largent
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schaffer
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (FL)

NAYS—82

Abercrombie
Ackerman
Andrews
Becerra
Berkley
Berry
Bishop
Blumenauer
Bonior
Brady (PA)
Brown (OH)
Capps
Capuano
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Crowley
DeGette
DeLauro
Evans
Fattah
Filner
Gephardt
Gilman
Harman
Hill
Hilliard
Hinchey
Hoeffel
Holt
Honda
Israel
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (MN)
Kilpatrick
Lantos
Larsen (WA)
Lewis (GA)
Lipinski
Lynch
McGovern
McKinney
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (KS)
Napolitano
Oberstar
Olver
Pallone
Payne
Pelosi
Phelps
Rivers
Rothman
Roybal-Allard
Sandlin
Sawyer
Schakowsky
Schiff
Sherman
Slaughter
Smith (WA)
Strickland
Stupak
Thompson (MS)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Wynn

NOT VOTING—29

Boucher
Collins
Cubin
Davis, Tom
DeFazio
Dingell
Dooley
Duncan
Gutierrez
Hayes
Hostettler
Johnson, Sam
Kingston
Linder
Maloney (CT)
Markey
Meehan
Meek (FL)
Murtha
Ney
Obey
Pascrell
Pitts
Quinn
Reyes
Roukema
Sabo
Sanchez
Young (AK)

□ 1611

Mr. MEEKS of New York changed his vote from ''aye'' to ''no''.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

□ 1615

AMIGOS TOGETHER FOR KIDS

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, one of the most special aspects of our everyday lives is to be blessed with true friends. Amigos Together for Kids is an organization that has been in existence since 1991, and under the direction of Jorge Plasencia serves the needs of south Florida's forgotten children, those who are abused, neglected and abandoned.

Now celebrating its 10th anniversary, Amigos has many friends who have committed their energies toward the success of its programs, including Roxana Fernandez, Mirta Fuentes, Paul Hanson, Victoria Rodriguez, Daniel Rodriguez-Cuesta and Jorge Rouco, to name just a few.

The Amigos programs include Amigos Doctors for Kids, Children Helping Children, The Birthday Club, The Holiday Toy Drive, The Back-to-School Drive, and a new and ambitious program to serve adolescents in our area in south Florida.

Congratulations, Amigos Together for Kids. You are definitely fulfilling your mission of making south Florida's less fortunate young people feel truly loved. We really appreciate your dedication to our community's future, our children.

OPPOSE FAST TRACK LEGISLATION

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

Mr. LYNCH. Mr. Speaker, I rise again in opposition to the so-called Fast Track legislation that will be debated in this House over the next 2 days. I do so for several reasons.

Firstly, because Fast Track contradicts the clear requirement of the

United States Constitution, which vests the responsibility in this body, in the House of Representatives, to regulate trade with foreign nations. It also vests the power in the Congress to make any necessary laws for the exercise of that authority.

Secondly, I oppose Fast Track because it requires that these negotiations, very detailed, complicated negotiations, with great impact for not only our generation but those to come, it requires that these negotiations occur in secret; not in open debate on the floor of the House, but in secret.

I also oppose Fast Track because of our own past experience. We have seen what Fast Track has brought us, and we have been shown that it is a poor way to conduct, establish, and implement trade policy.

We have seen what it has done for workers, both in the United States and Mexico, through the example of NAFTA. We see now multinational corporations, General Motors, closing down plants in the U.S. and moving them over the border into Mexico, where our own auto workers are now forced to compete with auto workers in Mexico making 67 cents an hour. That is what Fast Track has brought us.

We have seen what it has brought to our environment, where corporations are continuing to seek to escape, avoid and evade responsible environmental standards in this country in order to go to other countries and to make a profit, make a profit by avoiding responsible environmental behavior.

We have seen what it has done to our food safety standards, where right now in this country under Fast Track legislation we can no longer keep out foods that do not meet our own food safety standards.

But last of all and most importantly, I oppose Fast Track because I think it is the single greatest threat to our representative form of democracy. It takes the power that has been vested in this body as representatives of the voters and gives it to the United States Trade Representative, who then, through agreements again in secret, delegates the authority to the World Trade Organization in Geneva, Switzerland. I think every Member in this body knows the chances of their own constituents exercising any right to petition to the WTO representatives in Geneva, Switzerland.

I think this is a bad policy for America. I think that we have a responsibility here to our constituents. I know they did not send me down here to give away the rights of the constituents in the Ninth Congressional District of Massachusetts, and I assure you that no Representative in this Congress has been so directed by their people.

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

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

THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

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

Ms. WOOLSEY. Mr. Speaker, I rise today to encourage the Republican leadership to bring the bill offered by the gentleman from Michigan (Mr. CONYERS), H.R. 1343, The Local Law Enforcement Hate Crimes Prevention Act, to the House floor. It is time to take action against crimes that are motivated by hate.

I appreciate all of my colleagues that are coming here this evening that are going to take their time and to speak in support of H.R. 1343.

In the past 3 months, crimes against Muslims, Arabs, Sikhs, Southeast Asians and anyone resembling these nationalities have increased significantly. The Council on Arab and Islamic Relations has compiled more than 1,400 reports of hate crimes since September 11. This represents a 51 percent increase in reported crimes against those of Middle Eastern descent since the attacks.

Our children are watching in horror as they and their moms and their dads, their brothers, their sisters and close friends, are being harassed, spit on, beaten and, even worse, killed. These hate crimes are happening in their neighborhoods, at their schools, and their places of worship. This Congress does not want to stand by and let our children be subjected to this kind of hate. We cannot. We should not. The 107th Congress must recognize the problem at hand and must take effective measures to reverse this trend, and we can do that by bringing H.R. 1343 forward.

The stories of these hate crime victims are disheartening. In Poughkeepsie, New York, a high school student was harassed and attacked while another student yelled ''I hate you, dirty Afghani,'' as he pelted him with rocks and plants.

In Dumfries, Virginia, a mother and her son attacked two Afghani American brothers, age 16 and 17. During school the son and a group of his friends approached the two Afghani teenagers and began taunting and hitting them. The mother entered the fight and hit the 17-year-old youth in the head. Luckily, both boys escaped into a neighbor's home and luckily neither was seriously injured.

In San Mateo, California, a gasoline bomb was thrown through the window of a Sikh family's home hitting a 3-year-old. Fortunately, the bomb failed to explode.

These stories are both unbelievable and intolerable. But, sadly, these acts of hate are rampant, and people of Middle Eastern descent are not the only victims affected by ignorance and hate.

Just a week ago, a hate crime occurred in my district. Three sophomores at a high school in my district assaulted a 17-year-old student because he was openly gay. The apparent leader of the assault paid two other boys $10 each to beat up the victim. Our children cannot be subjected to such violence and such hate.

No one in America should live in fear because of his or her ethnic background, because of religious affiliation, because of gender, disability or sexual preference. This is especially true of our children.

That is why it is important to pass meaningful hate crime legislation, and to pass it now. We need to strengthen our existing laws, and we must protect people against all hate crimes. We must send a message, especially to our children, that hateful behavior is wrong and it will not be tolerated.

Our law enforcement officials need vigorous tools to fight and prosecute hate crimes. Yet existing Federal law is inadequate. That is why I am a strong supporter of the bill offered by the gentleman from Michigan (Mr. CONYERS), the Local Law Enforcement Hate Crimes Prevention Act.

For the first time under Federal law, this measure would add sexual orientation, gender and disability. In addition, it would expand Federal civil rights law to allow prosecution of hate crimes even if no federally protected activities were involved, such as voting or attending school. Also the bill would expand the circumstances under which the Federal Government could offer assistance to State and local governments to help prosecute these crimes.

Even though the bill is cosponsored by over 200 bipartisan Members, it has been cast aside. We must bring it to the floor, and we must pass it now.

HONOR THE FALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) is recognized for 5 minutes.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, today I would like to again take up the effort to pay tribute and honor the fallen who perished as a result of the attacks on September 11, 2001.

This growing list of over 3,000 names is comprised of many of the victims of the recent horrific attacks on our Nation, including the firefighters and policemen who willingly gave their lives in an attempt to rescue others. I intend to read these names for as many days as it takes to bring honor and recognition to those individuals who lost their lives or are still missing:

Alok Mehta; Raymond Meisenheimer; Manuel Emilio Mejia; Antonio Melendez; Mary Melendez; Manny Melina; Christopher D. Mello; Yelena Melnichenko; Stuart Todd Meltzer; Diarelia J. Mena; Dora M. Menchaca; Charles Mendez; Lizette Mendoza; Shevonne Mentis; Wolfgang Menzel; Steve Mercado; Wesley Mercer; Ralph Mercurio; Alan H. Merdinger; Yamel Merino; George Merino; Michael Dermott Mullan; Dennis Michael Mulligan; Peter Mulligan; Michael Joseph

Mullin; James Donald Munhall; Nancy Muniz; Carlos Mario Munoz; Theresa ''Terry'' Munson; Robert M. Murach; Cesar Augusto Murillo; Marc A. Murolo; Raymond E. Murphy; Patrick Jude Murphy; Christopher William White Murphy; James Francis Murphy, IV; Brian Joseph Murphy; James Thomas Murphy; Edward C. Murphy; Kevin James Murphy; Charles Murphy; Robert Murphy; Susan D. Murrary; John Murray; Susan D. Murray; John ''Jack'' Murray; Fall Mustafa; Richard Todd Myhre; Louis J. Nacke; Robert Nagel; Mildred Naiman; Takuya Nakamura; Alexander J.R. Napier, Jr.; Frank Naples; John Napolitano; Catharine Nardella; Mario Nardone; Manika Narula; Shawn Nassaney; Narendra Nath; Karen S. Navarro; Joseph Michael Navas.

Mr. Speaker, today I heard as others were honored who were on United Flight 93, and it did my heart good to know we have them all in the CONGRESSIONAL RECORD.

Again, Mr. Speaker, I urge all my colleagues to join me in remembering these brave heroes, so that their names will go down in the CONGRESSIONAL RECORD, and they will not be just remembered as numbers, but will be remembered as people.

□ 1630

PASS H.R. 1343, THE HATE CRIMES PREVENTION ACT OF 2001

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, as an original cosponsor of H.R. 1343, the Hate Crimes Prevention Act, I am committed to seeing this legislation enacted into law. It is really important. I also want to thank the gentlewoman from California (Ms. WOOLSEY), my friend and colleague, for her leadership on this issue.

Mr. Speaker, last year hate crimes legislation passed the Senate in a bipartisan 57 to 42 vote on June 20. We had over 190 bipartisan cosponsors in the House, regrettably not enough to gain House passage. Many fear that this legislation would create a new area of law, and this is simply not true.

H.R. 1343, which currently has 199 bipartisan cosponsors, will enhance the ability of Federal law enforcement to provide assistance to State and local prosecution of hate crimes and, in certain limited cases, ease the ability of Federal law enforcement to prosecute racial, religious, ethnic and gender-based violence.

The FBI has reported approximately 50,000 hate crimes have been committed in the past 5 years, with nearly 8,000 reported last year alone. And although these statistics are alarming, even more disturbing is the fact that groups monitoring such crimes report that the FBI's data collection method has routinely missed tens of thousands of cases, and the number of hate crimes is probably closer to 50,000 a year.

Why the discrepancy? Because participation in the FBI's annual hate crimes statistics report is voluntary, and several States do not fully participate. The FBI collects the data from local jurisdictions under the 1990 Hate Crime Statistics Act; and, unfortunately, little money has been allocated to train police officers to determine whether a crime was fueled by hate.

Mr. Speaker, now more than ever we need to provide law enforcement the tools and the resources they need to both report and fight against these senseless acts of hate and violence. These crimes are uniquely destructive and divisive. Their perpetrators seek not only to harm the immediate victim but to make a statement to an entire community.

Hate crimes are a disturbing barometer of the state of a nation. Notably, antiblack hate crimes accounted for 35.6 percent of all racial bias; anti-semitism accounted for 75 percent of all religious incidents; and people with substantial disabilities, approximately 15 percent of the population, suffer from violent and other major crimes at rates many times higher than that for the general population. Research shows that this population is over four times as likely to be victims of crime than are people without disabilities.

Hate crimes based on sexual orientation also continue to rise and currently make up the third highest category after race and religion. Additionally, in the wake of the September 11 terrorist attacks, the Arab-American Anti-discrimination Committee has investigated, documented and referred to Federal authorities over 450 incidents of hate-related crime. Moreover, the Council on American-Islamic Relations has compiled over 1,200 complaints of hate attacks directed against American Muslims.

State and local authorities currently prosecute the overwhelming majority of hate crimes, and they will continue to do so with enhanced support of the Federal Government under the Hate Crimes Prevention Act.

Mr. Speaker, hate crimes represent an attack on the American ideal that we can forge one Nation out of many different people and requires a determined response from law enforcement. The Hate Crimes Prevention Act is a constructive and measured response to a problem that continues to plague our Nation: violence motivated by prejudice. Let us pass H.R. 1343. It is long overdue.

MESSAGE FROM THE SENATE

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

H.R. 10. An Act to provide for pension reform, and for other purposes.

PREVENTION OF TERRORISM ORDINANCE

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

Mr. PALLONE. Mr. Speaker, I am concerned about recent statements made by one of my colleagues, the gentleman from Indiana (Mr. BURTON), with regard to India. We will soon be voting on the Foreign Operations appropriations bill which will be providing very limited aid to India, the world's largest democracy and our strong friend in the politically unstable Southeast Asia region.

The gentleman from Indiana (Mr. BURTON) recently made critical statements to the press about India in an effort to persuade Members to not provide aid to India or to resume sanctions against India. He specifically referenced the Prevention of Terrorism Ordinance, or POTO, and stated that it was the most repressive law that India has ever considered.

Mr. Speaker, for the past 50 years, India has been forced to deal with severe cross-border terrorism in Kashmir and an upsurge of terrorist attacks throughout their nation. Since the September 11 attacks here in the U.S., India has experienced heightened terrorism in Kashmir; and, quite frankly, I have been reading about murders of innocent Kashmiris by Islamic militants on nearly a daily basis.

Just this morning I read about two new incidents that occurred yesterday. Suspected terrorists shot and killed a judge in Kashmir, along with his friend and two guards. This is the first attack on the judiciary of Jammu and Kashmir State.

The other incident was a suicide squad of a Pakistani-based guerilla group that killed at least five people at an Indian Army camp in Kashmir. This latest suicide attack is to be added to a long series of suicide attacks that have killed many innocent Kashmiris.

Mr. Speaker, as a result of violent terrorist attacks against India, the Indian President has issued the Prevention of Terrorism Ordinance, POTO. POTO would make provisions for Indian law enforcement officials to prevent and deal with terrorist activities. The current criminal justice system in India is not sufficient in prosecuting terrorists and, with passage of POTO, India will be provided the necessary law enforcement tools to prevent and effectively deal with terrorism.

I am not suggesting, Mr. Speaker, that the gentleman from Indiana (Mr. BURTON) or anyone else should not be able to speak out against POTO if they desire. We know that India is a vibrant democracy with an open political system. Its free press and democratic nature allows all voices and opinions to be heard. But I think the criticism is undeserved at this time.

I would like to draw an analogy between what is happening with POTO in India and what is happening with the

Provide Appropriate Tools Required to Intercept and Obstruct a Terrorism Act, or PATRIOT Act, in the United States. This analogy was conveniently overlooked by the gentleman from Indiana.

In October of this year, the U.S. Congress passed the PATRIOT Act, which gave law enforcement officials more tools to detect, apprehend, and prosecute terrorists. In the aftermath of September 11, Congress was required to act quickly to pass measures to address the immediate and long-term security, recovery, and financial needs of the country.

There was controversy and there still remains criticism of the PATRIOT bill from both the right and the left. Members protested that it would grant the government too much power and endanger civil liberties. However, the administration called for immediate action and, while moving the bill through Congress, several provisions were either dropped or modified and a bill did pass.

From what I understand, the Indian Parliament is planning on going through a similar process of modifying some provisions in their ordinance. It is likely that the bill will pass and be enacted into law, thereby affording Indian officials the authority to deal with the growing terrorist threat facing India that the normal criminal justice system could not address sufficiently.

Mr. Speaker, I believe that unusual circumstances in the U.S. call for these types of measures, and the same holds true for India. A true parallel can be drawn here for the two largest and most vibrant democracies in the world. Unfortunately, both of these countries are now combating terrorism.

The gentleman from Indiana (Mr. BURTON) I think is incorrect in accusing India of being repressive by enacting this law. His strategy to bash India is clearly a pattern. It is no surprise that these types of statements come at a time when we are providing aid to India. There is no justification for ending the limited aid that we provide to India, and there is no rhyme or reason to cutting back or putting back in place the sanctions against India that should have been lifted a long time ago.

My point, Mr. Speaker, is that the gentleman from Indiana's efforts to implement such things are simply wrong. We do not need to go back to the sanctions, and we certainly should not punish India for essentially doing the same thing that the United States has done in the aftermath of September 11.

U.S. SHOULD PRIORITIZE SPENDING TO AVOID DEFICIT SPENDING

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 question I would like to ask my colleagues is how much more, how much deeper should we go in debt in this country?

The current authorized debt that we passed several years ago is $5,950 billion, and we were actually projecting just a few months ago, last May, that we would not have to increase the debt limit. Our current debt, the debt limit as passed by law is $5,950 billion. The current debt is $5,860 billion. So if we implement what we are talking about for next year's budget, if all of the bills that have been passed in the House were implemented, then we are going back into deficit spending, which means we are going to have to increase the debt of this country.

It seems to me that we should be budgeting in a way that every family has to budget, that every business has to budget, and that if something comes up that is very important we look at other portions of that budget that we might reduce in order to accommodate the higher priority spending. In this case, I would suggest, Mr. Speaker, to my colleagues that the higher priority spending is to assure security and to do what we can to make sure that the economy again comes back strong as quickly as possible.

But if we do that without going into debt like we were some years ago, driving the debt of this country up, if you will, driving the mortgage that our kids and our grandkids are going to have to pay off because of our excessive spending, if we are not to go back into that kind of deficit spending, then we are going to have to prioritize.

How do we prioritize? Is there some spending of this Congress, is there some pork spending, is there some spending that is less important than driving us deeper into debt? Let me just suggest, as we discuss economic stimulus packages, at what point of overspending that is going to result in higher interest rates. Overspending means the government has to borrow more money. We go into competition with business and individuals for that available money supply out there; and, in fact, Congress bids up interest rates to get what they want. So at what point do we decide that increased interest rates are as much of a downer for economic recovery as maybe some stimulus package or some spending that some Members say are important to their economy locally? At what point does it balance? How much should we go in debt in future spending?

I would suggest to my colleagues that the gimmick of the lockbox that we passed, Democrats and Republicans together, was a good effort, suggestion, indication, that we would not go back to spending the Social Security surplus. This year, Social Security is going to bring in a surplus of about $160 billion. But the way we are going, we are going to spend all of that Social Security surplus. I say this is not good. I say that belt-tightening is called for, and prioritization of spending is called for.

So I would not only suggest to this Chamber but certainly to the Senate, certainly to the President and the administration, to start prioritizing spending so that we minimize the amount that we are going to drive our kids and our grandkids into indebtedness that sometime, someplace, somehow, they are going to have to pay off.

Last May, let me just tell my colleagues how rapidly things have changed. Last May, the Congressional Budget Office, the CBO, estimated that our surplus for this 2002 fiscal year would be $304 billion. $304 billion surplus. Now, with the bills that have passed the House, with the bills that have passed the Senate, all of them have not passed the Senate, but with all of the appropriation bills and the stimulus package, we are actually now deficit spending, spending all of the Social Security surplus, spending all of the Medicare-Medicaid surplus and going back into debt, which means that sometime our kids are going to have to come up with either the increased taxes or the reduced living standards from government that we have provided to date.

Mr. Speaker, in conclusion, let me say that I think there are a lot of areas of spending that are of lesser importance, and simply because the lockbox has now been, if you will, broken open, is not the excuse to spend all kinds of money for all kinds of projects.

□ 1645

IN SUPPORT OF INCREASED FUNDING FOR HOMELAND SECURITY

The SPEAKER pro tempore (Mr. PENCE). Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, yesterday the Senate Appropriations Committee passed the defense appropriations bill containing $35 billion in funding to enhance our Nation's efforts to combat terrorism.

Last week, the House missed an opportunity to do the same. The ranking member of the Committee on Appropriations had proposed an amendment to the defense appropriations act to add $7.2 billion for homeland security. Unfortunately, the rule failed to protect this amendment from a point of order, and the House was prevented from voting on one of the most important issues facing Americans today.

Considering the Bush administration issued a third terror alert on Monday, it is imperative that Congress act now to provide greater security for the American people. Since September 11, States and cities have been forced to dig deep into their coffers to pay for unexpected emergency programs. I have met with Rhode Island officials to learn how they have responded to this

crisis and to gauge their need for additional counterterrorism and security improvements.

In the 6 weeks following the terrorist attacks, my State spent $18 million on homeland security and needs $56 million more to upgrade emergency response in public health systems. State and local governments have done an exceptional job at pinpointing and prioritizing areas in need of improvement to ensure the safety of their citizens, and Congress must act now to provide them with the resources that they require.

Rhode Island's leaders recognize that law enforcement and emergency responders represent the first line of defense in the domestic fight against terrorism. As a result, they hope to invest $5.8 million for improvements in coordinated emergency response efforts. Through new equipment and training for hazmat teams, the State will be better prepared to deal with the threat of weapons of mass destruction.

Also, the anthrax attacks highlight the need for a strong public health infrastructure. Rhode Island has proposed a $48 million plan to enhance medical surveillance, research, and investigation. Our health officials must be prepared to identify a biological attack in its early stages, respond swiftly to the threat, and prevent further contamination.

As an original cosponsor of the Bioterrorism Prevention Act of 2001, which would provide $7 billion to improve our national public health infrastructure, I applaud the gentleman from Wisconsin (Mr. OBEY) for proposing funding to address the threat of bioterrorism in our communities.

One particularly important provision included in the Obey amendment was a budget increase for the Coast Guard, which has now taken on new responsibilities since September 11. Daily life of Rhode Island is intricately tied to the ocean and Narragansett Bay. Commercial fishing netted $79 million for the State's economy in 1999, and recreational boating is a popular pastime among our residents.

The Coast Guard's dependable presence and its work to keep our seaways safe have made them well respected among our boaters and our residents. However, the Coast Guard has been plagued by dwindling budgets in recent years, preventing personnel increases and equipment improvements. As a result, of the 41 nations with coastal patrols, the U.S. Coast Guard now has the 39th oldest fleet.

Nonetheless, the Federal Government expects the Coast Guard to patrol the Nation's 361 ports and increase inspections of foreign vessels, and 121 Rhode Island reservists have been called to this mission. Commandant Admiral James Loy has pleaded with Congress for years to raise funding levels for the Coast Guard, but we have again taken the wind out of their sails.

Moreover, the Obey amendment would have provided critical funding to strengthen our border patrol. Each day, 1.25 million people, 500,000 vehicles, and 50,000 containers cross our borders; yet far too few vehicles, containers, packages, and other possessions are properly checked. We must provide the Border Patrol with the resources needed to detect and prevent terrorism at our borders.

Although the House was not able to address these and many other concerns by voting on the Obey amendment, I strongly encourage my colleagues to continue pushing for increased homeland security funding so that we may provide Americans the protection and peace of mind that they demand and that they deserve.

Mr. FILNER. Mr. Speaker, will the gentleman yield?

Mr. LANGEVIN. I yield to the gentleman from California.

Mr. FILNER. Mr. Speaker, I want to thank the gentleman for raising these issues, especially his statement about the Coast Guard. I represent San Diego, California; and we only inspect less than 10 percent of the ships coming in. We need more positions for the Coast Guard. I thank the gentleman for his efforts here.

Mr. LANGEVIN. I could not agree more.

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

(Mr. FOLEY 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 Washington (Mr. INSLEE) is recognized for 5 minutes.

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

HATE CRIMES

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

Mr. CONYERS. Mr. Speaker, since the April 3, 2001 introduction of H.R. 1343, the Hate Crimes Prevention Act, more than 200 members (202) from both sides of the aisle have added their voices to the call for comprehensive legislation that will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes.

This legislation is a constructive and measured response to a problem that continues to plague our nation—violence motivated by prejudice. The legislation is designed to address two significant deficiencies in the existing bias crime law enforcement framework. First, the legislation loosens the overly restrictive federally protected activity requirement under existing hate crimes law. Second, the legislation expands the jurisdiction of the federal government to reach violent conduct aimed at victims on the basis of their gender, sexual orientation or disability status.

Title 18, United States Code, Section 245, is one of the primary statutes used to combat racial and religious violence. At the time of its passage in 1968, a number of members of Congress wanted to limit the reach of the statute. They accomplished their goal by including a dual intent requirement. To establish a violation under Section 245, a federal prosecutor must prove that a defendant acted, for example, because of the victim's race and because the victim was exercising one of a limited category of federally protected rights (e.g., serving on a jury, voting or attending public school).

The original version of the statute contained a less restrictive, but still substantial, intent requirement that the government prove the defendant acted while the victim engaged in a federally protected activity.

This dual intent requirement has substantially hampered the hate crimes enforcement by the Department of Justice. There are numerous examples of heinous acts of violence that DOJ has either been unable to prosecute, or has been unsuccessful in prosecuting, due to the limitations of Section 245.

One of the most egregious examples of the problems under current federal law occurred in a 1994 Texas hate crimes prosecution. A federal jury acquitted three white supremists of civil rights violations arising out of an incident where they stalked the street of Fort Worth hunting for African-American victims. Although the jury agreed that the defendants' actions were racially motivated, they acquitted the assailants because they could not conclude that they intended to deprive the victims of a federally protected right.

The Hate Crimes Prevention Act would correct this deficiency by expanding the reach of federal jurisdiction to cover serious, violent bias crimes. Under the bill, hate crimes that cause death or bodily injury because of prejudice can be investigated federally, regardless of whether the victim was exercising a federally protected right.

This legislation will also address inconsistencies in the coverage of current federal, state and local bias crime provisions. Current law does not permit federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that five states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws.

Our bill will expand the jurisdiction of federal law to cover sexual orientation, gender or disability, so the federal government will no longer be handicapped in its efforts to assist in the investigation and prosecution of hate crimes.

In addition, through an Intergovernmental Assistance Program, federal authorities will be able to provide technical, forensic or prosecutorial assistance to state and local law enforcement officials. In addition, the legislation authorizes the Attorney General to make grants to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

The Hate Crimes Prevention Act is endorsed by notable individuals and over 175 law enforcement, civil rights, civic and religious organizations, including: President Bush's Attorney General Dick Thornburgh; 22 State Attorney Generals; National Sheriffs' Association; International Association of Chiefs of

Police; U.S. Conference of Mayors; Presbyterian Church; Episcopal Church; and the Parent's Network on Disabilities.

Poll after poll continues to show that the American public supports hate crimes legislation, including legislation inclusive of sexual orientation. A new Kaiser Family Foundation poll released last month shows that 73 percent of Americans support hate crime legislation that includes sexual orientation.

Passage of a comprehensive law banning hate violence is long overdue. It is a federal crime to hijack an automobile or to possess cocaine, and it ought to be a federal crime to drag a man to death because of his race or to hang a man because of his sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to federal law enforcement assistance and prosecution.

THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

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

Ms. BALDWIN. Mr. Speaker, I rise today to urge the House to pass H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act. Passage of hate crimes legislation is long overdue.

As the House of Representatives fails to act, the list of victims of hate crimes grows every day. One such victim was murdered in Milwaukee, Wisconsin, last month on November 11. Juana Vega was shot repeatedly by her girlfriend's brother outside her girlfriend's family home. According to friends of the victim, the suspect made repeated threats, explicitly stating that he would kill the victim because of her sexual orientation.

Unfortunately, Mr. Speaker, this tragic situation repeats itself far too often in our country. We must act to address it now. It is unfortunate that hate crimes occur, but they do. It is irresponsible to deny that there are individuals who seek to commit violence against an individual because they may be gay, lesbian, a woman, or disabled, the people that we seek to protect with the passage of this legislation.

It has been argued that we cannot see into a criminal's heart or mind, that we cannot determine their motive and intent, and therefore, cannot dole out appropriate justice. Yet, the most ancient concepts of justice still with us today consider the intent of those perpetrating a crime. Should we not consider the intent of a man or woman who kills or maims because of their hatred of an entire group, class, or race of people?

A Member of the other body, the former chairman of the Senate Committee on the Judiciary, said last year, ''A crime committed not just to harm an individual but out of the motive of sending a message of hatred to an entire community is appropriately punished more harshly or in a different manner than other crimes.''

Hate crimes are different than other violent crimes because they seek to instill fear in an entire community, be it burning a cross in someone's yard, the burning of a synagogue, or a rash of beatings of people in proximity to gay-identified establishments. This sort of domestic terrorism demands a strong Federal response because this country was founded on the premise that persons should be free to be who they are without the fear of violence.

Mr. Speaker, this House needs to pass the Local Law Enforcement Hate Crimes Prevention Act as expeditiously as possible. We need to do everything that we can to prevent hate crimes like the murder of Juana Vega.

EXPRESSING SUPPORT FOR PASSAGE OF MEANINGFUL HATE CRIMES PREVENTION LEGISLATION

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

Mr. MCGOVERN. Mr. Speaker, I rise today to join with the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Georgia (Mr. LOUIS), the gentlewoman from Wisconsin (Ms. BALDWIN), and others here today to express my strong support for the passage of meaningful hate crimes prevention legislation, and in particular, the Local Law Enforcement Enhancement Act of 2001, which I am proud to be a cosponsor of.

During these difficult times, it is critical that we stand together as one people united against a common enemy. In the past months we have witnessed the worst of humanity. On September 11, over 3,500 of our fellow human beings were murdered by extremists whose sole motivation was a pure hatred of America and the freedom and diversity that define our Nation. We must combat this horrible act by holding those responsible to account, and we must combat this horrible act by sending a powerful and clear message to the world that we are a Nation that values tolerance, acceptance, understanding; and we are a Nation that celebrates our diversity.

At no time in the great history of this Nation has it been more important for us to take a stand against hatred, scapegoating, and prejudice that can affect and destroy a society. Never has it been more important for us to reach out to our friends and neighbors of Arabic descent or of the Islamic faith, demonstrating how much we value them as members of our community.

Nothing would aggravate and undermine the forces that committed the horrible atrocities of September 11 more than redoubling our efforts to protect and respect and uphold the rights of all.

Mr. Speaker, since September 11, hate crimes against Muslim and Arab Americans and immigrants have increased all over the country. From small towns to large cities, we have seen incidents of physical and verbal abuse. More than 1,200 cases of hate-motivated attacks or assault against members of the Muslim and Arab communities have been documented in just 3 months.

As Members of Congress, we must act now to reassure our American Muslim and Arabic communities that they and their families are safe and welcome and we value their presence in our country.

America has always been a Nation of tremendous diversity. As our men and women in uniform risk their lives to protect our way of life, nothing could send them a stronger message of support than an America that finds strength in the differences in heritage and beliefs that make us uniquely American. Bias, bigotry, scapegoating, prejudice, discrimination, and hateful persecution have no place in American society. It is time we solidified such a position with the full force of the law.

Dr. Martin Luther King, Jr., once said, and I quote, ''Injustice anywhere is a threat to justice everywhere.'' Mr. Speaker, as we fight to bring those who have attacked us to justice, we must not overlook the injustices that are still present in our own society. Hate crimes are serious and well-documented problems, yet they remain inadequately recognized. The current Federal hate crimes statute is limited to crimes motivated by discrimination on the basis of race, religion, color, or national origin. Unfortunately, hate crimes committed in this country are broader than that. Current law excludes other communities of individuals who are victimized just as often for other reasons.

The importance of congressional action on this crucial issue cannot be overemphasized. Unlike other crimes, hate-motivated crimes not only affect individuals or families, they permanently scar entire communities. Only by recognizing and combatting these crimes can we all begin to eradicate the bias and bigotry that remains all too prevalent in today's society.

We must work to rid our schools and our neighborhoods and our communities of hatred. We owe it to ourselves, we owe it to each other, and we owe it to our children who look to us for guidance.

The time has come to break down the walls of ignorance once and for all and replace them with communities built on tolerance, justice, and compassion. The perpetrators of hate crimes are not the only guilty parties. Silence, complacency, and indifference in the face of such brutal attacks are allies, as well.

Mr. Speaker, I urge all my colleagues to join in the fight for a Nation united against the evils of bigotry and hate directed against anyone in our society. Let us bring this legislation to the floor that has been championed by the gentleman from Michigan (Mr. CONYERS) so valiantly over the years. Let us pass it through this House, and let us send a message to the rest of the

world that the United States of America will not tolerate hate crimes. It is a message that needs to be sent now.

A TRIBUTE TO DR. KAMLESH GOSAI

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

Mr. MASCARA. Mr. Speaker, I rise today to recognize Dr. Kamlesh B. Gosai, this year's winner of the Country Doctor of the Year Award.

Let me begin by saying that Dr. Gosai best exemplifies and illustrates the Hippocratic oath he took upon entering the practice of medicine. He is a shining example of what that oath is all about. He is a great human being.

This award was created to recognize outstanding rural physicians throughout the United States, and Dr. Gosai definitely is deserving of this recognition.

□ 1700

This is a tribute to his dedication, skill and caring for his patients, a rare commodity in a time when health care is undergoing questionable change.

Dr. Gosai always has time for his patients. He practices out of the Southwest Medical Center in Bentleyville, Pennsylvania, a small community of about 2,300 people where I met my wife Dolores. While many physicians choose to practice medicine in larger, more populated areas, Dr. Gosai has chosen to make his home in the Mon Valley region of southwestern Pennsylvania.

Dr. Gosai is the perfect example of how a good country doctor can change a community in a positive way. He brought a state-of-the-art medical center to Bentleyville and recruited many specialists to enter his practice. He also opened a medical center in 1993 in nearby Charleroi, Pennsylvania, ironically where I live, which now employs nearly 100 and offers a wide range of specialty practices.

In addition to being on call 24 hours a day, it is not uncommon for Dr. Gosai to see 75 patients a day in his office or make himself available for last-minute exams or emergencies; and, yes, he still makes some house calls.

As key health care providers for more than 60 million people, country doctors are an integral part of America's health care system, and the people of the 20th District of Pennsylvania are very fortunate to have a dedicated physician like Dr. Gosai living in their own backyard.

Mr. Speaker, I know the entire House of Representatives joins me in congratulating Dr. Gosai on this well-deserved honor. He is a credit to his profession.

TRIBUTE TO THE LIFE OF PATRICIA A. JONES

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to an outstanding woman, Mrs. Patricia A. Jones, who in her own right provided immeasurable services, especially to children and social service agencies in Chicago, Illinois, and its surrounding suburbs.

In addition to that, Mrs. Jones is also the beloved wife of the Senate Democratic Leader of Illinois, Emil Jones, Jr. She passed away Sunday past at 11 p.m. at St. Francis Hospital, a young woman, only 63 years old.

She was as much a partner in her husband's public life as she was in his private life. Emil and Patricia Jones were wed on December 4, 1974. She was born in New Orleans, Louisiana, on August 9, 1938, the third of eleven children. She went through the New Orleans school system where she became a teacher.

Of course, ultimately, she came to Chicago and is survived by her husband; two sons, John Sterling and Emil Jones III; and a nephew, Emil Alvarez Jones, whom she raised. She is also survived by a number of other relatives.

She attended Loyola University in Chicago and graduated from Chicago State University.

As a young adult, Mrs. Jones moved with her family to Chicago. She was employed by the City of Chicago, administrating the Title 20 program for a number of years, which included preschool, Head Start. She also taught in the preschool program at the YMCA in Chicago.

She served on the school board as President of Holy Name of Mary Catholic School in Morgan Park. She was active in her church, Holy Name Mary Catholic Church in Morgan Park, where she was a former member of the Ladies Guild. She was a member of AKA Sorority and a board member of the Beverly Arts Center.

We extend our condolences to the minority leader in the Illinois Senate, Emil Jones, on the death of his wife, but we value her contributions and know that they will long remain not only a part of Chicago but a part of the Nation.

FOLLOW THE WILL OF CONGRESS: REMOVE MEXICAN SEWAGE FROM U.S. SOIL AND WATER

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

Mr. FILNER. Mr. Speaker, I rise today to tell my colleagues about an incredible situation that is going on in my district in San Diego, California. I have running through my district 50 million gallons of raw sewage a day. I doubt that any congressperson in America could say that, 50 million gallons of raw sewage coming through his or her district.

This is because of the nature of the geography in southern California and the unfortunate situation that our sister city across the Mexican border, Tijuana, does not have facilities to treat all its sewage, so sewage which is untreated eventually finds its way into the Tijuana River Valley, across my district and then empties into the Pacific Ocean. It is a terrible environmental problem which both countries are trying to solve.

I have worked on this problem for over a decade as a member of the San Diego City Council and as a member of this Congress. We found a win-win-win way to deal with this issue that had been plaguing us for 50 years.

A joint U.S.-Mexico private firm made a proposal to build a sewage treatment plant using the most advanced environmental techniques to build such a plant in Mexico where the water could be treated to a level that could be reclaimed for agriculture, commercial or even drinking use, which Mexico desperately needs, and this treatment would be paid for by the United States government.

It is the citizens of this country that are being affected by the potential disease and the environmental problems. So we thought, given the situation, that a private firm working with both countries could not only treat the sewage, but solve the U.S. environmental problem, and help recycle water to Mexico.

My former colleague and I, Mr. Bilbray, convinced this Congress that such a plan was workable, and, in fact, this Congress a year ago passed a law, Public Law 106–457, to do exactly what I just outlined, to solve a 50-year-old problem. Title VIII of that law authorized the International Boundary and Water Commission to begin negotiations with Mexico to provide for the treatment of Mexican sewage that flows into the United States. This Congress decided that unanimously.

Recently, the new commissioner that was appointed by President Bush for the International Boundary and Water Commission, Mr. Carlos Ramirez from El Paso, decided on his own, without talking to any of us here in Congress, ignoring decades of litigation by environmental groups, ignoring all the work that had been done by the political leaders, local, State and Federal, in San Diego and in Mexico, repeatedly said recently in public meetings and to the press that that law had no force, that he was not required to, in fact, undertake those negotiations and build the treatment plant mandated by Congress. In fact, he said we are going to do it with an expensive process that this Congress and our whole border community rejected a decade ago.

I do not know why the new commissioner started off his work in this fashion. I offered to meet with him. No meeting could be arranged, but I took this problem to the chairman of the subcommittee that had worked out this legislation a year ago, the gentleman from Tennessee (Mr. DUNCAN), and he agreed to hold an oversight

hearing on the implementation of the law that required the sewage treatment plant to be built cooperatively with Mexico.

This hearing will be scheduled for this Wednesday, December 12. I hope that the administration spokesman, Mr. Ramirez, his employer, the State Department, the Office of Management and Budget will explain why a law that was passed by Congress a year ago has not been implemented.

This law is environmentally sound. It is good for the taxpayers of this Nation. It solves a problem that has been with us for 50 years. What Mr. Ramirez wants to do is treat half the problem, do it more expensively and in an environmentally insensitive way. I do not understand that at all, and I am glad the gentleman from Tennessee (Mr. DUNCAN) agrees with me that he should explain this to Congress.

So we will have this oversight hearing which is the role of Congress to have. It is about time the International Boundary and Water Commission followed the will of this Congress.

CHANGING THE PRESCRIPTION COPAY FOR VETERANS

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

Mr. STRICKLAND. Mr. Speaker, I wanted to take a few moments this evening to explain something that is happening to veterans that I think many Members of this House may not be aware of and would like to correct.

Currently, a veteran who receives prescription medications as an outpatient for a service-connected disability is charged a $2 copay per prescription, and the Veterans Administration is contemplating increasing that copay from $2 per prescription to $7 per prescription, a 250 percent increase in one fell swoop.

Why are we doing this? I have checked with the Chilicothe, Ohio, Veterans Hospital and talked with their CEO. He tells me that, at that hospital, the average veteran who gets prescription medications takes, on average, at least 10 prescriptions per month. If we take $7 per prescription and multiply it by 10, that is $70 a month; and then many veterans get their prescriptions for 3 months at a time. So 70 times 3 finally starts adding up to a sizeable amount of money, especially for a veteran with a service-connected disability who is trying to live on a fixed income.

It is unconscionable to me that at this time in our Nation's history, when we are paying honor to those who are fighting for us and for those who have fought for us, that we would increase the costs of prescription medications; and we are doing it at a time, quite frankly, when we are making huge, multibillion dollar tax breaks available to wealthy corporations.

Who do we care about in this House? Wealthy corporations or the men and women who have served this country honorably and who are sick and in need of medication and who oftentimes cannot afford that medication, even with a $2 copay?

I have introduced H.R. 2820, and it is a simple bill. It just simply says that the Secretary of the Veterans Administration cannot increase this copay amount beyond the $2 for the next 5 years. Surely, surely, we can find the resources to do this good thing. I am calling upon my colleagues, and I am doing this on behalf of those who have served our country, the men and women who have paid the price, given of their time, given of their bodies and been willing to give of their very lives to make sure that those of us who serve in this Chamber can do so in freedom.

So I call upon my colleagues to join me in cosponsoring H.R. 2820. It is the least we can do for those who have done so much for us.

ECONOMIC STIMULUS PACKAGE

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

Mr. CUNNINGHAM. Mr. Speaker, I do not plan on taking the full 5 minutes. But we have just gotten through with the defense bill and the Select Committee on Intelligence has just passed its conference report, and our Nation is at war, and above the regular amount the President has seen fit to give a $40 billion supplemental to try not only to help people in New York, people at the Pentagon, but this Nation heal itself.

Post-September 11 has seen over 700,000 jobs lost, and yet we still have 99 percent of the American people that have their jobs, but if someone is one of those of that 1 percent that has lost their job, it is critical to them. Many of the people in my own district that has happened to.

We tried to protect those jobs, and I think that we need to do more. We also need to help people temporarily. But even more important than that, Mr. Speaker, we need to stimulate the growth of the new and the old jobs through different measures, economic measures.

□ 1715

Seventy-five percent of the jobs created are created by small business in this country, and I believe that tax relief for businesses will act as a stimulus that will enable those businesses to hire more people, to hire back some of those 700,000 that have lost their jobs.

We all know that a company does not just fire people because it wants to; it is because they are working with a margin. And when they start losing money, either because they are overtaxed or because of the system or something like September 11 happens, they are forced to let people go. I have people in the hotel industry that only have about a 25 percent occupancy right now. That is devastating to those industries, and this has happened across the board.

So the things we can do to stimulate the economy is, one, tax relief for those businesses. That is important in an economic stimulus package, as well as direct pay to some of those folks that need the help immediately.

Secondly, there has been a lot of debate on trade in this House, and I think very positively, both those for and opposed. But I believe whether you are a union worker or come from the private sector, our workers in this country are second to none. Given fair trade and given an equal chance, they can compete with any nation.

Some people debate and look at the trade deference. Well, ask anybody, they would rather be from a country that has higher pay, that has higher quality, that has higher technology than a country that has low pay, low technology, but yet is able to flood the markets. It just stands to reason. It is common sense.

Trade is also important to my State, California. The number one commodity in California is agriculture. Those that say they are friendly to agriculture should have no second thought on the vote that is coming to us tomorrow or the next day on the trade bill sent down by the President. The bill tomorrow will improve existing and future trade agreements. Not necessarily new trade agreements, but it will enable the President to shore up problems that many of my colleagues on the other side have brought forward, and I think in some cases rightfully so.

Mr. Carville, who used to work for President Clinton, once said, ''It's the economy, stupid.'' If we can give tax relief to businesses and stimulate jobs, if we can pass trade agreements that will help benefit our workers and shore up existing problems, I think that will help.

My constituents want three kinds of security: they want personal security; they want to be safe in their schools and on their streets; they want to be able to open up a piece of mail that does not have anthrax in it; they want economic security, to know they are not going to lose their job; and they want national security. For those things, Mr. Speaker, I ask my colleagues to support both the economic package, the stimulus package that was passed out of this House, and to support the trade agreement that will be brought forward this week.

SUPPORT H.R. 1343, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

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

Mr. RODRIGUEZ. Mr. Speaker, I am here today to call attention to the dramatic rise of hate crimes and voice my support of H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act.

Last Congress, we came closer to enacting legislation that would have reaffirmed our commitment to prosecuting those who commit hate crimes. The Senate passed the hate crimes amendment on the defense appropriations act. The House subsequently passed a motion, which the majority of us supported, to instruct the conferees to retain the language contained in the Senate version of the defense authorization bill. Unfortunately, the conference committee ignored the will of the House and the Senate and chose not to retain the hate crime provisions in the final conference report.

Opponents of the hate crime measure have charged that it grants preferential treatment to certain groups. This is totally a false presumption. Heinous crimes that target victims solely on the basis of their race, their color, religion, national origin or sexual orientation deserve enhanced punishment. Because hate crimes are as diverse as the persons who commit them, we are all vulnerable to becoming victims. Hate crime legislation is a reaffirmation, not a denouncement of our Nation's commitment to civil rights and equal protection under the law for all Americans.

Furthermore, I reject the notion that a hate crimes bill would undermine one of the most important constitutional tenets, the freedom of speech. This could not be further from the truth. Racist groups and other extremists would have the constitutional right to preach and spread their propaganda. However, if those views translate into premeditated violence against a person or persons because of their ethnicity, their religion, or their sexual orientation, then those perpetrators should be held justly accountable for their acts.

The Texas legislature passed a hate crimes bill earlier this year after failing to do so during the previous legislative session. The bill was named to commemorate James Byrd, Junior, an African American man who was dragged to his death in Jasper, Texas, in 1998 by three white men solely because of the fact that he was black.

During the 1999 legislative session, the Texas House also passed a hate crimes bill. Unfortunately, opponents blocked consideration of the measure in the Texas Senate. Even more disappointing was that then-Governor George Bush was silent on the issue and refused to pledge his support for the bill. I am pleased that this year the legislature in Texas was able to remove the previous roadblocks and secure passage of the bill.

However, now that Texas has committed itself to hate crimes prevention, it needs the tools to facilitate the enforcement. For this reason, I am proud to be a cosponsor of H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act, which has been introduced by the gentleman from Michigan (Mr. CONYERS). H.R. 1343 provides the technical, forensic, as well as prosecutorial tools local law enforcement needs to combat this type of violence.

H.R. 1343 has garnered the support of over 202 co-sponsors. Now more than ever we need the Federal hate crimes bill. Since September 11, hate crimes, especially those targeting Arab Americans and Muslim Americans have dramatically increased. This is unfortunate, and we need to make sure that this does not occur. While I am sure that we are all angry and frustrated, and have a great deal of anxiety as a result of what has transpired and what a lot of Americans are feeling, such feelings cannot ever, and I repeat, such feelings cannot ever justify senseless acts of violence against innocent people.

I ask my colleagues and the Republican leadership to speak out against these hate crimes and secure passage of H.R. 1343 as immediately as possible.

CONGRESS MUST PASS HATE CRIMES PREVENTION ACT

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

Mr. LEWIS of Georgia. Mr. Speaker, now is the time to pass the Hate Crimes Prevention Act. Congress must stand up and pass this legislation to send an important message to the American people and the world, that hate crimes will not be tolerated.

From the Justice Department demanding interviews from thousand of Arab-American men simply because of their heritage, to secretly detaining hundreds more, this country is sending the wrong message to its people and the world. Since September 11, we have seen a tendency in our citizens to strike out against those who they believe to be responsible. We continue to hear reports of harassment and discrimination against Arab Americans and Muslims. There has been a rise in all types of hate crimes. Congress must act now to send the right message. It must pass the Hate Crimes Prevention Act before we adjourn.

America is Christian, Jewish, Muslim, black, white, Hispanic, Asian American and Native American. We are gay and we are straight. We are one Nation. We are one people. We all must continue to live and work together to create one house, one family: the American house, the American family.

The President has preached a message of tolerance and respect and has urged all Americans to be sensitive in this difficult time. This country, as a whole, must heal and move forward together as one Nation. We can do that by embracing the idea, the concept of the beloved community, a community based on hope, compassion, and justice, a community at peace with itself. We must renounce racism, we must renounce hate, we must renounce violence and embrace diversity. We must teach not just tolerance; we must teach acceptance and love. Only then can we achieve the concept of the beloved community, a community that is free of hate based on race, religion, national origin, or sexual orientation.

Passing the Hate Crimes Prevention Act is a step, a major step in the right direction, a step down a long road. It sends an important message. We must show the world the great Nation that we are, a Nation where all men and women are created equal. It is time to pass the Hate Crimes Prevention Act. So, Mr. Speaker, I call on all of my colleagues to lead by example and pass this bill before we leave.

IN OPPOSITION TO FAST TRACK

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

Mr. BACA. Mr. Speaker, I stand in opposition to the Fast Track legislation that is being proposed. Our country is at war. We must prioritize safety and security of the American people. There are lingering concerns of biological contamination. The American people continue to worry about anthrax, about new reports from the administration to be on high alert. Now is not the time to move forward on the Thomas Fast Track legislation.

The U.S. has officially entered an economic recession. Millions of workers are suffering: unemployed, no health coverage, and jobs lost. Terrorists have struck the American people in their pocketbooks. The holidays are approaching. Hundreds are fearful of imminent layoff. Do you know what it is like to be laid off, not being able to make your payments, not being able to put food on the table, feed your children, stand up with pride? It is very difficult for many Americans who are being laid off, who are now trying to figure out a way to pay their bills. Now is not the time to move forward with this Fast Track legislation. Expediting a trade negotiation is the last priority for the American people, the last priority for the American people in these trying times.

International trade directly affects the lives and the livelihood of increasing numbers of Americans. Congress cannot be confined to the back bench. We in Congress must be active and participate in all international trade negotiations. The Thomas bill would have us serve merely as consultants. That is not what we were elected to do. We were elected to voice and protect the interests not only of my district but of the American people in general. The Thomas Fast Track bill is an unfortunate manipulation of trade policy.

Since September 11, broad bipartisanship has been a top priority.

□ 1730

This bill serves in dividing the line. This bill is driving a wedge between the

Democrats, the Republicans, between the Democrats and the high-tech community. The partisan tactics of the proponents of the Thomas Fast Track bill stands in stark contrast to the President's statement last week that the passage of Trade Promotion Authority would send a signal that Congress and the administration are united on trade. Congress is not united on trade. Now is not the time to move forward with the Thomas Fast Track legislation.

Mr. Speaker, I would support legislation granting President Bush Fast Track negotiation powers provided it addressed effectively the key issues of labor and the environment and the role of Congress. I am not against free trade. Unfortunately, this bill we will vote on tomorrow fails to address the new realities of trade in an effective and realistic manner.

The Thomas bill endangers a rare opportunity to build a bipartisan consensus in support of tearing down trade barriers in a way that would create jobs and raise living standards around the world. Labor and environmental considerations are not merely social considerations. The truth is that inclusion of labor and the environmental issues has real commercial significance for the terms of trade.

A growing number of people around the world, having experienced the negative effects of free trade agreements, we can look back at NAFTA, are opposing accords such as the proposed free trade agreements because we know what we have experienced from many of the jobs lost in the auto industry, the manufacturing industries, and many other areas where people lost their jobs.

We need a different kind of trade agreement, one that would benefit working people and the environment in every country. We can no longer give free reign to the over-exploitation of the workers who abuse not only workers but children and the environment. We must protect the interests of hard-working Americans and the hard-working individuals in our global community.

PASS HATES CRIMES LEGISLATION

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, I rise in support of the Hate Crimes Prevention Act offered by the gentleman from Michigan (Mr. CONYERS), H.R. 1433. I think there is nothing more important that we are doing here in this session than this Hate Crimes Prevention Act. We are wasting our time passing junk resolutions, in many cases, and we do not address an important piece of legislation like this. More than 200 Members have signed on as cosponsors of this legislation.

Mr. Speaker, I think that every legal or legislative step that can be taken to combat hate should be taken. Hate is a strong force in the world. It is a monster expressing itself in many ways. The hate monster has us by the neck all over the world, but terrorists that we are fighting in Afghanistan, bin Laden, the al Qaeda network throughout the world, is motivated by hate. Hate seems to generate more fervor than love. People who are pushing love and want to do things differently do not seem to have the same kind of motivation or energy. The people who want to destroy our democracy, they hate us because we will not cover our women in public, they hate us for a thousand different reasons, and we need to meet that with tactics and with strategies that are as strong as the hatemongers.

We need to have in every way blanket condemnations of hatred, intolerance, and we need to be very detailed in this country. In this country we can get into the details of what is wrong. We need to condemn intolerance, and we need to specifically condemn intolerance that relates to sexism or intolerance that relates to race or disability. There are some people who, some men in particular, who are very adamant in terms of the workplace, and they cannot stand intolerance or oppression by the boss or management, but they will exploit and oppress women.

There are some people in certain races who certainly will speak out against racial intolerances, and they will also oppress women. There are some women who will certainly defend the rights of women to be equal, but they will oppress or be intolerant of people of other races. All of these things add up to a situation that is very complex. We cannot stop it by legislation, but legislation plays a key role. We are the catalytic agent in the process of helping people to deal with hate, making our society as a whole deal with hate.

Nationality or ethnic origin is certainly unacceptable for hatemongers, also; and, unfortunately, in our agencies of government, bureaucracies sometimes express a bit of intolerance and sometimes get into hate. Under the President's pressures of terrorism, as we mount our campaign against terrorism, I have seen in my own district Pakistanis rounded up because they are Muslim, and those Pakistanis when they were interrogated, they may have some immigration problems, they have been put in holding pens and jails in New Jersey outside of New York City. About 200 people in a 2-month period have been rounded up and held for 2 or 3 weeks merely because they have an infraction related to immigration but not a serious crime. They asked to go home, and, instead of being immediately processed out and sent home, they were held. One man even died there because there is an intolerance in the FBI bureaucracy under the pressure of the present situation to combat terrorism.

We should not let our guard down and become intolerant of any particular group. Immigrants in general are being put on the spot. I have a large number of people in my district from the Caribbean. Through World War I, World War II, Korea, Vietnam, they never found a single Caribbean espionage agent from Haiti or any other Caribbean nation. Why are they penalizing and putting those people on the spot and profiling them in the situation that presently exists?

It is intolerant, unreasonable and from our own agencies we should not tolerate it. Let us take every step possible. H.R. 1433 is an important step. We do not need more hate in the world. We need in our official conduct as well as our personal conduct to do everything possible to combat hate.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. NAPOLITANO) is recognized for 5 minutes.

(Mrs. NAPOLITANO addressed the House. Her remarks will appear hereafter in the Extension of Remarks.)

POSTAL WORKERS PROVE DETERMINATION TO GET JOB DONE IS SECOND TO NONE

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

Mr. HILL. Mr. Speaker, ''Neither snow, nor rain, no heat, nor gloom of night stays these couriers from the swift completion of their appointed rounds.''

These words ring truer now than ever before. In recent weeks, our country's postal workers have once again proven that their determination to get the job done is second to none.

Thankfully, the anthrax scare that recently gripped the Nation has subsided. This does not mean that we should be less diligent when it comes to looking for lessons to draw from these acts of terrorism. Even now, it is clear that commerce in this country is inextricably linked to confidence in our mail system. Maintaining confidence in the system requires that we do whatever is necessary to ensure the mail's safety.

I was reminded of this a few weeks ago as I toured postal facilities in southern Indiana. Simply, I got an earful. Foremost in the minds of these dedicated Hoosiers was the question of when would the mail facilities receive the help needed to purchase and install anti-biological irradiation equipment.

I hope the answer to that particular question is sooner rather than later. The Postal Service needs our help. In the meantime, I have no doubt that Postal Service employees will continue to brave the elements and the unknown and deliver the mail.

FUTURE ROLE OF WOMEN IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise to continue to speak out on the critical issue of women in Afghanistan and their plight during these perilous times. As Democratic Chair of the Congressional Caucus on Women's Issues, I have made it a priority to address the House each week to provide a voice to the women who have been silent far too long. It is also my intention to continue to raise awareness about the current state and the future state of women and children in Afghanistan.

Today marks the conclusion of the Bonn negotiations for a post-Taliban government in Afghanistan. A new interim administrator will be in place by December 22. While few women were involved in the current negotiations, I am happy to learn that women will take part in the rebuilding of their country. The new administration will include five deputy prime ministers and 23 other members for negotiation. Of the five deputy prime ministers, one is a woman. Women are also expected to occupy up to five other ministerial portfolios. One minister is to be established solely for women and children. I am happy to report that there is progress being made.

Under the proposed agreement, a special commission will be appointed within a month to organize the calling of an emergency legislature or traditional constituent assembly of provisional leaders and notables. It should be called within 6 months and would have the right to revise the new interim executive and create other bodies that would serve for up to 2 years.

The commission is also to ensure that due attention is paid to the presence in the governing body of a significant number of women. The proposed agreement foresees the drafting of a new constitution to be ratified by another legislature, with elections to take place at the end of that 2-year period.

As women strive both inside the country and outside to contribute towards shaping a meaningful future, we must demonstrate our resolve to help those Afghanistan leaders be involved in all political and economic negotiations from the outset. It is extremely important that there are not just a few women used as tokens but as real partners and equal partners. Women need to be involved in every aspect of that country's fabric.

As I have said before, Afghan women must be ensured of their basic human rights once more such as access to safe drinking water and sufficient food; to receive decent health and maternal care; and, foremost, to again move freely in their society without being subject to harassment and abuse. Above all, they must be allowed to practice their religious beliefs as Islamic women without retribution.

It will be important to see that women are involved in the emergency laya jerga since it appears that this is a real place where power and authority will be exercised.

Mr. Speaker, I am pleased to present this report this evening.

□ 1745

HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this evening to offer my thoughts on the importance of passing in this body hate crimes legislation, but also to ask this House to prioritize its work. Inasmuch as we can spend an enormous amount of time on some very valid initiatives, I do believe that hate crimes legislation, the passage of hate crimes legislation that has been offered in two previous congressional sessions, is long overdue and it is not being passed.

I heard a colleague of mine just earlier today talk about the climate in which we live. All of us have stood up against terrorism and have given to the President the authority to ferret out terrorism and to bring to justice those who perpetrated the unspeakable crime on September 11, 2001. But, likewise, we have spoken against the indictment of the Islamic faith and all Muslims. We realize that Muslims are not the crux of our problem inasmuch as the virtues of their faith talk about peace and justice.

I would say that we experienced over the past weekend some terrible tragedies, terrible loss of life in the Mideast. It does us no good as well to speak hate against either the Israelis or the PLO. In fact, it is most important that we look to speak to the issues of peace and reconciliation and bringing people together.

Our first step to acknowledge to the world that we will not harbor hate is to pass our own hate crimes legislation so that we can say to the world we argue and fight against hate in this Nation, and we will stand against hate in the world. We cannot cry in a one-sided manner. We must cry for all of those who lose their life.

So, as we talk about the passage of hate crimes legislation, let us be reminded that we have those brothers and sisters within our boundaries who feel that they have been discriminated against because of their faith. We may have brothers and sisters around the world who feel that these tragedies that have occurred, that we have somewhat not understood their crisis and that we do not look to seek peace. I would argue that we can find peace here in this Nation and a recognition and reconciliation of our opposition to hate by passing the hate crimes legislation, and we can do so by speaking to all parties who would come to the table of peace to design peace in the Mideast and to design peace in Afghanistan.

The hate crimes legislation that is so needed in this country would address the question of Leonard Clark, a 13-year-old African American teenager who was riding his bicycle one day in Chicago when he was accosted and brutally beaten by three white teenagers. The perpetrators have been charged with attempted murder, aggravated battery and hate crimes under the Illinois State law. However, the irony in this case is that one of the key witnesses to the beating remains missing. A Federal hate crimes law would have allowed for the full involvement of the FBI in this case, thereby increasing the chances of capture and justice.

In my own congressional district in Houston in 1995, Fred Mangione, a homosexual, was stabbed to death, and his companion was brutally assaulted. The two men who were charged with Mangione's murder claimed to be members of the German Peace Corps, which has been characterized in media reports as a neo-Nazi organization based in California. At the time, this crime did not meet the State of Texas threshold for trial as a capital offense because the murder did not occur during the commission of a rape or robbery. Justice failed us during that time frame.

I am very gratified to say that since that time and since the brutal beating and killing and dismemberment of James Byrd, Jr., we have passed the James Byrd, Jr., Hate Crimes Act in Texas. It was passed by Republicans and Democrats and signed by a Republican Governor.

So I speak tonight not in one voice. I speak to all of my colleagues, and I am gratified that the gentleman from Michigan (Mr. CONYERS) has offered legislation and the gentlewoman from California (Ms. WOOLSEY) continues to bring us together so that we can speak in one voice.

But even as we speak, we are still facing attacks on our own American citizens and those within our boundaries, such as the statistics of 1995, 2,212 attacks on lesbians and gay men were documented, an 8 percent increase over the previous year. There have also been numerous attacks on people of various backgrounds, whether they have been Jews or Asians, Hispanics, Native Americans or anyone that has been different in our community. The hate crimes prevention act will protect these groups from targeted attacks because they are members of these groups. They likewise would protect women and others on the grounds of difference.

Mr. Speaker, I join with my colleagues today in simply saying we can fight hatred with our own changed hearts, but as well we can provide changed laws for America and pass the Hate Crimes Prevention Act of 2001 or 2002.

Mr. Speaker, the tragic events of September 11 have compelled this great country of ours to join efforts and resources in healing the wounds and rebuilding lives. Our love for America was never more evident than in the days and months subsequent to September 11. Flags are flown daily even embroidered on clothing. We cannot stop showing our love for our country.

Yet expressing our deep affections for our country and what we have had to endure, must include ALL Americans. It must not be exclusionary, but rather include all races, creeds, gender, and sexual orientation.

When Thomas Jefferson wrote the Declaration of Independence he stated that, ''We hold these truths to be self evident that all Men Are created Equal.'' Women, African Americans, Native Americans, Hispanic Americans, Asian Americans, and Jewish Americans have been too often historically, culturally, and prospectively excluded from inclusion in that declaration.

President Abraham Lincoln stated so eloquently in his Gettysburg Address, ''Our Nation must struggle . . . in order to create a more perfect union''. The problem with our struggle today is our judiciary system's inability to effectively address violent acts of hate crime in our society. It is particularly difficult because there is no current law that makes a hate crime a federal offense. We need Hate Crimes legislation to ''create a more perfect union.''

Early in 1987, a public controversy developed between William Bradford Reynolds, Assistant Attorney General, Civil Rights Division, and prominent civil rights advocates. Reynolds stated that racial violence was not increasing, basing his assertion on informal surveys of Federal prosecutors and the number of civil rights complaints being filed with the Justice Department. Civil rights advocates asserted the contrary, that racial violence was in fact increasing, basing their assertions on data supplied by the Justice Department's own Community Relations Service, which reportedly indicated a rise from 99 racial incidents in 1980 to 276 in 1986.

This controversy ultimately led to the passage of the Hate Crime Statistics Act, enacted April 23, 1990. This law required the FBI to collect, compile, and publish statistics on hate motivated crime. Since then, Federal legislation has moved beyond data collection on the incidence of hate crime activity, to include new provisions requiring stiffer penalties for bias-motivated criminal activity. Also, it has designated a new category of individuals, to include those with disabilities.

According to the Hate Crimes Statistics Act, a hate crime is defined as acts which individuals are victimized because of their ''race, religion, sexual orientation, or ethnicity.'' In this statute, hate crimes are those in which ''the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.

But despite our historical progress and despite our laws, how far have we really come? Just when we thought that our Nation had built a foundation for peace and harmony, three attackers in a small town in Texas, shattered the illusion with an atrocity beyond imagination. The so-called ''dragging'' murder DEFIES the very fabric of the moral code that all Americans innately support. The moment that Mr. Byrd's tormentors chained his body against the cold, lifeless metal of their truck, they became something savage, something inhuman, and the very embodiment of hate criminals.

African-Americans have historically been the most frequent targets of hate violence in the United States, and they are among its principal victims today in many states. From lynching to cross-burning, and church-burnings, antiblack violence has been, and still remains, the protypical hate crime—an action intended not simply to injure individuals but to intimidate an entire group of people. Hate crimes against African-Americans impact upon the entire society not only for the hurt they cause, but for the tragic history they recall and perpetuate.

In March of 1997, Leonard Clark, a 13-year-old African-American teenager was riding his bicycle home one day in Chicago, when he was accosted and brutally beaten by three white teenagers. The perpetrators have been charged with attempted murder, aggravated battery and Hate Crimes under Illinois state law. However, the irony in this case is that one of the key witnesses to the beating remains missing. A federal hate crimes law would allow for the F.B.I.'s full involvement in this case, thereby increasing the chances of capture, and thus, justice.

In my Congressional District in Houston in 1995, Fred Mangione, a homosexual, was stabbed to death, and his companion was brutally assaulted. The two men who were charged with Mangione's murder, claimed to be members of the ''German Peace Corps,'' which has been characterized in media reports as a neo-Nazi organization based in California. This crime did not meet the State of Texas' threshold for trial as a capital offense, because the murder did not occur during the commission of a rape or robbery.

In recent years, attacks upon gays and lesbians are increasing in number and in severity. During 1995, 2,212 attacks on lesbians and gay men were documented—an 8% increase of the previous year.

There have also been numerous attacks against Jews, Asians, Hispanics, and Native Americans. Fortunately, the Hate Crimes Prevention Act would protect these groups from targeted attacks because they are members of these groups.

Examination of hate crimes statistics sadly reveals that Mr. Byrd's murder was not an isolated incident. The FBI releases the totals each year for hate crimes reported by state and local law enforcement agencies around the country based on race, religion, sexual orientation or ethnicity. These national totals have fluctuated—6,918 in 1992, 7,587 in 1993, 5,852 in 1994, 7,947 in 1995, and 8,759 bias-motivated criminal incidents reported in 1996. Of the 8,759 incidents, 5,396 were motivated by racial bias; 1,401 by religious bias; 1,016 by sexual-orientation bias; and 940 by ethnicity/national origin bias.

A Hate Crimes Prevention Act would send a message that perpetrators of serious, violent hate crimes will be prosecuted to the fullest extent of the law. Hate crimes that cause death or bodily injury because of prejudice should be investigated federally, regardless of whether the victim was exercising a federally protected right.

It is time for the Congress to act. Violence based on prejudice is a matter of national concern. Federal prosecutors should be empowered to punish if the states are unable or unwilling to do so.

OPPOSING FAST TRACK

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

Mr. BROWN of Ohio. Mr. Speaker, earlier today I joined a number of my colleagues from the House and leaders of the most influential environmental groups in the United States to express opposition to so-called Fast Track, granting the President Trade Promotion Authority. The presence of this coalition highlighted quite impressively the solidarity of the environmental community on this critical vote.

Another thing that underscores the solidarity of the environmental community against the Thomas bill is the stern warning issued by the League of Conservation Voters that it will likely score this vote. The LCV takes its scoring seriously and to ensure balance in its ratings only scores environmental votes for which there is absolute unanimity in the environmental community. The League of Conservation Voters has never before scored a trade vote. That means the environmental community has never been so focused on and so unanimously supportive of and so involved in a trade vote in this country's history.

Why is there such urgency in the environmental community in opposition to the Thomas Fast Track proposal? Because this bill would do nothing, would do nothing to prevent countries from lowering their environmental standards to gain unfair trade advantages. It would do nothing to require that the environmental provisions be included in the core text of our trade agreements, because it would do nothing to ensure that the environmental provisions in future trade agreements are enforceable by sanctions.

Instead, it would transfer the burden to consumers and to regulators to prove that the science underlying domestic regulation is beyond dispute, resulting in a downwards harmonization of our environmental laws, a rollback of environmental laws, a weakening of environmental regulation. It would encourage Western companies to build manufacturing plants in countries with the least stringent environmental laws, and, as a result, cost skilled American workers good-paying jobs.

It would allow future trade agreements to include provisions like NAFTA's chapter 11, encouraging so-called regulatory tax claims by foreign companies and threatening hard-won democratically enacted laws and regulations that protect our natural resources.

This investor-state relationship cast by chapter 11 of the North American

Free Trade Agreement exemplifies the greatest imaginable abuse of our democratic principles. It allows private corporations to sue a sovereign government and overturn domestic health and safety laws.

Think about that for a minute. A country can pass a law that that country's democratically elected legislative body contends, believes, will in fact help the environment and promote public health. A company in another country, a privately owned large corporation in another country, can go to court and sue the government, the democratically elected government, even force that democratically elected government to repeal its environmental law to weaken its public health regulations.

U.S. Trade Representative Bob Zoellick, a Bush appointee, is committed to including those same anti-consumer, anti-environmental, anti-public health, anti-combat-bioterrorism provisions in Fast Track. Under this provision, not only can laws be overturned, but taxpayers of the subject nation can be liable for damages if a NAFTA tribunal rules that a law or regulation causes an unfair barrier to free trade.

That sounds pretty outrageous. It makes one incredulous. It sounds like it could not happen, but it actually happened. When Canada passed a law to promote clean air in automobile emissions, Canada's public health community said this is important to fight cancer in Canada. A U.S. company sued Canada in a NAFTA tribunal. The U.S. company won the case against Canada, which had passed a public law protecting the public health. Canada had to repeal its public health law. Canada had to pay this American company $13 million.

Sometimes it will be against Canada and a democratic law there, sometimes it will be against the United States and a public law here, sometimes against Mexico, France, Germany or wherever.

I am joined today by my friend, the gentleman from Ohio (Mr. STRICKLAND), and the gentleman from Michigan (Mr. BONIOR). The three of us worked many years ago in opposition to NAFTA, and the gentleman from Michigan (Mr. BONIOR) in those days, as he has continued to, has led the opposition to these agreements.

I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. I would like to say to my friend from Ohio that as I am standing here listening to what you are saying, it causes me to think there are some in this Chamber who are willing to relinquish their responsibilities to protect the ability of this country to make sovereign decisions in the best interests of the people that we were elected to represent.

I mean, to think that we in this body as representatives of the people could come together in a deliberative process, make a decision that we collectively feel is in the best interests of the health and safety of our Nation, and then to have entered into an agreement that would allow a for-profit foreign corporation to bring suit against our government based on their objections to what we think is best for the United States of America, it seems to me if we were to allow that we are relinquishing our constitutional responsibilities.

Who are we responsible for representing and protecting, some foreign national company, a multinational company with no particular allegiance to any country, any democratic principles, any form of government, but whose bottom line is in fact profit? It just seems almost unbelievable to me that we would ever allow that to happen. It is an unconscionable thing. It is difficult to even contemplate that this government would ever permit that.

What the gentleman says, I assume, is an accurate interpretation of what the circumstances would be.

Mr. BROWN of Ohio. Even people that support Trade Promotion Authority acknowledge that that is what that provision does. When it was put into NAFTA in 1993, when this Congress in a very narrow vote passed NAFTA in November of that year, people did not quite understand that provision.

That provision was sold to the Congress and to the American public. Even though the three of us all voted against NAFTA that are talking this evening, this afternoon, that provision was sold to protect American investors in Mexico where the government might expropriate or take their properties.

But in fact it is clear that the way that has worked is time after time after time corporations have sued foreign governments, in this case Canada, Mexico, the United States, a corporation in one of the three countries has sued a government in one of the other two, and each time, in almost every case, the government has lost, the government which passed these laws to protect in most cases the public health, sometimes the environment, sometimes consumer protection law, but laws that were passed by those governments were repealed. It is almost so unbelievable that you cannot believe that this Congress would do it.

Mr. STRICKLAND. I was just thinking very recently, in fact, just a few days ago, we were able to get an amendment in the defense bill that would require that any steel used in the military apparatus that would be purchased with funds in that bill would have to be American-made steel.

I remember as we were discussing and debating that possibility, there were those who said, well, this would be acceptable, because there is an exemption for these kinds of decisions that relate specifically to national security. But what the gentleman is saying, I believe, is that in most cases there could be a decision made by this House of Representatives, the Senate of the United States, legislation signed into law by the President, and if it was interpreted to be in violation of these trade agreements as providing perhaps protections to our citizens that under the international trade laws would be deemed inappropriate or inconsistent with those laws, that there could actually be legal action taken against our government by a foreign corporation to try to force a change in the domestic law of this land. Is that a correct interpretation?

Mr. BROWN of Ohio. The correct interpretation in this case, it is very possible that a steel company in Mexico or Canada might sue the U.S. Government for passing a provision like that, saying that is an unfair trade practice, and might be able to get the NAFTA tribunal, the three-judge panel, to overturn U.S. law.

□ 1800

One of the reasons they do that and one of the reasons these three-judge panels have decided against public health laws, against environmental protections passed by a majority of this House and Senate and signed by the President, or consumer protection or any of those laws, is because of the nature of those three-judge tribunals, those panels. They are made up of trade lawyers, not public health experts, not consumer protection experts, not environmental experts. They are made up of trade lawyers.

They meet behind closed doors. They do not accept petitions or testimony from third parties, and they then can turn around and repeal a sovereign nation, as we are, as Mexico is, as Canada is. They can repeal a sovereign nation's public health and environmental laws.

So when we have these panels made up of trade lawyers who typically sit in downtown offices and rule on trade issues and decide the arcane minutia of trade issues but do not have any real expertise or any real interest in environment or public health issues and policy and laws, we lose time after time after time. We have lost public health laws and environmental laws repeatedly in the World Trade Organization with those same secret panels making those decisions. We do not know anything about the proceedings and, all of a sudden, it is in the paper. We get a notice.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, to follow up on this very good discussion on sovereignty here, it gets to not only the question of multinational corporations, foreign corporations in the example that the gentleman from Ohio (Mr. STRICKLAND) gave, but there is also a taking away of local units of government's power and State units of government's power.

For instance, we have a particular problem in my State of Michigan with trash, garbage, coming in from Canada. Toronto has decided that it is much easier, more economical, less hassle, to bury all of their waste in Wayne County, Michigan, which is the county the City of Detroit is located in. So they

haul their garbage across the Ambassador Bridge, the Bluewater Bridge in my area up in Port Huron. We have a couple hundred trucks a day that come across there with garbage, and God knows what is inside these facilities, and they take it to a dump, and they dump it there.

Now, let us assume that we try to overturn the basic law of this country which says that garbage companies are free to move garbage anywhere they want to vis-a-vis the Interstate Commerce Clause of the Constitution. There was a court ruling that was made in 1992, I believe, on the Fort Gratiot landfill case which went all the way to the U.S. Supreme Court.

If we decided in this institution or the State of Michigan decided in their legislature to say, no, you cannot do that, you cannot bring your garbage and make Michigan a dumping ground, that company or those companies, those trash haulers, those garbage companies could go to court and say, well, wait a minute. This is an impediment on free trade. This is an impediment of moving commerce. And those kinds of panels that the gentleman from Ohio (Mr. BROWN) just alluded to could make the decision that what we do here or what they do in the State of Michigan is irrelevant, because it impedes trade.

Now, there are hundreds of U.S. laws on the environment, as the gentleman pointed out, on food safety, on antitrust, on just laws that deal with people expressing themselves at the local level about a policy on human rights that they may object to, which may be taking place in a regime that is persecuting its people abroad that could be struck down as a result of empowering international panels and taking away the power from this institution, local and State governments.

So this is real serious stuff, and it goes way beyond just dollars and cents in trade. We are talking, as the gentleman pointed out, about food safety, health care, human rights, antitrust, labor law. You name it. It is all kind of wrapped up here.

If I could make one other point and then yield back to those who have the time, that is the broader issue here of relinquishing our power as a Nation and as a State and as governments. But the more internal debate to that is what this institution, this U.S. House of Representatives is doing in terms of receding from the powers that the Constitution gives us in Article I, Section 8, which is the power to deal with trade laws. We are handing that over to the executive branch. It is very, very disturbing, the change in the balance of power switching over to the executive branch and to corporate America, basically, here. That is what is going on.

This may seem a little arcane to people, a little not too clear because of its legalistic implications and language, but I can assure my colleagues that it gets right back down to whether or not we are going to have garbage buried in our backyard or out our window, or whether or not we are going to be able to go to the supermarket and get food that we are assured is going to be safe for us to feed our families.

I mean, it gets down to some really basic things here. We are trying to bring the argument and trying to make the American people see that under the cloak or the disguise of this legalese debate we are having here on ''fast track,'' that it is going to affect everybody in this country in a dramatic way.

Mr. Speaker, I thank my colleagues for raising the issue.

Mr. BROWN of Ohio. Mr. Speaker, none of the three of us is a lawyer; and we are explaining, in a sense, a legal procedure here that really is pretty simple. It is a question of increasing corporate powers by turning over our sovereignty, turning over our ability to make democratic determinations, whether it is where a community puts its trash, whether it is a food safety law, whether it is a clean air regulation, whether it is a public health program. We are saying in these agreements that we will cede power from a democratic government to a private corporation.

Mr. Speaker, when we come to this institution, we have seen this kind of corporate power in this institution. There is not much doubt that corporations wield huge amounts of power when we try to pass strong food safety laws, we try to pass good public health laws, clean air laws, bioterrorism laws, protections for our food supply, labor standards, minimum wage. Whenever we try to pass a bill like that, it is always met with huge resistance from the largest corporations in the country, the largest corporations in the world. So we, in many cases, overcome that resistance and do what is right for the public.

I wear this lapel pin which symbolizes a lot of things to me. It is a canary in a birdcage. One hundred years ago the miners used to take a canary down in the mines in a birdcage, and if the canary died, the miners they had to get out of the mine. It was the only protection they had. The government did nothing to help them.

In these 100 years, when 100 years ago the average child born in this country could live to be about 47 in terms of the average, in those 100 years this institution has passed minimum wage laws, safe drinking water, pure food laws, Medicare, Social Security, clean air laws, worker protections, mine safety. We have done all of those things against great resistance from the wealthiest, most privileged people in society. We have been able to do that in this institution.

Now, even when we do that, we are going to see corporations in one country try to overturn the laws we have done. So we passed them with great difficulty against huge campaign contribution dollars and lobbying and all of the special interest groups that fight progressive, good government that helps the public, and then these groups turn around now, these big companies, and they sue democratic governments to stop, to overturn their environmental laws and weaken their food safety laws and hurt their labor laws and try to devastate so many of the protections that we have been able to accomplish as a society, with people pushing their Congress to do the right thing.

Now some faceless bureaucrats on a trade panel, a NAFTA tribunal can, out of the public light, in a back room, simply wipe away those kinds of environmental laws.

Mr. BONIOR. And then, Mr. Speaker, go to the lowest standard, go to the lowest standard. That is what they are after. They want to take us back to where we were when people used to take canaries down in a birdcage. They go to the lowest standard, and the lowest standard is often in the developing world.

It is in countries that are trying to develop a body of law but cannot get there because of the international corporate pressure not to go there, to keep wages low, to keep standards low. They cannot get there because labor unions cannot form because of that same kind of pressure. They cannot get to our standard.

So because they cannot get to our standards because of institutional pressures within their own country, these corporate entities now have bonded together with them and are trying to bring down our standard here.

Mr. BROWN of Ohio. Mr. Speaker, before I yield to the gentleman from Ohio (Mr. STRICKLAND), we are joined by three other Democrats, and they are the gentleman from New Jersey (Mr. PASCRELL); the gentlewoman from Texas (Ms. JACKSON-LEE); and the gentlewoman from California (Ms. SOLIS).

Let me yield to the gentleman from Ohio, and then the rest can join in.

Mr. STRICKLAND. Mr. Speaker, I will be very brief. But I think it is important for those who are listening to us to understand why we are here tonight, and it is because we are going to be called upon tomorrow to cast a vote, and we are going to cast a vote that will protect the sovereignty of our Nation, or we will cast a vote that potentially will turn over all the decision-making that is important to all of the multiple millions of people that we collectively represent to this three-panel assemblage.

Now, I would like to ask the gentlewoman from Texas, and I think I know the answer, but which American citizens are able to vote and select any of those three persons that would be in a position to make decisions regarding the health and safety and security of this Nation? Is any American citizen ever going to be in a position to cast a vote to select these persons who are going to be making decisions for all Americans?

Mr. BROWN of Ohio. Mr. Speaker, before the gentlewoman from Texas answers, here is an additional question. Is anybody even going to know the names of the people that sit on that panel?

Ms. JACKSON-LEE of Texas. Mr. Speaker, obviously, absolutely not. And as the gentleman makes that point, the people's House, the representatives that come to the people's House, are themselves barred from even speaking on behalf of the people for having any oversight into this kind of legislative initiative. So I see no opportunity for the people to speak about this legislation.

Mr. Speaker, I would be happy to further the point of the distinguished gentleman, because I think it is a very valid point. I rise to suggest to my colleagues in a bipartisan manner that a far better approach would have been if we had accepted both the offer and the interest some years back of the gentleman from New York (Mr. SWEENEY). I do not come to the floor to quote or to put words in the gentleman's mouth at all, but I do remember some years back when these discussions were coming about and there was some interest to be able to hear the vital points that labor had to offer about how we can truly have the working people's trade bill. I believe that he had some very meritorious points that would have allowed us, even to this point, to come together with a bill that would have answered many of the concerns that are totally ignored in H.R. 3005, which is the Thomas bill.

That is, if I can point out, number one, there are no labor standards whatsoever. Right now in my district I have 4,000 people laid off by one of our very vital companies. We may have a total of 10,000. I would venture to say that those constituents are really looking for jobs right here, and their priorities are more about how they are going to survive over the holiday season.

I have taken trade on a case-by-case basis, looking to see opportunities where we could work together. In this instance, I have higher priorities, and that is to be able to assist those individuals in finding jobs, keeping jobs, and providing for their families.

Tomorrow we are going to be asked, rather than dealing with those needs, the unemployment needs of America, to put forward a bill that disallows any type of labor standards so that countries with poor labor standards will maintain those standards; and, in fact, under the present bill that we have, the underlying bill, countries with poor labor standards are not required to have or implement any of the five core standards. So no labor standards whatsoever. That suggests to me that, rather than benefit from jobs being generated, we will lose by jobs being lost to other places, because someone will try invariably to avoid following any labor standards.

Might I also say that, in talking to many corporations, I have heard them saying that we wish we could have worked in a bipartisan way. We wish we could have had more people at the table. As it relates to the environment, we are finding out that there is no addressing of the environment in the Thomas bill.

□ 1815

There are no legal or technical incentives to make sure we strengthen the environmental laws and regulations.

Then I would like to speak to, as I sort of draw to a close, the idea of the point that the distinguished gentleman from Ohio (Mr. BROWN) made; that is regarding the oversight, the voice of the people, the people's House being able to speak.

With a narrow three-person body, there is no opportunity in the bill that will be on the floor tomorrow for us to have congressional oversight, for there to be an involvement of the people's voice; for the voters who have voted for those in this body and elsewhere to be able to have oversight over whether or not human rights is being protected, whether or not we are using child labor, whether or not we are using slave labor.

And believe me, Mr. Speaker, it exists. In Afghanistan, children are making bricks who are 8 years old and 7 years old. As we went to Bangladesh and other places around the world, there is child labor. We are trying to work against that.

However, the point is if Congress has no oversight, and we have a small body that does not have to listen to us, then who is to say that these violations will not be promoted?

I am going to vote for the Rangel substitute because I believe we have ways of making a difference, but I am ashamed that we would put forward legislation like this that does not answer the question of labor, working with those who believe working people deserve a decent place to work; and does not address the environment, because I am shamed that if I have a minimal amount of a good quality of life here in America, that I would put on others a devil-may-care attitude: Who cares about how you function and how you live?

Finally, I would say that we who have been elected by the people of this great Nation, who cast their vote for us to go to the people's body, are totally blocked and excluded from any oversight to protect the values of the people who we represent, from human rights to the rights of children to the rights of women to the fairness in the judicial system or court system. None of that comes to us now. We just abdicate our responsibilities. I believe that we cannot do that and that we must stand up and be heard.

I thank the gentleman from Ohio (Mr. BROWN) for his untiring work on this issue, bringing to the people the point that none of us coming from our districts disown our business communities. We work with them; and we do a lot for them, I believe, in many, many different aspects, because they are our communities.

But we cannot disown our values tonight and tomorrow, and we must be able to say that the two of those could have come together if we would have had a process where all of our voices could have been heard.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentlewoman of Houston, Texas, who always articulates so well her views on this and so many other things.

When we talked about articulating our values and representing those values, I think about what the President's Trade Representative, Robert Zoellick, has been saying the last month or so.

He has been really saying that those of us, whether it is the gentleman from New Jersey (Mr. PASCRELL), the gentlewoman from California (Ms. SOLIS), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Michigan (Mr. BONIOR), any of us in this institution, Republicans and Democrats alike, who oppose this trade agreement, he really has questioned our commitment to American values and whether we want to join the antiterrorism movement.

In fact, when one supports the position we have taken against these trade agreements, we in fact are supporting American values, because American values are things like free elections and believing in the Constitution and supporting workers around the world, and building a better environment and more consumer safety and food safety, and all of that.

That is why it is too bad that their campaign in support of this and their arm-twisting, especially in the last 72 hours, has taken on a tone of ''you are either with us or against us; you are either against terrorism or you are for terrorism, or you are against American values or for American values.''

We are joined by two other people. The gentlewoman from California (Ms. SOLIS) is a freshman member who has devoted her entire career to fighting for social justice. The gentleman from New Jersey (Mr. PASCRELL) raised some very important constitutional questions of sovereignty that we touched on and the gentleman from Ohio (Mr. STRICKLAND) touched on earlier, all four of us.

He has really attracted a lot of interest in his views of the Constitution and why this Trade Promotion Authority really does undercut our constitutional provisions and sovereignty.

Mr. Speaker, I yield to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the gentleman for yielding to me. It is an honor to be here tonight to talk about this very important issue, one that hits home directly for me.

As a former State Senator in California, back in 1995 I had the dubious distinction of representing a district where it was found that 72 Thai women workers were held hostage, slave labor here in our own country, 72 women.

Some had been there for 7 years. Some were not paid overtime. Some were not even paid minimum wage.

My whole opinion on this matter is that if we do not have enough support here in our own borders at times, how can we also, with all honesty and integrity, go out and expect other countries that have records that are much more egregious than ours to meet these standards that we want to set, that the American public wants to set?

I can tell Members firsthand how difficult it is trying to secure rights for workers now, for immigrant workers in our own country, along the border and in East Los Angeles, and the city of El Monte in the San Gabriel Valley, which I represent, that people are even being paid minimum wage, and they are sometimes not allowed to bargain or join a union.

I know in Mexico and other parts of Central America and South America and other parts of the world, people are not allowed to join a union. In fact, they are tortured, they are harassed, they are told why they cannot and that they will be fired and they will lose their jobs and they will go hungry.

These are the kinds of things that the public should know.

Mr. PASCRELL. Mr. Speaker, if the gentlewoman will yield for a comment, the gentlewoman from California has brought up a very important point. Is it not ironic that the very people we invite to our shores, ''Give us your tired, your hungry,'' come here from countries that we are now transporting jobs to?

We are talking out of both sides of our mouth, and the gentlewoman from California has to deal with it, as many of us on both sides of the aisle have to deal with unemployment problems. It is growing. We are losing our manufacturing base.

It just struck me when the gentlewoman was speaking, that very example, that very anecdotal story the gentlewoman is presenting to America, and her heart and sincerity are in it, that we are talking out of both sides of our mouths and inviting people here and then transporting jobs to their countries. They are needed here first. We know our international responsibilities.

Ms. SOLIS. Mr. Speaker, I just want to encourage the public to know that many of us here in Congress do want to have this very serious debate, but we have been left out. In fact, we have been left out all the time. We are losing jobs. In my district, we are looking at unemployment rates of over 9 percent.

I am going to talk about that later on this evening. But the fact of the matter is that the people we are inspiring here in our country to support us, to stick with us, we are telling them one thing and we are doing another. Our actions are showing them that we do not care about the quality of life for our families here.

We have to make a statement, and I am proud to be here to say that we cannot go home and turn our backs on working families. Working families want to know that we are going to take care not only of the domestic front here but also those relationships that we want to set across the country.

I know that in Tijuana, for example, there is a Hyundai factory along the border there. People tried to organize there, some Mexican workers. They were told not to worry, they will get their opportunity. Women and men were stuck in a situation there that was very unsafe. There were pools of water, electrical lines running, and no safety protections whatsoever. These people were putting their lives at risk to build automobiles that were going to be shipped all over the world and probably right here in our own home States.

I know if people in my district knew the conditions that other people were being forced to work under, they would think twice. And nobody talks about that.

Mr. BROWN of Ohio. Mr. Speaker, one interesting thing that my friend, the gentlewoman from California (Ms. SOLIS), said, people who are supporting these trade agreements said if we do these trade agreements, it is going to lift up living standards in Mexico and in China, and the Chinese will be freer and democracy will break out, and all of that.

There is no evidence of that in China. In fact, it is every bit as oppressive and repressive a regime as it was 3 or 4 years ago, or 2 years ago when the gentleman from Ohio (Mr. STRICKLAND) and the gentleman from New Jersey (Mr. PASCRELL) and I worked against giving China most favored nation trading privileges.

I want to briefly tell a story in line of what the gentlewoman from California (Ms. SOLIS) told.

About 4 years ago, when Fast Track was defeated in this body, and it has been defeated twice in the last 4 years, and will be again tomorrow, I went down to sort of look at how NAFTA worked. NAFTA had been in effect 4 or 5 years then. I wanted to get a picture of the future, and to put a human face on trade and on NAFTA, and on what we had to look forward to if we passed Fast Track.

I went to a home of a husband and wife, and it was nothing; you could not describe it as anything else but a shack maybe 20 feet by 20 feet, with dirt floors, no running water, no electricity.

The husband worked at General Electric, an American company, and the wife worked at General Electric. They each made 90 cents an hour. There were dirt floors, no running water, no electricity. When it rained, the floor turned to mud. This was just 3 miles from the United States of America. If they had been on our side of the border, they would be making $15, $17 an hour, perhaps, with good health care benefits, a retirement package, in all likelihood. But on the Mexican side of the border they were making 90 cents an hour.

They were almost in the shadow of the factory where they worked. When one looks at one of these shacks or neighborhoods in these so-called colonias, we see ditches separating some of the shacks with some sort of effluent running through them. It could have been industrial waste, human waste, who knows. Children are playing nearby.

The American Medical Association calls the border a pool of infectious diseases. They say it has the worst health conditions probably in the whole western hemisphere.

These workers are working 10 hours a day, 6 days a week and cannot afford to have any kind of a decent lifestyle. They work in these wonderfully modern plants, in many cases; but they do not share in the wealth they create. They create this wealth for General Electric, and they do not share in the wealth they create.

In Ohio, in New Jersey, in California, workers help to create wealth for their employer and share in that wealth. They get something for that. They get a decent living standard. They can send their kids to college, buy a car, or buy a house.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I am listening to my brothers and sisters here, and I have listened to folks on both sides of the aisle. I was just as opposed to this when President Clinton was there, and I am an equal opportunity opposer right now.

I want to make very clear to everybody, and particularly to those who stood on this floor and talked about ''Buy America,'' well, we hope there are items that are manufactured in this country that we can buy. We are losing our wherewithal. People earned their identity when they came to this country and worked with their hands to produce products.

This is a critical vote tomorrow, one that between 10 and 20 of us will decide, in the final analysis.

Every poll, and the gentleman from Ohio I think will support what I am going to say, every poll indicates the American people do not want to transfer the powers in the Constitution from the House of Representatives, from the Senate, to the executive branch.

I can cite four or five different ways in which the power of the Congress has been eroded over the past 20 years. This is not the way to do it. So if Members want to buy American, they have to have something to buy. There needs to be something to produce, to be produced.

Then, there are those who want to try to sway, in the final hours, this vote. They say, What we are going to do is make sure that we have trade adjustment assistance; or, in other words, it may not be all that good, but what we will do is we will have some money over here; and, by the way, it is authorized, not appropriated, not appropriated; but they say, we will have

some money over here to help those that are unemployed. It has not worked in the past, and we know how many jobs have been lost under NAFTA.

There are two things, two things, in the final hours of this great debate, with respect to all sides here, two motivating forces of the opposition, or those supporting giving the President this sole power and leaving us out, regardless of what words they put in there: stimulus and national security, stimulus and national security.

They have sent some of the first-line troops out to talk about national security, that this is important: if the President does not have Fast Track, we cannot defend America.

Mr. STRICKLAND. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. STRICKLAND. We have been talking among ourselves in a bipartisan way about the crisis facing the steel industry in this country. The President himself has said that maintaining a domestic steel industry is a national security issue. I believe it is. How can we produce the military hardware we need if we do not have steel that is produced domestically, without having to rely on foreign steel?

□ 1830

These are serious matters. And the gentleman from New Jersey (Mr. PASCRELL) mentioned transferring our authority, the House and Senate authority, to the executive branch. What really troubles me is then the executive branch transferring that authority to some international body of unelected representatives, so that the American people have no representation, and I think that is what we are facing tomorrow, is the possibility of taking an action which can further erode the sovereignty of this Nation. I think that is a gross mismanagement of the constitutional responsibilities that we took upon ourselves when we stood for an election in this House of Representatives.

Mr. PASCRELL. I might add that there is no real evidence to back up the contention that this is an economic stimulus. In fact, if all of the data are in, whether we are talking about the balance of trade, which is now $435 billion, no one wants to address that. The relationship between that balance of trade and what goes on in the economy in the United States is profound, is profound.

There is no real evidence that points out what the President's press secretary said on Monday. He said, the President believes that Trade Promotion Authority is the stimulus in and of itself to keep the economy growing.

Well, first of all, Fast Track is necessary for the administration on two fronts, the World Trade Organization and the proposed Free Trade Area of the Americas, FTAA. They are both long-term goals that are not going to bring any stimulation to this economy over the next 2 or 3 years. We are only kidding ourselves.

In terms of the WTO, the World Trade Organization, disappointed that this body has progressed to where it should be, within this Fast Track bill there is nothing we can do about that either, nothing. The WTO can be a body that advances the ball on such issues as labor and the environment but only if we force the issue, and I might add, over 25 years we have forced the issue on workers rights and environmental protections to no gain, to no gain. It has been talk, it has been cheap, and it has been profuse, but it has not brought a change about in our trade policies whatsoever.

The high American standards that are commonplace worldwide if we push this issue, we know that other countries do not have the labor standards that we have and environmental standards. We understand that. We understand that. We are not minimizing other nations. What we are saying is we cannot be foolish in the face of what we want to negotiate. Let us have reciprocal trade agreements, and we have had reciprocal trade agreements, where we, on a piece of paper, agree that we are going to respect the rights of other nations to decide their own fate.

Why should we keep our rates low while other nations will not allow our goods in? And, in many cases, the people in those countries cannot afford our goods and services, and we are sacrificing, we are sacrificing the brothers' and sisters' jobs in this country.

Mr. BROWN of Ohio. Reclaiming my time, during the NAFTA debate in 1993, we stood in this hall, the gentleman from Ohio (Mr. STRICKLAND) and I, for much of the summer doing discussions like this and into the fall and into November. And when the vote was held, one of the things the other side always said was NAFTA will create jobs. It will be an economic stimulus, if you will. It will right our trade imbalance.

Our trade imbalance in 1994 when NAFTA took effect in January of that year was $182 billion. That meant that we imported $182 billion more worth of goods than we exported. The NAFTA promoters and the free traders and the hot-shot Harvard economists and the President and the former secretaries of state and the newspaper editors, CEOs, all said this will get fixed.

Do my colleagues know what the trade deficit that was just announced is? $439 billion. That is billion with a B, and that is a $250 billion growth in trade deficit. What that means, according to President Bush, Sr., Papa Bush, he said, every billion dollars of trade, either deficit or surplus, represented between 19,000 and 20,000 jobs. So if you have a billion dollar trade deficit, that means you lost 20,000 jobs to overseas. If you have a billion dollar trade surplus, then you gained 19, 20,000 jobs. Well, a $250 billion trade deficit, it went from $250 billion worse than it was, means 5 million jobs.

Those are generally industrial jobs. They are well-paying jobs. They are jobs that pay benefits. They are jobs where people pay into Social Security, a fund that, because of Republican tax cuts, is now more in jeopardy than ever before. They pay into Medicare, a fund that is in jeopardy because of Republicans bailing out insurance companies. And look where we are when we pass these kinds of trade policies. It is simply not working when we have those kinds of trade deficits to get worse and worse.

Mr. STRICKLAND. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding.

The gentleman's discussion of the imbalance in our trade reminds me of a friend that I had some years ago who frequently played the Ohio lottery. He would put 50 or more dollars every week into the Ohio lottery, and, occasionally, he would win $10 or $20 or $50. And, guess what, he was very free in telling everyone, oh, I hit the lottery. He was happy that he got his $50, but he seemed to have forgotten that week after week after week he had lost 50 or more dollars.

That is the way we talk about the trade situation here. The administration and those who are for Fast Track will say, oh, since NAFTA we send more agricultural products to Mexico. They do not want to talk about the flood of products that are coming in from Mexico and from other countries.

Mr. BROWN of Ohio. As living standards continue to go down in Mexico, I would add.

Mr. STRICKLAND. Absolutely. They want to talk about the modest increase in exports, but they do not want to talk about the multiple thousands of jobs that have been lost as a result of the flooding of imports.

As we go to the shopping malls to buy our holiday gifts, it is very, very difficult, as my friend, the gentleman from New Jersey (Mr. PASCRELL), had said, it is very difficult, impossible to find a television that has been constructed and built in this country. It is very difficult to find many products that are American made, and that is because we are being flooded by cheap imports, built in some cases by slave labor, and in countries that are absolutely opposed to our way of life, to our democratic institutions, and yet we continue to do this.

It is beyond belief that we could be contemplating doing tomorrow what some want to do.

Ms. SOLIS. Mr. Speaker, would the gentleman yield?

Mr. STRICKLAND. I absolutely would yield.

Ms. SOLIS. Mr. Speaker, just to touch briefly and say, on NAFTA and what is happening in Mexico, there is a big discussion about the rain forest and the decimation of the rain forest in

Mexico and South America. There is a big issue regarding timber coming into this country and people from the Mexican side that are saying we are also losing our well-being and our livelihood because we are forced by big corporations to cut down the timber and then send it here and into other parts of the world.

We are talking about erosion of our environment. We are talking about degradating the quality of life for Mexicans as well.

So who is winning? The big corporations, the big factories. The folks that run those operations do not live there. They live in the ivory tower, but they are taking and reaping some of the resources, the natural resources that currently exist in that country.

I can tell my colleagues that Mexico still has a long way to go in terms of providing protections for the working class people there that are suffering every single day and not seeing any kind of return on their work.

Mr. BROWN of Ohio. Let me shift for a moment to an issue that we have all talked about before, and I would like the last 10 minutes or so to discuss for a moment and that is the issue of food safety. We see in this country 5,000 people a year die from food-borne illness, not nearly all of them from imported fruits and vegetables, but certainly there is a problem in our food inspection in this country, too, but some significant amount comes from that. We see about 800,000 Americans get sick a year. About 1/10th that many get hospitalized from food-borne illnesses.

Yesterday, Dr. Mohammad Akhter, the top public health official in this country, who is the executive director of the American Public Health Association, was talking about Fast Track. And he said that Trade Promotion Authority on which we will vote tomorrow, he said that we can count on the fact that if we pass Trade Promotion Authority and more trade agreements like this we will see more food come across the border and into this country by truck and plane and train and all, more food come into this country that is not inspected. He said we will see more infectious disease outbreaks. We will see more illness, food-borne illness. We will see more deaths. We will see more hospitalizations.

When we consider that when NAFTA passed, 8 percent of fruits and vegetables in this country that we, 8 percent of the imported fruits and vegetables in this country were inspected. Today, it is 1/10th that number. It is .7 percent, 7/10s of 1 percent. That means for every 140 crates of broccoli that come across the border into this country, one crate is inspected. For every 140 crates of peaches, one crate is inspected.

I have stood at the border in Laredo, Nuevo Laredo in the Texas-Mexican border; and I have seen the FDA, the way that they examine broccoli when it comes in. They do not have high-tech equipment there. They cannot get immediate reads on antimicrobial contaminants, on pesticide residues, on anything like that. They simply take two bunches of broccoli, slam them down in a steel crate and look for any insects that might come out, dead or alive. If live insects come out they spray the truckload. Other than that, the products move on.

We have not put the kind of equipment at the border to detect antimicrobial contaminants. We have not put at the border facilities and equipment to be able to detect pesticide residues, and we know that there are pesticide residues on there because pesticides that are illegal to use in the United States are still manufactured here and sold to developing countries, put on fields and sent back into the United States.

We are not protecting the American people. We pass Trade Promotion Authority, according to Dr. Akhter, the top public health official in the United States, we are asking for more food-borne illnesses, more deaths and more hospitalizations. And we owe it to this country, to people that go to grocery stores, to all of us that eat at our kitchen table and go to restaurants and eat fresh produce coming in from other countries in the world, we owe it to them to do a much better job on this.

Mr. STRICKLAND. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. STRICKLAND. I believe when an American consumer goes to a supermarket to buy food or fresh produce they have a right to know where that food comes from, and I believe we need labelling of country of origin. I believe American consumers, if they are given a choice, will most of the time choose to buy products that are grown and manufactured in our country. But the fact is they do not have a choice because they are deprived of that necessary information, and one of the things they would like to see done is to require that the country of origin be made available to the consumer. Then the consumer can choose. But without that information the consumer is deprived of the opportunity of making the choice to buy the American-produced food or the American-produced product.

Why should we keep that information from the American consumer? It just does not seem reasonable to me that this House would not take action to provide this information so that the American consumer can be informed.

Mr. BROWN of Ohio. At the same time, we have the ability to raise standards around the world. We have a choice tomorrow when we vote for or against Trade Promotion Authority, so-called Fast Track, we can continue to dismantle our standards, to weaken our truck safety laws, to weaken our food safety laws, to lower our environmental standards, to dismantle our safety in the workplace standards. We can vote that way or we can cast a vote against Trade Promotion Authority and begin to lift up food safety standards for ourselves and for the rest of the world and begin to lift up truck safety standards, to begin to lift up environmental standards.

Whether it is pesticides, whether it is environmental laws, we can do better. Why should we say to an American corporation that goes to the Mexican border on the Mexican side, if you are going to produce cars in that country you are going to follow the same laws. In terms of what you dump into the sewers, what you put into the air, whether you pollute the environment, you are going to follow the same laws that you do in the United States. How about when you go into Mexico and build cars? Then you are going to follow the same worker safety protection laws that you do in this country.

It is outrageous that these American companies go there. They brag about how green they are in the United States and how well they treat their workers. They go to a developing country. They do not treat them well at all.

I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I am going to bring up a sore subject some of us may not like, but let me bring it up anyway, because this is it. This is the vote tomorrow, and I am very concerned about members of my own party, to be very honest with you, and I respect all persuasions within my own party, regardless of where they fall on the spectrum.

I have an inner laugh when I hear our party needs to be the party of inclusion. We need to reach out to business. Well, let me tell my colleagues who the people are who have been at my door in the last 2 years.

□ 1845

They have been owners of textile mills, they have been owners of machine shops, they have been owners of cable companies. Owners, entrepreneurs who hire the folks that we are all concerned about, but we should be concerned about those who put the capital up to go into business in the first place.

So I want to make sure to tell my brothers and sisters in my own party that we want to be inclusive. Both parties want to try to be inclusive in whatever way they choose. But do not come back to me and say we are never going to get the support. And I think I have a right to talk about this, talk turkey here tonight. That is how critical this vote is.

We have an erosion of the Constitution of the United States. We have had an erosion of jobs. We have had an erosion of food safety. We do not need a further erosion. We do not wish to deny this. We do not want to stick our heads in the sand and say things will get better. They did not get better with NAFTA, and they are not going to get better with this vehicle if we support it tomorrow.

I want to thank my colleague for getting us together, the gentleman from Ohio, because he has stayed on this case. He has not given it a one-shot deal. The gentleman has worked on it since I have been here, for 5 years, and I commend him.

The American people understand this better than we do; and the American people, in every poll, have indicated they want their jobs protected. They understand we need to trade with other countries. They know that this is a world economy, that we live in a global village. But the folks in my town work in Paterson, New Jersey. They love the world. They have been fighting in wars, and they will defend us. Are we going to defend their jobs?

And if it is textiles and machinery today, what will it be tomorrow? That is the question that every person who is a Member of the House of Representatives must ask themselves tomorrow before they vote. Textiles, cable wire, machinery, leather goods today. What is tomorrow? Or shall it be, whose ox is gored? That is not what America is all about. America is about our being the last hope here on this floor to protect the interests of working families. We are the last vestige of hope.

Mr. BROWN of Ohio. I yield to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. The gentleman just hit a real soft spot for me in my heart. My mother, who is now retired, worked for about 25 years for a big toy maker in my district, standing on her feet most of her 20 years there, and now has some very serious problems with her legs. That company employed over 2,000 people in our community. They left. They went to Mexico, then they went to China.

We now import those same toys. Many of those toys place harm upon our children because they do not meet our consumer safety standards. And nobody is crying out saying, wait a minute, what have we done here. We let go of these jobs, we let go of those pensions, those health and welfare benefits that went with those families and jobs. They went somewhere else, yet the people making those same items do not have any protections and maybe get 10 cents a day for producing products that they end up sending back here that somebody buys for $20 or $30. That is wrong.

Mr. PASCRELL. And the answer to the gentlewoman's mother is, well, if your job is extinguished, you will have to go to another job, a service-related job.

I ask the gentleman from Ohio, is that what has happened under NAFTA? Have we seen those service jobs? In fact, what have we seen?

Mr. BROWN of Ohio. In Ohio, we are threatened right now with losing 3,000 jobs at LTV Steel. People say, well, the economy will change. If they lose their jobs, they will find another job. They clearly will not find another job close to what they are making.

Before closing, I thank very much my colleagues, the gentleman from Ohio (Mr. STRICKLAND), the gentleman from New Jersey (Mr. PASCRELL), and the gentlewoman from California (Ms. SOLIS), for joining me, and also earlier the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Michigan (Mr. BONIOR).

Let me sum up with this: we in this country believe in the free market system. We believe in free enterprise, but we also believe in rules. The rules are that we have environmental protections, we have minimum wage laws, we have worker safety protections. We should believe in the same kinds of rules in free trade. We believe in trade, but we think we should have similar kinds of rules.

We should have environmental standards to govern the rules of trade. We should have worker safety standards and labor standards. It has worked in this country to raise our standard of living so we have a huge middle class. Those same kinds of rules could work internationally, in the global economy, if this body tomorrow defeats trade promotion authority and begins to write trade law that lifts people up all over the world. I thank my colleagues for joining me tonight.

TRADE PROMOTION AUTHORITY

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

Mr. BRADY of Texas. Mr. Speaker, the need for Trade Promotion Authority is clear. Approval of TPA, as it is called, is critical to the economic prosperity of our Nation, of Texas, and regions like mine, for the economic security of America, for the future. The President urgently needs this authority. He has made this one of his very few top priorities before Congress adjourns in the next few weeks. He needs it to level the playing field for U.S. companies by removing barriers abroad to American exports. In other words, he wants to be a salesman for American companies, for American jobs, for American farmers.

Every President until 1994 has had this authority. But we have been out of that game, we have been out of that playing field, and it has cost us literally tens of thousands of jobs. No successful business survives without a strong sales force. So why do we think America can succeed over the long haul without giving the President the tools he needs to promote American goods and services in the international marketplace.

In the end, Congress, Members of Congress, will have the ultimate decision on whether any proposed agreement is free and fair, in America's interest. I want that authority. I want the responsibility to look at an agreement to open new markets with another country for our American products and goods. I can determine whether it is good for this Nation, for my district, or not.

America is falling terribly behind. There are more than 130 trade and investment agreements in the world today. One hundred thirty. How many is America a party to? Three. That ranks the United States behind those free enterprise bastions of Cuba and Morocco, although I think we edge out Tunisia by one agreement. That is embarrassing.

Congress has forced the United States to sit on the sidelines. By not granting our President the ability to promote trade, our international competitors are forging ahead. They are successfully completing their own trade agreements that puts U.S. companies at a competitive disadvantage. For example, the European Union has trade and customs agreements with 27 countries and another 15 accords in the pipeline to date.

To explain it another way, and I am not much of a gambler or a golfer, but my friends who golf regularly and make a friendly wager will say that oftentimes that wager is won or lost on the first tee as people decide what the rules are going to be and when they give strokes to each of the competitors. Well, America is not on that first tee when it comes to laying out the rules for trade, so our companies are not getting fair rules and we are not getting fair strokes. We are, in fact, put at a terrible disadvantage.

Everyone knows their own region better, but for Houston this is about jobs and our economic future. We have tens of thousands of new jobs at stake with this legislation. And as I have seen it, perhaps no State or region will benefit more or create more jobs from the passage of TPA than ours. Trade is already a large creator for America and a large creator for Texas. We are the second largest exporter in the country and the fastest growing. The Houston region is the largest and fastest growing export region in Texas, and now nearly two out of every three new jobs that are being created in our region come from international trade. That is good news for employees who have been laid off from Enron, from Continental, from Compaq, and from other very good companies. We need to get them back up on their feet and in new jobs, and trade is the way to do it.

We sell or transfer what the world wants to buy, from agriculture to energy, petrochemicals to computers, construction services to new technologies and insurance. These are our competitive strengths. In fact, these are America's competitive strengths, and with the second largest port in America, great international air routes and airports, and a proximity to growing Latin American markets, Trade Promotion Authority is critical to our economic future. Truly, I do not understand how any Member of Congress who has constituents in the Houston

region can justify not opening other countries' markets to America, to Texas, to Houston businesses and farmers, because it is our jobs locally that are at stake.

When we look at what the opponents say about it, this legislation includes some of the strongest environmental and labor language in trade history in America. Each country must not only rigorously enforce its existing laws, environment and labor, but seek ways to further protect the environment and to further raise worker standards. Here is a good example in real life in the environment that I know of and have seen firsthand. Through NAFTA, the borders have been open between Texas and Mexico, America and Mexico. But because of that trade agreement, we now have, along our border, over 18 environmental projects that total more than $1 billion. That is $1 billion, new dollars, that are in projects to clean our air, to clean our water, to clean the wastewater and sewer in our area, and generally to create a much better environment in an area that desperately needed it that never would have happened without trade.

When we talk about labor standards and worker raises, we can look at one of our trade agreements that we do have with the Andean countries that includes Bolivia and Colombia and other countries. When we listen to them, they say as a result of America trading with them, not only has America created jobs, but in terms of labor standards, Colombia, for example, in that region, has created more than 100,000 new jobs. They used to be into narco-trafficking, the drug trafficking trade, and now they are in legitimate business.

They have, for example, the cut flower industry that is now a model industry that now has much higher wages for its workers, has child care and training and education for its women employees. It is helping these people buy homes and improve their homes that they never had a chance to do before. It has raised the worker standards for that region. And Colombia, in fact, has launched a ''cleaner Colombia'' effort that these businesses are part of to clean up the environment down there. So we are seeing higher labor standards, and we are seeing a greener world because of trade. And they could have more of these model companies if America would just simply let them.

As I see it, and when I listen to them, they have watched the way America has pulled itself up by its bootstraps, and they do not want just aid, they want to trade. They want to compete. They want to try to build themselves as America has built itself, and they are right to do so.

I am convinced when people say trade hurts the environment, common sense tells us they are wrong. For countries who are so poor or their children going hungry, where their families shiver through the night, protecting the rain forest, protecting the Monarch Butterfly is not high on their priority list. The fact of the matter is trade, raising worker standards, giving people a job, helping raise the environment, that is the best way to protect and preserve the environment around the real world. Not what we hear in Washington, but the way it works in the real world.

The truth is, unfortunately, for opponents of Trade Promotion Authority, no language will ever be tough enough. Business has already made tremendous concessions. The reasonable objections of the environmental community and those really looking at labor from a reasonable standpoint have all been met. They have given up a great deal in order to try to work with our Members across the aisle who simply do not want free and fair trade, who are afraid, unfortunately, of competition. But they are simply not going to support this.

We are fortunate that we did have some trade-oriented, fair trade-oriented Democrats who helped craft this bill. It is the best compromise that can be reached, and I think they played a key role in making this the best trade legislation that Congress has ever crafted.

□ 1900

Mr. Speaker, this surprises people. Because we talk about competition, but trade is very good for consumers. By the most recent estimate, American families save nearly $2,000 a year because of competition that trade brings about. What that means is that. For an average family like ours or yours, we can make one trip to a grocery store a month free due to the savings from international competition. Those are the savings we see because we have better and more affordable cars, clothing, toys and TV sets. What that means this year is that parents will have one or more gifts under the tree for their children due to savings because of competition.

The bottom line here is there is a principal attached to this legislation. And here it is. If Americans build a better mousetrap, we should be able to sell it without penalty anywhere in the world. If someone builds a better mousetrap, we should be able to buy it without penalty for our families and businesses. This legislation really provides us a very clear choice for voters to see. There is a choice between defeatists who believe that American products are not good enough to compete, or those of us who believe that enhanced trade is America's future.

Mr. Speaker, I am convinced that we should not retreat from fair trade competition. We should insist on it. Competition is America's strength, and it is the key to our high-tech, high-wage future, and truly tens if not hundreds of thousands of jobs are at stake.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman, and I thank him for having this Special Order. I heard most of his remarks, and I want to echo them and add a little to it.

This debate here on the floor tomorrow is really a test of this Congress and this Nation. Is our country going to move forward not just in trade but in liberalizing economies all around the world, or are we going to go back and pull back in a way that hurts not only our own economy but the global economy? That is the test we have tomorrow with Trade Promotion Authority which will be on the floor of the House.

I heard some of the discussion earlier by some of our colleagues on the other side of the aisle, and their position confused me. This should not be a tough vote. All we are saying is that the President has the ability to go out and negotiate trade agreements. It is not a particular trade agreement. This Congress will always have the right to vote yes or no on a particular trade agreement.

Are we sensitive to labor, environmental, and congressional consultation issues? Yes. This legislation is more sensitive to those issues, addresses those issues in a more direct way than any Fast Track legislation or trade promotion legislation before this House.

In 1997 and 1998, we had a number of Members who were supportive of this legislation when it was called Fast Track but expressed some concern about labor and the environment. We have addressed many of those concerns, and this legislation moves in a way that should make it even more attractive to those Members who expressed those concerns before.

I am concerned that some of those Members have now said that they can somehow cannot support a bill that is more sensitive on these issues, such as labor and the environment and the degree to which Congress plays a role.

The benefits of trade should be obvious to everybody. Economists tell us that 30 percent of the growth that we have seen in our economy, the tremendous growth that we have seen over the last decade, is directly attributable to exports. Thirty percent is because of exports and enhanced trade.

In Ohio, trade is extremely important. Ohio is now the seventh-largest exporting State in the Nation, with nearly $30 billion in exports last year alone. This is going to help people in my district to get jobs, to retain their jobs, and to be able to allow our area to continue to grow.

Because of jobs created by trade, we are not just increasing our exports, we are also getting better jobs. We know the jobs involved with trade pay, on average, 13, 14, 15, 16 percent higher than jobs not involved with trade. These are not just jobs. These are good jobs.

Since we lost Trade Promotion Authority in the last administration, our Nation has fallen behind. The fact is that we now have 130 free trade agreements around the world. The United States is party to just three out of 130 trade agreements. During this period of

time that the United States has not had trade negotiating authority, the ability for a President to negotiate, our competitors have continued to enter into agreements, helping jobs in their countries and taking away markets that should be ours, U.S. exports.

For example, since 1990, our toughest competitor which is the European Union, has completed negotiations on 20 free trade agreements. Twenty. Currently, they are negotiating 15 more free trade agreements. In fact, in the last year they have entered into a free trade agreement with Mexico, which is the second largest market for American exports. While we sit back and talk about how we cannot give the President even the ability to go out and negotiate agreements, our competitors around the world are aggressively pursuing markets that should be ours, and it is hurting the United States' position in the global economy. This means American exporters encounter higher tariffs, if not closed markets altogether, in many countries around the world when other competitors of ours have a more open market to go into and have lower tariffs.

Our lack of free trade means our government is sitting on the sidelines while other countries negotiate international rules in a multilateral way with a lot of countries that come together. They decide on international rules on everything from e-commerce to agriculture. This is hurting us, too. It is hurting our exports and economy.

The question has come up earlier tonight from Members talking on the other side of the aisle primarily about why cannot we just have the United States enter into these agreements without Trade Promotion Authority. Why do we need Trade Promotion Authority?

I would suggest tonight that the reason is simple. The President cannot go out and negotiate with other countries unless he has the ability to say, this is it. This is the agreement we have agreed on after a lot of tough bargaining and negotiations. We will now take it to our legislature for an up-or-down vote. That is what other countries can do.

Without this trade negotiation authority, a President cannot do that. Congress can still vote yes or no. They just cannot amend it to death. Congress cannot nickel and dime an agreement that comes back to the Congress, and Congress has voted yes and has voted no in the past. We can simply do that.

This kind of procedure where you come to an agreement and bring it back for a vote is common. Think about labor negotiations. If you are a member of a union out there, do you have an ability to amend an agreement that comes to you for ratification? Management and labor sit down. They hammer out an agreement. They come together with a fragile agreement where both parties have put their best offers on the table. The membership then decides yes or no.

Think about a merger. What happens is, you come up with a decision. Once it is negotiated, it goes to the board of directors. The board of directors says yes or no. They do not renegotiate to death. If so, you could never come to an agreement. The other side would never be willing to put their best offer on the table thinking it could be amended to death. It is common sense. There are all kinds of analogies in the real world.

Passing Trade Promotion Authority will help reestablish this Nation's global leadership in the area of the economy and of opening up markets around the world. This is important to our economic security in this country, to more jobs, but I would suggest that it is also important for our national security. In the wake of what happened on September 11, let us not forget that those countries most closed to trade, the economies that are most closed are those economies that are most likely to be breeding grounds for terrorists. That is factual. If Members look around the world, whether it is Afghanistan or other countries where they have a closed society and a closed economy, those are the places where we tend to see the kind of terrorism and the breeding ground for terrorism and the sponsorship of terrorism around the world.

This does relate to the kind of world my kids and grandkids are going to have, not just in terms of their economic security, the kind of jobs that they will be able to access to achieve their dreams, but the world that they are going to live in in terms of national security.

Our prosperity is not only threatened by terrorists, it is threatened by the worsening economic situation around the globe. So Trade Promotion Authority addresses not only national security but also the global economy that affects us here in the United States. Unless we can begin to improve the economic performance around the world, we are not going to be able to see our economy perform the way we would like it to be.

By negotiating free trade agreements, opening up new markets for U.S. goods and services, we are taking an important step toward helping in that long-term economic picture. I think it is time, past time, for Congress to act. We have not had trade negotiating authority, Trade Promotion Authority, Fast Track authority, whatever one wants to call it, in the United States since 1994. Not since 1994. During that time, again, America has taken a back seat. American has not been in the driver's seat. America has fallen behind in relation to our global competitors.

Now we need to get back in the front seat to drive this home for our economy, for the global economy, for helping to open up other countries around the world, reducing barriers, tariff and nontariff alike, and so we have a world safer for our kids and grandkids.

I hope that Congress will act to stabilize our economy and to make sure that this Congress does not go on record saying that we are going to go back in terms of opening up trade and opening up markets, but rather this Congress is going to give the President the ability to go out and negotiate, be a tough negotiator, but negotiate agreements that are in our interest around the world.

Mr. BRADY of Texas. Mr. Speaker, the gentleman is one of the leaders of the Committee on Ways and Means. The gentleman is familiar with legislation that opens up markets to American farmers and businesses and jobs.

One of the excuses we hear from people that do not support this is that Congress has no say in this legislation. The President negotiates it and usurps our constitutional power, that we have no say in shaping what an agreement will look like. My understanding is that the legislation provides more consultation than ever in history, but what are the gentleman's thoughts?

Mr. PORTMAN. Mr. Speaker, the gentleman is correct.

First, Congress has the ultimate say. Congress can vote no on the agreement as it comes before us.

Second, Congress has the ability to forge an agreement, and the administration knows that. In this case our U.S. Trade Representative, Ambassador Zoellick, who is a tough negotiator, is going to be mindful of the fact that what he brings to this Congress has to pass muster here.

In this legislation we have unprecedented congressional consultation and involvement. Farmers, one thing that I think is an improvement in this bill, as compared to what we voted on in 1997 and 1998, the Committee on Agriculture has a specific role and has the ability to be in consultation with the administration to help shape that agreement.

That is extremely important, because it is probably the most competitive industry in America, is the agriculture industry. Our ability to export our agricultural products around the world is not being maximized because there are barriers to our products. So we are going to have more consultation than we have ever had. The administration will be forced to deal with us to help forge the agreement; and, ultimately, we have the ability to say yes or no.

Mr. LINDER. Mr. Speaker, that is precisely the point. Absent Trade Promotion Authority this House sits silent. The President can go to any nation in the world and negotiate a treaty and take it to the Senate, have the Senate debate it, amend it, and take it back to the country with whom we have reached an agreement and ask them to negotiate for a second time. We sit silent with no role.

This is not a trade agreement we are talking about. This is a process to allow the President to negotiate with any country in the world some trade agreement that then we will be in judgment on. It will come back to us, and

we can vote yes or no. But this House will have a role. Absent this, we have no role.

There are 130 trade agreements in the world. We are party to three of them. After NAFTA, Mexico has agreements with 28 or 29 different countries. The European Union, 27. We are not a party. We sit silent. I am astonished by my colleagues that do not want to have a role. This President understands that free trade is necessary for freedom. It is a moral value.

□ 1915

He will reach agreements. If he has to go some day by treaty to Chile, Argentina, Brazil, he will go there. He will negotiate with the Senate, and we will sit silent. So if we vote for Trade Promotion Authority tomorrow, which I intend to do, we are saying that the House has a role, there is something we can do. He can bring back an agreement that we can defeat. Whoever does not like the provisions of the agreement that comes back can vote no. We can kill it. But, absent this agreement, we sit silent.

Mr. BRADY of Texas. I know the gentleman from Georgia has long played a leadership role in trade, and I know you listen very carefully to those who create jobs in Georgia. What do your farmers, your small businesses, your technology companies, your financial groups, those who are creating jobs in Georgia, what do they tell you about this legislation?

Mr. LINDER. We have the lowest tariffs in the world. We have thousands of Georgia companies selling goods and services into a global economy. We want to lower the tariffs of other nations so that we can be competitive. Our ability for the President to negotiate with other nations and lower their tariffs will only improve our sales. It will only help us.

More than half of the Georgia companies that sell goods and services into the global economy are small and medium-sized businesses. That is our growth rate. Twenty-five percent of our economic growth over the last 10 years has been due to export. We simply cannot throw up a wall around us.

Chris Patten said when we were talking about NAFTA in 1993, I believe it was, Chris Patten was the last British Governor of Hong Kong, and he gave a speech in which he said if a space ship had come to the Planet Earth in the 16th century, the 15th and 16th centuries, and landed in the teepee huts of North America, to the typhoid-ridden streets of London and the warring streets of Paris, and wound up in the Ming Dynasty, they would have concluded within a minisecond that China would rule the world for centuries. She had just invented gunpowder and a printing press and had a huge cultural growth rate; the people were happy and well fed and economic growth rates were rapidly climbing. And then he said this: and then she built a wall around herself, and history told a different tale.

The future is for knocking down walls, whether they are tariff or nontariff barriers. My grandchildren deserve the privilege of buying the best product at the lowest rate, and you do that by knocking down the walls to trade.

Mr. BRADY of Texas. I yield to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I thank the gentleman for yielding. I just have a few moments here that I wanted to take, and I appreciate the gentleman from Texas yielding, and I appreciate the gentleman from Georgia here with the gentleman from Texas (Mr. BRADY), obviously, and the gentleman from Ohio (Mr. PORTMAN). Your work on agriculture is one part of it.

I want to talk a little bit about leadership, because I think one of the things lacking here is if the U.S. does not garner some agreements around the world, we are abdicating our role as a leader. We are a national leader, and tomorrow's vote on Trade Promotion Authority is critical to the future of this country.

It is important for Members and Americans to understand just what is at stake here. So I appreciate the opportunity to come here with you gentlemen and discuss why it is so important that we talk about this and reinforce TPA.

Free trade is about a lot of things. It is about expanding the economy, new jobs, strengthening relations with our allies and lifting the developing world out of poverty. On this, one of the things that the U.S. does best is it leads. But in this arena, it seems to me that they are failing. They are dropping the role that they play in such a huge way and have played over the last several decades.

It is only proven through action, whether you go back to World War II, whether you are talking about the rebuilding of Europe, fighting communism or protecting the environment, growing the economy or fighting terrorism, which we are doing now, that is the real essence of America, and I think we have to express ourselves. We do it best tomorrow by passing TPA; and we, frankly, risk our opportunity, we are abdicating our position of leadership, if we do not in fact promote international trade in a way that gives the President the authority that is so vital to America's well-being.

Let me just give you some numbers in my own home State of Michigan. Last year 372,000 jobs were dependent upon manufactured exports. Last year we sold some $52 billion of goods to more than 200 foreign markets, which is the fourth most in the country.

We need to begin to aggressively break down the barriers to American exports so that we can create these new jobs.

I would just add a thing or two. This is the thing that bothers me the most. With more than 130 preferential trade agreements in effect in the world today, the U.S. is only a party to three; the NAFTA agreement, and, of course, the agreements with Israel and Jordan. In contrast, and this is the bothersome part, the European Union has 27 agreements in effect, 20 negotiated in the 1990s, and right now is currently negotiating 15 more.

Mr. BRADY of Texas. I would say to the gentleman, Europe is running circles around America and around American jobs.

Mr. KNOLLENBERG. They are indeed. One of the problems with that, and to just give one example, Canada has a free trade agreement, obviously with us; but they also have one with Chile. I think the gentleman mentioned that a moment ago.

Just to give one example, because Canada does have a free trade agreement with Chile, we do not, a farm tractor costs something like $15,000 more if purchased from the U.S. than its Canadian counterpart. If we had, obviously, an agreement with Chile, we would be selling tractors to Chile. But you know who they are going to buy them from? The Chileans are not going to buy them from us.

The same thing could be expressed about potatoes. They buy potatoes from, guess who, Canada, because they have an agreement. Burger King is big in Chile, and that is another reason we should look at it.

I might just say this, that I think it is a sorry state for the U.S., which is the most open society in the world, that we begin to close our doors to allowing our products to get into other countries.

I think we have a great opportunity tomorrow, if we do not fumble it and pass this bill. I would just say that we can break down the barriers to U.S. goods and services and that Chilean situation would not occur and we would have a market for our products overseas.

What I like to always say is the jobs stay here, the products go overseas, and the workers earn the money here and keep their job. We have to do more of that if we are going to be the leader and maintain our leadership in the world.

So I particularly enjoy having an opportunity to spend a moment or two this evening on this. I would simply yield back to the gentleman from Texas.

Mr. LINDER. If the gentleman would yield further, all of those numbers are the numbers I have. The 15,000 is the tariff on the Caterpillar tractor. We have the lowest tariffs in the world. We would like to be able to have our President negotiate with every nation in the world to lower their tariffs to our levels. We ought to be in favor of that. Then we ought to be able to look at that agreement when it comes back to the House and vote it up or down.

But this bill we are talking about tomorrow only enables the President to bring us a measure. It only enables him to go out and negotiate a measure and

come back to the House and the Senate for an up or down vote. This is a 25-year-old process.

I do not blame the President of Chile if he does not want to negotiate with the United States twice, once when they sign the treaty and another time when the Senate alters it. It is a sensible approach that just brings the House into the game.

For our colleagues that oppose this, I am always surprised at the variety of reasons I hear for the opposition, because my answer is always then, why do you not want to have a say? This is the only way this House will have a voice in any trade agreement in the future.

I, of course, have been actively involved in trying to pass this. I hope it will pass tomorrow. The President deserves this. I was in favor of this when President Clinton was in office. I worked hard for it when he wanted it passed. I will work just as hard for it tomorrow.

Mr. BRADY of Texas. Both of these gentlemen have been leaders in trade, because it means jobs for Georgians, it means jobs for people in Michigan, it means jobs for people in Illinois. As you mentioned, Chile, an average person, just one of our neighbors will ask, sure, I can see why a country like Chile would want to sell to America. They are going to get all the benefits from these agreements. What is in it for us in this country?

I looked at a study the other day that showed if we had a free trade agreement with Chile, their economy would grow by some $700 million a year, a pretty big pop by Chilean standards. But America, our selling, we would sell 128 times more products to Chile as a result of the agreement.

So, in fact, our economy is boosting. We are creating more jobs as a result of that trade between us and another country. Of course, that means jobs here in our local community.

With that, I would like to yield to the gentleman from Illinois (Mr. SHIMKUS), who is also very involved in labor issues, environmental issues and job creation.

Mr. SHIMKUS. I thank my colleague from Texas, and I am honored to join this group. Illinois is an exporting State, whether it be manufactured goods from Deere and Caterpillar or high-tech goods from Motorola.

Of course, I represent a strong agricultural district, and no one can argue with the importance of agriculture to central and southern Illinois. It is the bulwark in keeping our small communities alive and vibrant.

Rural America has fallen on tough times for the simple reason we produce more than we can consume. It comes down to this basic equation: we produce much more than we as a Nation can consume. So the prices, at times, in my time here in Congress, we have had prices at Depression-era lows for some products. You cannot operate family farms on that return. There is no return. It is a negative return.

So what occurs is the government, because we understand the importance of the agriculture section and understand the importance of the small family farms, is we end up coming in with some emergency aid.

My producers, they really do not want the help. What they want to do is to sell their product. That is why this bill is so important, because we have missed out on 125-some-odd trade agreements, because this President and the past President did not have Trade Promotion Authority. So we are not at the table, so we cannot work diligently to lower tariffs, and we cannot get our foot in the door in some of these markets. So we continue to produce more than we consume. Our local farmers then lose money producing food, and large corporate farms are developing to try to develop the efficiencies to make it profitable and get some return on investment.

Illinois is the Nation's second largest soybean producer. We are the Nation's second largest feed corn producer. We rank sixth in all 50 states with agriculture exports with an estimation of $3 billion; and you can understand how exports help the family income, the family farm.

The demand for our agriculture products is growing. But we cannot negotiate if we are not in the room when these countries want to negotiate a deal to buy our products.

Mr. BRADY of Texas. Does the gentleman not think it is a great source of frustration for America's heartland that they have answered the call to produce their food and their products more efficiently, cheaper, more affordably, more environmentally friendly ways, they have done all the right things, yet the prices get lower and lower because they are blocked?

Literally, ''Americans need not apply'' signs are all around the world for our products, and all they want is the opportunity to compete. Because they know if they do, that American farmers and ranchers and producers, we could feed the world, at least we could if they would allow us to. Because other countries are out there on the playing field opening up their markets, but America is not even in the ball game. We do not even have a chance to stand up for our farmers and our ranchers and producers.

Does the gentleman not think that is why the agriculture community in America is united behind this legislation, because this gives them a chance to compete?

Mr. SHIMKUS. It goes back. The gentleman from Texas was not a Member during the last passage of the agriculture bill, and I was not a Member then, but there were promises made to the agriculture sector, and the promises said we want to ease the regulatory burden. It did not happen. They said we are going to open markets for you, so that they then planted for the market and did not plant based upon government intervention, a centralized control system. We have not kept those promises.

A vote on this bill is a move forward in keeping the promises that were made in the last agriculture bill. And we are on the verge of a new agriculture bill. As the gentleman knows, the gentleman from Texas, the chairman of the Committee on Agriculture, visited my producers at their annual meeting on Monday, and exports is the key for their survival. That is why it is so important.

Again, I also mentioned other parts of the economy, whether it be heavy industrial equipment, it could be high-tech equipment.

□ 1930

It could be that even small businesses reap tremendous benefits. I have a statistic, and I am not one that likes to throw out statistics all the time, but from 1992 to 1998, the number of Illinois companies exporting increased 50 percent, and more than 86 percent of Illinois' 14,231 companies that export are small- and medium-sized businesses.

One of the things that I have talked about over my time as a Member of Congress and even before I was running is how small business has created the job growth over the past 10 years. If we look where the action is, the action is in small business. Even when we have a downturn, we find many people who are aggressive, and they leave their current large employer. They strike out on their own. How many stories of success have we heard in operating and starting a new business? Well, a lot of these new businesses that are successful are tied to the export community, and the job benefits are just notable.

Mr. BRADY of Texas. Mr. Speaker, if the gentleman will yield, I have sensed up here from some of the opponents that perhaps they are afraid for America to compete, that they are not so sure our products and our workers are good enough anymore around the world. But if we listen to those workers in our businesses, whether it is the farmers who are out there or small businesses, our technology companies, our software companies, computer makers, construction, energy, financial people, just people all around our neighborhood, the reason they are pushing for this legislation is they know that they can compete.

They know that they can create jobs right here at home but, literally, 95 percent of the world that is the population outside of America that is growing by leaps and bounds, again, America need not apply to sell them and compete for their business, yet every other country is out there doing it. For them, they see it simply as this is a huge opportunity to create jobs and help families.

What is interesting is these jobs from international trade pay a little more than domestic jobs, and they are more recession-proof, which I would think for those 700,000 or so employees that we have lost who have been laid off

since September 11, jobs that hang tight in a tough economy would be good news, and jobs one can raise a family on would be very important, again, if Americans can apply for these jobs in these businesses.

Mr. SHIMKUS. Mr. Speaker, the gentleman speaks to an issue that is pretty near and dear to my heart, because I have great friends across the aisle, I have great friends who are strong labor supporters, and I have somewhat of a pretty good record as a Member of Congress in an attempt to be very responsive and open and be there at times when I can really justify the position with organized labor.

The concern I have always had is there is job loss going on always in this country, and it is sometimes part of a normal business cycle. These job losses and some of this movement of the industrial workforce is occurring without trade negotiating, Trade Promotion Authority. For the life of me, I find it hard to understand, how do they think the job loss will be any less? We lower tariffs, we make our manufactured goods more competitive.

We had our other colleagues here who spoke of industrial manufacturers. Again, I can talk to Deere; I can talk to Caterpillar. Does my colleague know what? They want to be able to compete. They want Illinois workers and an Illinois company producing strong, durable goods that we can sell overseas. And lowering barriers to trade, i.e., tariffs, will do that.

But we have to accept the premise that there is job loss and there is winners and losers. They addressed that issue in past bills, and we have been able to use successfully NAFTA transitional assistance to help provide a floor of support to help in retraining, reeducation, moving the displaced workers from the unemployment line to, many times, even some better jobs. And the NAFTA transitional assistance has been very beneficial. I am glad it was part of the last trade agreement.

That is why I am very pleased with the gentleman from California (Mr. THOMAS) and his additional push at the urging of many of us that understand that there are winners and losers, trade adjustment assistance and a push to help protect our workers and a push to help get them the training, the education, the experience to be able to move them quickly from one sector of the economy into another sector of the economy, whether they want to move and be another employee or whether they are going to venture out and be one of these small businesses that I have talked about that really have created all of the jobs.

Mr. Speaker, when we cannot negotiate with a competitor or a country and we have problems, and in my area I have been a vigilant opponent of dumping of steel in this country. We know it goes on. We cannot stop it. We are not at the table. We cannot negotiate. And by the time this President, President Bush, enforces section 201, which is to go after and penalize these countries, guess what? We have already lost the jobs, because the past administration did nothing. So it is this Republican administration that is seeking to go after the countries that are abusing trade by using government subsidies to undercut the price of steel. How much better if we are negotiating and at the table so that we can bring up those issues.

Mr. BRADY of Texas. Mr. Speaker, in Illinois, if we ask any neighbor who has a good, secure job that they like, that is paying good, decent benefits, I wonder how many of them work for a company or for a farm that does not have a salesman, that does not have someone out there selling and promoting their products. And yet we wonder how can America succeed against other countries when we lock our President here. We do not allow him to go out there and open up markets, tear down that ''Americans need not apply sign,'' who pushes for us just to get a fair shake in this competition. I do not know how we succeed these days without a tough, aggressive sales force out there pushing for us. Does the gentleman?

Mr. SHIMKUS. No, Mr. Speaker, I do not. The gentleman knows that I am involved with the NATO Parliamentary Assembly, which as legislative members we gather, and they are the NATO countries, and it is a kind of oversight what our folks do. And a lot of times we will visit the EU, and what is the EU doing? They are establishing, and a lot of these are our allies, they are establishing a common market and reducing trade barriers so that they can trade across country lines with no barriers. Does the gentleman know what else they are doing? A common currency.

Talk about a competitive advantage: Knocking down the trade barriers is definitely having a common currency, and then we are in. That is why this administration is looking for a Western Hemisphere in trade in response to our western allies who want to get the benefits of efficiencies and lower taxes and a single monetary system. That is what we are up against in this world.

Do we shy away? Do we go and cower in the corner? Or do we say, all right, if our allies are doing that to us, we will gather our allies in our Western Hemisphere, and, man, we will go show them, and dare they not come to our area, because we are going to strike some pretty good deals with these emerging countries that really want our assistance, and we can grow together.

Mr. BRADY of Texas. Mr. Speaker, this is why the President I think has said that national security is his number one priority. Economic security comes right after that. This is all about jobs in competition.

The gentleman and I, we both have young children. A lot of our neighbors have children in college or kids just getting out in the workforce. This is all about jobs. This is all about us competing and them having the kinds of jobs they can raise a family on.

We hear a lot of excuses, but today, earlier tonight we heard another ''I am for free trade, but,'' which seems to follow with anything, but one of them said, I am for free trade, but I do not want to give up our sovereign rights as a country.

Earlier today Senator PHIL GRAMM, who is a constitutionalist beyond many in Congress; if someone asks him what time of the day it is, he would consult the Constitution first to see if that is allowed and permitted and what rights are there for Americans. This morning he stood here and told colleagues on Capitol Hill that he supports this bill. This protects the sovereign rights of America, of American workers, of American business, of the American Constitution. So I think that excuse just does not wash.

The other thing I wonder about is if people understand the potential that is out there for us. The gentleman and I have talked about this. Ninety-five percent of the world that lives outside of America, they cannot all buy, those countries cannot all buy what the gentleman and I perhaps can afford today, but someday they will. All we need to do is look at Japan and Western Europe, nations that went from abject poverty to prosperity in one generation. I mean one generation, from father to son, from mother to daughter, as a Nation, went from the poorest of the poor to being strong competitors and economic powers in this world. That is what we are competing for.

Last year I read a number, and I followed up and confirmed it. Half of the adults in the world today, one-half, have yet to make their first telephone call. Think about that. Half of the adults in the world have yet to make a telephone call. Common sense tells us, if it is American companies that land those contracts to sell those telephones and that service, they will create American jobs. If there are companies in Europe that land those contracts, they will create jobs in Europe and in Asia, in Asia.

So it is sort of Lewis and Clark out there in the world, and every country is out there, every nation is out there staking lucrative claims to these markets except for us, because we do not allow our President to go out there and give us a fair shake and allow us to compete.

The potential for jobs for our children, for our neighbors, for those who are unemployed is just huge. Would the gentleman not agree?

Mr. SHIMKUS. Mr. Speaker, I do. I serve on the Subcommittee on Telecommunications of the Committee on Commerce; and we deal with broad band, cellular, cell phones and all the like. A lot of these countries, Third World countries, they are not going to deploy telephone lines like we have all over the place. They are going to come in with the next generation and they

are either going to have direct satellite broad band services provided by the United States or they are going to expand the cellular industry, hopefully provided by us. But if we are not there to negotiate, they will get it. But guess who will be providing it? Our competitors. Because we are just not at the table.

I want at least mention one other thing in this environment, especially with the international arena that we are in today. We are asking our friends, some staunch allies, some good allies and some who have not been very good allies of ours in the last couple years, to come to the plate and help us fight international terrorism. They are making sacrifices. They are giving us intelligence, they are working with us on basing, they are providing us maybe soldiers, transport, and the like. How can we tell these people who are asking for help that we do not want to sit down and trade with them, we do not want to negotiate with them, we do not want to strike a deal with them, we do not want to be on a level playing field and work out and both benefit from increased trade?

I just find it very, very sad that in this environment, when we are asking our international allies to be there for us, I am afraid we are not willing to be there for them in international trade.

Mr. BRADY of Texas. Mr. Speaker, I would think this is about the worst possible time to isolate America. It could not come at a worse time, and yet the vote tomorrow will really be between those who embrace competition and new jobs and those who fear it and those who want to open America. What is our strongest export? Freedom. It will be between those who want to export our freedoms and those I think who want to build walls and isolate us. It is a very clear choice that really rarely happens here on Capitol Hill.

But there are just tens of thousands of jobs at stake in my community and in the gentleman's as well.

□ 1945

I do not want to be self-promoting on my biography, but I was a former teacher, a history teacher.

Major world conflicts: Why did many of them evolve? Trade barriers were increased and countries wanted to go after raw materials which they could not negotiate through low tariffs, so they built up armies and they went to get it.

Whether it was the World War II experiences or the Japanese in Southeast Asia, Hitler going in to get the gas in the Soviet Union, you name it, a lot of things occurred and a lot of wars are fought because there are the haves and there are the have-nots.

Trade will help everyone get a bite at the apple, and everyone will benefit through the growth and the experience.

Mr. BRADY of Texas. Mr. Speaker, if the gentleman from Illinois will accept praise for his role in job creation for Illinois, for America, I would like to offer it.

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER), the chairman of our Committee on Rules, but really, perhaps, the premier free trader in America, for his comments.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding to me, and I want to congratulate both the gentleman from Texas (Mr. BRADY) and the gentleman from Illinois (Mr. SHIMKUS) for taking out this important time.

Let me just say that I appreciate, as I said, the compliment; but I am one of a long line of people who really see this correctly. I do believe that we are on the verge of facing what clearly will be one of the most important votes certainly of the new millennium, and it is not that old, but the vote that we are going to be casting tomorrow will lay the groundwork for the extraordinary role that the United States of America will be playing in leading not only the issue of trade but the cause of freedom, political pluralism, and democracy worldwide.

That is really what this has come down to in many ways, Mr. Speaker, is a vote of whether or not the United States will in fact step up to the plate and once again assume that rightful place which, unfortunately, has been greatly diminished since 1994 when we saw this very important, what we used to call Fast Track negotiating authority, which was really a misnomer, now correctly labeled Trade Promotion Authority.

The reason is, and I am sure that we have heard this over and over again, with the signing of the U.S.-Jordan Free Trade Agreement just very recently, we now are a party to three of the 133 trade agreements that have been put together in the last several years.

So we have observed, unfortunately, many countries that historically have not been strong supporters of free trade and the cause of it say that they are going to play this leadership role, and yet the United States of America is the most productive Nation on the face of the Earth; and our workers, our farmers, our businesses are prepared to compete.

All we are going to be saying tomorrow when we have this debate and the vote is: Why do we not pry open new markets which have been limited to us because of tariffs? A tariff is a tax. We are talking about cutting the taxes for consumers so they can have access to U.S. goods and U.S. services.

We have found the benefits of imports here in the United States. They have allowed us to keep inflation down, they have allowed people going to stores to have a decent holiday because they are able to buy products that have come into the United States; and because of imports, the United States of America has become even more productive because of competition that imports have provided here.

Now let us give the President the authority to open up the world to us. As was said by the great Secretary of Commerce, Don Evans, at a news conference we held yesterday, 90 percent of the world's consumers are outside of our borders.

The world economy is about $40 trillion, and $10 trillion, a quarter of that, is right here in the United States. But as we see these other countries improve their economies and develop new economic opportunities, they are going to have living standards improved to the point where they are going to be able to buy even more U.S. goods and services.

So that is why we are simply saying the United States Congress, we hope, tomorrow afternoon we will say to the President of the United States that he should go out and negotiate the very best that he possibly can for the American worker, for the American farmer, for America's businesses, for America's consumers, and then come back to us, and we in the House and Senate will make a decision as to whether or not he has negotiated a good agreement. Then we will vote yes or no.

I am here to say, I am proud to stand in this well to say that if the President brings back a bad agreement, I will be proud to lead the charge against that agreement. But if he comes back with a good agreement, an agreement which is going to break down tariff barriers, recognize the importance of environmental quality and worker rights, recognize the importance of enhancing opportunity for U.S. workers, farmers, and businesses, I believe that it will be the right thing for us to do.

So I just would like to say that on the national security front this is the right vote because global leadership and what it is that the President is providing has been heralded by so many people. We have learned that Osama bin Laden has the ability to do one thing and one thing only, and that is to destroy. But I will say that we are the producers, we are the best producers on the face of the Earth, so let us have an opportunity to do that.

I thank my friend for yielding, and I am sorry to have consumed so much of his time.

Mr. BRADY of Texas. Mr. Speaker, in closing, let me say we should not retreat from fair trade competition, we should insist on it, because competition is America's strength and it is the key to our high-wage and our high-tech future.

GENERAL LEAVE

Ms. SOLIS. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend on the subject of my Special Order.

The SPEAKER pro tempore (Mr. KELLER). Is there objection to the request of the gentlewoman from California?

There was no objection.

THE NEED FOR AN ECONOMIC STIMULUS PLAN IN MINORITY COMMUNITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. SOLIS) is recognized for 60 minutes.

Ms. SOLIS. Mr. Speaker, today I rise with the Congressional Hispanic Caucus and the Congressional Black Caucus to highlight the immediate need for an economic stimulus plan in the minority communities we represent.

Many minority communities throughout our country have been disadvantaged in various ways throughout our country's history. Historically, Latinos and Latin Americans have had higher rates of unemployment, lower rates of health care coverage, and fewer educational opportunities than do their Anglo counterparts.

Now, I know most Members know what I am talking about here. However, I would ask that my colleagues in this House and in the other body keep in mind these historical facts as we seek to craft a meaningful economic stimulus plan.

My district and those of my colleagues joining me here this evening are in desperate, desperate need of assistance. We need an economic stimulus package now. Although tax cuts have a role in our economic plan, especially ones similar to a bill that I introduced earlier this year that would grant tax rebates to low-income families who did not receive a rebate as a result of the tax cuts that the President enacted, the most important aspect of any economic stimulus plan is unemployment protection.

Latino and African American families in the Los Angeles area, in California, and throughout the country, are being forced to endure the harsh consequences of high, alarmingly high unemployment rates. We know that brings on problems. All I have to do is point out what those current rates are here in my own district and in Los Angeles County.

I would like to point out for my colleagues that in one of the cities that I represent in Los Angeles, in South El Monte, we know at the national level right now the unemployment is at 5.9 or 5.4 percent, and in the city of South El Monte, which is largely minority, it is up to 9.3 percent. In the city that I live in alone, it is 7.6 percent. In other areas that I can point out here where high numbers of minorities live, such as in the city of Baldwin Park, a largely working class blue-collar community, unemployment levels are up to 6.8 percent.

These figures are already dated, and I can tell the Members now in all honesty that these numbers are going to keep going up. These people have not seen the relief that we have talked about in this House. In the economic stimulus plan we passed a few weeks ago, I know that my residents, the people that I represent, have not seen anything that is going to give them the assurance that we in fact are doing our job here in the House to take care of them.

Mr. Speaker, I know that there is much more that we can do. I am also pleased to have join me tonight the gentlewoman from Florida (Ms. BROWN), the distinguished gentlewoman who is also helping me provide this important information about our minority communities. I know she has a lot to say, and I yield to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, let me thank the gentlewoman for organizing this Special Order. It is so important that we point out the disparity within the minority community; and I have an old saying, that when America has a cold, African Americans, Hispanics, have pneumonia. That is what we are here today to discuss, what is going on within those communities, and, of course, the economic stimulus package.

First, I just want to take 1 minute to talk about a subject that is very dear to my heart, and that is election reform. We have not had or passed a bill, a fair election reform bill, and that is so close and dear to my heart because of what happened in the last election in my district, the Third Congressional District of Florida, where 27,000 African Americans were disenfranchised.

Mr. Speaker, there is an article that I will include for the RECORD that was written by former President Carter and President Ford on this subject, and I would like to commend the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for their leadership on this issue.

The title of the article is ''A Holiday Gift for the Voters,'' and it talks about the House and the Senate and the administration coming close to passing an election reform bill. That is so needed for the people that were so disenfranchised in the last general election in this country.

Mr. Speaker, I want to commend the gentlewoman again for her leadership on this issue, because how minorities have been affected by 9–11 and the economic downturn is something that we need to point out, and we need to move forward as far as how we address these issues.

When we passed the transportation emergency bill for the airlines, we passed $15 billion for the industry. In the hearings, when the airline executives, the CEOs, the big dogs, when they came to the committee, they indicated to us that they were going to lay off over 100,000 employees.

Mr. Speaker, I did not vote for the bill because nowhere in the bill did we address those over-100,000 people that were going to be laid off. That is the problem with this House, the people's House. That is the problem. The problem is that, and I like this saying, only the big dogs eat here. That means they have to have the big-time lobbyists, and they have to be in with certain people.

But the problem that bothers me is not just that the big dogs eat, it is the only dog that eats. In other words, we are not concerned with the gentlewoman's constituents or my constituents. We were not concerned about those 100,000 people that we laid off, that the industry laid off. I am very concerned about it.

Ms. SOLIS. I also want to point out, Mr. Speaker, this other chart that I have before me. What this indicates here is all the layoffs and different service sectors or industries that have been affected from September 12, 2001, to November 19.

What these figures portray here is, as the gentlewoman and I know, and as the gentlewoman from Florida stated earlier, large segments of our communities, service employees in the airline industry, lost many jobs. They did not receive one penny of that bail-out that was passed by this House.

I, too, did not vote for that legislation because I knew that the workers were not going to receive any type of benefit.

According to this chart, it says in transportation alone over 137,291 jobs were lost in that sector alone. In the hospitality, tourism, and entertainment industry we lost 135,783 jobs.

□ 2000

Communications and utilities, and I do not think I need to remind folks that in California we were hit pretty hard with our energy crisis. We lost 68,671. This is nationally.

In the manufacturing industry, one of the largest segments that has been affected here, 286,717 jobs lost.

In retail trade, that is our small businesses, where people are really striving to try to make a difference, we lost 20,000 jobs.

In the services, 47,000.

In finance, insurance and real estate, 31,000.

In public administration, over 12,000 jobs.

Other jobs, 82,000 jobs.

A total of 747,850 jobs lost that we know of, and this information is being provided to our offices by the AFL–CIO.

I would yield time to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, what stands out most in my mind is that the economic stimulus package that passed this House, that I did not vote for, gave more tax breaks to a certain segment. I call them the country club tax breaks. I say it is the reverse Robin Hood, and we have practiced it ever since a certain group took over this House. What I call it is reverse Robin Hood, robbing from the poor and working people to give tax breaks to the rich country club friends.

I am so happy to say that the gentleman from Illinois (Mr. DAVIS), from Chicago, has joined us, and he wants to help us explain to the American people about this, the big dogs controlling this debate.

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me congratulate the gentlewoman from California (Ms. SOLIS) and the gentlewoman from Florida (Ms. BROWN) for organizing this Special Order. They have identified one of the most immediate needs in our country, and that is the need to stimulate the economy.

I guess it must be somewhat official now in that economists are declaring that we are in a recession, and I can tell my colleagues, if the economy overall is in a recession, then in much of my district we are in a depression. For if America sneezes economically, many low income, intercity, rural and marginalized communities catch pneumonia. If the economic temperature drops, we go into a deep freeze. Therefore, we need an economic stimulus, and I mean a real stimulus, and we need it now.

Quite frankly, Mr. Speaker, our response to the terrorist attacks, I commend the Congress, the President and the people for what we have done. What really amazes me the most is what we have not done. We have not bailed out the post office so that people can regain confidence in our mail services. We have not raised the minimum wage so that low-income wage earners may obtain a livable wage. We have not extended health care coverage so that unemployed workers who were laid off or have lost their jobs will have some protection.

Please, Mr. Speaker, I hope that nobody comes to me again with the same old worn-out, nonproductive, trickle-down theories of huge tax breaks for big corporations and the wealthy, with the idea that somehow this will reach those who are most in need. Most often, it does not. I call it the same old wine in a new bottle, or maybe we could call it the same old lemon with a new twist.

The real deal is that a rising tide will lift all boats, and so if we want to stimulate the economy, take John Smith who makes $7.50 an hour, give him an extra $50, and I guarantee my colleagues he will spend every penny of it, plowing it right back into the economy. He may go to the shoe store, buy little Johnny a pair of shoes, maybe Suzy a dress. Then the clerk at the shoe store can go to the grocery store, pick up a gallon of milk, maybe some eggs. Then the clerk at the grocery store can go to the beauty shop and see the cosmetologist who then goes to church, puts something in the collection plate. Maybe the preacher then goes to the car dealer, purchases a car, so that he can go and visit his parishioners in the county hospital. On the way, he purchases gasoline so that the person at the gasoline station then earns some money.

So if we want to really stimulate, I think we need to reach down to where the people are.

My mother was a great soup maker, and she could make a soup that was just out of sight. But I would always notice that when she was making the soup she would take this big spoon and go deep down in the pot, and she would stir up the bottom, and then we could smell the aroma all through house as the ingredients mixed, and then we could be filled with nutrients as we would eat the soup. We would be healthy and happy.

This is what America has to do if we are going to stimulate the economy, that is, raise the minimum wage, extend coverage for unemployed workers, for people who are laid off, give them some health benefits so they can still be healthy, and then put the people back to work. If we are not prepared to do that, then we are not really talking about a stimulus. We are talking about a trickle-down system that does not work.

I again just commend my colleagues, both of them, for providing us with the opportunity to share with the American people.

Ms. SOLIS. Mr. Speaker, reclaiming my time, I thank the gentleman from Illinois (Mr. DAVIS) for being here tonight, also, and helping to clarify that the stimulus plan that was passed out of this House a few weeks ago did not address those workers that are in need of unemployment insurance. Many Latino workers, because of the fact that they may not work 40 hours and are viewed as part-timers, will not qualify for any assistance. That means their children, their families will go hungry.

We cannot ask charities to pick up that, because many of those folks are also hurting. We need to do something here in the House to extend that coverage beyond that, qualify people to make sure that their earnings can be calculated according to a sound method that would treat human beings adequately, because these are workers that support our economy.

I appreciate the statements of the kind gentleman from Illinois (Mr. DAVIS).

I yield time to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I have one question. The gentleman from Illinois (Mr. DAVIS) talked about his mother's soup. Now I need him to know that my grandmother used to do a sweet potato pie, and I mean her pie was the best pie, and those ingredients that she put in the pie represent the ingredients that we have here in this Congress, the economic stimulus, and the key is that everybody always wants a slice of my grandma's pie, and that is what our constituents want. They want a part of that soup and a part of the pie.

As I heard one of the colleagues on the floor say, we know that this is tilted one way. Tilted was not the word. The word was there was nothing left over. There was no pie nor soup for the majority of the American people. The economic stimulus package that passed this House was clearly for the country club set.

Ms. SOLIS. Mr. Speaker, I yield time to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Let me just say one thing as I prepare to leave. The gentlewoman from Florida's (Ms. BROWN) grandmother was not only a great pie maker but she was also a very wise woman, because she taught the gentlewoman from Florida the value of getting a slice of that pie. Keep doing the work that your grandmother taught you.

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for his comments.

Mrs. CLAYTON. Mr. Speaker, I want to thank both these gentlewomen for arranging the Special Order of this very important subject on the stimulus and pointing out to the American people what the ingredients of a good stimulus program would mean in order to benefit all Americans.

I like the analogy to food, because I like soup and I like dessert and I like sweet potato pie and I also like the idea of getting a slice of the pie. I do not want dessert to be gone.

American people, too, understand the very basics. They understand that this economy has had a big slowdown. In fact, recently, the Center on Budget and Policy Priorities shared some important issues in the debate. There are those who would say that investing in corporate tax reduction or incentive for corporations would be the way to stimulate this economy. But, actually, when we understand that the downturn in this economy is based on a lack of demand for services and products, meaning people are not purchasing the products and services that the corporations have, that they have invested in, therefore understandable is the business theory that if there are more products and services than people are demanding, therefore, they have to reduce their employees for that.

So, as we do that, we also create a spiral, and that spiral is we have less families now with resources to buy those products and services that were already reduced. So we are increasing that spiralling that is going down.

Business is based on a market, a market that can afford to purchase the cars or the clothes, the large appliances or the services. To the extent that is not happening, the economy goes down.

Well, what would we put in that soup to make that economy respond immediately? Well, there are some things we could do. Obviously, investment is one, but that is a long-term strategy. We need a strategy that will bring that aroma of that soup, if I can play on that analogy a little bit, immediately. There was a soup when we are sick we give, mother's chicken soup, I think they used to say, and that would really get us well. We need something to really respond to the illness of the economy, and that does not mean long term. That is not a 6-month strategy. We need something immediately.

The bill that went out of the House, what it did, it proposed to transfer neatly funds to the States and to unemployment. They did not change the strategy, as the gentlewoman indicated. There are many people who are now not eligible for any unemployment. So they still will be ineligible. So what we have done is put more money that is in the State with the structure just like it is. It does not help those people in their needs.

Ms. SOLIS. Reclaiming my time, I think the gentlewoman from North Carolina (Mrs. CLAYTON) makes an excellent point, and in that stimulus program that was passed on the floor Members voted on putting aside $3 billion that would go out to States. Now, if the States have an astute governor, that might make sense because he could be creative and hopefully draw down that money and give it to these people who would not otherwise qualify for unemployment insurance. I am not sure that all the governors in this great country are going to be mindful of these people that we are talking about here tonight.

I hope people will heed our concerns and talk to their elected officials as well about garnishing that money and making sure that it goes to those particular families that are not going to be eligible under the categories of unemployment insurance, as well as the loss of health care, COBRA. Many people, because they work for small businesses, did not have health care coverage. We need to put money into Medicaid so that when they do go to the emergency hospital or go get a flu shot, they are going to have something there for them, not next year but this year.

I yield time back to the gentlewoman from Florida (Ms. BROWN).

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Ms. BROWN of Florida. On that point, if the gentlewoman will yield for a second, the gentlewoman said something that was very important when she spoke of the governors. Because I come from the great State of Florida, and one thing I can tell my colleagues about my governor from the great State of Florida, for the past 3 years we have given these ludicrous tax cuts. Well, what is the result? Florida is a tourist State. The tourists are not coming.

So we have given these large tax cuts every year, and what has happened? Florida now has a $1.3 billion shortfall. Based on spending every dime that we have on a tax cut, now the revenue is not good so we do not have any money. So we are going in there cutting programs now. And let me just mention a few. Services for children. Blind kids. Can my colleagues imagine that? $15.2 million cut just in one county. Duvall County school system cut out summer school programs. Florida will take from health care, and we talked about health care earlier today, $146 million, $109 million from public safety. Those are programs for youth. Cutting out scholarship programs for kids in college.

So those are the results of this same kind of ludicrous policy we have going on in Florida that we are trying to transport here to Washington.

Mrs. CLAYTON. I think both of my colleagues' points are very timely, and it has to be understood in the context of our wanting to have a program that would have an impact immediately, that would not be a permanent fix, meaning that we want something that is temporary that we can remove when there is no need, but we want something that will be responsive for right now.

The bill that passed the House transferred unabated or unstructured or unmodified to the States the unemployment insurance that we have called the Reed Act. And what it would do, the States would have to match it. A case in point: if Florida is now in a deficit, they do not have a reserve to match it.

In fact, again responding to the Center on Budget and Policy Priorities, they made a survey of all the States, and the survey results by the National Association of State Workforce Agencies confirmed that 38 States of the 50 that responded stated that they have questioned whether they would use those funds. And most respondents say they would not expand or extend the benefit. Why? Because they are uncertain how long this will last. They know what their reserves are, but they are uncertain how long they would be expected to put up a match.

So we need to change that match. The match now does not favor the States making that kind of commitment, and the proposal should be where we have more of a Federal match expanded for those who are not covered and the Federal Government assuming more of a responsibility without adding those extra burdens to States that are already bankrupt or find themselves with real fiscal problems in that area.

Now, I want to talk about health; but I know the gentlewoman from Florida wants to respond to that, so I will stop for a moment.

Ms. BROWN of Florida. Well, I first want to bring in the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Well, I thank my colleagues very much, the gentlewoman from California (Ms. SOLIS), the gentlewoman from Florida (Ms. BROWN), and the gentlewoman from North Carolina (Mrs. CLAYTON), my good friend and mentor.

The gentlewoman from Florida talked about policies from Florida coming up to D.C., and I guess what I want to talk about is policies from Texas coming up to D.C. and the impact that it is going to have on all of us. We know that minorities are hit hardest in times of trouble and lifted last in times of plenty. But I think it is correct to point out tonight some of the particular problems that are faced by minorities in this country.

Eighty percent of all Federal prisoners are minorities. Fifty percent of them are black. Blacks and Latinos are not graduating from high school. There is a 56 percent graduation rate for blacks, 54 percent graduation rate for Latinos, juxtaposed to a 78 percent graduation rate for whites. Forty-three percent of American children live in or near poverty. Thirty-three percent of black children live in poverty; 30 percent of Latino children live in poverty.

Let us talk about being able to just reach the age of 1. Black infant mortality is twice that of the rest of the American population. And as I was sitting in front of my computer terminal, as I do too much because my eyes are getting worse, a name came out at me. Jesus Blanco. Jesus Blanco was the first person in the year 2001 to freeze to death on the streets of Washington, D.C. How in the world in this country in the land of plenty can we have people freeze to death on our streets? Five people froze to death in Washington, D.C. Let us remember the name of Jesus Blanco. Twenty-three million Americans were forced to seek food assistance. But this was when times were great. This is before there was a recession. Just imagine what it is going to be now, when times are bad.

And instead of homeland security that protects our most precious assets, our values and our people, President Bush gives us three hits and two misses in Star Wars national missile defense. He gives us military tribunals that put us in the same league with Peru. Remember Lori Berenson? Burma, Egypt, all of whom we have criticized for their military tribunals, and now we are going to do the same thing and follow in their footsteps.

President Bush gave us a recession. Even though the recession did not start as 2001, as early as December 21 in 2000, Bush said, and I know it is true because it is here on the CBS News Web site, December 21 Bush said, ''I have said that there are some warning signs on the horizon. I think people are going to find out that when I am sworn in as President, I will be a realist. And if there are warning signs on the horizon, we need to pay attention to them. We need to act in a positive way to make sure that our economy continues to grow so people will be able to find high-paying jobs. One of my responsibilities is to anticipate problems and be prepared to act.''

But that is not all.

Ms. BROWN of Florida. If I can interrupt the gentlewoman for one quick second, I have a question. We are going to take up Fast Track tomorrow. Does my colleague think that is the solution? Is that the President's solution to the high-paying jobs?

Ms. MCKINNEY. Well, we all know that Fast Track is not the solution, because I used to represent a rural district. I know my colleague from North Carolina currently represents a rural district, and we lost our jobs.

Ms. BROWN of Florida. We lost them in Florida, too.

Ms. McKINNEY. If I can return, because I would like to finish this, Vice President CHENEY, who before he was sworn in was talking about the recession that was on the horizon, and Bush said as early as this year that a warning light is flashing on the dashboard of our economy and we just cannot drive on and hope for the best. This was reported by the American Prospect in April of this year. Now, we have got President Bush and Vice President CHENEY saying all these things, and President Clinton told them not to talk up a recession; do not talk it up.

But we have seen plenty of stimulus. We have seen stimulus for the airline industry, even before we took care of airline security. We have seen stimulus for the insurance industry before the victims of the September 11 tragedies have even been taken care of. And what about America's working families? The gentlewoman from Florida (Ms. BROWN) even brought us today people from Florida who were crying not to cripple our public hospitals. But that is what they are going to do.

It is the economy, stupid. That was 1992. And advertise economy, stupid, which I am sure the American people will hear on 2002. A piece of the pie. A political piece of the pie as well as an economic piece of the pie.

I will yield now, but I have some devastating news about the election down in Florida that I want to talk about. Because when we talk about public policy up here, it depends on the actions of people who go to the polls and vote and think their vote is going to be counted. And then when they find out that their vote has been stolen from them, and we end up with this kind of public policy, maybe it has to do with how we even arrived at the people who are sitting making that public policy today.

Ms. SOLIS. Mr. Speaker, reclaiming my time, I would ask the gentleman from Texas (Mr. RODRIGUEZ) to join us and also ask the gentlewoman from North Carolina (Mrs. CLAYTON) if she would like to finish up.

Mrs. CLAYTON. Yes, I wish to make a departing comment. I want to visit an analogy for the American people to understand and for those of us who are in this debate; a contrast giving a corporate investment stimulus and tax break as investing in the people in terms of uninsurance benefits.

If we understand that this economy is not due to a lack of cash, it is due to a lack of economy spending, there are not consumers, consumers with money, not corporations without money. It is not a lack of cash on the part of corporations; it is a lack of cash on the part of the average American citizen to buy products and services. So if we want to really be a realist in what it will take, we are investing in the wrong thing in order to get the economy moving.

We have to put cash in our citizens' hands, and we do that by making sure we have a structure that will allow us to put cash in individuals' hands and in modifying the unemployment insurance and providing that insurance in such a way that States can use it. As it is now, the States will not use the Reed Act because it is too much of a burden on them. As it is now, the proposal has too much of a tax break. That means that only the investment side is there.

If we were not in a recession, that may make some sense. But we are in a recession, where there is a lack of consumers with cash to buy products and services. So we want to find a way where we modify that and have a more equitable way of stimulating interest. And I thank my colleagues again.

Ms. BROWN of Florida. I also want to thank the gentlewoman from North Carolina, our former class president, for her leadership. She is always right on target.

Mr. RODRIGUEZ. I want to thank the gentlewoman from California (Ms. SOLIS). I know she invited me to come over and say a few words as it deals with the stimulus package, but let me say that my colleagues are exactly correct.

One of the things we have heard, and we have heard from every single economist, with perhaps one exception, we do have Senator GRAMM, who was an economist, but every single economist who is worth anything, the seven Nobel Prize winners, have indicated that we have been on the wrong track; that we have been in this recession since March; that we need to be able to come together and be able to do the right thing. And they agree that if we are going to consider any tax cuts, they have to be for the basis of creating additional jobs.

But we have been sending checks. And the economists tell us they do not need cash, what they need is consumers. And in order for us to create consumers, we have to allow those resources to go down there. So one of the first things we need to do, and one of the first responsibilities that we have, is that we have declared war. We have to make sure our homeland is secure.

□ 2030

That should be first before any tax cuts.

In addition, let me add that they were quick to give the tax cuts, and I saw a check for $1.4 billion for IBM, but at the same time they are dragging their feet when it comes to taking care of the people who have been losing their jobs. Just what happened in New York, a lot of people have lost their jobs in South Texas. On the Mexican border, it is taking 3 hours for people to cross the border. I have a 13 percent unemployment rate in Starr County, and we are having a rough time, and they are getting impacted like everyone else.

When we look at stimulating the economy, the only thing we have stimulated is the corporations. The rest of us have not received any stimulus. In the month of October, 450,000 people have lost their jobs, the most in any month since May of 1980. We have a serious situation.

In addition, the comments that were made earlier by the gentlewoman from Georgia (Ms. McKINNEY) regarding the impact to minorities, the African American is a little higher, about 9 percent. Unemployment for Hispanics and Latinos is 17.2 percent, while the national is 5.5 percent.

In order for us to turn this around, our first priority ought to be our national defense and taking care of our homeland. We have been told that we do not have enough people in the medical fields and in the areas to make sure that we have first responders to help our communities, our cities.

I got a report from the city of San Antonio, and I was told in the first 2 weeks after September 11, that we had over 500 calls. The majority were hoaxes, bomb threats, but it cost the community resources is the bottom line. That is occurring across the Nation and has a great impact on our local communities.

This battle, we have to protect our troops, but now it is a war, and we have to protect our families. Our families should come first. We ought to consider that and do the right thing when it comes to taking care of the pensions and making sure that workers get good benefits. As we looked at pensions and unemployment benefits, the data is startling. The fact that a great number of people, if they worked 30 hours, worked part time, they get nothing. Some States are worse than others. People are hurting.

Mr. Speaker, what little insurance they had, they are having difficulty getting access to their insurance. The minority, both African Americans and Latinos, are the least likely to have insurance coverage.

Ms. SOLIS. Mr. Speaker, I would like to commend the gentleman for coming forward today and helping to provide a picture of what is happening in America, the face of the minorities, Latinos, African Americans, people who are disadvantaged, who do not have a voice at the table. The gentleman said that the unemployment rate in some of his cities is as high as 9 percent. In Los Angeles, in East L.A., we have upwards of 9 percent and more, and it is higher for the youth. We know that we are always the last hired and the first fired. We need to do something here to provide a stimulus, to get the Senate, the other House, to understand that these are some major concerns that we have, and they can help work this out.

Mr. RODRIGUEZ. Mr. Speaker, I want to leave one last message. That is that every single war that we have declared, from the Spanish American war where we had the phone tax to the Gulf War, we have always had a war tax. This is the first time not only do we not have a war tax, we are giving tax cuts to special interests and taking care of them and stimulating them. At the same time, this is the first war

that we run it on the so-called surplus which we know is the resources that provide for Social Security and Medicare. This war is being run on the backs of our senior citizens.

Once again, I congratulate the gentlewoman.

Ms. BROWN of Florida. Mr. Speaker, did the gentleman say more workers lost their job in October than any other month since May, 1980?

Mr. RODRIGUEZ. Mr. Speaker, that is correct. That is 450,000 Americans in the month of October alone.

Ms. BROWN of Florida. Mr. Speaker, shame, shame, shame.

Ms. SOLIS. Mr. Speaker, I thank the gentleman for joining us here.

Joining us here is the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentlewoman for her leadership and for engaging us in this dialogue tonight. Because we have to remind the public and the world that, as we move to enhance our national security and our public safety, we must also respond to economic security. We must be sure that we deal with this by passing a strong and fair economic stimulus bill that provides relief where it is truly needed. That is to our workers who have lost their jobs and also their health care. In losing their jobs, they lost their health care. This is really the right way to pass a plan to stimulate the economy. There is always a right way and a wrong way.

The wrong way to pass a bogus stimulus plan is to allow special interests, which we are allowing in this Congress, to use this moment to push and to solidify their corporate welfare agenda. The gentlewoman from Florida (Ms. BROWN) referred to tomorrow's vote on Fast Track. That is just another slap in the face to American workers. We have got to put a stop to this. We are here tonight trying to frame the arguments so people understand that there are many in this Congress that understand that an economic stimulus plan should target those in need. Creating jobs and economic development activities stimulate the economy. Providing for fair employment and health benefits to those who have lost their jobs, that creates economic stability, and that is the right thing to do.

I am really happy that the gentlewoman from Georgia (Ms. MCKINNEY) and all of the Members here on the floor tonight are talking about how minorities are especially affected by this recession and need an economic stimulus plan. The percentage of African Americans and Latinos who are unemployed rose more than 2 percent between October, 2001, going back to October, 2000. Minority women were affected the most. African Americans and Latinos are more likely to lose their jobs than other workers.

Additionally, many minority workers are not eligible for unemployment insurance because they work part-time or short-term jobs. That knocks them out of eligibility for unemployment insurance. Because minority workers, unfortunately, earn less than their white counterparts, they receive a smaller unemployment benefit.

Additionally, low-paid jobs mean that workers have less of a chance for workers being eligible for health benefits from their employers while they are working and, of course, when they are laid off. We need to pass a strong economic stimulus plan, one which extends the period of time for workers to be eligible for unemployment insurance and also extends the eligibility.

We also need a bill that provides for comprehensive health benefits for workers who have lost their jobs. We need a plan to improve our infrastructure which not only creates jobs but also renovates our crumbling schools and hospitals.

Ms. BROWN of Florida. Mr. Speaker, being on the Committee on Transportation and the Infrastructure, for every billion dollars that we spend on infrastructure, it generates 49,000 jobs. If we want to stimulate the economy, then we should invest in the building up of our infrastructure and tie it to homeland security.

Ms. LEE. Mr. Speaker, so infrastructure development should be part of any economic stimulus plan that this Congress moves forward to the President's desk.

We also need to extend the $300 per person rebate which the gentlewoman from California (Ms. SOLIS) has worked very hard on, because over 50 percent of our low-income and minority families were left out of that benefit earlier this year, and that is not fair. That is wrong, and we should correct it since we have the opportunity to correct it now.

Ms. SOLIS. Mr. Speaker, reclaiming my time, I know her district is a lot like mine, many folks that maybe just got laid off from the hotel and restaurant industry that was shattered by the September 11 attack. It hit all of us, no matter where the worker is, and on the chart here, 137,000 or more jobs were lost. What about the people already on the short stick that got pink slips before that disaster?

One of things that was an eye-opener for me, I visited one of the unions that had a lot of employees laid off. The union decided to put together a food bank to bring together resources to try to help these people out. What are we doing in this stimulus package that got passed here that is going to provide coverage for those families? I go back to that same thought that the governors can take hold of $3 billion that is earmarked for every State. Every State can go into that pot and get money, but which astute governors are going to do that?

Ms. LEE. Mr. Speaker, if the gentlewoman would yield, the gentlewoman is right. This is through no fault of their own. They lost their jobs through either recessionary measures or as a result of the tragedy of September 11. However they lost their job, they lost their job, and they deserve unemployment benefits, and they deserve their health care.

Families who are laid off, they cannot keep waiting for a bill to be passed, hoping that they can extend their rent that is due or hoping that they might pay their mortgage sooner or later or hoping that their children's tuition will hang tough until they can figure out how to pay for their kids to stay in school. They cannot keep waiting for their grocery bills to be paid as we here in Congress promise that we are going to do something. I think during this holiday season we must remember those who really do need us the most.

Tax cuts will not provide relief for these families and for these workers. We need to provide a safety net immediately for families who desperately need our attention. Hopefully, we will continue to beat the drum, because this is such an important issue. It is so important for us in December now to really move this bill forward and move it in a way that benefits those that need it the most.

I thank the gentlewoman for this Special Order tonight.

Ms. BROWN of Florida. Mr. Speaker, if the gentlewoman would yield, I want to mention that the bill that passed this House, the one that passed, I did not support it because it did not include almost any of those elements that we are discussing here tonight.

Ms. LEE. Mr. Speaker, it was a tax cut bill for the country club set.

Ms. SOLIS. Mr. Speaker, that is what most people are saying back home: Why did the Congress vote out a measure that does nothing for our families?

Mr. Speaker, I yield to Mrs. JONES.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentlewoman for this opportunity to discuss the economic stimulus package. I agree with the statements that have been made by my prior colleagues, and I would like to associate myself with their comments.

If the gentlewoman would allow me, I would like to bring this issue particularly back to my own congressional district.

Mr. Speaker, currently, we have LTV Steel Company in bankruptcy. In fact, in court yesterday and today, the steel company has moved to have an opportunity to corral its assets and sell those assets. As a result thereof, we are looking at losing 3,200 workers from LTV Steel. If those 3,200 workers are laid off, another 40,000 workers across the State of Ohio will be impacted by the layoff.

Two things that I would like to have happen on the economic stimulus package is that the steel loan guarantee would be changed, that it would allow the steel loan guarantee bar to be reduced to allow a steel company in the United States to have the same application process as a steel company in a foreign country. Currently, if you are building a steel company in a foreign country, your economic layout does not have to be as strong as if you are building in the United States.

Secondly, I would like to have added a proposal that would allow for net operating losses to be used by steel companies when they have not been able to use them before because they have not been profitable and let those dollars be used as tax credits to pay retiree health care benefits, legacy costs, as well as to pay retiree health care benefits and retirement.

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I recognize that our time is coming to an end. I thank you for the opportunity to be heard. I would encourage those of you who are listening to me and my colleagues to allow these two amendments to any economic stimulus package we present so that the steel industry, that has significant numbers of minorities and women in those jobs, that they be able to stay in decent high paying jobs. I thank you for the opportunity to be heard.

Ms. SOLIS. I thank the gentlewoman for her remarks. It is very appropriate, given the discussion that we had earlier today on the floor, but also with the vote that we are going to take tomorrow on fast track. The whole irony is that we are going to be charged with building up our defense, and where do we get the steel?

Mrs. JONES of Ohio. From foreign countries.

Ms. BROWN of Florida. I want to thank the gentlewoman for organizing this special order. I think it is so very, very needed, that we point out how the minority communities around this country are suffering. You talked about California, but I want to point out I represent the third Congressional District of Florida that goes from Jacksonville to Orlando, and we have had one of the largest declines in tourists coming into the area. An area that had 30 million people coming through, it is scary when you look at the decline. It is for many reasons. People are not taking personal family trips, and we want to encourage them to do that, but they are not going to do it if they do not have jobs. They are not going to be tourists if they do not have the jobs. That is just common sense. So, job creation should be one of the things we should be doing, along with training, to stimulate the economy.

When we think about homeland security, let us look at it. We have looked at the security of the airports, but we have not discussed the ports. That is another area. For every $1 billion we spend, it creates 49,000 jobs. We have not discussed Amtrak. That is another area that we need to deal with as far as security. In fact, we need to change our mode of operation completely on how we do things in this country, and we need to beef up security. That should be targeting part of any economic stimulus package that we bring forth to the American people.

One of my favorite scriptures that I quote all the time is to whom God has given much, much is expected, and he is expecting us during this time to raise up and do more. When we have had special orders talking about how women and children are doing in other countries, we need to look at how women and children are doing in this country, how are women and children doing in this country.

Many of those workers that we are talking about are the head of the household, so, therefore, when they lose their jobs and there are no benefits and the benefits run out, there is no safety net, and it is our responsibility to do what we can to make a difference for the people in this country.

Once again, I want to thank the gentlewoman for her leadership in organizing this special order.

Ms. SOLIS. Mr. Speaker, reclaiming my time, I want to thank the gentlewoman from Florida and my colleagues that have come and spoken here tonight. Obviously you can tell that the women of this House, the minority women, are sending a resounding message to the public that the stimulus program that passed out of this House did not go far enough.

This is going to be a sad Christmas for many families all over the country, and particularly for those women and children that get no benefit at all. They are not that group of people that got the tax cuts. They are not the group of people that got the tax break, because they did not get enough money to earn to get a tax break.

Let us do the right thing. Let us make sure we put money and food on their tables and in their pockets so that they have a wonderful Christmas, something that I think all of us here can get behind.

Again, just to reiterate, the numbers here, the totality is still unforeseen. In our districts we have more people getting pink slips every single day, and those people are waiting for us to take action here in the House.

I want to thank my colleagues, and I hope that those that are not here tonight, that perhaps are listening to us, will understand the urgency of trying to provide immediate relief to those families, the working families that made America the great country that it has been, and to provide that security, that safety net, for all Americans, regardless of race, color and gender.

Mrs. MEEK of Florida. Mr. Speaker, I commend my good friends, Congresswoman CORRINE BROWN and Congresswoman HILDA SOLIS, for organizing this Special Order and for their leadership in bringing public attention to the disproportionate impact of the post-September 11th economic downturn on minority communities.

Mr. Speaker, the September 11th attacks have radically altered business prospects throughout our country. No community has been spared. While even places thousands of miles from the destruction of September 11th have been severely affected, tourist dependent communities that rely upon the airlines an the hotel industry, like my home town of Miami, have been particularly hard hit.

Mr. Speaker, the post-September 11th economic downturn has been difficult for many Americans. It has been particularly devastating to the African-American community, both nationally and in my congressional district in Miami. We are in the midst of an economic crisis in the African-American community. My constituents desperately need relief. They need help and they need it now. It's scandalous that, almost 3 months after the despicable attacks of September 11th, we have yet to pass any meaningful relief for our workers and their families. Let's look at the facts: In October 2000, nationally, the percentage of unemployed African-Americans was 7.4%. In October 2001, the percentage is 9.7%, an increase of 2.3% which is an increase of 32% in the African-American unemployment rate in the past year. The rate went up 1.0% from 8.7% to 9.7% between September 2001 and October 2001.

From October 2000 to October 2001, the unemployment rate among African-American adult women, 20 and over, went from 5.8% to 8.9%, an increase of 3.1%, which is an increase of almost 53% in that unemployment rate in the past year.

From October 2000 to October 2001, the unemployment rate among African American adult men, 20 and over, went from 7.0% to 8.0%, an increase of 1.0%, which is an increase of about 15% in that unemployment rate in the past year.

From October 2000 to October 2001, the unemployment rate among African American teens, (16–19 years, went from 21.2% to 29.0%, an increase of 7.2%, which is an increase of about 32% in that unemployment rate in the past year.

In Miami-Dade County, in October 2001, the first month to reflect the impact of the September 11th attacks, the unemployment rate was 7.3%, up .9% from September 2001, and up 2.0% from October 2000, an increase of 36% in the past year. Normally, in Miami, the unemployment rate drops slightly between September and October because of tourism and agriculture. Obviously, this year, everything is different because of the catastrophic decline in tourism that resulted from September 11th.

Initial claims for unemployment benefits in Miami-Dade County jumped from 7,100 in September 2001 to 13,200 in October 2001, an increase of 85%! Initial claims for unemployment in October 2001 were up 143% from October 2000 because of major layoffs in tourism-related industries such as air transportation, water transportation, hotels, and business services.

Mr. Speaker, in this downturn, so far two-thirds of all mass layoffs and 74% of all initial claims for unemployment insurance have come from the manufacturing and service industries. From October 2000 to October 2001, nationally, over 1 million jobs were lost in the manufacturing sector as employment fell from 18.4 million to 17.3 million jobs. The Service Sector lost 70,000 jobs from October 2000 to October 2001 (1.93 million down to 1.86 million). From October 2000 to October 2001, there was a loss of 42,000 jobs in the restaurant sector alone!

Nationwide, in September 2001, the number of layoffs and initial claimants for unemployment insurance reached its highest levels since April, 1995. When the November figures are released this Friday, the figures are likely to be even higher.

Mr. Speaker, we all know about last hired, first fired. African-Americans get laid off more

frequently in an economic downturn. For decades now, for reasons ranging from lower educational levels, to the remoteness of job hubs from African-American neighborhoods, to the over-representation of blacks in low-skill part-time jobs with little security, to the impact of racial discrimination, the African-American unemployment rate has been roughly twice that of the white rate.

Mr. Speaker, the tens of thousands of workers who have lost their jobs as a result of the September 11th terrorist attacks need immediate relief. Since September 11th, more than 100,000 airline employees have lost their jobs. Many thousands more workers in industries directly and indirectly affected by the disruption of the airline industry also have been laid off. Small businesses also have been hit very hard by the September 11th attacks. Many of them lost key customers who constituted the lion's share of their business, as well as key suppliers who enabled them to do business. Unfortunately, it seems clear that we have not yet hit bottom. Unless we act promptly and decisively, many more hard working Americans, through no fault of their own, soon will lose their jobs. Mr. Speaker, all of these workers desperately need our help and they need it now.

Mr. Speaker, the human costs of this economic downturn for many of our fellow Americans are truly staggering. Airline and airport workers, transit workers, employees who work for airline suppliers such as service employees and plane manufacturers, all face common problems and challenges. Their mortgages, rents, and utilities still must be paid. Food must be placed on the table. Children must be clothed. Health care costs must be covered.

While some will get by depleting their savings, the vast majority of those who have lost their jobs have little or no savings to deplete. All of these workers need a strong, flexible and lasting safety net, the kind that only the Federal government can provide. With no income coming in and little prospect for prompt re-employment within their chosen field, these displaced workers must search for new jobs while few firms are even hiring. While some will find new positions quickly, many, if not most, will not. Some of this unemployment will be structural as some of these industries will be downsizing permanently. As a result, many workers will have to retrain in a new field or receive additional training in their chosen field simply to get reemployed.

So what is it that these workers need? Just like those workers who qualify for help under the Trade Adjustment Assistance Program, workers who lost their jobs because of the September 11th attacks need extended unemployment and job training benefits (78 weeks instead of 26 weeks). Those workers who would not otherwise qualify for unemployment benefits need at least 26 weeks of benefits. These workers especially need COBRA continuation coverage, that is, they need to have their COBRA health insurance premiums paid for in full for up to 78 weeks, or until they are re-employed with health insurance coverage, whichever is earlier. Those without COBRA coverage need coverage under Medicaid.

Mr. Speaker, this Congress acted quickly and responsibly to meet the challenges posed by the September 11th attacks. We acted as one to pass the Joint Resolution authorizing the use of United States Armed Forces against those responsible for the attacks against the United States. We heeded the call of all Americans and said: Never, again. We stood shoulder to shoulder with President Bush, our Commander in Chief, firmly united in our resolve to identify and punish all nations, organizations and persons who planned, authorized, committed, or aided the September 11th terrorist attacks, or harbored such organizations or persons. We unanimously passed the $40 billion Emergency Supplemental Appropriations bill to finance some of the tremendous costs of fighting terrorism and of helping and rebuilding the communities devastated by these horrendous attacks. We provided cash assistance and loan guarantees to the airline industry. Now, Mr. Speaker, we must demonstrate the same resolve, the same commitment on behalf of our workers. Deeds, not just words, are required. All of these hard working, innocent displaced workers and their families desperately need our help. We must hear and answer their pleas. They need our help and need it now. We cannot rest until we have met their needs.

Mr. Speaker, even in good economic times, African-Americans suffer the nation's highest unemployment rates. In bad times, they tend to fare even worse losing jobs at a disproportionate rate and remaining out of work longer than other Americans. Mr. Speaker, this Congress said yes to the airlines and to other with extraordinary needs arising as a result of the September 11th attacks. Our workers deserve at least the same level of support. They have already waited far too long. Let's do the right thing for the minority community and all of our displaced workers by providing them with fair and immediate relief.

Ms. MILLENDER-McDONALD. Mr. Speaker, we all know that today Chairman THOMAS and a number of our colleagues have begun negotiations on an Economic Stimulus Package. We also know that the administration and most of us are anxious to come to some kind of an accommodation that will help revive our faltering economy. Economic conditions are spiraling downward every day and certain sectors are experiencing dramatic setbacks. The traditional tourism and travel industries were the first to feel the impact. These industries fuel the service jobs that have been the first line of fire. The unemployment statistics are growing worse with each passing day with thousands of people set adrift with little or no compensation. Most of these jobs are at the low-paying, minimum wage end of the scale for which there is no soft landing, no cushion for these workers.

Therefore, the matter of directing economic stimulus towards lower-income workers is of vital importance towards the goal of this nation regaining economic health. If more deficits occur as a result of misdirected tax breaks for the upper 2% of the spectrum, we will not be able to achieve a positive outcome. There will not be enough stimuli for both bread and butter and the working poor will become even more devastated. Painful choices will have to be made between paying for food or for the car note, for the mortgage or for medicine.

Mr. Speaker, in my mind it would be disastrous to force such choices on our fellow citizens when they are already suffering severe loss. How could we in good conscience provide immediate refunds of corporate taxes paid since 1986, which were minimum to begin with, when we should be addressing the plight of the ranks of the unemployed and those soon to enter that group? With businesses folding each day, our actions must work to ensure that we help the least fortunate of the working world as well as to strengthen the hand of small and medium enterprises that employ almost two-thirds of the work force.

For me and for many of my distinguished colleagues in this House, this issue strikes close to home. In our districts, across the country, large numbers of our constituents, particularly women, are employed in the service economy. They hold part-time or low-paying jobs. Many also have been the first to lose employment due to the layoffs and to the impact of the September 11th terrorist attacks. They have joined the throngs of the unemployed and have lost the minimal health and other benefits—if they had any. This situation is highly notable in minority communities across the major urban areas of America. What is being viewed as a recession in much of the country could be termed a depression in these already disadvantaged communities. In my own district, unemployment among African-Americans, Hispanic-Americans and other minority groups, many of whom work in the travel and tourism areas has reached a high proportion. As pointed out, unemployment in the Los Angeles area is well above the national level.

Mr. Speaker, we should be grateful for the attention on this critical matter being brought forward today by my distinguished colleagues, Congresswoman HILDA SOLIS and Congresswoman CORRINE BROWN. This Special Order should serve notice that we as congressional leaders want an economic stimulus package as much as the rest of the nation. We just want to prepare a plan that will aid the greatest number of our working citizens to ride out the effects of the worse economic downturn we have experienced in two decades. We want to ensure that this worsening job market is not disproportionately felt by our minority constituents who are already struggling to maintain their families at a level of dignity and well-being against difficult odds.

Black men, women and teenage citizens since 2000 have borne the brunt of falling employment at a higher rate than other Americans. Since the playing field is not yet level and hiring discrimination, unfortunately, is still a fact of life in our great country, what can we do to help these impoverished communities?

Mr. Speaker, there must be a safety net below which no working American should fall. I urge us to come up with a stimulus package that can achieve this objective in the immediate term. This is an important challenge for us and has implications for our nation's recovery, both economically and psychologically from the horrific attacks of September 11. We need urgent action. We cannot delay any further on this critical task before us.

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

CONFERENCE REPORT ON H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

Mr. KNOLLENBERG (during the special order of Ms. SOLIS) submitted the following conference report and statement on 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 revenues of said District for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–321)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate 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 revenues of said District for the fiscal year ending September 30, 2002, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, 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 shall 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 total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading ''Federal Payment for Incentives for Adoption of Children'' in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: ''For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: Provided, That such funds shall remain available until September 30, 2003, and shall be used to carry out all of the provisions of title 38 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13–172), as amended, except for section 3808: Provided further, That $1,000,000 of said amount shall be used for the establishment of a scholarship fund for District of Columbia children of adoptive families, and District of Columbia children without parents due to the September 11, 2001 terrorist attack to be used for post high school education and training.''.

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

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

FEDERAL PAYMENT TO THE CAPITOL EDUCATION FUND

For a Federal payment to the Capitol Education Fund, $500,000.

FEDERAL PAYMENT TO THE METROPOLITAN KAPPA YOUTH DEVELOPMENT FOUNDATION, INC.

For a Federal payment to the Metropolitan Kappa Youth Development Foundation, Inc., $450,000.

FEDERAL PAYMENT TO THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

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

FEDERAL PAYMENT TO THE CHIEF MEDICAL EXAMINER

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

FEDERAL PAYMENT TO THE YOUTH LIFE FOUNDATION

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

FEDERAL PAYMENT TO FOOD AND FRIENDS

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

FEDERAL PAYMENT TO THE CITY ADMINISTRATOR

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

FEDERAL PAYMENT TO SOUTHEASTERN UNIVERSITY

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

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, $2,500,000, 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; and $250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools.

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 FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for emergency planning and security costs and 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 $12,652,000 shall be made available immediately to the District of Columbia Emergency Management Agency for planning, training, and personnel costs required for development and implementation of the emergency operations plan for the District of Columbia, to be submitted to the appropriate Federal agencies: Provided further, That a detailed report of actual and estimated expenses incurred shall be provided to the Committees on Appropriations of the Senate and the House of Representatives no later than June 15, 2002: Provided further, That $3,406,000 of such amount shall be made available immediately for reimbursement of fiscal year 2001 expenses incurred by the District of Columbia for equipment purchased for 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 on the use of the funds under this heading, beginning not later than April 2, 2002.

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

For a Federal payment to the Chief Financial Officer of the District of Columbia, $8,300,000, 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; $350,000 for payment to the District of Columbia Safe Kids Coalition, to promote child passenger safety through the Child Occupant Protection Initiative; $50,000 for payment for renovations at Eastern Market; $1,000,000 shall be for payment to the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General Services Administration on a reimbursable basis; $300,000 shall be for payment to the Woodlawn Cemetery for restoration of the Cemetery; $250,000 shall be for payment to the Real World Schools concerning 21st Century reform models for secondary education and the use of technology to support learning in the District of Columbia; $300,000 shall be for payment to a mentoring program and for hotline services; $250,000 shall be for payment to a youth development program with a character building curriculum; and $250,000 shall be for payment to a basic values training program.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $30,200,000 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, $500,000 to remain available until September 30, 2003 for building renovations or space acquisition required to accommodate functions transferred from the Lorton Correctional Complex, and $1,500,000 to remain available until September 30, 2003, to be transferred to the appropriate agency for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex: Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $112,180,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,003,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $66,091,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $31,594,000, of which not to exceed $1,500 is for official reception and representation expenses; and $6,492,000 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 funds made available for capital improvements 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''.

CRIME VICTIMS COMPENSATION FUND

(a) TREATMENT OF UNOBLIGATED BALANCES.—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'';

(2) by striking ''and approved by'' and inserting ''which is submitted to''; and

(3) by striking ''and not less than 80 percent'' and all that follows and inserting the following: ''except that under such plan—

''(1) 50 percent of such balance shall be used for direct compensation payments to crime victims through the Fund under this section and in accordance with this Act; and

''(2) 50 percent of such balance shall be used for outreach activities designed to increase the number of crime victims who apply for such direct compensation payments.''.

(b) LIMIT ON USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Section 16(e) of such Act (sec. 4–515(e), D.C. Official Code), as amended by section 202(d) of the Fiscal Year 2001 Budget Support Act of 2000 (D.C. Law 13–172), is amended to read as follows:

''(e) All compensation payments and attorneys' fees awarded under this Act shall be paid from, and subject to, the availability of monies in the Fund. Not more than 5 percent of the total amount of monies in the Fund may be used to pay administrative costs necessary to carry out this Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

PAYMENTS FOR REPRESENTATION OF INDIGENTS

(a) SERVICES OF COUNSEL.—

(1) IN GENERAL.—Section 11–2604, District of Columbia Code, is amended—

(A) in subsection (a), by striking ''$50'' and inserting ''$65''; and

(B) in subsection (b)—

(i) by striking ''$1300'' each place it appears and inserting ''$1900'', and

(ii) by striking ''$2450'' each place it appears and inserting ''$3600''.

(2) NEGLECT AND PARENTAL RIGHTS TERMINATION PROCEEDINGS.—Section 16–2326.01(b), District of Columbia Code, is amended—

(A) by striking ''$1,100'' each place it appears and inserting ''$1,600'';

(B) in paragraph (3), by striking ''$1,500'' and inserting ''$2,200''; and

(C) in paragraph (4), by striking ''$750'' and inserting ''$1,100''.

(b) SERVICES OF INVESTIGATORS, EXPERTS, AND OTHERS.—Section 11–2605, District of Columbia Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by inserting after subsection (a) the following new subsection:

''(b) Subject to the applicable limits described in subsections (c) and (d), an individual providing services under this section shall be compensated at a fixed rate of $25 per hour, and shall be reimbursed for expenses reasonably incurred.''.

(c) EFFECTIVE DATE.—The amendments made by this provision shall apply with respect to cases and proceedings initiated on or after March 1, 2002.

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''.

FEDERAL PAYMENT FOR FAMILY COURT ACT

For carrying out the District of Columbia Family Court Act of 2001, $24,016,000, of which $23,316,000 shall be for the Superior Court of the District of Columbia and $700,000 shall be for the Mayor of the District of Columbia of which $200,000 shall be 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 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 serviced 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: Provided further, That $500,000 of such amount provided to the Mayor shall be for the Child and Family Services Agency to be used for social workers to implement Family Court reform: Provided further, That the chief judge of the Superior Court shall submit the transition plan for the Family Court of the Superior Court as required under the District of Columbia Family Court Act of 2001 to the Comptroller General (in addition to any other requirements under such section): Provided further, That the Comptroller General shall prepare and submit to the President and Congress an analysis of the contents and effectiveness of the plan, including an analysis of whether the plan contains all of the information required under such section within 30 calendar days after the submission of the plan by the Superior Court: Provided further, That the funds provided under this heading to the Superior Court shall not be made available until the expiration of the 30-day period (excluding Saturdays, Sundays, legal public holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more that 3 days, or an adjournment of more than 3 days) which begins on the date the Comptroller General submits such analysis to the President and Congress: Provided further, That the Mayor shall prepare and submit to the President, Congress, and the Comptroller General a plan for the use of the funds provided to the Mayor under this heading, consistent with the requirements of the District of Columbia Family Court Act of 2001, including the requirement to integrate the computer systems of the District government with the computer systems of the Superior Court: Provided further, That the Comptroller General shall prepare and submit to the President and Congress an analysis of the contents and effectiveness of the plan within 30 calendar days after the submission of the plan by the Mayor: Provided further, That the funds provided under this heading to the Mayor shall not be made available until the expiration of the 30-day period (excluding Saturdays, Sundays, legal public holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days) which begins on the date the Comptroller General submits such plan to the President and Congress.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. 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), $34,311,000, to remain available until expended: Provided, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $6,492,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $6,492,000 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 of the amounts provided in previous fiscal years for payments described under this heading which remain unobligated as of the date of the enactment of this Act, $4,685,500 shall be used by the Joint Committee on Judicial Administration for design and construction expenses of the courthouse at 451 Indiana Avenue NW: Provided further, That of the remainder of such amounts, such sums as may be necessary shall be applied toward the portion of the amount provided under this heading which is attributable to increases in the maximum amounts which may be paid for representation services in the District of Columbia courts: 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 COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $147,300,000, of which $13,015,000 shall remain available until expended for construction expenses at new or existing facilities, and of which not to exceed $2,000 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: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

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, $5,500,000, of which $5,000,000 shall be for capital and equipment improvements, and $500,000 shall be used for the network of satellite pediatric health clinics for children and families in underserved neighborhoods and communities in the District of Columbia.

ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

For a Federal contribution to St. Coletta of Greater Washington, Inc. for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction, $2,000,000.

FEDERAL PAYMENT TO FAITH AND POLITICS INSTITUTE

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

FEDERAL PAYMENT 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 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.

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 its work in the Family Court of the District of Columbia Superior Court.

ADMINISTRATIVE PROVISION

Of the Federal funds made available in the District of Columbia Appropriations Act, 2001, Public Law 106–522 for the Metropolitan Police Department (114 Stat. 2441), $100,000 for the police mini-station shall remain available for the purposes intended until September 30, 2002: Provided, That the $1,000,000 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 $3,450,000 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 and section 119 of this Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,048,160,000 (of which $124,163,000 shall be from intra-District funds and $3,574,493,000 shall be from local funds): Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by 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, $286,138,000 (including $229,421,000 from local funds, $38,809,000 from Federal funds, and $17,908,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: Provided further, That not less than $50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: Provided further, That not less than $50,000

shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel: Provided further, That of all funds 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. Official Code § 28–4516) an amount not to exceed $386,000, of all funds in 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. Official Code 2–308.20) an amount not to exceed $10,000, and of all funds in 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. Official Code § 28–3911) an amount not to exceed $233,000, are hereby made available 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.

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 shall 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 shall transfer up to $293,000 from other 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. Law 13–281, 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 Law 13–281 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. Law 13–281.

PUBLIC SAFETY AND JUSTICE

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

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $1,108,665,000 (including $896,994,000 from local funds, $185,044,000 from Federal funds, and $26,627,000 from other funds), to be allocated as follows: $813,042,000 (including $661,124,000 from local funds, $144,630,000 from Federal funds, and $7,288,000 from other funds), for the public schools of the District of Columbia; $47,370,000 (including $19,911,000 from local funds, $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 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 school currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104–134; D.C. Official Code, sec. 38–1804.03(b)(e)(A)): 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 section 161 of the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2483, 2484), is amended, as if included in the Act—

(1) by striking ''not later than 1 year after the date of the enactment of the District of Columbia Appropriations Act, 2001,'';

(2) by inserting ''revolving'' after ''enhancement'' in the second sentence of paragraph (2)(B), in the heading of paragraph (3), and in paragraph (3)(A); and

(3) by striking ''10 percent'' and inserting ''5 percent'':

Provided further, That the cap on administrative costs as amended by section 161 of the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2484), is amended by striking ''10 percent'' and inserting ''5 percent'': 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 $400,000 shall be available for Enhancing and Actualizing Internationalism and Multiculturalism in the Academic Programs of the University of the District of Columbia: Provided further, That $1,277,500 shall be paid by the Chief Financial Officer to the Excel Institute for operations as follows: $277,500 to cover debt owed by the University of the District of Columbia for services rendered shall be paid to the Excel Institute within 15 days of enactment of this Act; and $1,000,000 for fiscal year 2002 shall be paid to the Excel Institute in equal quarterly installments within 15 days of the beginning of each quarter: Provided further, That not less than $200,000 for Adult Education: 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 Read (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 notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That the District of Columbia Public Schools shall spend $1,200,000 to implement 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 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 September 30, 2002, 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 $90,000,000 transferred pursuant to the District of Columbia Appropriations Act, 2001 (Public Law 106–522) to the Public Benefit Corporation for restructuring shall be made available to the Department of Health's Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia and shall remain available until expended for obligation during fiscal year 2002: 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 of this appropriation shall be available for transfer to the Highway Trust Fund's Local Roads, Construction and Maintenance Fund, upon certification by the Chief Financial Officer that funds are available from the 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 $250,515,000 from local funds, $134,339,000 from Federal funds, and $19,014,000 from other funds).

WORKFORCE INVESTMENTS

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

RESERVE

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $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 budget reserve established by section 202(j)(1) 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, and (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.

EMERGENCY ASSISTANCE LOAN GUARANTEES

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: Provided further, That the Director the Office of Management and Budget shall develop with the Chief Financial Officer of the District of Columbia an estimate of the liability incurred by the District of Columbia in implementing such Act: Provided further, That the District of Columbia shall implement such Act consistent with the recommendations made by the Office of Management and Budget and the Federal Credit Reform Act: Provided further, That the District of Columbia budget for fiscal year 2003 and future years shall include an amount for potential loan repayment consistent with the liability requirements recommended by the Office of Management and Budget.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

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

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

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

EMERGENCY PLANNING AND SECURITY COSTS

For an emergency operations plan, implementation of the emergency operations plan, and reimbursement of fiscal year 2001 expenses incurred by the District of Columbia for equipment purchased for providing security for the planned World Bank and International Monetary Fund September 2001 meetings, $16,058,000, from funds previously appropriated in this Act as a Federal payment, of which $12,652,000 shall be made available immediately to the District of Columbia Emergency Management Agency for planning, training and personnel costs required for development and implementation of the emergency operations plan for the District of Columbia.

WILSON BUILDING

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

EMERGENCY RESERVE FUND TRANSFER

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01(a)(2) et seq.) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7–1831.03 et seq.), there is transferred the amount available pursuant thereto and Section 404(c) of Public Law 106–554, not less than $33,254,000, 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 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.

ADMINISTRATIVE PROVISION

BILLINGS FOR WATER AND SEWER AUTHORITY SERVICES PROVIDED TO THE FEDERAL GOVERNMENT

(a) PROVIDING ESTIMATES TO SECRETARY OF THE TREASURY AND DEPARTMENT HEADS.—

(1) SANITARY SEWER SERVICES.—Section 212(b)(2) of the District of Columbia Public Works Act of 1954 (sec. 34–2112(b)(2), D.C. Official Code) is amended by inserting after ''the Office of Management and Budget,'' the following: ''the Secretary of the Treasury, and the head of each of the respective Federal departments, independent establishments, and agencies,''.

(2) WATER SERVICES.—Section 106(b)(2) of such Act (sec. 34–2401.25(b)(2), D.C. Official Code) is amended by inserting after ''the Office of Management and Budget,'' the following: ''the Secretary of the Treasury, and the head of each of the respective Federal departments, independent establishments, and agencies,''.

(3) CLARIFICATION OF TREATMENT OF ARLINGTON NATIONAL CEMETERY.—Chapter 11 of title II of the Supplemental Appropriations Act, 2001 (Public Law 107–20; 115 Stat. 188) is amended in the item relating to ''INDEPENDENT AGENCIES—DEPARTMENT OF DEFENSE—CIVIL—CEMETERIAL EXPENSES, ARMY—SALARIES AND EXPENSES'' by striking the colon at the end of the second proviso and inserting the following: '', except that nothing in this proviso may be construed to affect the determination of the amounts required to be paid for such services under sections 212(b) and 106(b) of the District of Columbia Public Works Act of 1954 (sec. 34–2401.25(b) and sec. 34–2112(b), D.C. Official Code) or to waive the requirement under such sections for the Secretary of Defense to pay such amounts to the District of Columbia:''.

(b) REQUIRING FEDERAL DEPARTMENTS TO GRANT ACCESS TO AUTHORITY FOR READING AND TESTING WATER METERS.—

(1) IN GENERAL.—Section 106(a) of the District of Columbia Public Works Act of 1954 (sec. 34–2401.25(a), D.C. Official Code) is amended by inserting before the last sentence the following: ''As an additional condition of service, the department, agency, or establishment which is responsible for the maintenance of any such meter shall provide the Mayor (acting through the District of Columbia Water and Sewer Authority) with such access to the meter as the Mayor may require to measure the actual usage of the department, agency, or establishment (including any entity under the jurisdiction of the department, agency, or establishment) for purposes of making the adjustments to annual estimates required under subsection (b)(2)(A).''.

(2) PERMITTING AUTHORITY TO INSTALL METERS.—If a department, independent establishment, or agency of the United States which uses water and water services from the District of Columbia water supply system has not installed a suitable meter at each point of Federal connection to the system to control and record the use of water through each such connection (as required under section 106(a) of the District of Columbia Public Works Act of 1954) as of the expiration of the 60-day period which begins on the date of the enactment of this Act—

(A) the District of Columbia Water and Sewer Authority shall install such a meter or meters (and incidental vaults, valves, piping and recording devices, and such other equipment as the Authority deems necessary) not later than 60 days after the expiration of such period; and

(B) the department, independent establishment, or agency shall pay the Authority promptly (but in no case later than 30 days after the Authority submits a bill) for the costs incurred in installing the meter and equipment.

(c) CLARIFICATION OF RESPONSIBILITY OF FEDERAL DEPARTMENTS TO ALLOCATE BILLINGS AND COLLECT AMOUNTS FROM INDIVIDUAL OFFICES.—

(1) SANITARY SEWER SERVICES.—Section 212 of the District of Columbia Public Works Act of 1954 (sec. 34–2112, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) Nothing in this section may be construed to require the District of Columbia to seek payment for sanitary sewer services directly from any Federal entity which is under the jurisdiction of a department, independent establishment, or agency which is required to make a payment for such services under this section, or to allocate any amounts charged for such services among the entities which are under the jurisdiction of any such department, independent establishment, or agency. Each Federal department, independent establishment, and agency receiving sanitary sewer services from the District of Columbia shall be responsible for allocating billings for such services among entities under the jurisdiction of the department, establishment, or agency, and shall be responsible for collecting amounts from such entities for any payments made to the District of Columbia under this section.''.

(2) WATER SERVICES.—Section 106 of the District of Columbia Public Works Act of 1954 (sec. 34–2401.25, D.C. Official Code) is amended by adding at the end the following new subsections:

''(c) Nothing in this section may be construed to require the District of Columbia to seek payment for water services directly from any Federal entity which is under the jurisdiction of a department, independent establishment, or agency which is required to make a payment for such services under this section, or to allocate any amounts charged for such services among the entities which are under the jurisdiction of any such department, independent establishment, or agency. Each Federal department, independent establishment, and agency receiving water from the District of Columbia shall be responsible for allocating billings for such services among entities under the jurisdiction of the department, establishment, or agency, and shall be responsible for collecting amounts from such entities for any payments made to the District of Columbia under this section.

''(d) In the case of water services provided to a department, independent establishment, or agency in Virginia through the Federally owned water main system, if the total of the metered amounts billed for all individual users of the system (as measured by the meters for each individual user) is less than the total amount as measured by the meters at the delivery points into the system at the Francis Scott Key Bridge, the District government shall collect, and the Secretary of Defense shall pay, the difference to the District government in accordance with the requirements for collecting and making payments under this section.''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

WASHINGTON AQUEDUCT

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

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

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

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

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

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $9,627,000 (including $2,177,000 to be derived by transfer from the general fund of the District of Columbia and $7,450,000 from other funds): Provided, That the transfer of $2,177,000 from the general fund shall not be made unless the District of Columbia general fund has received $2,177,000 from the D.C. Sports and Entertainment Commission prior to September 30,

2001: Provided further, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Official Code, sec. 1–204.42(b)).

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

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

HOUSING FINANCE AGENCY

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

NATIONAL CAPITAL REVITALIZATION CORPORATION

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

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,550,787,000 of which $1,348,783,000 shall be from local funds, $44,431,000 from Highway Trust funds, and $157,573,000 from Federal funds, and a rescission of $476,182,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,074,605,000 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That the capital budget 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 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 March 31, 2002 or 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, whichever occurs earlier: Provided further, That none of the conditions set forth in this paragraph shall interfere with the current operations of any Federal agency: Provided further, That none of the conditions set forth shall restrict the ongoing operations of the Department of Corrections.

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 funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107.(a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott; or

(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 108. 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. 109. (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 transfer of any local funds from one appropriation heading to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed four percent of the local funds in the appropriation.

SEC. 110. 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. 111. (a) Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Official Code, sec. 1–204.22(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

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

(2) INCLUSION OF OVERHEAD COSTS IN AGREEMENTS.—Section 2706(c)(3) of such Act is amended by striking the period at the end and inserting the following: '', except that in the case of the Office of the Chief Technology Officer, general and administrative costs shall include reasonable overhead costs and shall be calculated by the Chief Technology Officer (as determined under such criteria as the Chief Technology Officer independently deems appropriate subject to the review of the City Administrator, including a consideration of standards used to calculate general, administrative, and overhead costs for off-site employees found in Federal law and regulation and in general private industry practice).''.

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

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

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

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

(c) The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect through July 1, 2002.

(d) Section 424(b)(3) of the District of Columbia Home Rule Act (sec. 1–204.24b(c), D.C. Official Code) is amended—

(1) by striking ''determined'' and all that follows through ''exceed'' and inserting ''equal to''; and

(2) by striking ''IV'' and inserting ''I''.

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

SEC. 112. 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. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 2–303.3), 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. 114. (a) 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.

(b) 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. 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. Official Code, sec. 1–123).

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

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, 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 NOT INCLUDED IN CEILING. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) 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 within 15 calendar days after receipt of the report submitted under (1) has reviewed and approved the acceptance, obligation, and expenditure of such grant.

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

(d) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. 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.

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

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

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

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

SEC. 122. (a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated in this Act may be made available to any person or entity

that violates the Buy American Act (41 U.S.C. 10a–10c).

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

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

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

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

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

(1) the audit is conducted by the Inspector General of the District of Columbia, 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. Official Code, sec. 2–302.8); and

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

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

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

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

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

SEC. 127. (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. 128. 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. 129. (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.

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

SEC. 130. (a) CONTRIBUTION.—There is hereby appropriated a Federal contribution of $100,000 to the Metropolitan Police Department of the District of Columbia, effective upon the enactment by the District of Columbia of a law which reads as follows:

''BAN ON POSSESSION OF TOBACCO PRODUCTS BY MINORS

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

''(b) EXCEPTIONS.—

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

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

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

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

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

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

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

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

SEC. 131. 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.

SEC. 132. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

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

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

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

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

''(d) Notwithstanding subsection (a), as 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 annual compensation of the Mayor.''.

SEC. 137. 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. 138. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–206(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. 139. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93–030–(PA) and 93–031–(PA).

SEC. 140. (a) 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 or proceeding brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.).

(b) No later than 60 days after the date of enactment of this Act, the Superintendent of Schools for the District of Columbia shall submit to the Committees on Appropriations for the Senate and the House of Representatives a written report for each of the fiscal years 1999, 2000, and 2001, detailing a complete itemized list, by year, of the judgments for attorneys' fees awarded to plaintiffs who prevailed in cases brought against the District of Columbia or the District of Columbia Public Schools under section 615(i)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(i)(3)). Such report shall specify: (1) the amount of each judgment; (2) the total amount paid on each judgment as of the date of the report; (3) the principal balance remaining due on each such judgment as of the date of the report, the amount of interest due as of December 31, 2001 on each unpaid amount; and the prospective annual rate of interest applicable to the judgment as of January 1, 2002; (4) the name of the Court and case number for each judgment; (5) the aggregate total due in principal and interest on the judgments; and (6) the amount paid by the District of Columbia, in each case listed, to defense counsel representing the District or the District of Columbia Public Schools.

SEC. 141. The Comptroller General, in consultation with the relevant agencies and members of the Committees on Appropriations Subcommittees on the District of Columbia, shall submit by March 31, 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, to the extent practicable, of the causes of action 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''.

And the Senate agree to the same.

JOE KNOLLENBERG,
ERNEST ISTOOK,
JOHN T. DOOLITTLE,
JOHN E. SWEENEY,
DAVID VITTER,
BILL YOUNG,
CHAKA FATTAH,
ALAN B. MOLLOHAN,
Managers on the Part of the House.

MARY L. LANDRIEU,
JACK REED,
DANIEL K. INOUYE,
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate 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, submit the following joint statement to the House and the Senate in explanation of the effect of the actions agreed

upon by the managers and recommended in the accompanying conference report.

The conference agreement on the District of Columbia Appropriations Act, 2002, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 107–216 and Senate Report 107–85 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. The agreement agreed to herein, while repeating some report language for emphasis, does not negate the language reference above unless expressly provided. General provisions which are identical in the House and Senate passed versions of H.R. 2944 are unchanged by the conference agreement and are approved unless provided to the contrary herein.

A summary chart appears later in this statement just before the explanations of the general provisions showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation title showing the fiscal year 2001 appropriation, the fiscal year 2002 request, the House and Senate recommendations and the conference allowance.

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

The conference agreement includes language requiring the Federal payment for resident tuition support be deposited into a dedicated account with any interest accrued to be used on behalf of eligible District of Columbia residents. The conference action requires quarterly financial reports from the Chief Financial Officer on the use of resident tuition funds and limits administrative expenses to seven percent of the total amount appropriated herein rather than allowing administrative expenses to be charged again on carryover amounts.

The conferees recognize and appreciate the important role of Historically Black Colleges and Universities (HBCUs) in educating citizens of the District of Columbia. Therefore, conferees urge the prompt expansion of the District of Columbia's Tuition Assistance Grant Program to make those students attending HBCUs outside of the District of Columbia, Maryland and Virginia eligible for grant assistance.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The conference agreement has approved extending the availability until September 30, 2002 of the $5,000,000 approved in Public Law 106–113 dated November 29, 1999 for this program. The conference action provides that $1,000,000 be used for the establishment of a scholarship fund for post high school education and training for District children of adoptive families as well as for District children without parents due to the September 11, 2001 terrorist attack. The language also allows the funds to be used to fund programs included in amendments made by title 22 of the District's FY 2002 Budget Support Act to the Adoption Support Fund.

The conferees encourage the Mayor to use funds made available to create incentives to promote the adoption of children in the District of Columbia foster care system, including $2,000,000 for attorney fees and home studies, $1,000,000 for establishment of a private adoptive family resource center in the District to provide ongoing information, education and support to adoptive families, and $1,000,000 for adoption incentives and support for children with special needs.

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

Appropriates $500,000 for a Federal payment to the Capitol City Career Development and Job Training Partnership as proposed by the House.

FEDERAL PAYMENT TO CAPITOL EDUCATION FUND

Appropriates $500,000 to the Capitol Education Fund.

FEDERAL PAYMENT TO METROPOLITAN KAPPA YOUTH DEVELOPMENT FOUNDATION, INC.

Appropriates $450,000 to the Metropolitan Kappa Youth Development Foundation, Inc.

FEDERAL PAYMENT TO THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

Appropriates $500,000 to the Fire and Emergency Medical Services Department for dry docking of the fire boat as proposed by the House.

FEDERAL PAYMENT TO THE CHIEF MEDICAL EXAMINER

Appropriates $585,000 for the Chief Medical Examiner for reduction in the backlog of autopsies, case reports and for the purchase of toxicology and histology equipment as proposed by the House.

FEDERAL PAYMENT TO THE YOUTH LIFE FOUNDATION

Appropriates $250,000 to the Youth Life Foundation for technical assistance, operation expenses, and establishment of a National Training Institute as proposed by the House.

FEDERAL PAYMENT TO FOOD AND FRIENDS

Appropriates $2,000,000 to Food and Friends for their Capital Campaign as proposed by the House.

FEDERAL PAYMENT TO THE CITY ADMINISTRATOR

Appropriates $300,000 to the City Administrator for the Criminal Justice Coordinating Council for the District of Columbia as proposed by the House.

FEDERAL PAYMENT TO SOUTHEASTERN UNIVERSITY

Appropriates $500,000 to Southeastern University for a public/private partnership with the District of Columbia Public Schools at the McKinley Technology High School campus as proposed by the House instead of $250,000 as proposed by the Senate.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

Appropriates $2,500,000 to the District of Columbia Public Schools of which $2,000,000 is for the Voyager Expanded Learning Literacy Program in kindergarten and first grade classrooms, $250,000 is for the Failure Free Reading Literacy Program for nonreaders and special education students and $250,000 is for Lightspan, Inc. to implement the eduTest.com program in the public school system.

FEDERAL PAYMENTS FOR DISTRICT OF COLUMBIA AND FEDERAL LAW ENFORCEMENT MOBILE WIRELESS INTEROPERABILITY PROJECT

Appropriates $1,400,000 as proposed by the Senate in support of the District of Columbia and Federal law enforcement Mobile Wireless Interoperability Project as follows: $400,000 to the District of Columbia Office of the Chief Technology Officer, $333,334 to the United States Secret Service, $333,333 to the United States Capitol Police, and $333,333 to the United States Park Police. The conferees expect the Secret Service, the Park Police, and the Capitol Police to provide additional funding to continue this project through their own appropriations or through existing interagency funding pools in subsequent fiscal years.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

Appropriates $16,058,000 for emergency planning and security costs in the District of Columbia of which $12,652,000 is to be made available immediately to the District's Emergency Management Agency for planning, training, and personnel costs required for implementing the emergency operations plan and $3,406,000 is to be made available immediately for reimbursement for equipment purchased to provide security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund. The conference action requires the Mayor and the Chairman of the Council of the District of Columbia, in consultation with the Director of the Office of Personnel Management, the United States Park Police, the United States Capitol 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 the contiguous counties of the regional and the respective state and local law enforcement entities in the region, to develop an integrated emergency operations plan for the District of Columbia in cases of national security events, including terrorist threats, protests, or other unanticipated events. The plan is to be submitted to the Committees on Appropriations of the Senate and House of Representatives no later than January 2, 2002. In addition, the Chief Financial Officer is required to provide quarterly reports on the use of the funds under this heading beginning not later than April 2, 2002.

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

Appropriates $8,300,000 instead of $2,350,000 as proposed by the House and $5,900,000 as proposed by the Senate. The appropriation includes $1,000,000 for payment to the Excel Institute Adult Education Program to be used by the Institute for construction, $300,000 for payment to the Woodlawn Cemetery for restoration of the Cemetery, $250,000 for payment to the Real World Schools concerning 21st Century reform models for secondary education and the use of technology to support learning in the District of Columbia, $300,000 for payment to a mentoring program and for hotline services; $250,000 for payment to a youth development program with character education initiative; $250,000 for payment to a basic values training in the local public schools, $2,250,000 for payment for a pilot project to demonstrate the ''Active Cap'' river cleanup technology on the Anacostia River, $500,000 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 the Kenilworth Park in the creation of the Kenilworth Regional Sport Complex, $600,000 for payment to the One Economy Corporation to increase Internet access to low-income homes in the District of Columbia, $500,000 for payment to the Langston Project for the 21st Century, a community revitalization project to improve physical education and training facilities, $1,000,000 for payment to the Green Door Program, for capital improvements at a community mental health clinic, $500,000 for payment to the Historical Society of Washington for capital improvements to the new City Museum; $200,000 to Teach for America DC for teacher development, $50,000 to the District of Columbia for initial renovations at Eastern Market, $350,000 to the District of Columbia Safe Kids Coalition to promote child passenger safety through the Child Occupant Protection Initiative. The conferees direct the District's Chief Financial Officer to make the above payments directly to the organizations within 30 days of the enactment

of this Act. The conferees do not expect the Chief Financial Officer to administer these programs or get involved in any way with the programs except to ensure that the funds are disbursed promptly and correctly to the proper organizations.

The conferees encourage the District's Chief Financial Officer to credit amounts reimbursed by the U.S. Marshals Service for District of Columbia inmates housed in private contract facilities directly to the District of Columbia Department of Corrections for payment to a contract bed space service provider.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

Appropriates $30,200,000 instead of $32,700,000 as proposed by the House and Senate. The reduction consists of $2,000,000 from building renovations and $500,000 from funds requested for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

Appropriates $112,180,000 instead of $111,238,000 as proposed by the House and $140,181,000 as proposed by the Senate and allocates $66,091,000 as proposed by the House for Superior Court instead of $72,694,000 as proposed by the Senate, $31,594,000 for the Court System instead of $31,149,000 as proposed by the House and $31,634,000 as proposed by the Senate, and $6,492,000 for capital improvements instead of $5,995,000 as proposed by the House and $27,850,000 as proposed by the Senate. The conference action deletes the proviso proposed by the House that would have required approval by the Committees for the purchase, installation and operation of an Integrated Justice Information System. The conference action deletes language proposed by the Senate that would have allowed the District of Columbia Courts to reallocate not more than $1,000,000 of funds provided under this heading among the items and entities funded under such heading. The conference action transfers the new District of Columbia Family Court to a separate appropriation heading as proposed by the House instead of as a proviso under this heading as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

The conference agreement amends D.C. Official Code, sec. 11–1722(a) to remove the Director of Social Services in the Superior Court from direct supervision of the Executive Officer as proposed by the Senate.

The conference agreement amends D.C. Official Code, sec. 11–1723(a)(3) to remove the internal auditing of the accounts of the courts from the fiscal officer as proposed by the Senate.

Crime victims compensation.—The conference agreement amends D.C. Official Code, sec. 4–515(d) and (e) concerning the Victims of Violent Crime Compensation Fund to allow 50 percent of the estimated balance to be used for direct compensation payments to crime victims through the Fund and the balance for outreach activities designed to increase the number of crime victims who apply for such direct compensation payments. The language also provides that not more than 5 percent of the total amount of monies in the Fund may be used to pay administrative costs.

The District's Chief Financial Officer is directed to certify that priority is given to crime victim assistance programs that provide assistance to victims of sexual assault, domestic violence, or child abuse including but not limited to abuse counseling, health and mental health services, child advocacy centers, emergency housing, emergency child care, transportation, hospital-based informational and referral services, and family support. The conferees recommend that the District government make funds available for victim assistance programs which are aimed at improving the intake, assessment, screening and investigation of reports of child abuse and neglect and domestic violence.

The District's Chief Financial Officer is directed to certify that the program funds awarded to grantees under this program are used to directly serve victims of crime.

The conference agreement amends D.C. Official Code, sec. 11–2604 to increase the hourly rate for attorneys for indigents appointed under the Criminal Justice Act (CJA) from $50 per hour to $65 per hour and increases the rate paid to investigators from $10 per hour to $25 per hour. The rates are effective for cases initiated on or after March 1, 2002.

Quality of CJA legal services.—The conferees strongly urge the D. C. Superior Court to evaluate the quality of the legal services rendered by lawyers appointed under the Criminal Justice Act to handle juvenile delinquency cases. The Court is urged to take immediate, affirmative steps to ensure that lawyers who lack the requisite training, experience and skill are not appointed to delinquency cases. The conferees also urge the Court to adopt a Continuing Legal Education (CLE) requirement for all lawyers rendering legal services under the Criminal Justice Act. Such training is critical to improving the quality of legal representation provided to indigent people in the District of Columbia and will result in a more cost-efficient system.

FEDERAL PAYMENTS FOR FAMILY COURT ACT

Appropriates $24,016,000 for carrying out the District of Columbia Family Court Act of 2001 instead of $23,316,000 as proposed by the House and $23,315,000 as proposed by the Senate. The increase of $700,000 includes $200,000 for the 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 and $500,000 to be used by the Child and Family Services Agency for activities authorized by the District of Columbia Family Court Act of 2001.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

Appropriates $34,311,000 as proposed by the House instead of $39,311,000 as proposed by the Senate and makes conforming technical changes. The reduction of $5,000,000 below the Senate recommendation reflects conference action that requires the use of unobligated balances to fund the rate increase for investigators and for attorneys for indigents appointed under the Criminal Justice Act. The conference agreement also requires that $4,685,500 for design and construction expenses of the courthouse at 451 Indiana Avenue, N.W., be paid from unobligated balances in this account.

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

(INLCUDING TRANSFER OF FUNDS)

The conference agreement allows $2,000 for official receptions related to the offender and defendant support programs instead of $1,500 proposed by the House and $5,000 proposed by the Senate. The conference agreement restores the proviso requiring the Director to keep accurate and detailed records of the acceptance and use of any gift or donation as proposed by the House and makes conforming technical changes. The conference action includes language proposed by the Senate that allows the Director flexibility in acquiring an appropriate site to house or supervise offenders and defendants rather than limiting the Director to a specific site as proposed in the budget request and proposed by the House. In any event the site is to be acquired by March 31, 2002.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

Appropriates $5,500,000 to the Children's National Medical Center of which $500,000 is for completion of a network of satellite pediatric health clinics for children and families in underserved neighborhoods and communities in the District of Columbia and $5,000,000 is for capital and equipment improvements.

ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

Appropriates $2,000,000 to St. Coletta of Greater Washington, Inc. instead of $1,000,000 as proposed by the House for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple handicapped adolescents and adults in the District of Columbia including property acquisition and construction.

FEDERAL PAYMENT TO FAITH AND POLITICS INSTITUTE

Appropriates $50,000 to the Faith and Politics Institute for grass roots-based racial sensitivity programs in the District of Columbia as proposed by the House.

FEDERAL PAYMENT TO THE THURGOOD MARSHALL ACADEMY CHARTER SCHOOL

Appropriates $1,000,000 as proposed by the Senate to the Thurgood Marshall Academy Charter School to be used to acquire and renovate an educational facility in the Anacostia area of the District.

FEDERAL PAYMENT TO THE GEORGE WASHINGTON UNIVERSITY CENTER FOR EXCELLENCE IN MUNICIPAL MANAGEMENT

Appropriates $250,000 to the George Washington University Center for Excellence in Municipal Management as proposed by the Senate to increase the enrollment of managers from the District of Columbia government.

COURT APPOINTED SPECIAL ADVOCATES

Appropriates $250,000 to the District of Columbia Court Appointed Special Advocates Unit as proposed by the Senate to be used to expand the Unit's work in the Family Court of the District of Columbia Superior Court.

ADMINISTRATIVE PROVISION

The conference agreement allows $100,000 appropriated in the District of Columbia Appropriations Act, 2001, Public Law 106–522 (114 Stat. 2441) to remain available until September 30, 2002 for the Metropolitan Police Department to fund a youth safe haven police mini-station for mentoring high risk youth; $1,000,000 made available in such Act for the Washington Interfaith Network (114 Stat. 2444) to remain available until December 31, 2002 for reimbursement of costs incurred in carrying out preconstruction activities at the former Fort Dupont Dwellings and Additions, and $3,450,000 for Brownfield Remediation (114 Stat. 2445) to remain available until expended for environmental and infrastructure costs at Poplar Point as proposed by the Senate.

CONGRESSIONAL RESEARCH SERVICE

The conferees direct the Congressional Research Service to analyze the differences and similarities in municipal, state and national government, including funding, management, oversight, and the rights of citizens, in the District of Columbia and ten other comparable national capitals. The conferees request that the report be submitted to the House and Senate Committees on Appropriations not later than March 31, 2002.

DISTRICT OF COLUMBIA FUNDS

DIVISION OF EXPENSES

Provides that operating expenses for the District of Columbia for fiscal year 2002 shall not exceed $6,048,160,000 of which $124,163,000 is from intra-District funds and $3,574,493,000 is from local funds instead of $6,043,881,000 of which $124,163,000 is from intra-District funds and $3,571,343,000 is from local funds as proposed by the House and $6,051,646,000 of which $124,163,000 is from intra-District funds and $3,553,300,000 is from local funds as proposed by the Senate. The changes in the amounts reflect actions taken by the conferees in the funding levels under the various appropriation headings.

The conference agreement includes a proviso allowing the ceiling amount to be increased by proceeds of one-time transactions which are expended for emergency or unanticipated operating or capital needs and deletes the provision that would have allowed expenditures above the cap to generate additional revenues. The conferees encourage the Chief Financial Officer to reprioritize existing resources for this purpose.

GOVERNMENTAL DIRECTION AND SUPPORT

Appropriates $286,138,000 including $229,421,000 from local funds, $38,809,000 in Federal funds and $17,908,000 from other funds instead of $285,359,000 including $229,271,000 from local funds, $38,809,000 from Federal funds and $17,279,000 from other funds as proposed by the House and $307,117,000 including $228,471,000 from local funds, $61,367,000 from Federal funds and $17,279,000 from other funds as proposed by the Senate.

Office of the Mayor.—The conference agreement includes an increase of $200,000 in Federal funds appropriated earlier under Federal Payments for Family Court Act for a computer integration plan for Child and Family Social Services as proposed by the Senate.

Recycled crumb rubber.—The conferees encourage the District government to use recycled crumb rubber from tires in environmentally responsible applications such as roads, playgrounds, bicycle paths, and parking lots. Last year in the United States alone 270 million tires were ''retired''. While it has been reported that 70 percent of the tires were beneficially utilized, some 30 percent went into landfills. Tires in landfills create problems that should be minimized or eliminated. New technology has now allowed tires to be recycled more economically, producing metals that are recycled and tire crumb that can be used in numerous applications that provide added benefits. Rubberized asphalt in road applications has been reported to last longer and provide lower noise levels. Mats made from recycled rubber have been known to provide a safer environment for children in playgrounds. These and other applications allow for environmentally responsible uses and minimize the number of tires that may be discarded.

Office of the City Administrator.—The conference agreement includes an increase of $300,000 in Federal funds appropriated earlier in this Act for the Criminal Justice Coordinating Council of the District of Columbia as proposed by the House. The conferees encourage District officials to reprogram or transfer funds to augment this program in the event additional funds are required.

Office of the Chief Technology Officer.—The conference agreement includes an increase of $400,000 in Federal funds appropriated earlier in this Act to manage a wireless pilot project to connect local and Federal law enforcement agencies in the region as proposed by the Senate instead of $500,000 as proposed by the House.

Office of the Corporation Counsel.—The conference agreement includes $386,000 for activities related to the D.C. Antitrust Act of 1980, $10,000 for Antifraud activities related to section 820 of the D.C. Procurement Practices Act of 1985, and $233,000 for the Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001.

Office of the Chief Financial Officer.—The conference agreement includes $50,000 for initial renovations at Eastern Market from Federal funds appropriated earlier in this Act.

ECONOMIC DEVELOPMENT AND REGULATION

The conference agreement includes the provisos proposed by the Senate requiring the Department of Consumer and Regulatory Affairs to 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. The conference agreement approves $293,000 from other funds resulting from the lapse of personnel vacancies, caused by transferring 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. Law 13–281, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties. The conference agreement approves the proviso that requires 18 percent of the annual total amount in the 5–513 fund, up to $500,000, that is deposited into the 5–513 fund on an annual basis, be used to implement section 102 and other related sections of D.C. Law 13–281. The conference agreement deletes the proviso concerning personnel matters and the filling of certain positions in the Department.

Downtown Business Improvement Districts (BID).—The conferees have reviewed concerns expressed by businesses and business organizations in the District, as well as criticism expressed in the local press, concerning the Downtown BID's commitment to expand its mission into areas of regulation, planning, marketing, advocacy and economic development by way of the creation of affiliated entities, and its advocacy for legislative authority to expand its functions to include public space management and regulation.

The Downtown BID and other BIDs in the District generate funding for operations and administration under the authority granted to it by legislation enacted by the Council of the District of Columbia and approved by Congress. Justification for delegating the authority to impose taxes, fees or liens on all commercial owners and tenants within the BID's boundaries arose out of the need to enhance the District's ability to maintain cleanliness and public safety within those boundaries. In fact, language exempting BIDs from taxes levied by the District of Columbia was initially placed in the fiscal year 1999 District of Columbia Appropriations Act based on assurances that the BIDs' role would be limited to augmenting the services that the District government was providing in the areas of public safety, trash collection, street cleaning and ''ambassadorial'' assistance. The proposal was for the businesses in the area to ''tax themselves'' and use those funds to provide a higher level of basic services in their area. On that basis, it seemed fair to allow the tax exemption. However, the intent was not to provide a tax exemption for economic development or activities other than those that would enhance the appearance and livability in the BID area.

The House Committee took the initiative to investigate and respond to the concerns expressed by the business community to the expansion of the BID's mission as well as the various proposals for funding the operation and administration of such affiliate entities. As a result of the House Committee's discussions with Downtown BID Board members and staff members, the Downtown BID has informed its Board and other business organizations in the District that it will not move forward with the expansion of its core mission at this time, and that any expansion of its core mission, either within the BID or through affiliated entities, will not duplicate existing government functions that are currently funded with taxpayer dollars.

The conferees are concerned about this situation and the considerable deviation from the BIDs' original mission as conveyed to Congress.

PUBLIC SAFETY AND JUSTICE

Appropriates $633,853,000 including $594,803,000 from local funds, instead of $632,668,000 including $593,618,000 from local funds as proposed by the Senate.

Metropolitan Police Department.—The conference agreement provides $100,000 in Federal funds included in section 130 of the general provisions on the condition that the District government enacts into law a ban on the possession of tobacco products by minors as specified in section 132. The funds are to be used by the Department to enforce the ban.

Fire and Emergency Medical Services Department.—The conference agreement includes $500,000 for the Fire and Emergency Medical Services Department to cover the costs of dry docking the fireboat as proposed by the House.

Office of the Chief Medical Examiner.—The conference agreement includes $585,000 for the Chief Medical Examiner to help reduce backlogs of autopsies and case reports and to purchase toxicology and histology equipment as proposed by the House.

The conference agreement retains the proviso enacting into law section 3703 of title XXXVII of the Fiscal Year 2002 Budget Support Act of 2001 as proposed by the House and transfers the proviso relating to the District of Columbia Income and Franchise Tax Act of 1947 to section 103 of the general provisions.

PUBLIC EDUCATION SYSTEM

Appropriates $1,108,665,000 including $896,994,000 from local funds instead of $1,106,165,000 including $185,044,000 from Federal funds as proposed by the House and $1,108,915,000 including $187,794,000 from Federal funds as proposed by the Senate. The conference agreement allocates $400,000 for Enhancing and Actualizing Internationalism and Multiculturalism in the Academic Programs of the University of the District of Columbia and not less than $200,000 for Adult Education. The conference action allocates $1,277,500 for the Excel Institute Adult Education Program and requires that quarterly payments be made by the District's Chief Financial Officer. The conference action allocates funds for various programs as proposed by the Senate and retains the proviso that excludes the evaluation process for District of Columbia Public School employees as a negotiable item for collective bargaining purposes. The conference agreement deletes the proviso that would have changed the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia. The conference agreement extends the availability of $1,000,000 in local funds appropriated in Public Law 107–20 for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and each public charter school. The funds are to remain available until expended.

Public Schools.—Allocates $813,042,000 including $661,124,000 from local funds and

$144,630,000 from Federal funds for public schools instead of $810,542,000 including $144,630,000 from Federal funds as proposed by the House and $813,292,000 from local funds and $147,380,000 from Federal funds as proposed by the Senate. The increase above the House allowance includes $250,000 for the Failure Free Reading literacy program for non-readers and special education students, $250,000 for Lightspan, Inc. to implement the eduTec.com program, and $2,000,000 for the Voyager Expanded Learning Literacy Program in kindergarten and first grade. The $2,000,000 for the Voyager Program consists of Federal funds appropriated earlier in this Act and will allow the program to be implemented in kindergarten and first grade classrooms throughout the District's public school system. The program is a comprehensive literacy system that guarantees that all children entering the system in kindergarten will be reading at grade level or above by the third grade. The program includes a 5 day reading certification for teachers, a student assessment system, and electronic data management system, an in-school reading program, after school and summer school interventions, and a home study program for parents.

PUBLIC CHARTER SCHOOLS

ENSURING INDEPENDENCE WITH ACCOUNTABILITY

Public charter schools are innovations in public education designed to provide public education programs free from traditional public school bureaucracy. The conferees are proud to have played a partial role in their establishment in the District of Columbia. After four years, the District continues to offer one of the most vibrant and diverse charter school programs in the United States, enrolling more than 11% of the District's public school students.

The conferees believe strongly that public charter schools must remain free of bureaucratic regulation. However, the conferees are also disturbed by press reports of fiscal irregularities and questionable management, reporting, discipline and academic practice at a few charter schools. Three schools were closed by their chartering authority for such reasons in the summer of 2001. Moreover, a number of schools will soon undergo the mandatory five-year review, to determine whether there is reason to revoke their charters. Obviously, charter school closings disrupt the instruction of their students. At the same time, chartering authorities cannot responsibly leave children in schools that are demonstrably failing or accept continued public funding of schools whose academic or financial performance is irresponsible.

In authorizing the establishment of public charter schools in the District of Columbia, Congress has chosen to encourage responsible educational creativity by a system that grants freedom from regulation in exchange for accountability. Accountability, however, requires the full disclosure of information about school performance and finances, and active oversight by chartering authorities. While the chartering authorities must not tell charter schools how to achieve results or require the submission of unnecessary data, they are obligated to remain informed of school performance and to take action when a school fails to live up to the promises made in its charter application, fails to provide legally mandated information, or fails to conform to acceptable financial practice.

The conferees therefore encourage the chartering authorities to act quickly when they become aware of problems at a public charter school that could potentially lead to revocation of its charter, to notify and offer support to the school in order to prevent the disruption to children's education of charter revocation and to protect public funds. The conferees do not encourage regulation or directives of the kind practiced by school system administrations, but do believe that the kind of accountability required of public schools in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301) must be asked of the District's public charter schools also.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

The conference action makes conforming technical changes as to the amount available for the Health Care Safety Net Administration and deletes the proviso that would have prohibited the District from providing free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act.

The conference agreement inserts a proviso earmarking $7,500,000 to remain available until expended for the Addiction Recovery Fund to be used solely for the purpose of the Drug Treatment Choice Program.

PUBLIC WORKS

The conference agreement inserts provisos earmarking funds for various programs as proposed by the Senate.

RECEIVERSHIP PROGRAMS

Appropriates $403,868,000 including $250,515,000 from local funds, $134,339,000 from Federal funds instead of $403,368,000 including $134,339,000 from Federal funds as proposed by the House and $403,868,000 including $134,839,000 from Federal funds as proposed by the Senate. The conference agreement includes an increase of $500,000 in Federal funds appropriated earlier in this Act for the Family Court to hire additional staff to enhance coordination with the Family Court of the Superior Court of the District of Columbia as required by the Family Court Act.

RESERVE

The conference agreement provides a reserve of $120,000,000 as proposed by the Senate instead of $150,000,000 as proposed by the House and deletes the proviso concerning the obligation of the reserve funds as proposed by the Senate.

RESERVE RELIEF

The conference agreement inserts a new heading and language that allows the District to spend $30,000,000 of the Reserve under certain conditions as proposed by the Senate.

CONTINGENCY RESERVE FUND

The conference agreement deletes this heading and language as proposed by the Senate.

EMERGENCY AND CONTINGENCY RESERVE FUND

The conference agreement inserts a new heading and language to allow deposits into the Contingency Reserve Fund beginning in fiscal year 2002 if certain conditions are met.

REPAYMENT OF LOANS AND INTEREST

The conference agreement transfers the proviso for the Emergency Assistance Loan Guaranty Program to a separate heading.

EMERGENCY ASSISTANCE LOAN GUARANTEES

The conference agreement inserts a new heading and transfers language from Repayment of Loans and Interest that provides indefinite appropriations of local funds to make payments related to the District of Columbia Emergency Assistance Act of 2001 that was enacted by the District government in response to the impact that the terrorist attack of September 11, 2001 had on local businesses. The loans will be made by local banks for a period up to 10 years and will be guaranteed by the District government. The conferees encourage the District's Chief Financial Officer to consult with the Office of Management and Budget in developing legislation for consideration by the Mayor and Council consistent with the purposes of the Federal Credit Reform Act. Such legislation would require the District to accurately estimate and budget for the potential liability from existing District of Columbia loan and loan guarantee programs and the potential liability from legislation proposed to establish such programs.

EMERGENCY PLANNING AND SECURITY COSTS

Appropriates $16,058,000 in Federal funds appropriated earlier in this Act for emergency planning and security costs in the District of Columbia. The language agreed to by the conferees makes $12,652,000 of this amount available immediately to the District of Columbia Emergency Management Agency for planning, training and personnel costs required for development and implementation of the emergency operations plan for the District of Columbia.

EMERGENCY RESERVE FUND TRANSFER

The conference action makes conforming technical changes and requires that not less than $33,254,000 will be deposited into the Emergency and Contingency Reserve Funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

The conference agreement inserts an administrative provision that clarifies responsibilities concerning the water and sewer system and the Federally owned water main system as well as the installation of and access to meters.

SPORTS AND ENTERTAINMENT COMMISSION

The conference agreement retains language concerning the transfer of funds and changes the date for a payment from the Commission to the general fund from September 20, 2001 as proposed by the House to September 30, 2001. The increase of $500,000 is for the creation of the Kenilworth Regional Sports Complex. The funds are to be used by the Commission in coordination with the U.S. Soccer Foundation to cover environmental and infrastructure costs at Kenilworth Park in connection with the creation of the Kenilworth Regional Sports Complex.

D.C. RETIREMENT BOARD

The conference agreement retains the proviso requiring the Retirement Board to provide the Congress and the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds.

CAPITAL OUTLAY

The conference agreement includes language proposed by the Senate concerning the requirement for 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 as proposed by the Senate. The conference agreement includes language that none of the conditions set forth in this paragraph shall interfere with the current operations of any Federal agency.

SUMMARY TABLE OF CONFERENCE RECOMMENDATIONS BY AGENCY

A summary table showing the Federal appropriations by account and the allocation of District funds by agency or office under each appropriation heading for fiscal year 2001, the fiscal year 2002 request, the House and Senate recommendations, and the conference allowance follows:

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SUMMARY
FY 2002 D. C. APPROPRIATIONS BILL

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
FEDERAL FUNDS						
Federal Payment for Resident Tuition Support	0	17,000,000	0	17,000,000	0	17,000,000
Federal Payment to the Capitol City Career Development and Job Training Partnership	0	1,500,000	0	0	0	500,000
Federal Payment to Capitol Education Fund	0	0	0	0	0	500,000
Federal Payment to Metropolitan Kappa Youth Development Foundation, Inc.	0	0	0	0	0	450,000
Federal Payment to the Fire and Emergency Medical Services Department	0	500,000	0	0	0	500,000
Federal Payment to the Chief Medical Examiner	0	585,000	0	0	0	585,000
Federal Payment to the Youth Life Foundation	0	250,000	0	0	0	250,000
Federal Payment to Food and Friends	0	2,000,000	0		0	2,000,000
Federal Payment to the City Administrator	0	300,000	0	0	0	300,000
Federal Payment to Southeastern University	0	500,000	0	0	0	500,000
Federal Payment for Voyager Universal Literacy System	0	1,000,000	0	0	0	0
Federal Payment to the District of Columbia Public Schools	0	0	0	2,750,000	0	2,500,000
Federal Payment to the Office of the Chief Technology Officer	0	500,000	0	0	0	0
Federal Payment for District of Columbia and Federal Law Enforcement Mobile Wireless Interoperability Project	0	0	0	1,400,000	0	1,400,000
Federal Payment for Emergency Planning and Security Cost in the District of Columbia	0	16,058,000	0	16,058,000	0	16,058,000
Federal Payment to the Chief Financial Officer of the District of Columbia	0	2,350,000	0	5,900,000	0	8,300,000
Federal Payment to the District of Columbia Corrections Trustee Operations	0	32,700,000	0	32,700,000	0	30,200,000
Federal Payment to the District of Columbia Courts	0	111,238,000	0	140,181,000	0	112,180,000
Federal Payment for Family Court Act	0	23,316,000	0	0	0	24,016,000
Defender Services in the District of Columbia Courts	0	34,311,000	0	39,311,000	0	34,311,000
Federal Payment to the Court Services and Offender Supervision Agency for the District of Columbia	0	147,300,000	0	147,300,000	0	147,300,000
Federal Payment for Children's National Medical Center	0	5,500,000	0	3,200,000	0	5,500,000
St. Coletta of Greater Washington Expansion Project	0	1,000,000	0	0	0	2,000,000
Federal Payment to Faith and Politics Institute	0	50,000	0	0	0	50,000
Federal Payment to the Thurgood Marshall Academy Charter School	0	0	0	1,000,000	0	1,000,000
Federal Payment to the George Washington University Center for Excellence in Municipal Planning	0	0	0	250,000	0	250,000
Federal Payment for Child and Family Social Services Computer Integration Plan	0	0	0	200,000	0	0
Court Appointed Special Advocates	0	0	0	250,000	0	250,000
Child and Family Services Agency - Family Court Reform	0	0	0	500,000	0	0
Federal contribution for enforcement of law banning possession of tobacco products by minors, Sec. 130	0	100,000	0	0	0	100,000
	0	**398,058,000**	**0**	**408,000,000**	**0**	**408,000,000**

	House Bill		Senate Bill		Conference	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
DISTRICT OF COLUMBIA FUNDS						
Operating expenses:						
Governmental Direction and Support	2,569	285,359,000	2,569	307,117,000	2,569	286,138,000
Economic Development and Regulation	1,518	230,878,000	1,518	230,878,000	1,518	230,878,000
Public Safety and Justice	7,617	633,853,000	7,617	632,668,000	7,617	633,853,000
Public Education System	11,903	1,106,165,000	11,903	1,108,915,000	11,903	1,108,665,000
Human Support Services	3,931	1,803,923,000	3,931	1,803,923,000	3,931	1,803,923,000
Public Works	1,663	300,151,000	1,663	300,151,000	1,663	300,151,000
Receivership Programs	2,994	403,368,000	2,994	403,868,000	2,994	403,868,000
Workforce Investments	0	42,896,000	0	42,896,000	0	42,896,000
Reserve	0	150,000,000	0	120,000,000	0	120,000,000
Reserve Relief	0	0	0	30,000,000	0	30,000,000
Repayment of Loans and Interest	0	247,902,000	0	247,902,000	0	247,902,000
Repayment of General Fund Recovery Debt	0	39,300,000	0	39,300,000	0	39,300,000
Payment of Interest on Short-Term Borrowing	0	500,000	0	500,000	0	500,000
Emergency Planning and Security Costs	0	16,058,000	0	0	0	16,058,000
Wilson Building	0	8,859,000	0	8,859,000	0	8,859,000
Emergency Reserve Fund Transfer	0	33,254,000	0	33,254,000	0	33,254,000
Non-Departmental Agency	0	5,799,000	0	5,799,000	0	5,799,000
Water and Sewer Enterprise Fund	0	244,978,000	0	244,978,000	0	244,978,000
Washington Aqueduct	0	46,510,000	0	46,510,000	0	46,510,000
Stormwater Permit Compliance	0	3,100,000	0	3,100,000	0	3,100,000
Lottery and Charitable Games Enterprise Fund	100	229,688,000	100	229,688,000	100	229,688,000
Sports and Entertainment Commission	0	9,127,000	0	9,127,000	0	9,627,000
D.C. Retirement Board	14	13,388,000	14	13,388,000	14	13,388,000
Washington Convention Center Enterprise Fund	0	57,278,000	0	57,278,000	0	57,278,000
Housing Finance Agency	0	4,711,000	0	4,711,000	0	4,711,000
National Capital Revitalization Corporation	0	2,673,000	0	2,673,000	0	2,673,000
Total, operating expenses	**32,309**	**5,919,718,000**	**32,309**	**5,927,483,000**	**32,309**	**5,923,997,000**
Capital Outlay:						
General fund	0	1,074,605,000	0	1,074,604,000	0	1,074,605,000
Water and Sewer fund	0	152,114,000	0	152,114,000	0	152,114,000
Total, capital outlay	**0**	**1,226,719,000**	**0**	**1,226,718,000**	0	**1,226,719,000**
Grand Total, District of Columbia Funds	**32,309**	**7,146,437,000**	**32,309**	**7,154,201,000**	**32,309**	**7,150,716,000**

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GOVERNMENTAL DIRECTION AND SUPPORT

Agency/Activity	FY 2001 Approved	FY 2002	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Council of the District of Columbia	12,124,000	13,232,000	13,232,000	13,232,000	13,232,000
Office of the District of Columbia Auditor	1,283,000	1,299,000	1,299,000	1,299,000	1,299,000
Advisory Neighborhood Commissions	748,000	808,000	808,000	808,000	808,000
Office of the Mayor	7,217,000 1/	7,787,000	7,787,000	7,987,000	7,987,000
Office of the Secretary	1,946,000	2,516,000	2,516,000	2,516,000	2,516,000
City-Wide Call Center	0	1,898,000	1,898,000	1,898,000	1,898,000
Office of the City Administrator	23,386,000	27,709,000	28,009,000	27,709,000	28,009,000
Office of Personnel	11,285,000	15,908,000	15,908,000	15,908,000	15,908,000
Human Resources Development Fund	2,744,000	3,766,000	3,766,000	3,766,000	3,766,000
Office of Finance and Resource Management	7,553,000 2/	2,198,000	2,198,000	2,198,000	2,198,000
Office of Contracting and Procurement	15,337,000	13,066,000	13,066,000	13,066,000	13,066,000
Office of the Chief Technology Officer	11,770,000	12,502,000	13,002,000	12,902,000	12,902,000
Office of Property Management	8,550,000	8,905,000	8,905,000	8,905,000	8,905,000
Contract Appeals Board	734,000	746,000	746,000	746,000	746,000
Board of Elections and Ethics	3,250,000	3,503,000	3,503,000	3,503,000	3,503,000
Office of Campaign Finance	1,209,000	1,388,000	1,388,000	1,388,000	1,388,000
Public Employee Relations Board	652,000	686,000	686,000	686,000	686,000
Office of Employee Appeals	1,434,000	1,540,000	1,540,000	1,540,000	1,540,000
Metropolitan Washington Council of Governments	367,000	367,000	367,000	367,000	367,000
Office of the Corporation Counsel	0	49,811,000	49,811,000	49,811,000	50,440,000
Settlements and Judgments	0	23,450,000	23,450,000	23,450,000	23,450,000
Office of the Inspector General	12,399,000	12,476,000	12,476,000	12,476,000	12,476,000
Office of the Chief Financial Officer	76,933,000	78,998,000	78,998,000	84,898,000	79,048,000
Federal Payment to the District of for Security Costs	0	0	0	16,058,000	0
Total, Governmental Direction and Support	200,921,000	284,559,000	285,359,000	307,117,000	286,138,000
Plus Intra-District funds	36,950,000	36,576,000	36,576,000	36,576,000	36,576,000
Total	237,871,000	321,135,000	321,935,000	343,693,000	322,714,000

1/ Includes $250,000 rescission in FY01 Supplemental (P.L. 107-20).
2/ Includes $5,400,000 increase in FY 01 Supplemental (P.L. 107-20).

ECONOMIC DEVELOPMENT AND REGULATION

Agency/Activity	FY 2001 Approved	FY 2002 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Business Services and Economic Development	27,753,000 1/	32,840,000	32,840,000	32,840,000	32,840,000
Office of Zoning	1,763,000	2,378,000	2,378,000	2,378,000	2,378,000
Department of Housing and Community Development	48,273,000	57,890,000	57,890,000	57,890,000	57,890,000
Department of Employment Services	80,812,000	80,477,000	80,477,000	80,477,000	80,477,000
Board of Appeals and Review	244,000	242,000	242,000	242,000	242,000
Board of Real Property Assessments and Appeals	0 300,000	298,000	298,000	298,000	298,000
Department of Consumer and Regulatory Affairs	27,198,000 2/	28,605,000	28,605,000	28,605,000	28,605,000
Alcoholic Beverage Regulation Administration	0	2,607,000	2,607,000	2,607,000	2,607,000
Office of Banking and Financial Institutions	1,869,000	2,694,000	2,694,000	2,694,000	2,694,000
Public Service Commission	5,678,000	6,402,000	6,402,000	6,402,000	6,402,000
Office of People's Counsel	3,020,000	3,884,000	3,884,000	3,884,000	3,884,000
Department of Insurance and Securities Regulation	7,359,000	9,377,000	9,377,000	9,377,000	9,377,000
Office of Cable Television and Telecommunications	3,054,000	3,184,000	3,184,000	3,184,000	3,184,000
Total, Economic Development and Regulation	207,323,000	230,878,000	230,878,000	230,878,000	230,878,000
Plus Intra-District Funds	2,017,000	1,017,000	1,017,000	1,017,000	1,017,000
Total	209,340,000	231,895,000	231,895,000	231,895,000	231,895,000

1/ Includes $1,000,000 in FY 01 Supplemental (P.L. 107-20).
2/ Includes $685,000 in FY 01 Supplemental (P.L. 107-20).

PUBLIC SAFETY AND JUSTICE

Agency/Activity	FY 2001 Approved	FY 2002 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Metropolitan Police Department	306,081,000 1/	311,868,000	311,968,000	311,868,000	311,968,000
Fire and Emergency Medical Services Department	122,536,000 2/	119,330,000	119,830,000	119,330,000	119,830,000
Police Officers and Fire Fighters' Retirement System	49,000,000	74,600,000	74,600,000	74,600,000	74,600,000
Office of the Corporation Counsel	46,066,000 3/	0	0	0	0
Settlements and Judgments Fund	23,450,000	0	0	0	0
Department of Corrections	212,993,000	111,532,000	111,532,000	111,532,000	111,532,000
District of Columbia National Guard	2,326,000	2,823,000	2,823,000	2,823,000	2,823,000
D.C. Emergency Management Agency	2,978,000	3,964,000	3,964,000	3,964,000	3,964,000
Commission on Judicial Disabilities and Tenure	169,000	172,000	172,000	172,000	172,000
Judicial Nomination Commission	90,000	91,000	91,000	91,000	91,000
Citizen Complaint Review Board	857,000	1,424,000	1,424,000	1,424,000	1,424,000
Advisory Commission on Sentencing	733,000 4/	637,000	637,000	637,000	637,000
Office of the Chief Medical Examiner	4,138,000	6,227,000	6,812,000	6,227,000	6,812,000
Total, Public Safety and Justice	771,417,000	632,668,000	633,853,000	632,668,000	633,853,000
Plus Intra-District funds	5,884,000	4,140,000	4,140,000	4,140,000	4,140,000
Total	777,301,000	636,808,000	637,993,000	636,808,000	637,993,000

1/ Includes rescission of $131,000 and increase of $2,800,000 in FY 01 Supplemental (P.L. 107-20).
2/ Includes $5,940,000 in FY 01 Supplemental (P.L. 107-20).
3/ Includes $101,000 in FY 01 Supplemental (P.L. 107-20).
4/ Includes $161,000 in FY 01 Supplemental (P.L. 107-20).

PUBLIC EDUCATION SYSTEM

Agency/Activity	FY 2001 Approved	FY 2002 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
District of Columbia Public Schools	781,943,000 1/	810,542,000	810,542,000	813,292,000	813,042,000
Teachers' Retirement System	200,000	0	0	0	0
State Education Office	2,679,000 2/	47,370,000	47,370,000	47,370,000	47,370,000
D.C. Resident Tuition Support	17,000,000	0	0	0	0
Public Charter Schools	105,000,000	142,257,000	142,257,000	142,257,000	142,257,000
University of the District of Columbia	76,433,000	76,542,000	76,542,000	76,542,000	76,542,000
District of Columbia Public Library	26,459,000	27,256,000	27,256,000	27,256,000	27,256,000
Commission on the Arts and Humanities	2,204,000	2,198,000	2,198,000	2,198,000	2,198,000
Total, Public Education System	1,011,918,000	1,106,165,000	1,106,165,000	1,108,915,000	1,108,665,000
Plus Intra-District funds	24,623,000	43,349,000	43,349,000	43,349,000	43,349,000
Total	1,036,541,000	1,149,514,000	1,149,514,000	1,152,264,000	1,152,014,000

1/ Includes $12,000,000 in FY 01 Supplemental (P.L. 107-20).
2/ Includes $1,000,000 in FY 01 Supplemental (P.L. 107-20).

HUMAN SUPPORT SERVICES

Agency/Activity	FY 2001 Approved	FY 2002 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Department of Human Services	384,840,000	417,581,000	417,581,000	417,581,000	417,581,000
Department of Health	1,033,881,000 1/	1,289,086,000	1,289,086,000	1,289,086,000	1,289,086,000
Department of Parks and Recreation	28,855,000	31,307,000	31,307,000	31,307,000	31,307,000
D.C. Office on Aging	19,131,000	19,649,000	19,649,000	19,649,000	19,649,000
Public Benefit Corporation Subsidy	45,313,000	0	0	0	0
Unemployment Compensation Fund	6,199,000	8,200,000	8,200,000	8,200,000	8,200,000
Disability Compensation Fund	28,836,000 2/	27,986,000	27,986,000	27,986,000	27,986,000
Office of Human Rights	1,407,000	1,651,000	1,651,000	1,651,000	1,651,000
Office on Latino Affairs	1,882,000 3/	2,849,000	2,849,000	2,849,000	2,849,000
D.C. Energy Office	4,860,000	5,177,000	5,177,000	5,177,000	5,177,000
Office on Asian and Pacific Islander Affairs	0	207,000	207,000	207,000	207,000
Office of Veterans Affairs	0	230,000	230,000	230,000	230,000
Brownfield Remediation	3,450,000	0	0	0	0
Children Investment Trust Fund	5,000,000 4/	0	0	0	0
Total, Human Support Services	1,563,654,000	1,803,923,000	1,803,923,000	1,803,923,000	1,803,923,000
Plus Intra-District funds	6,586,000	12,547,000	12,547,000	12,547,000	12,547,000
Total	1,570,240,000	1,816,470,000	1,816,470,000	1,816,470,000	1,816,470,000

1/ Includes $19,000,000 in FY 01 Supplemental (P.L. 107-20).
2/ Includes $3,000,000 in FY 01 Supplemental (P.L. 107-20).
3/ Includes $1,000,000 in FY 01 Supplemental (P.L. 107-20).
4/ Includes $5,000,000 in FY 01 Supplemental (P.L. 107-20).

PUBLIC WORKS

Agency/Activity	FY 2001 Approved	FY 2002 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Department of Public Works	108,589,000	113,324,000	113,324,000	113,324,000	113,324,000
Department of Motor Vehicles	27,825,000	33,580,000	33,580,000	33,580,000	33,580,000
D.C. Taxicab Commission	804,000 1/	1,442,000	1,442,000	1,442,000	1,442,000
Washington Metropolitan Area Transit Commission	82,000	83,000	83,000	83,000	83,000
Washington Metropolitan Area Transit Authority	138,073,000	148,622,000	148,622,000	148,622,000	148,622,000
School Transit Subsidy	3,000,000	3,100,000	3,100,000	3,100,000	3,100,000
Total, Public Works	278,373,000	300,151,000	300,151,000	300,151,000	300,151,000
Plus Intra-District funds	19,703,000	13,942,000	13,942,000	13,942,000	13,942,000
Total	298,076,000	314,093,000	314,093,000	314,093,000	314,093,000

1/ Includes $131,000 in FY 01 Supplemental (P.L. 107-20).

RECEIVERSHIP PROGRAMS

Agency/Activity	FY 2001 Approved	FY 2002 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Child and Family Services Agency	166,652,000	175,799,000	175,799,000	176,299,000	176,299,000
Incentives for Adoption of Children	0	0	0	0	0
Commission on Mental Health Services	210,569,000	227,569,000	227,569,000	227,569,000	227,569,000
Corrections Medical Receiver	12,307,000	0	0	0	0
Total, Receivership Programs	389,528,000	403,368,000	403,368,000	403,868,000	403,868,000
Plus Intra-District funds	1,800,000	12,592,000	12,592,000	12,592,000	12,592,000
Total	391,328,000	415,960,000	415,960,000	416,460,000	416,460,000

FINANCING AND OTHER USES

Agency/Activity	FY 2001 Approved	FY 2002 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Workforce Investment	40,500,000 1/	42,896,000	42,896,000	42,896,000	42,896,000
Reserve	150,000,000	150,000,000	150,000,000	120,000,000	120,000,000
Reserve Relief	0	0	0	30,000,000	30,000,000
Repayment of Loans and Interest	243,238,000	247,902,000	247,902,000	247,902,000	247,902,000
Repayment of General Fund Recovery Debt	39,300,000	39,300,000	39,300,000	39,300,000	39,300,000
Payment of Interest on Short-Term Borrowing	1,140,000	500,000	500,000	500,000	500,000
Presidential Inauguration	5,961,000	0	0	0	0
Certificates of Participation	7,950,000	0	0	0	0
Security for Meetings	0	15,918,000 3/	0	0	0
Emergency Planning and Security Costs	0	0	16,058,000	16,058,000	16,058,000
Wilson Building	15,509,000 2/	8,859,000	8,859,000	8,859,000	8,859,000
Optical and Dental Insurance Payments	2,675,000	0	0	0	0
Management Supervisory Service	13,200,000	0	0	0	0
Tobacco Settlement Trust Fund Transfer Payment	61,406,000	0	0	0	0
Emergency Reserve Fund Transfer	0	33,254,000	33,254,000	33,254,000	33,254,000
Operational Improvement Savings (Including Managed Competition)	(10,000,000)	0	0	0	0
Management Reform Savings	(37,000,000)	0	0	0	0
Cafeteria Plan Savings	(5,000,000)	0	0	0	0
Non-Departmental Agency	0	5,799,000	5,799,000	5,799,000	5,799,000
Total, Financing and Other Uses	528,879,000	544,428,000	544,568,000	544,568,000	544,568,000

1/ Includes in FY 01 Supplemental (P.L. 107-20).
2/ Includes $7,100,000 in FY 01 Supplemental (P.L. 107-20).
3/ Included in Budget Amendment House Doc. 107-116.

ENTERPRISE AND OTHER FUNDS

Agency/Activity	FY 2001 Approved	FY 2002 Request	House Recom-mendation	Senate Recom-mendation	Conference Allowance
Water and Sewer Authority	230,614,000	244,978,000	244,978,000	244,978,000	244,978,000
Washington Aqueduct	45,091,000	46,510,000	46,510,000	46,510,000	46,510,000
Stormwater Permit Compliance	2,151,000 1/	3,100,000	3,100,000	3,100,000	3,100,000
D. C. Lottery and Charitable Games Control Board	223,200,000	229,688,000	229,688,000	229,688,000	229,688,000
D.C. Sports and Entertainment Commission	10,968,000	9,127,000	9,127,000	9,127,000	9,627,000
District of Columbia Health and Hospitals Public Benefit Corporation	78,235,000	0	0	0	0
District of Columbia Retirement Board	11,414,000	13,388,000	13,388,000	13,388,000	13,388,000
Correctional Industries Fund	1,808,000	0	0	0	0
Washington Convention Center Authority	52,726,000	57,278,000	57,278,000	57,278,000	57,278,000
Housing Finance Agency	0	4,711,000	4,711,000	4,711,000	4,711,000
National Capital Revitalization Corporation	0	2,673,000	2,673,000	2,673,000	2,673,000
Total, Enterprise Funds	656,207,000	611,453,000	611,453,000	611,453,000	611,953,000
Plus Intra-District funds	75,044,000	0	0	0	0
Total	731,251,000	611,453,000	611,453,000	611,453,000	611,953,000

1/ Included in FY 01 Supplemental (P.L. 107-20).

02FUNDS

DISTRICT OF COLUMBIA

TOTAL ESTIMATED RESOURCES AVAILABLE TO THE DISTRICT OF COLUMBIA, FISCAL YEAR 2002

AS APPROVED BY CONFERENCE AGREEMENT, DECEMBER 4, 2001

(Amounts in thousands)

	Local Funds		Federal Grants		Private & Other		Subtotal FY 2002		Intra-District		FY 2002 total resources	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Governmental Direction and Support:												
Council of the District of Columbia	163	13,232	0	0	0	0	163	13,232	0	0	163	13,232
Office of the D.C. Auditor	14	1,299	0	0	0	0	14	1,299	0	0	14	1,299
Advisory Neighborhood Commissions	1	808	0	0	0	0	1	808	0	0	1	808
Office of the Mayor	75	7,622	4	365	0	0	79	7,987	4	307	83	8,294
Office of the Secretary	25	2,425	0	0	2	91	27	2,516	0	0	27	2,516
City-wide Call Center	38	1,898	0	0	0	0	38	1,898	0	0	38	1,898
Office of the City Administrator	76	6,890	16	21,119	0	0	92	28,009	4	266	96	28,275
Office of Personnel	125	14,602	0	0	20	1,306	145	15,908	29	1,230	174	17,138
Human Resources Development Fund	10	3,766	0	0	0	0	10	3,766	0	0	10	3,766
Office of Finance and Resource Management	34	2,198	0	0	0	0	34	2,198	3	175	37	2,373
Office of Contracting and Procurement	164	13,066	0	0	0	0	164	13,066	0	0	164	13,066
Office of the Chief Technology Officer	83	12,888	0	0	0	14	83	12,902	22	2,539	105	15,441
Office of Property Management	48	7,262	0	0	2	1,643	50	8,905	156	24,916	206	33,821
Contract Appeals Board	6	746	0	0	0	0	6	746	0	0	6	746
Board of Elections and Ethics	50	3,503	0	0	0	0	50	3,503	0	0	50	3,503
Office of Campaign Finance	15	1,388	0	0	0	0	15	1,388	0	0	15	1,388
Public Employee Relations Board	4	686	0	0	0	0	4	686	0	0	4	686
Office of Employee Appeals	16	1,540	0	0	0	0	16	1,540	0	0	16	1,540
Metropolitan Washington Council of Governments	0	367	0	0	0	0	0	367	0	0	0	367
Office of the Corporation Counsel	377	30,299	119	15,180	14	4,961	510	50,440	27	2,065	537	52,505
Settlements and Judgments	0	23,450	0	0	0	0	0	23,450	0	0	0	23,450
Office of Inspector General	92	11,263	16	1,213	0	0	108	12,476	0	0	108	12,476
Office of the Chief Financial Officer	911	68,223	3	932	46	9,893	960	79,048	76	5,078	1,036	84,126
Total, Governmental Direction and Support	2,327	229,421	158	38,809	84	17,908	2,569	286,138	321	36,576	2,890	322,714
Economic Development and Regulation:												
Business Services & Economic Development	93	16,440	2	304	7	16,096	102	32,840	0	0	102	32,840
Office of Zoning	17	2,378	0	0	0	0	17	2,378	0	0	17	2,378
Department of Housing and Community Development	13	7,716	137	42,168	0	8,006	150	57,890	0	0	150	57,890
Department of Employment Services	44	7,309	378	53,624	158	19,544	580	80,477	0	0	580	80,477
Board of Appeals and Review	3	242	0	0	0	0	3	242	0	0	3	242
Board of Real Property Assessments and Appeals	3	298	0	0	0	0	3	298	0	0	3	298
Department of Consumer and Regulatory Affairs	371	26,203	0	0	5	2,402	376	28,605	0	500	376	29,105
Alcoholic Beverage Regulation Administration	0	0	0	0	36	2,607	36	2,607	0	0	36	2,607
Office of Banking and Financial Institutions	0	200	0	0	27	2,494	27	2,694	0	0	27	2,694
Public Service Commission	0	0	1	103	67	6,299	68	6,402	0	0	68	6,402
Office of People's Counsel	0	0	0	0	33	3,884	33	3,884	0	0	33	3,884
Department of Insurance and Securities Regulation	0	0	0	0	103	9,377	103	9,377	0	0	103	9,377
Office of Cable Television & Telecommunications	0	0	0	0	20	3,184	20	3,184	12	517	32	3,701
Total, Economic Development and Regulation	544	60,786	518	96,199	456	73,893	1,518	230,878	12	1,017	1,530	231,895

	Local Funds		Federal Grants		Private & Other		Subtotal FY 2002		Intra-District		FY 2002 total resources	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Public Safety and Justice:												
Metropolitan Police Department	4,350	296,996	200	6,829	25	8,143	4,575	311,968	2	4,140	4,577	316,108
Fire and Emergency Medical Services	1,920	119,821	0	0	0	9	1,920	119,830	0	0	1,920	119,830
Police and Fire Retirement System	0	74,600	0	0	0	0	0	74,600	0	0	0	74,600
Department of Corrections	749	89,035	0	0	194	22,497	943	111,532	0	0	943	111,532
National Guard	30	2,317	13	506	0	0	43	2,823	0	0	43	2,823
Emergency Management Agency	26	3,001	13	963	0	0	39	3,964	0	0	39	3,964
Commission on Judicial Disabilities and Tenure	2	172	0	0	0	0	2	172	0	0	2	172
Judicial Nomination Commission	1	91	0	0	0	0	1	91	0	0	1	91
Office of Citizen Complaint Review	21	1,424	0	0	0	0	21	1,424	0	0	21	1,424
Advisory Commission on Sentencing	6	637	0	0	0	0	6	637	0	0	6	637
Office of the Chief Medical Examiner	65	6,709	0	0	2	103	67	6,812	0	0	67	6,812
Total, Public Safety and Justice	7,170	594,803	226	8,298	221	30,752	7,617	633,853	2	4,140	7,619	637,993
Public Education System:												
Public Schools	9,821	661,124	506	144,630	119	7,288	10,446	813,042	365	34,032	10,811	847,074
State Education Office	27	19,911	10	26,917	6	542	43	47,370	2	480	45	47,850
District of Columbia Public Charter Schools	0	142,257	0	0	0	0	0	142,257	0	0	0	142,257
University of the District of Columbia	545	45,912	169	12,539	258	18,091	972	76,542	160	8,799	1,132	85,341
Public Library	422	26,030	9	560	2	666	433	27,256	0	0	433	27,256
Commission on the Arts and Humanities	2	1,760	7	398	0	40	9	2,198	0	38	9	2,236
Total, Public Education System	10,817	896,994	701	185,044	385	26,627	11,903	1,108,665	527	43,349	12,430	1,152,014
Human Support Services:												
Department of Human Services	848	201,593	977	214,602	0	1,386	1,825	417,581	19	1,733	1,844	419,314
Department of Health	439	424,657	825	851,753	87	12,676	1,351	1,289,086	10	6,110	1,361	1,295,196
Department of Parks and Recreation	579	28,912	0	34	83	2,361	662	31,307	93	4,308	755	35,615
Office on Aging	14	14,687	9	4,962	0	0	23	19,649	3	266	26	19,915
Unemployment Compensation Fund	0	8,200	0	0	0	0	0	8,200	0	0	0	8,200
Disability Compensation Fund	0	27,986	0	0	0	0	0	27,986	0	100	0	28,086
Office of Human Rights	23	1,545	0	106	0	0	23	1,651	0	0	23	1,651
Office on Latino Affairs	12	2,849	0	0	0	0	12	2,849	0	30	12	2,879
D.C. Energy Office	2	206	17	4,503	10	468	29	5,177	0	0	29	5,177
Office on Asian and Pacific Islander Affairs	3	207	0	0	0	0	3	207	0	0	3	207
Office of Veterans' Affairs	3	230	0	0	0	0	3	230	0	0	3	230
Total, Department of Human Services	1,923	711,072	1,828	1,075,960	180	16,891	3,931	1,803,923	125	12,547	4,056	1,816,470

	Local Funds		Federal Grants		Private & Other		Subtotal FY 2002		Intra-District		FY 2002 total resources	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Public Works:												
Department of Public Works	1,248	104,943	3	4,392	50	3,989	1,301	113,324	68	13,942	1,369	127,266
Department of Motor Vehicles	253	28,580	0		90	5,000	343	33,580	0	0	343	33,580
D.C. Taxicab Commission	16	1,006	0	0	3	436	19	1,442	0	0	19	1,442
Washington Metropolitan Area Transit Commission	0	83	0	0	0	0	0	83	0	0	0	83
Washington Metropolitan Area Transit Authority	0	148,622	0	0	0	0	0	148,622	0	0	0	148,622
School Transit Subsidy	0	3,100	0	0	0	0	0	3,100	0	0	0	3,100
Total, Public Works	1,517	286,334	3	4,392	143	9,425	1,663	300,151	68	13,942	1,731	314,093
Receivership Programs:												
Child and Family Services Agency	522	108,235	310	67,414	0	650	832	176,299	0	12,592	832	188,891
Department of Mental Health	1,502	142,280	660	66,925	0	18,364	2,162	227,569	0	0	2,162	227,569
Total, Receivership Programs	2,024	250,515	970	134,339	0	19,014	2,994	403,868	0	12,592	2,994	416,460
Financing and Other:												
Workforce Investments	0	42,896	0	0	0	0	0	42,896	0	0	0	42,896
Reserve	0	120,000	0	0	0	0	0	120,000	0	0	0	120,000
Reserve Relief	0	30,000	0	0	0	0	0	30,000	0	0	0	30,000
Repayment of Loans and Interest	0	247,902	0	0	0	0	0	247,902	0	0	0	247,902
Repayment of General Fund Recovery Debt	0	39,300	0	0	0	0	0	39,300	0	0	0	39,300
Payment of Interest on Short-Term Borrowing	0	500	0	0	0	0	0	500	0	0	0	500
Emergency Planning and Security Costs	0	16,058	0	0	0	0	0	16,058	0	0	0	16,058
Wilson Building	0	8,859	0	0	0	0	0	8,859	0	0	0	8,859
Emergency Reserve Fund Transfer	0	33,254	0	0	0	0	0	33,254	0	0	0	33,254
Non-Departmental Agency	0	5,799	0	0	0	0	0	5,799	0	0	0	5,799
Total, Financing and Other	0	544,568	0	0	0	0	0	544,568	0	0	0	544,568
Total, General Fund - Operating Expenses	26,322	3,574,493	4,404	1,543,041	1,469	194,510	32,195	5,312,044	1,055	124,163	33,250	5,436,207

	Local Funds		Federal Grants		Private & Other		Subtotal FY 2002		Intra-District		FY 2002 total resources	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Enterprise and Other Funds:												
Water and Sewer Authority	0	0	0	0	0	244,978	0	244,978	0	0	0	244,978
Washington Aqueduct	0	0	0	0	0	46,510	0	46,510	0	0	0	46,510
Stormwater Permit Compliance Enterprise Fund	0	0	0	0	0	3,100	0	3,100	0	0	0	3,100
Lottery and Charitable Games Enterprise Fund	0	0	0	0	100	229,688	100	229,688	0	0	100	229,688
Sports and Entertainment Commission	0	0	0	0	0	9,627	0	9,627	0	0	0	9,627
District of Columbia Retirement Board	0	0	0	0	14	13,388	14	13,388	0	0	14	13,388
Washington Convention Center Enterprise Fund	0	0	0	0	0	57,278	0	57,278	0	0	0	57,278
Housing Finance Agency	0	0	0	0	0	4,711	0	4,711	0	0	0	4,711
National Capital Revitalization Corporation	0	0	0	0	0	2,673	0	2,673	0	0	0	2,673
Total, Enterprise and Other Funds	0	0	0	0	114	611,953	114	611,953	0	0	114	611,953
Total, Operating Expenses	26,322	3,574,493	4,404	1,543,041	1,583	806,463	32,309	5,923,997	1,055	124,163	33,364	6,048,160
Capital Outlay:												
General Fund	0	917,032	0	157,573	0	0	0	1,074,605	0	0	0	1,074,605
Water and Sewer	0	0	0	0	0	152,114	0	152,114	0	0	0	152,114
Total, Capital Outlay	0	917,032	0	157,573	0	152,114	0	1,226,719	0	0	0	1,226,719
Grand Total	26,322	4,491,525	4,404	1,700,614	1,583	958,577	32,309	7,150,716	1,055	124,163	33,364	7,274,879

FISCAL YEAR 2002 FINANCIAL PLAN

[In thousands of dollars]

	Local funds	Grants and other revenue	Gross funds
Revenue:			
Local Sources:			
Property Taxes	746,031	0	746,031
Sales Taxes	738,507	0	738,507
Income Taxes	1,361,077	0	1,361,077
Gross Receipts	244,480	0	244,480
Other Taxes	153,460	0	153,460
Licenses, Permits	43,336	0	43,336
Fines, Forfeitures	60,040	0	60,040
Service Charges	49,928	0	49,928
Miscellaneous	72,030	194,510	266,540
Subtotal, local revenues	3,468,889	194,510	3,663,339
Federal sources:			
Federal payments	38,143	0	38,143
Grants	0	1,543,041	1,543,041
Subtotal, Federal sources	38,143	1,543,041	1,581,184
Other financing sources: Lottery transfer	70,000	0	70,000
Total, general fund revenues	3,577,032	1,737,551	5,314,583
Expenditures:			
Governmental Direction and Support	229,421	56,717	286,138
Economic Development and Regulation	60,786	170,092	230,878
Public Safety and Justice	594,803	39,050	633,853
Public Education System	896,994	211,671	1,108,665
Human Support Services	711,072	1,092,851	1,803,923
Public Works	286,334	13,817	300,151
Receiverships	250,515	153,353	403,868
Financing and Other	361,314	0	361,314
Reserve	120,000	0	120,000
Reserve Relief	30,000	0	30,000
Emergency Reserve Fund	33,254	0	33,254
Total, general fund expenditures	3,574,493	1,737,551	5,312,044
Surplus/Deficit	2,539	0	2,539

GENERAL PROVISIONS

The conference agreement changes several section numbers for sequential purposes and makes technical revisions in certain citations. Unless noted otherwise, the conference action refers to H.R. 2944 as passed the House.

The conference agreement inserts the words ''legal settlements or'' to section 103 of the House bill as proposed by the Senate concerning making payment of judgments that have been entered against the District of Columbia government.

The conference agreement retains section 106 of the House bill but amended to delete the words ''past work experience, and salary history''.

The conference agreement deletes section 107 of the House bill appropriating from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act.

The conference agreement modifies section 108 (new section 107) of the Senate bill to allow local funds to be used for certain lobbying activities.

The conference agreement amends section 110 (new section 109) of the House relating to reprogramming procedures to provide authority to transfer four percent of local funds between appropriation headings.

The conference agreement retains section 112(b) (new section 111(b)) of the House bill on Certification of Need by the Chief Technology Officer, deletes section (c) which provided no limit on full-time equivalent positions for the Office of the Chief Technology Officer, and retains section 112(d) (new section 111(b)) amending the District of Columbia Home Rule Act as it relates to the Chief Financial Officer's salary.

The conference agreement inserts section 111 (new section 112) of the Senate bill requiring the Mayor to submit to the Council the new fiscal year 2002 revenue estimates by the end of the first quarter of fiscal year 2002.

The conference agreement retains section 112 (new section 113) of the House bill as amended by the Senate to include whether to invoke the competitive bidding process ''and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia''.

The conference agreement inserted section 113 (new section 114(b)) of the Senate bill and combines with section 114 (new section 114(a)) of the House bill regarding the Balanced Budget and Emergency Deficit Control Act of 1985.

The conference agreement amends section 118 of the House bill as amended by the Senate to delete extraneous language.

The conference agreement amends section 120(c) of the House bill to allow the Chief Financial Officer of the District of Columbia and the Metropolitan Police Department to enter into agreements in excess of $2,500 for the procurement of goods or services.

The conference agreement retains section 122 and combines with section 137 of the House bill. These sections relate to compliance with the Buy American Act.

The conference agreement amends section 123 of the House bill to require the annual audit be coordinated with the Chief Financial Officer.

The conference agreement retains section 124 of the House bill to prohibit funds in this Act from being 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.

The conference agreement retains section 125 of the House bill, which prohibits any funds contained in this Act to be used for any program of distributing sterile needles, or syringes for the hypodermic injection of any illegal drug.

The conference agreement retains section 126 of the House bill which requires the chief financial officer of any office of the District of Columbia government (including any independent agency of the District) to file a certification with the Mayor and the Chief Financial Officer that they understand 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).

The conference agreement deletes section 126 of the Senate bill which requires the Chief Financial Officer to submit a revised appropriated funds operating budget within 30 calendar days after the date of the enactment of this Act. This is section 135 of the House bill.

The conference agreement deletes section 127 of the House bill requiring that in submitting any documents showing the budget for an office of the District of Columbia government that contains a category of activities labeled as ''other'', ''miscellaneous'', or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown as proposed by the Senate.

The conference agreement deletes section 129 of the House bill authorizing the Mayor to allocate the District's limitation amount of qualified zone academy bonds.

The conference agreement inserts section 131 (new section 129) as proposed by the Senate that relates to prompt payment of appointed counsel.

The conference agreement retains section 132 (new section 130) of the House bill by appropriating a $100,000 Federal contribution to the Metropolitan Police Department on the condition that the District government enacts into law a ban on the possession of tobacco products by minors as specified in this section. The funds are to be used by the Department to enforce the ban.

The conference agreement retains section 132 (new section 131) of the Senate bill which requires the Mayor of the District of Columbia to 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, (2) access to drug abuse treatment, (3) management of parolees and pre-trial violent offenders, (4) education, (5) improvement in basic District services, (6) application for and management of Federal grants, and (7) indicators of child well-being.

The conference agreement retains section 133 (new section 132) of the House bill that allows the District of Columbia Corporation Counsel to review and comment on briefs in private lawsuits and consult with officials of the District government regarding such lawsuits.

The conference agreement retains section 133 as proposed by the Senate amending the District of Columbia Financial Responsibility and Management Assistance Act concerning reserve fund requirements.

The conference agreement deletes section 134 as proposed by the House that amended the National Capital Revitalization and Self-Government Improvement Act of 1997.

The conference agreement retains section 134 as proposed by the Senate that prohibits funds appropriated by this Act 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.

The conference agreement retains section 135 as proposed by the House which requires the Chief Financial Officer to submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated fund 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.

The conference agreement deletes section 135 as proposed by the Senate which appropriated for the use of the Office of the Corporation Counsel of the District of Columbia all funds deposited in the District of Columbia Antitrust Fund, Antifraud Fund, and District of Columbia Consumer Protection Fund and transferred those provisions to the Governmental Direction and Support appropriation title.

The conference agreement retains section 136 as proposed by the House that amends the Home Rule Act to increase the salary of the Council Chairman to $10,000 less than the annual compensation of the Mayor.

The conference agreement retains section 136 (new section 137) as proposed by the Senate on risk management for settlements and judgments.

The conference agreement deletes section 137 as proposed by the House stating that no funds appropriated in this Act may be made available to pay any person or entity that violates the Buy American Act and combines it with section 122 of the House bill.

The conference agreement retains section 137 (new section 138) as proposed by the Senate which waives the period of Congressional review for the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, Act.

The conference agreement retains section 138 (new section 139) as proposed by the House that prohibits funds contained in this Act from being used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93–030–(PA) and 93–031–(PA).

The conference agreement deletes Section 138(a) which placed a limitation on the amount of fees attorneys may receive when representing a party who prevails in an action or the fees of 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 and Section 138(b) which allowed the Mayor and the Superintendent of the District of Columbia Public Schools to concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit.

The conference agreement retains section 138(c) (new section 140) concerning attorney fee awards made in cases under the Individuals with Disabilities Education Act. The conference agreement inserts a new subsection 140(b) which requires no later than 60 days after the date of enactment of this Act the Superintendent of Schools of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate a written report for each of the fiscal years 1999, 2000, and 2001, detailing a complete itemized list, by year, of the judgments for attorneys' fees awarded to plaintiffs who prevailed in cases brought against the District of Columbia or the District of Columbia Public Schools under section 6154(i)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(i)(3)).

The conference agreement deletes section 139 as proposed by the Senate that makes certain exceptions to the limitation in the previous section on the amount of fees attorneys can receive when representing 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.

The conference agreement deletes section 140 of the Senate bill concerning mandatory advanced electronic information for air cargo and passengers entering the United States.

The conference agreement inserts a new section 141 as proposed by the Senate that requires the General Accounting Office to submit by March 31, 2002 a report detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations acts on attorney fees for work performed or previously performed in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligation) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follows:

[In thousands of dollars]

Federal Funds:	
New budget (obligational) authority, fiscal year 2001	$464,125
Budget estimates of new (obligational) authority, fiscal year 2002	358,607
House bill, fiscal year 2002	398,058
Senate bill, fiscal year 2002	408,000
Conference agreement, fiscal year 2002	408,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	−56,125
Budget estimates of new (obligational) authority, fiscal year 2002	+49,393
House bill, fiscal year 2002	+9,942
Senate bill, fiscal year 2002	——
District of Columbia Funds:	
New budget (obligational) authority, fiscal year 2001	6,774,159
Budget estimates of new (obligational) authority, fiscal year 2002	7,144,312
House bill, fiscal year 2002	7,146,437
Senate bill, fiscal year 2002	7,154,201
Conference agreement, fiscal year 2002	7,150,716
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+376,557
Budget estimates of new (obligational) authority, fiscal year 2002	+6,404
House bill, fiscal year 2002	+4,279
Senate bill, fiscal year 2002	−3,485

JOE KNOLLENBERG,
ERNEST ISTOOK,
JOHN T. DOOLITTLE,
JOHN E. SWEENEY,
DAVID VITTER,
BILL YOUNG,
CHAKA FATTAH,
ALAN B. MOLLOHAN,
Managers on the Part of the House.

MARY L. LANDRIEU,
JACK REED,
DANIEL K. INOUYE,
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

ELECTION IRREGULARITIES

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I mentioned awhile ago a fact of what happened in the elections in Florida, which I would like to take an opportunity to revisit, and I am glad that the gentlewoman from Florida (Ms. BROWN) has agreed to stay here so that she can respond to this information.

An enterprising journalist by the name of Gregory Palast who operates out of London and works with BBC-TV has provided some very interesting information to me. I have got a list here, and the list is about those people who were put on the voter file that said that they could not vote because they were convicted felons. I have got the list here.

For instance, number 354 on the list is Johnny Jackson, Jr., who is a black male from Texas, and then, unfortunately, John Fitzgerald Jackson. They said that those two people were the same people, so John Fitzgerald Jackson in Florida was denied the right to vote because a list from Texas that had the name of Johnny Jackson, Jr., on it, said that Johnny Jackson, Jr., was not eligible to vote.

I have got on this list, for example, Thomas Alvin Cooper, who is a white male from Ohio. Thomas Cooper is a pretty common name. There is more than one Thomas Cooper, I am sure, in all of the people in Florida. But Thomas Cooper was denied the right to vote in Florida, and Thomas Cooper in Florida, who was denied the right to vote, was a black man.

I have got here Michael Rodriguez from New Jersey, and I am sure Michael Rodriguez is a common name. But in Florida, Michael Rodriguez was denied the right to vote. In New Jersey it was Michael A. Rodriguez.

What this list shows is that there were about 2,800 people who were not allowed the right to vote because the State of Florida said that they were convicted felons in other states, and, therefore, they could not vote in Florida.

Mr. Speaker, 57,700 people, innocent people, I might add, were targeted for removal. Ninety percent of the people on the list that was purged so that these people could not vote in Florida, 90 percent of the names were wrong. At least 54 percent were black. 80 percent of those who finally were purged were black, and 93 percent of the people who were targeted to be purged vote Democratic.

Ms. BROWN of Florida. If the gentlewoman would yield for one minute, let me give you the rest of the story. Florida used $4 million of taxpayer money that they gave to a firm, it was not bid out, to a firm from Texas. Katherine Harris' office did that to the people of Florida, and they came up and purged people. There was no procedure, none whatsoever.

In fact, when I went to the poll on election day, I went downtown and there was some young black guys there saying they are not letting them vote because they said they were felons, and they had never been arrested.

Ms. MCKINNEY. It was a procedure, all right, but the procedure was that if you were black, then you had your name on this list and you were denied the right to vote.

Ms. BROWN of Florida. There is no question. But I am going back to how it came about. There was a bid, a nonsolicited bid, where a contract was given to a firm, and all this is in the record, and the firm told the State of Florida that this system that you are using will identify people that are not convicted felons. The State of Florida says, oh, that is okay. That is okay.

Ms. MCKINNEY. That is exactly what happened. The name of the firm was Database Technologies, which was later absorbed by ChoicePoint, which has its headquarters right outside of

Atlanta. The gentlewoman is absolutely right, that they told Katherine Harris, for whom a Congressional District I understand is being specially carved, that the information we are going to give you, according to your specifications, is wrong. We want you to know that the information that we are going to give you, the information that you have requested, is wrong. Do you want us to give you wrong information? And Katherine Harris and company, said yes, we want the wrong information.

VOTER IRREGULARITIES IN FLORIDA

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

Ms. BROWN of Florida. Mr. Speaker, I want the gentlewoman from Georgia (Ms. MCKINNEY) to know that this is a very touchy situation for me, because so much happened in Florida. In fact, former President Jimmy Carter said that if Florida had been any other country, it would not have been certified, because when you had Republican operatives going into the supervisor of elections filling out forms and sending them out, it was totally illegal. But that happened in Florida.

Some of the things that happened in Florida you would not believe. It is just so hard for me to talk about. In my county alone, 27,000 of my people, voters, were thrown out; thrown out. Let me tell you, 16,000 said it was overvotes. We never saw them. But 10,000, let me tell you, the machines were old, there were undervotes, and the machines kicked them out. So, to date, they have never been counted.

Ms. MCKINNEY. If the gentlewoman will yield, there was serious disenfranchisement that took place. It was systematic, it was purposeful. It was stolen, because we are talking about 2,800 people who Florida took the right to vote away from just because they came from other states. But let me just add that they lied to the Department of Justice, because they told the Department of Justice that our little election thing here that we are trying to do, this little thing here is race-neutral, is not going to have an effect. And what did it do? It had an effect. It took away the right to vote for African Americans and other minorities.

I know the gentlewoman lived it and breathed it every day, but I am here to tell you that Florida was not the only place that it happened. We now know that it happened in too many places all over America, including Georgia.

But I am going to give the gentlewoman the last word, because in Florida, Florida certified the national election, and we have some serious questions about the validity of the Florida election and the Florida outcome.

Ms. BROWN of Florida. The one thing that I want to say on that, and it goes back to what I said earlier, the letter that Jimmy Carter, former President Carter and former President Ford said was give the American people a Christmas President. Give them election reform. What happened in Florida in that election, a black eye is not what it was.

□ 2100

It goes against who we are as Americans. It is bigger than that. Because if someone cannot win the election without stealing it, they do not deserve the office that they are running for.

One of the things I can say that happened in the last election in Virginia, there was close to 1,000 attorneys in all of the precincts. People are committed to making sure that what happened in Florida never, ever happens again in another election. We have had other elections in Florida where still, we have, from the governor's office, highway patrols park in front of the precinct all day.

Ms. MCKINNEY. But, Mr. Speaker, the question I have is, in the State of Florida, the Governor, Jeb Bush down there has declared a state of emergency. I wonder how long that state of emergency is going to last and if it is going to allow this kind of thing to happen again and the kinds of things that happened with the State patrol parked outside polling precincts and that kind of thing, if that is going to happen again as a result of this state of emergency.

Ms. BROWN of Florida. Mr. Speaker, the point of the matter is that the gentlewoman talked about what happened with the voters, but keep in mind that the system broke down before then, because we had Motor Voter where people went to the driver's license place, they received their driver's license, and they signed up to register to vote and to this day, they have not received their cards. So we had thousands of people that was registered to vote that never got the opportunity because that office did not turn it into the Supervisor of Election's office.

Ms. MCKINNEY. Mr. Speaker, we had similar problems in Georgia in my district as well. This is a sad day when we can provide for the people, for the Record, a piece of information like this that shows that people were designed to take away their right to vote just so that they could have a predetermined outcome.

Ms. BROWN of Florida. God bless America.

RECESS

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

Accordingly (at 9 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2302

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 11 o'clock and 2 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Report No. 107–322) on the resolution (H. Res. 305) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3005, BIPARTISAN TRADE PROMOTION AUTHORITY ACT OF 2001

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–323) on the resolution (H. Res. 306) providing for consideration of the bill (H.R. 3005) to extend trade authorities procedures with respect to reciprocal trade agreements, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS, 2002

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–324) on the resolution (H. Res. 307) waiving points of order against the conference report to accompany 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, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. FORD (at the request of Mr. GEPHARDT) for November 27 and the balance of that week on account of a death in the family.

Mr. HOSTETLER (at the request of Mr. ARMEY) for today until further notice on account of family medical reasons.

Mr. NEY (at the request of Mr. ARMEY) for today on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Mr. MASCARA, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

(The following Members (at the request of Mrs. JO ANN DAVIS of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, December 6.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Thursday, December 6, 2001, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4723. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin: Pesticide Tolerances for Emergency Exemptions [FRL–6809–3] received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4724. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Office of Security and Emergency Operations; Security Requirements for Protected Disclosures Under Section 3164 of the National Defense Authorization Act for Fiscal Year 2000 [Docket No. SO–RM–00–3164] (RIN: 1992–AA26) received November 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4725. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Management of Report Deliverables—received November 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4726. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Amendment to the Definition of ''Electric Refrigerator'' [Docket No. EE–RM–93–801] (RIN: 1904–AB03) received November 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4727. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Energy Efficiency Program for Certain Commercial and Industrial Equipment: Extension of Time for Electric Motor Manufacturers To Certify Compliance With Energy Efficiency Standards [Docket No. EE–RM–96–400] (RIN: 1904–AB11) received November 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4728. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Office of Civilian Radioactive Waste Management; General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories; Yucca Mountain Site Suitability Guidelines [Docket No. RW–RM–99–963] (RIN: 1901–AA72) received November 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4729. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Change to Definition of Major Source [FRL–7107–4] (RIN: 2060–AJ60) received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4730. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—New York: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7101–9] received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4731. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Utah: Final Authorization of State-Initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program [FRL–7092–1] received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4732. 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; Montana; Transportation Conformity; Correction [SIP NO. MT–001–0032; FRL–7102–5] received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4733. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production [FRL–7106–6] received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production [FRL–7106–1] received November 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4735. A letter from the Acting Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting the Department's final rule—Mineral Materials Disposal; Sales; Free Use [WO–320–1430–PB–24 1A] (RIN: 1004–AD29) received November 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under Clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1576. A bill to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes; with an amendment (Rept. 207–316). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1925. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System, and for other purposes; with an amendment (Rept. 107–317). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1963. A bill to amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System (Rept. 107–318). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3334. A bill to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California (Rept. 107–319). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 3129. A bill to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; with an amendment (Rept. 107–320). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNOLLENBERG: Committee of Conference. Conference report on 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 (Rept. 107–321). Ordered to be printed.

Mrs. MYRICK: Committee on Rules. House Resolution 305. Resolution providing for consideration of motions to suspend the rules (Rept. 107–322). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 306. Resolution providing for consideration of the bill (H.R. 3005) to extend trade authorities procedures with respect to reciprocal trade agreements (Rept. 107–323). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 307. Resolution waiving points of order against the conference report to accompany 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 (Rept. 107–324). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Omitted from the Record of November 14, 2001]

By Mr. UDALL of Colorado:

H.R. 3296. A bill to amend title 49, United States Code, to prohibit the purchase, rent, or lease, for use as a schoolbus, of a motor vehicle that does not comply with motor vehicle safety standards that apply to schoolbuses, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted December 5, 2001]

By Mr. MCGOVERN:

H.R. 3404. A bill to require the Consumer Product Safety Commission to conduct a study on methods to dramatically increase the percentage of consumers effectively reached by product safety recalls; to the Committee on Energy and Commerce.

By Mr. ACEVEDO-VILÁ:

H.R. 3405. A bill to amend the Food Stamp Act of 1977 to increase the nutritional assistance block grant for Puerto Rico, and for other purposes; to the Committee on Agriculture.

By Mr. BARTON of Texas:

H.R. 3406. A bill to benefit consumers and enhance the Nation's energy security by removing barriers to the development of competitive markets for electric power, providing for the reliability and increased capacity of the Nation's electric transmission networks, promoting the use of renewable and alternative sources of electric power generation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO (for herself, Mr. HAYWORTH, Mr. KILDEE, Mr. CAMP, and Mr. KENNEDY of Rhode Island):

H.R. 3407. A bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program; to the Committee on Resources.

By Mr. FOLEY:

H.R. 3408. A bill to require foreign insurance companies doing business in the United States to disclose any financial dealings they had with individuals who survived or died in the Holocaust, to provide for the Attorney General of the United States to submit requests to such companies regarding claims on behalf of such individuals, and to prohibit insured depository institutions from transacting any business with or on behalf of any such foreign insurance companies that fail to comply with such disclosure requirements or fail to adequately respond to such requests, and for other purposes; to the Committee on Financial Services.

By Mr. FOSSELLA:

H.R. 3409. A bill to amend title 18, United States Code, to prevent or mitigate crimes of violence or acts of terrorism by authorizing Federal criminal investigators to carry firearms and respond to such crimes of violence or acts of terrorism committed in their presence and to amend section 5545a of title 5, United States Code, to expand the definition of ''available'' for those criminal investigators who receive Law Enforcement Availability Pay, to include responding to crimes of violence or acts of terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER:

H.R. 3410. A bill to provide for the inclusion of hazardous duty pay and diving pay in the computation of military retired pay for members of the armed forces with extensive hazardous duty experience, to require a study on the need for a tax credit for businesses that employ members of the National Guard and Reserve, and to require a study on the expansion of the Junior ROTC and similar military programs for young people; to the Committee on Armed Services.

By Ms. GRANGER (for herself, Mr. DAN MILLER of Florida, Mr. GOODE, Mr. EDWARDS, and Mr. BOYD):

H.R. 3411. A bill to amend title 37, United States Code, to provide the Secretary of Defense with the authority to make temporary, emergency adjustments in the rates of the basic allowance for housing for members of the uniformed services in response to a sudden increase in housing costs in a military housing area in the United States; to the Committee on Armed Services.

By Mr. HOSTETTLER (for himself, Mr. BARTLETT of Maryland, Mr. CUNNINGHAM, Mr. TAYLOR of Mississippi, Mr. EVERETT, and Mr. CALVERT):

H.R. 3412. A bill to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Republic of Korea; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mrs. ROUKEMA):

H.R. 3413. A bill to amend the Public Health Service Act to establish a program of grants to States and political subdivisions of States for the provision of mental health services in response to public health emergencies, including disasters resulting from terrorism, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING (for himself, Mr. BROWN of Ohio, Mr. WALSH, Mr. DINGELL, Mr. HOUGHTON, Mr. WAXMAN, Mrs. KELLY, Mr. BONIOR, Mr. SWEENEY, Mr. NADLER, Mr. QUINN, Mr. PALLONE, Mr. GRUCCI, Mrs. CAPPS, Mr. SERRANO, Mrs. MALONEY of New York, Mr. BOUCHER, Mr. TOWNS, Mr. BARRETT, Mr. MCNULTY, Mr. FARR of California, Mr. ACKERMAN, Mr. STENHOLM, Mr. ISRAEL, Mr. SHOWS, Mr. ENGEL, Mrs. MCCARTHY of New York, Mr. GREEN of Texas, Mr. STRICKLAND, Mr. GILMAN, Mr. ALLEN, Mr. HINCHEY, Mr. STUPAK, Ms. LEE, Mr. RANGEL, Mr. REYNOLDS, Mrs. LOWEY, Mr. WEINER, Mr. CROWLEY, Ms. VELÁZQUEZ, Mr. MCHUGH, and Mr. FOLEY):

H.R. 3414. A bill to provide certain temporary increases in the Federal medical assistance percentage (FMAP) under the Medicaid Program for fiscal year 2002 to help States finance increases in enrollment due to rising unemployment and to prevent reductions in health insurance coverage due to State budget crises; to the Committee on Energy and Commerce.

By Mr. KUCINICH:

H.R. 3415. A bill to amend title 11 of the United States Code to extend the priority provided to claims for compensation and benefits of all employees; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 3416. A bill to amend title 49, United States Code, to permit the hiring as security screening personnel of legal immigrants who have filed for naturalization before September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 3417. A bill to amend title 10, United States Code, to provide for the award of a medal to persons who served in the Armed Forces during the Cold War; to the Committee on Armed Services.

By Mr. SIMMONS (for himself, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Ms. DELAURO, Mr. LARSON of Connecticut, and Mr. MALONEY of Connecticut):

H.R. 3418. A bill to name the Department of Veterans Affairs outpatient clinic located in New London, Connecticut, as the ''John P. McGuirk Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Florida:

H.J. Res. 76. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes; to the Committee on Appropriations; considered and passed.

By Ms. LOFGREN:

H.J. Res. 77. A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives when, in a national emergency, a significant number of Members are unable to serve; to the Committee on the Judiciary.

By Mr. SCHAFFER (for himself, Mr. ARMEY, Mr. SHOWS, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. PITTS, Ms. HART, Mr. ROGERS of Michigan, Mr. STEARNS, Mr. PENCE, Mr. AKIN, Mr. FORBES, Mr. PICKERING, Mr. HOSTETTLER, Mr. TANCREDO, Mr. KENNEDY of Minnesota, Mr. WELDON of Florida, Mr. HOEKSTRA, Mr. ENGLISH, Mr. CRENSHAW, Mr. BARTLETT of Maryland, Mr. GRUCCI, Mr. RYUN of Kansas, Mr. SHUSTER, Mr. TERRY, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Mr. DEMINT, Mr. LARGENT, Mr. SOUDER, Mr. SHIMKUS, Mr. FERGUSON, Mrs. MYRICK, Mr. RYAN of Wisconsin, Mr. VITTER, Mr. GOODE, Mr. COX, Mr. ISTOOK, Mr. BROWN of South Carolina, Mr. CHABOT, Mr. JONES of North Carolina, Mr. TIAHRT, and Mr. GUTKNECHT):

H. Res. 302. A resolution expressing the sense of the House of Representatives with respect to crisis pregnancy centers; to the Committee on Energy and Commerce.

By Mr. GALLEGLY (for himself and Mr. HILLIARD):

H. Res. 303. A resolution expressing appreciation to the North Atlantic Treaty Organization, the European Union, the Organization for Security and Cooperation in Europe, and the individual countries of Europe for providing or offering military forces and other assistance in support of Operation Enduring Freedom and the campaign against international terrorism; to the Committee on International Relations.

By Mr. KUCINICH:

H. Res. 304. A resolution providing for consideration of the bill (H.R. 808) to provide certain safeguards with respect to the domestic steel industry; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. JOHNSON of Illinois introduced a bill (H.R. 3419) for the relief of J.L. Simmons Company, Inc., of Champaign, Illinois; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 318: Mr. FILNER, Mrs. LOWEY, Mr. HOLT, Mr. ACEVEDO-VILA, Mr. SANDERS, Mr. JEFFERSON, Mrs. NAPOLITANO, and Mr. CARDIN.

H.R. 604: Ms. SCHAKOWSKY and Ms. ESHOO.

H.R. 661: Mr. JEFFERSON.

H.R. 742: Mr. HINCHEY and Ms. LOFGREN.

H.R. 951: Mr. MCKEON.

H.R. 959: Mr. BENTSEN.

H.R. 1073: Mr. QUINN and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1090: Mr. MALONEY of Connecticut.

H.R. 1177: Mr. LUCAS of Kentucky.

H.R. 1296: Mr. MCINTYRE and Mr. LINDER.

H.R. 1331: Mr. DOOLITTLE.

H.R. 1466: Mr. SHOWS, Mr. KIRK, and Mr. THUNE.

H.R. 1475: Mr. HONDA and Mr. WU.

H.R. 1520: Mr. LIPINSKI.

H.R. 1582: Mr. PAYNE.

H.R. 1723: Mr. LEACH and Mr. FRANK.

H.R. 1724: Mr. MCGOVERN.

H.R. 1754: Mrs. MCCARTHY of New York.

H.R. 1771: Mr. VISCLOSKY.

H.R. 1795: Mr. SHOWS, Mr. SCHIFF, and Mr. LATOURETTE.

H.R. 1841: Mr. LAMPSON, Mr. SANDERS, and Mr. CRAMER.

H.R. 1911: Ms. WOOLSEY and Mr. SCHIFF.

H.R. 2023: Mr. STEARNS.

H.R. 2125: Mr. PASTOR, Mr. BASS, Mr. PLATTS, Ms. ESHOO, Mr. PRICE of North Carolina, Mr. PUTNAM, Mr. LAHOOD, and Mr. GARY G. MILLER of California.

H.R. 2147: Mr. SOUDER.

H.R. 2484: Mr. BROWN of Ohio, Mr. PAYNE, Mr. BALDACCI, Mr. MARKEY, Mr. OLVER, Mr. RUSH, Mr. NEAL of Massachusetts, and Ms. BROWN of Florida.

H.R. 2610: Mr. CARSON of Oklahoma, Mr. WATT of North Carolina, Mr. TERRY, Mr. CLEMENT, and Mr. RAHALL.

H.R. 2706: Mr. RADANOVICH.

H.R. 2737: Mr. BONIOR.

H.R. 2820: Mr. PALLONE, Mr. BACA, and Mr. BROWN of Ohio.

H.R. 2839: Mrs. MINK of Hawaii, Mr. CUMMINGS, Ms. RIVERS, and Mr. HONDA.

H.R. 2847: Mr. BEREUTER.

H.R. 2863: Ms. SCHAKOWSKY.

H.R. 2869: Ms. CARSON of Indiana.

H.R. 2917: Mr. SHAW, Mr. LUCAS of Kentucky, and Mr. TAYLOR of Mississippi.

H.R. 2935: Mr. PAYNE.

H.R. 2969: Mr. PLATTS.

H.R. 3014: Mr. CRANE.

H.R. 3019: Ms. BERKLEY and Mr. BAIRD.

H.R. 3054: Mr. BEREUTER, Ms. SCHAKOWSKY, Mr. ROGERS of Michigan, Mr. FERGUSON, Mr. HINOJOSA, Mr. SHERMAN, Mr. DEUTSCH, Ms. BALDWIN, Ms. ROS-LEHTINEN, Mr. LUTHER, Mr. BROWN of Ohio, Mr. BORSKI, Mr. HOEFFEL, Ms. MCCARTHY of Missouri, Mrs. CAPPS, Mr. HORN, Mr. SCHAFFER, Mr. KIRK, Mr. CANTOR, Mr. OTTER, Mr. HAYWORTH, Mr. SCOTT, Mr. BARRETT, Mr. FRANK, Mr. TIERNEY, Mr. LAFALCE, Mr. NADLER, Mr. LEWIS of Georgia, Mr. ORTIZ, Mr. CONDIT, Mr. RUSH and Mr. SHAYS.

H.R. 3075: Mr. KUCINICH, Ms. DEGETTE, Mr. BARRETT, Mr. BAIRD, Mr. BRADY of Pennsylvania, Mr. FALEOMAVAEGA, Ms. MCCOLLUM, Ms. RIVERS, and Ms. ROYBAL-ALLARD.

H.R. 3113: Mr. OLVER.

H.R. 3175: Ms. RIVERS.

H.R. 3235: Mr. LIPINSKI, Mr. HINCHEY, Mr. FILNER, Ms. WOOLSEY, Mrs. MINK of Hawaii, and Mr. BONIOR.

H.R. 3271: Mr. KILDEE and Mrs. CHRISTENSEN.

H.R. 3306: Mr. UNDERWOOD and Mr. FROST.

H.R. 3332: Mr. CARDIN, Mr. DUNCAN, Mr. GONZALEZ, Mr. KANJORSKI, Mr. KING, Mr. POMEROY, Ms. SCHAKOWSKY, Mr. TERRY, and Mr. WU.

H.R. 3341: Ms. WATERS and Mr. KILDEE.

H.R. 3351: Mr. SMITH of Washington, Mr. BACA, Ms. BERKLEY, Ms. PRYCE of Ohio, Mrs. DAVIS of California, Mr. BENTSEN, Mr. RILEY, Mr. CARDIN, Mr. DEUTSCH, Ms. SCHAKOWSKY, Mr. SCHAFFER, Mr. FRANK, Mr. NEAL of Massachusetts, Mr. ROGERS of Michigan, Mr. WALSH, Mr. BERMAN, Mr. CLAY, Mr. MORAN of Virginia, Mr. SUNUNU, and Mrs. MINK of Hawaii.

H.R. 3358: Mr. MOORE.

H.R. 3368: Mr. JACKSON of Illinois, Mr. FROST, Mr. RUSH, and Mr. GRUCCI.

H.R. 3371: Mr. FROST.

H.R. 3376: Mr. SHAYS, Mr. KING, Mr. SMITH of New Jersey, and Mr. MCHUGH.

H. Con. Res. 273: Mr. LEACH, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mrs. MALONEY of New York, Ms. MCKINNEY, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. UNDERWOOD, Mr. BERMAN, Mr. TANCREDO, Mr. HORN, Mr. NADLER, Mr. GILCHREST, Mr. STEARNS, Mr. JONES of North Carolina, Mr. DUNCAN, Mr. WAMP, Mr. MORAN of Virginia, Mr. GEKAS, Mr. HAYWORTH, Mr. WALSH, Mr. ISTOOK, Mr. WELDON of Florida, Mr. RADANOVICH, Mr. WICKER, Mr. HERGER, and Mr. GOODLATTE.

H. Con. Res. 280: Mr. FALEOMAVAEGA, Mr. PLATTS, Mr. ISRAEL, Mr. HALL of Ohio, Mrs. MALONEY of New York, Mr. HOYER, Mr. FRANK, Mr. PENCE, Mr. ROSS, Mr. SCHROCK, and Mr. CULBERSON.

H. Res. 75: Mr. KERNS, Mr. BACHUS, Mr. REYNOLDS, Mr. RAMSTAD, Mrs. ROUKEMA, Mr. GOODE, Mr. CHABOT, Mr. DAN MILLER of Florida, Mr. LARGENT, Mr. HORN, Mr. CHAMBLISS, and Mr. ROHRABACHER.

H. Res. 280: Ms. ROYBAL-ALLARD, Mr. Filner, Mrs. MINK of Hawaii, and Ms. RIVERS.

H. Res. 281: Ms. SCHAKOWSKY, Mr. ROTHMAN, Mr. GUTIERREZ, and Ms. LOFGREN.

H. Res. 295: Mr. ENGLISH and Mr. TIAHRT.

H. Res. 300: Mr. NEAL of Massachusetts, Mr. MURTHA, Mr. MCHUGH, and Mr. COSTELLO.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

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

Almighty God, Sovereign of this Nation and Lord of our lives, in each period of history, You have blessed us with great leaders who have exemplified love for You and dedication to our country. Today we celebrate such a man. Thank You for Senator STROM THURMOND.

We join with all Americans in celebrating his 99th birthday. You have blessed him to be a blessing to his beloved South Carolina and to the Nation as a whole.

Thank You for the enrichment of our lives by this man. He has shown us the courage of firm convictions, the patriotism of love for this Nation, and devotion and true commitment to the Senate. We praise You for the personal ways he has inspired each of us. He is an affirmer who spurs us on with words of encouragement. Your Spirit of caring and concern for individuals shines through this remarkable man.

Gracious God, bless the Senator with the assurance of Your love and of our affirmation. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 5, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, this morning the Senate will resume consideration of the Railroad Retirement Act. Senator NICKLES will be recognized to make a point of order against the Daschle substitute amendment. Then Senator BAUCUS will be recognized to move to waive the Budget Act. There will be 30 minutes for debate on the motion to waive followed by a vote at approximately 10 a.m. If the Budget Act is waived, the Daschle substitute amendment will be agreed to and the Senate will vote on final passage of the act.

Following disposition of the Railroad Retirement Act, there will be 60 minutes of debate on the motion to proceed to the farm bill followed by a vote on the cloture motion to proceed to the bill.

MEASURE PLACED ON THE CALENDAR—S. 1765

Mr. REID. Madam President, I understand that S. 1765 is at the desk and is due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Madam President, I ask that S. 1765 be read for a second time, and I then will object to any further proceedings at this time on this legislation.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1765) to improve the ability of the United States to prepare for and respond to biological threat or attack.

NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be $422 per year or $211 for six months. Individual issues may be purchased for $5.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

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

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The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

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

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 10, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 10) to provide for pension reform, and for other purposes.

Pending:

Daschle (for Hatch/Baucus) amendment No. 2170, in the nature of a substitute

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. DASCHLE. Madam President, I will reserve some of my leader time to make a short statement as we wait to complete our work on the railroad retirement bill.

TERRORISM IN THE MIDDLE EAST

Mr. DASCHLE. Madam President, when our country was attacked on September 11, countless countries came forth to express condolences, to condemn those heinous attacks and to make clear that they stood with America in our time of trouble. The statements were a welcome reassurance from the family of nations that we would not be standing alone in the campaign against terror.

I come to the floor today to send my condolences to the families of the 26 Israelis killed in this weekend's attacks in Jerusalem and Haifa, to send my prayers to the scores more who were injured, to condemn in the strongest terms those attacks—and the attack that occurred just this morning, and to reassure our friends in Israel that just as they stood with us, we stand with them.

Like people all over the world, I went to bed on Saturday deeply shaken by the horrifying images from Jerusalem.

Not only were the attacks timed to occur during busiest time of the week in an area frequented by young people, but a second bomb was intended to maim and kill emergency response workers trying to assist the victims. It is some small measure of consolation that the second bomb didn't kill anyone. Still, it is hard to imagine a more inhumane plan; hard to imagine, that is, until I woke up Sunday morning, and heard reports of the second attack—in Haifa. In this case, a suicide bomber boarded a bus full of innocent people just starting their work week.

These coordinated bombings marked the deadliest terrorist attacks in the history of the State of Israel.

For the past 15 months, the United States, Europe, and moderate Arab states have called on Chairman Arafat to use his authority to put an end to this violence. At times we have heard helpful words, but we have not yet seen decisive action. Even this morning, after 2 days of international pressure to stop such violence, we hear of another suicide bombing in Jerusalem.

Terrorists have used the territories as a haven to plan and organize their murderous assaults, to build their bombs and recruit their suicide bombers. Instead of cracking down on this violence, Chairman Arafat has seemed all too willing to use it as a negotiating tool.

Such a strategy is more than cynical. It is dangerous, and it stands in stark contrast to the Oslo process that brought the region so close to a comprehensive peace just one year ago.

After Jerusalem and Haifa, Chairman Arafat's words alone are not enough. Symbolic actions—rounding up the usual suspects only to let them go again—is not enough.

Concrete steps to bring the planners of this weekend's attacks to justice are just a starting point. The world also expects—in fact, the world demands—that Chairman Arafat crack down on the organizations that harbor and support these terrorists.

We have already begun to hear a litany of reasons why it is difficult for Chairman Arafat to do what has to be done.

He is not responsible for the attacks, we are told.

He is not capable of controlling the terrorists. No one is, we are told.

We are also told that Israel's response hinders the Palestinian Authority's ability to move against the terrorists.

None of these excuses will stop the violence. And none is acceptable.

Time has run out. We are at the point where Chairman Arafat's lack of action against terrorists is a question not of capability, but of will. Only if he chooses to act decisively can he put this perception to rest.

If not, he will confirm the worst fears of the international—community that he is unable and unwilling to confront terror.

Without concrete action, Israel will be left with no choice but continue to defend itself.

The suicide bombings in Jerusalem in Haifa ended 26 innocent lives, but they also ended something else.

They ended any patience the world has for excuses and inaction on the part of Chairman Arafat and the Palestinian Authority.

It is time for them to prove that they have both the ability and the will to stop the bloodshed. It is time for them to join the family of nations and work to end the specter of global terrorism.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—Continued

AMENDMENT NO. 2170

Mr. NICKLES. Madam President, I make a point of order that the Daschle amendment No. 2170 violates section 302(f) of the Congressional Budget Act.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma is recognized to raise a point of order.

Under the previous order, the Senator from Montana is recognized to make a motion to waive the point of order.

Mr. BAUCUS. Madam President, I move to waive the relevant section of the Budget Act, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

Mr. BAUCUS. I withdraw the request, Madam President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Under the previous order, there will now be 30 minutes of debate to be equally divided between the Senator from Montana and the Senator from Oklahoma or their designees.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, for the information of our colleagues, it is anticipated we will be voting at 10 o'clock. We may try to shorten that somewhat. It is anticipated we will have two votes, one on a motion to waive a Budget Act point of order, as entered by Senator BAUCUS, and also on final passage of the Railroad Retirement Act. I notify our colleagues that probably in the next 20 minutes or so we will be voting on these two measures, for them to plan accordingly.

I make a budget point of order because we didn't have any funding. The $15 billion in outlays we are getting ready to pass was not in the budget. Granted, this bill has a lot of support. It had a lot of support when we passed the budget, but it was not included. It was not included in the House budget. It was not included in the Senate budget.

We had a budget. The budget we agreed upon said we were going to have so much in spending. This was not part of it. So we have to waive the budget if we are going to pass it, or a budget point of order lies, or else we are just breaking the budget.

The reason I raise this point is that Congress in the last several months has

been, in my opinion, pretty irresponsible. We have had spending grow dramatically, and yet many people are saying it is not enough. Some people are saying, because of the disaster on September 11, we need a lot more money for this and for that. Some of us need to kind of total it up. I don't think we have totaled it up. Spending is growing dramatically.

I looked at the amount of money we spent in fiscal year 2000, last year. It was $584 billion in total discretionary spending. In 2001, the year we just completed, it was 640. That was a 9.6-percent increase for domestic spending. For nondefense spending, that was 14-percent growth over the previous year.

That is a big increase. Nondefense spending last year, the year we just completed in September, grew at 14 percent.

President Bush's budget said let's have spending grow, total discretionary spending, up to $679 billion. That was a 6-percent increase. After the disaster of September 11, we had a bipartisan agreement to get the budget agreed to of $686 billion. In addition to that, President Bush agreed to the $40 billion, money for New York, for Virginia, for defense. That was an additional $40 billion. Add the $40 billion to the $686 billion; that is $726 billion. That is a growth in outlays of 13.3 percent. And that is still not enough. It doesn't include the $15.3 billion we are talking about that will be required outlays for railroad retirement. If you add that together, that is another 15.6 percent.

Somebody said that doesn't count because we have scorekeeping. We said we are going to put language in here: don't count it. The fact is, you are going to have outstanding publicly held debt that is going to grow by $15.3 billion as a result of this bill. The fact is, we will be borrowing that $15.3 billion; Treasury will borrow additional money. It is not coming out of the surplus. It is not even coming out of Social Security. It is coming out of publicly held debt. We are going to borrow more money, and we are paying about $1 billion per year every year, maybe every year forever, to pay for this bill.

The 10-year cost in interest expense is going to be about $10 billion. Our colleagues should know that. The amount of outstanding publicly held debt as a result of passage of this bill will be growing. I think people have not looked at that.

Then there are a few other items in the mill. When we take up the DOD appropriations bill, I understand Senator BYRD has an amendment to add an additional $15 billion for homeland defense and other things on top of it. We haven't considered that yet, but that is in the mill.

We have already passed airline assistance. I didn't add that. That had outlays of about $5 or $6 billion, loan guarantees for up to another 10. We don't know how that will score. It depends on how many will default. But there is additional exposure there as well.

We have a stimulus package that was reported out of the Finance Committee, two-thirds of which was spending, mostly outlays. Some of it was for unemployment compensation, some of it for cash payments to people who didn't pay taxes. But the net result of that stimulus bill that passed out of the Finance Committee and that we considered on the floor was about an additional $50 billion in outlays.

We have an agriculture bill we will be considering probably later today. It has additional outlays. And we have a victims compensation fund that was part of the airline bailout bill that no one knows, no one in the genius of this body who authorized and passed that legislation, how much it is going to cost. It could cost billions of dollars. We don't know how much the insurance companies are going to pay. We don't know what kinds of rewards are going to be made to the survivors and to the victims of the September 11 disaster. It could cost billions. Congress legislated that little package. I was part of the negotiations in the final hours. No one has a clue how much it is going to cost. It could be in the multibillions of dollars.

My point is, if you add all these numbers, we may be looking at spending growth in the 20- or 24-percent range. It is as if there is no budget whatsoever.

I raise a budget point of order. That is why we have a budget. A budget doesn't do any good if you are not going to use a point of order. Unfortunately, in many cases people in the Budget Committee haven't felt inclined to use it. We waive budgets in cases of national emergency. I supported the $40 billion that was included. We believed that was a national emergency. We were attacked. Let's give money for defense of our country to go after those persons who attacked the United States. I am all for that. Let's assist people who need the help in New York and Virginia and Pennsylvania. We supported that. We waived the budget to do it.

Maybe we will waive the budget to do railroad retirement. I expect we probably will. The special interest groups have everybody on board this bill regardless of how much it costs, regardless if it may bankrupt the fund. The railroad retirees and their own accountants say the trust fund balance goes down to almost 1 year of payments in several years, almost bankrupting the fund.

How does it do that? It greatly increases benefits, and it cuts payroll taxes. It leaves Uncle Sam as still guaranteeing the benefits. I would be all in favor of the railroads and the employees making whatever kind of deal they want to make for their benefits. If it is more generous than any other retirement plan in America, so be it, as long as they don't ask for taxpayers to guarantee it and pay it.

Unfortunately, they are asking for both. They want one of the most generous retirement benefits in the country: 100 percent retirement at age 60, 100 percent survivor benefits. That is great. But they also want us to pay for it if the fund goes broke, and even their own projections have it almost going broke. Then to say now, yes, and we want to waive the budget—the budget doesn't count?

If we are going to have a budget, let's use it. Let's abide by it. Let's have unanimous votes if we are going to waive it for cases of national emergency. This is not a national emergency. That is the reason I made the budget point of order. I urge my colleagues to support it.

I don't want to see our colleagues on the floor next year, or maybe even a month from now, saying: Where did the budget surplus go? We are now in deficits. Where did it go? It must have been those Republicans. They passed a tax cut. That tax cut, in the first year, was $37 billion.

Let's see, I totaled up $40 billion for emergency spending, $15 billion for airlines, $15 billion for railroads, and $15 billion that Senator BYRD is trying to pass. No telling how much spending will be in the so-called stimulus package. When you add it up, there is going to be much more of a spending problem than a tax cut problem.

My colleagues may say: Wait a minute, did I vote to waive the budget? Did I vote for that extra spending?

This is deficit spending. We are going to borrow an additional $15 billion. We are going to have to waive the budget to do so. I urge my colleagues to vote ''no'' on the motion to waive the budget point of order.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I yield such time as the Senator from Delaware desires.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. CARPER. Madam President, I agree with my friend from Oklahoma on several of the comments he just made. We can ill afford, even in the environment in which we live today, to forget about fiscal restraint and the responsibility to manage our finances, not only in the short term but in the long-term. But it is not just spending that we need to watch. It is also the nature of the tax cuts that we have adopted and the ones we are considering adopting as part of the economic stimulus package.

Let me take a somewhat different approach to the legislation before us, for which we are now considering the step of waiving the Budget Act. I thank Senator BAUCUS for bringing the measure to the floor. I thank our leader for bringing this measure to the floor. I salute Senator HATCH and others who have introduced the legislation, which I have cosponsored. I am not aware of anywhere in the Federal Government where we have a private sector type of pension plan. The railroad retirement

is somewhat difficult to understand. Let me take a minute and contemplate what it is and what it is not.

The railroad retirement, which provides retirement benefits for hundreds of thousands of railroaders and their survivors, is a two-tier plan. Tier 1 deals with Social Security benefits, or reflects and mirrors Social Security benefits. We are not talking about addressing or dealing with those. Tier 2 is a pension plan that goes beyond Social Security benefits. Most people who work in the private sector in this country realize Social Security benefits. They also have a pension plan, in many cases, from their own employer. Those employers contribute to those plans. The employees contribute to their employer's pension plan established for them. Most employers, private sector employers and, frankly, most public sector employers around the country who have pension plans—the moneys that go into those plans are invested, but they are not invested exclusively in securities issued by the U.S. Treasury.

Tier 2 of the railroad retirement plan is different because the moneys that are contributed by the employers—the railroad companies—and moneys contributed by employees of those railroads to the pension fund, the trust fund, are invested only in securities issued by the U.S. Treasury. Many States and local governments have changed the way they invest their pension moneys. They have invested now in equities, corporate stocks, and other investment options because the yield there is greater and they are able to provide better benefits and reduce their contribution into their pension fund.

The question before us in this bill is, Should we provide the same kind of flexibility for railroad companies and railroad retirees when contributing to their tier 2 pension plans? Should we give them the same flexibility that is enjoyed by other employers throughout the country? I believe we should. The question also is, In doing that, does that somehow cause an outlay by the Federal Government? We still work in the Federal Government under a cash basis of accounting. Most companies and, in fact, almost all State and local governments use the accrual form of accounting. If we use an accrual form of accounting, my guess is we would not be debating whether or not this is actually a $15 billion cash outlay. I think the point would be moot. But we still use the cash basis, so that is the law under which we operate.

Having said that, we are not talking about the need to spend another $15 billion to build roads. We are not talking about another $15 billion to provide better health care. We are not talking about another $15 billion to provide better environmental protection. We are talking about a step here that says to the folks who oversee tier 2 pension funds contributed to by employers—the railroad companies—and the railroad employees: You don't have to just invest the money in your trust fund in U.S. Treasury obligations. You can invest in other kinds of investments, such as securities, which would provide a greater yield, and then that anticipated yield, which has been proven over history, that greater yield will enable that pension fund to provide better benefits to railroad retirees and to their survivors.

That anticipated greater yield—again, proven historically —would enable the railroad companies, the employers, and the employees—particularly the railroad employers—to reduce their contribution somewhat. That is what this is all about. And because of an anachronism, we are forced to go through this procedure of waiving the budget law and the extraordinary procedure yesterday of directing the spending.

This is a good measure. When we think it through and we look at the numbers and the requirement for the railroad companies, the employers, to increase their contribution, if the tier 2 fund does run out of money, this is a measure that is responsible. I want to say to those who brought it to the floor, on behalf of the hundreds of thousands of railroad employees and pensioners and survivors, thank you for taking this step for them and the companies for whom they work. I say to the chairman of the Finance Committee, thank you again for bringing the measure to the floor and for yielding this time to me today.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. GRAMM. How much time do we have on our side?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. GRAMM. Madam President, let me first congratulate the Senator from Oklahoma. I think what has happened basically is that we have seen a very impressive lobbying effort where the railroads have gotten together with the unions and divided up $15 billion, which is the only barrier between the taxpayer and massive injection of Federal funds into the railroad retirement program. And basically this has been lobbied as some movement toward private investment in railroad retirement.

The Senator from Oklahoma and I both support private investment, but the problem is that under the cloak of investing this $15 billion, as the actuaries of railroad retirement show very clearly, under this bill, $15 billion plus all the interest earned on all the investments made will be pillaged over the next 17 years as that money is taken out and miraculously divided exactly equally between the railroads and the railroad retirees.

The railroads have lobbied hard for the bill because they say they cannot pay 16.1-percent payroll taxes. They can't afford it. Yet under this bill, in 19 years, they are going to be moving toward paying 22-percent payroll taxes because they will have depleted the trust fund. Does anybody believe they can or will pay 22-percent payroll taxes in 19 years? Does anybody believe the railroads are not going to be before the Congress saying they will be driven into bankruptcy, and they will have to shut down every railroad in America if they are forced to pay a 22-percent payroll tax? But that is what is required to keep this program solvent, after you pillage $15 billion.

I thank the Senator from Oklahoma. This has been an uphill battle. Americans love bipartisanship and they love consensus. Those are wonderful things, but they are very dangerous things. What we have had is the railroads and the labor unions getting together, each having their affection attracted because they each get $7.5 billion, but what we have really seen is a consensus against the taxpayers' interest. The Senator from Oklahoma has been courageous in standing up and pointing out that this emperor has no clothing. I congratulate him for that. We are going to have one final vote before the bill is passed, and that is a point of order.

The telltale sign of the problem with this bill is not just that $15 billion is divided up between the railroads and the railway unions. It is that in making the transfer this year, we are going to increase the deficit by $15.3 billion. We have a budget that gives us some power in trying to prevent these things from happening. If we were offsetting the $15.3 billion in some other way, there would be no budget point of order, but there is a budget point of order because we are violating the budget.

The final vote we are going to have is the vote on whether or not we are going to enforce the budget. I have to say, we have already started to see a partisan debate where many of our colleagues are saying we have a deficit because of the tax cut. Today on this bill, we are going to raise the deficit by 40 percent of the impact of the entire tax cut for this year. In fact, we are approaching the point where we will have increased spending $100 billion above the budget this year.

If somebody votes to waive the budget point of order and says, we do not care about the budget, the sky is the limit, we can spend anything we want to spend and this is a popular thing to spend it on, then I hope they will not be out arguing that they are very concerned about the deficit.

You cannot have it both ways. You cannot be for adding $15 billion to the deficit and be concerned about the deficit. You cannot be for increasing the deficit on one day and blaming somebody else for it on the other.

I thank our colleague for his leadership. I intend to vote against waiving the budget point of order. I hope my colleagues will as well.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Montana.

Mr. BAUCUS. Mr. President, I will be brief. We have had these arguments

and made our points many times. It is important to put all of this in perspective. There is a lot of arcane budget language discussion here. A lot of that is very important. There is an important reason for having budgets.

Cutting through all the technical budget arcane language and green eyeshade stuff, very simply the situation is this: The railroad retirement trust fund has built up a large balance. The question is what we should do about that.

We have decided in this legislation that the balance should be reduced by lowering the taxes the railroad companies have to pay—and they are extraordinarily high taxes today—and also increasing survivor benefits, for example, and the early retirement age which conforms with current practices in other industries.

The charge is made that the balance will be too low, and that is going to jeopardize the budget, it is going to jeopardize the trust fund.

The fact is this legislation provides for many safeguards; there are actuarial reports, financial statements, and reports to the contrary. The actuary himself has said at no time, even under this legislation, will the balance in the trust fund be at such a level that it jeopardizes the fund or payments to the beneficiaries or cause undue strain on the railroad companies. That is the actuary's projection. He makes that projection for the next 75 years.

Those of us in Congress have a hard time trying to predict what the economic situation is going to be 10 years from now. That is pretty hard to predict. What we are talking about with this legislation is at least 20 years from now, because that is when the trust fund is going to be dipping down to a lower level than is the case today. We have all kinds of oversight reports required by the legislation to make sure the trust fund is safe.

The Senator from Oklahoma says we have to borrow $15 billion. That is technically true, but that is a wash because the trust fund will receive $15 billion in assets. We have unified accounting in this case, so as a practical matter, that has virtually no effect on the budget.

Also, with respect to the trust fund, it is a wash, too, because some of those securities will be private securities as opposed to public securities.

Altogether, this is a bill that has been worked on for a long time. Seventy-four Members of the Senate cosponsored this legislation. We considered the bill last year in the Finance Committee. Over 20 amendments were offered. The House has passed this legislation twice, both times by very large margins. If this point of order is not waived, if this technicality is not waived, then there will be no bill passed and this bill is going to die.

Mr. REID. Will the Senator yield 2 minutes to the Senator from Nevada?

Mr. BAUCUS. Absolutely.

Mr. REID. Mr. President, this legislation is sponsored by Senators BAUCUS and HATCH. If there were ever two people who are fiscally conservative, it is Senators BAUCUS and HATCH. I do not need anything else other than to know they are the ones who are pushing this legislation to make me very comfortable with every vote I have taken.

I publicly commend and applaud Senators BAUCUS and HATCH for their leadership on this issue. We have gone a long way the last few days under their leadership. Everyone should feel very good about waiving the Budget Act. Remember, we are being asked to do this by two of the most fiscally conservative people we have in the Senate—Senators BAUCUS and HATCH.

Mr. BAUCUS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Fifty-three seconds.

Mr. NICKLES. Mr. President, I want to clarify a few points. This $15 billion transfer in the outstanding publicly held debt is not a wash. That is $15 billion added to the deficit, added to national debt. We are going to have to borrow about $1 billion a year, maybe forever, to pay for this. The Senator from Montana said this legislation makes benefits conform with the norm. It is not the norm in the private sector pension benefits to get a 100-percent pension benefit at age 60. That is not the norm. Nor is it the norm to have survivor benefits equal 100 percent. That is not the norm. They are very generous benefits.

I do not begrudge them having generous benefits. I just do not want to have taxpayers pay for them when and if the fund goes broke, and even under their projections it almost goes broke. Why? Because we increase benefits and cut the taxes and also we keep the Federal guarantee, and we have to waive the Budget Act to do it.

We did not put this money in the budget. We should have. I urge my colleagues not to waive the budget act provisions.

I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana has 4½ minutes remaining.

Mr. BAUCUS. Mr. President, I am not going to use all my time. We have had a very good debate on this bill. I strongly urge Members to vote to waive the point of order because this is a very sound, fiscally responsible bill. I know Senators will be very proud in voting for this legislation.

The PRESIDING OFFICER. The Senator yields back his time.

All time having expired, the question is on agreeing to the motion to waive section 302(f) of the Congressional Budget Act of 1974 in relation to amendment No. 2170. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senate from Connecticut (Mr. LIEBERMAN) is absent attending a funeral.

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

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—80

Akaka	Domenici	McCain
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Edwards	Murkowski
Biden	Enzi	Murray
Bingaman	Feingold	Nelson (FL)
Bond	Feinstein	Nelson (NE)
Boxer	Fitzgerald	Reed
Breaux	Graham	Reid
Brownback	Grassley	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carnahan	Hollings	Schumer
Carper	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cleland	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Collins	Jeffords	Specter
Conrad	Johnson	Stabenow
Corzine	Kennedy	Stevens
Craig	Kerry	Torricelli
Crapo	Kohl	Voinovich
Daschle	Landrieu	Warner
Dayton	Leahy	Wellstone
DeWine	Levin	Wyden
Dodd	Lincoln	

NAYS—19

Allard	Gramm	Nickles
Bennett	Gregg	Smith (NH)
Bunning	Helms	Thomas
Campbell	Kyl	Thompson
Cochran	Lott	Thurmond
Ensign	Lugar	
Frist	McConnell	

NOT VOTING—1

Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 19. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The point of order falls.

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

Mr. BAUCUS. 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 amendment No. 2170 is agreed to.

Mr. SMITH of Oregon. Mr. President, I rise today in strong support of legislation to reform the Railroad Retirement system. Reform legislation has 75 cosponsors in the Senate and I am proud to be one of them. Over the past 65 years, Railroad Retirement has provided a safe guarantee of benefits to railworkers and their families. In order to keep these benefits secure, both management and labor have endeavored to come up with an agreement that would strengthen the Railroad Retirement system, and I believe that this legislation, The Railroad Retirement and Survivors' Improvement Act has done just that.

This legislation represents a balanced benefits package that together with phased-in tax cuts can provide and ensure the financial integrity of the Railroad Trust fund. This bill introduces sound investment techniques into the effort to make better use of resources built up by railway employees many who live in my home State of Oregon.

The legislation relies upon a number of features to ensure the fund will meet its benefit obligations to retirees:

Fund Reserves. The legislation maintains four to six years worth of benefits in reserve as a safety margin.

Automatic Tax Adjustment. Tax rates on employers and employees will be adjusted automatically in an effort to maintain a fund balance sufficient to pay between four and six years of benefits.

Asset Management. Assets will be managed much like private pension funds, providing the opportunity to earn higher rates of return than the current 6 percent rate of return. Higher returns will provide additional funds for benefit payments and reduce the need for high payroll taxes.

I have been particularly worried about the plight of widows and widowers of retired railroad employees. Under current law, their monthly checks actually decline by two-thirds when a spouse dies. I believe this trust fund can do better by these widows and widowers and am happy that this legislation calls for the surviving spouse to receive 100 percent of what the retired employee was entitled to. Almost 50,000 retirees will be affected by this provision.

Further, this legislation allows the industry to reduce the burdensome payroll tax it now carries to provide benefits. A three percentage point drop in payroll taxes is phased in over three years. The payroll tax was a very real disincentive to hiring employees or replacing retirees and it frees up capital for other expenditures.

I am sure that the relatively swift passage of this reform legislation is welcome by those in the Railroad industry and urge all my colleagues, including the 75 cosponsors of this bill in the Senate, to continue to give it strong backing to ensure these needed improvements are enacted and beneficiaries see these desperately-needed changes.

CONGRATULATING SENATOR STROM THURMOND ON HIS BIRTHDAY

Mr. DASCHLE. Mr. President, this is a historic day in the Senate's history. Our colleague, the senior Senator from South Carolina, is celebrating his 99th birthday today. Bob Dole used to say that he followed STROM THURMOND very carefully; whatever he ate Bob Dole would eat. I have taken on that practice myself.

I congratulate Senator THURMOND on his 99th birthday today and wish him well. We are delighted to serve with him and honored that he is here with us today. We congratulate him on a very special occasion, not only in his life but in the life of the Senate as well.

(Applause, Senators rising.)

Mr. THURMOND. I love all of you men, but you women even more.

Mr. LOTT. Mr. President, I observe Senator THURMOND's microphone was not on at that moment. I do want to observe also on this very happy 99th birthday, he is looking rather dapper today. He asked if perhaps the tie was a little too bright, and I said, no, it was befitting of him on this special occasion.

We all extend our birthday wishes and very best wishes for the future to Senator THURMOND. He has been an example and an inspiration to all of us. He has been a tremendous servant for the people of South Carolina. I have known very few people in my life more dedicated to their job and to the people they represent. We are just so very proud of Senator THURMOND and extend him our very best wishes. Thank you, sir.

(Applause, Senators rising.)

Mr. THURMOND. Thank you very much. I want to thank all of you. I appreciate every one of you, especially you ladies. You're all good looking. God bless you.

(Applause, Senators rising.)

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—Continued

The PRESIDING OFFICER. The cloture motion is vitiated and the clerk will read the bill for the third time.

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

The bill was read a third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

Mr. BAUCUS. Mr. President I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent attending a funeral.

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

The result was announced—yeas 90, nays 9, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—90

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

NAYS—9

Allard	Helms	Nickles
Gramm	Kyl	Smith (NH)
Gregg	Lott	Thomas

NOT VOTING—1

Lieberman

The bill (H.R. 10) was passed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the title amendment be agreed to and the motion to reconsider be laid upon the table.

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

The title amendment was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank all those who worked so assiduously, thoughtfully, and carefully on this bill. There are lots of people I could commend. Two people I particularly commend are on my staff: Tom Klouda and Alan Cohen, who are sitting at my left. They know this issue inside and out and have been of invaluable service to me personally. I just want them to know how much I appreciate their very fine work. They have done a great job.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to address the Chamber as in morning business.

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

UNANIMOUS CONSENT REQUEST—H.R. 1291

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 194, S. 1088; further, that the Rockefeller-Specter substitute amendment at the desk be agreed to, the committee-reported substitute amendment be agreed to, as amended, the bill be read a third time, that the Veterans Affairs Committee be discharged from further consideration of H.R. 1291, the Senate proceed to its immediate consideration, that all after the enacting clause be stricken, the text of S. 1088, as amended, be

inserted in lieu thereof, the bill be read a third time and passed, the title amendment be agreed to, S. 1088 be returned to the calendar, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Mr. President, I must say that I am mystified as to why there would be an objection to proceeding to consideration of this bill. I realize that the objecting Senator is not the one holding up passage of this important piece of veterans legislation. But as the hold is anonymous, I would ask whichever one of the Senators across the aisle is holding the bill to please come and speak to me to let me know the nature of the objection. As far as I know, the Committee's Ranking Member also has no idea who has objected to the bill. This bill was voted unanimously out of Committee and is completely lacking in controversy.

More specifically this bill makes significant enhancements to educational benefits for veterans and their families. The original GI Bill allowed a generation of soldiers returning from World War II to create the booming post-war economy, and, in fact, the prosperity that we enjoy today. Today's Montgomery GI Bill, MGIB, modeled after the original GI Bill, provides a valuable recruitment and retention tool for the Armed Services and begins to repay veterans for the service they have given to our Nation. As a transition benefit, it allows veterans to gain the skills they need to adjust productively to civilian life.

I am very pleased that the legislation would increase the MGIB basic monthly benefit by $50 per month this year, $100 in 2002, and $150 in 2003. I am even more proud that this bill also takes the next evolutionary step to keep pace with the careers and education that today's veterans require. As our colleagues know, many servicemembers leave the military with skills that place them in demand for careers in the technology sector. But even these veterans may require coursework to convert their military skills to civilian careers. The bill would allow veterans to use their Montgomery GI Bill educational benefits to pay for short-term, high technology courses that would allow veterans to earn the credentials they need to gain entry to today's civilian-sector careers.

Currently, the MGIB provides a basic monthly benefit of $672 for 36 months of education. This payment structure is designed to assist veterans pursuing traditional four-year degrees at universities. However, in today's fast paced, high-tech economy, traditional degrees may not always be the best option. Many veterans are pursuing forms of nontraditional training, such as short-term courses that lead to certification in a technical field. In certain fields, these certifications are a prerequisite to employment.

These courses often last just a few weeks or months, and can cost many thousands of dollars. The way MGIB is paid out in monthly disbursements is not suited to this course structure. For example, MGIB would pay only $1,344 for a two-month course that could cost as much as $10,000.

The percentage of veterans who actually use the MGIB benefits they have earned and paid for is startlingly low—45% of eligible veterans, according to VA's Program Evaluation of the Montgomery GI Bill published in April 2000—despite almost full enrollment in the program by servicemembers. By increasing the flexibility of the MGIB program, we will permit more veterans to take advantage of these benefits. We should give veterans the right to choose whatever kind of educational program will be best for them.

This legislation would modify the payment method to accommodate the compressed schedule of the courses. Specifically, it would allow veterans to receive an accelerated payment equal to 60 percent of the cost of the program. This is comparable to VA's MGIB benefit for flight training, for which VA reimburses 60 percent of the costs. The dollar value of the accelerated payment would then be deducted from the veteran's remaining entitlement. This provision would also allow courses offered by these providers to be covered by MGIB.

A provision that is extremely important right now would preserve educational benefits for those that must leave their studies to serve on active duty in support of the National Emergency declared in response to the events of September 11th. This provision would restore educational entitlements for recipients of the Montgomery GI Bill, Veterans Educational Assistance Program, VEAP, and Dependent's Educational Allowance, DEA, for regular servicemembers and reservists who are called up for active duty and who are forced to relocate or take on extra work because of their participation in support of the National Emergency. Their ability to complete their education should not be compromised because they were called up in our fight against terrorism.

The bill would also increase the Dependent's Educational Allowance for dependents and eligible spouses of veterans to $690 from $588. This program primarily provides for the children whose education would be impeded because of the disability or death of a parent due to a service-related condition. In addition, unremarried surviving spouses of veterans are generally eligible for the educational allowance in order to assist them in preparing to support themselves and their families at the standard-of-living level that the veteran could have been expected to provide for his or her family but for the service-connected disability or death. As we send troops into harm's way, it is entirely appropriate that we ensure that their families' futures are secure.

The bill also enhances home loan programs. VA provides a guaranty to mortgage lenders rather than a direct home loan to servicemembers and veterans. A VA guaranty allows a veteran to buy a home valued at up to four times the guaranty amount. The price of homes in major metropolitan areas has increased significantly in the last several years, yet the VA guaranty amount has not been increased since 1994.

This bill would increase the home loan guaranty amount to support a loan of up to $252,700, keeping pace with FHA loan guaranties. It would also extend for 4 years the authority for housing loan guaranties for members of the Selected Reserve, currently set to expire in 2007. Reservists must serve 6 years in order to become eligible for a VA-guaranteed loan. In order for the home loan to be used as a recruiting incentive now, the benefit must be authorized beyond 6 years.

Another provision of the bill would correct an unintended exclusion of certain Gulf War veterans from eligibility for service-connected benefits. Our efforts to explain symptoms reported by many troops returning from the 1991 Gulf War have been frustrated by inconclusive scientific data and by poor military record keeping during the conflict. In 1994, Congress passed the Persian Gulf War Veterans' Benefits Act to provide compensation to certain Gulf War veterans disabled by ''undiagnosed illnesses'' for which no other causes could be identified.

Since then, changes in medical terminology have led many Gulf War veterans to receive diagnoses for chronic conditions without known cause—such as chronic fatigue syndrome and fibromyalgia—which VA has interpreted as precluding them from eligibility for benefits. Section 202 of the Committee bill would correct this unintended exclusion by expanding service connection to ''poorly defined chronic multisymptom illnesses of unknown etiology, regardless of diagnosis,'' characterized by the symptoms already listed in VA regulations.

Because scientific research has still determined neither the cause of veterans' symptoms nor the long-term health consequences of Gulf War-era exposures, and because the Department of Defense recently expanded its estimates of who might have been exposed to nerve agents, this section also extends the presumptive period for benefits for Gulf War veterans for 10 more years.

This bill would also remove the arbitrary 30-year limit for manifestation of Agent Orange-related respiratory cancers in Vietnam veterans. Current law only provides a presumption in Vietnam veterans for respiratory cancer if the disease manifested within 30 years of their service in Vietnam. The most

recent National Academy of Sciences report confirmed that there is no scientific basis for assuming that cancers linked to dioxin exposure would occur with a specific window of time. This provision would eliminate the 30-year limit and allow future claims for Vietnam veterans' respiratory cancers, irrespective of the date of manifestation of the disease.

As you can tell, these are important provisions. But they are also not opposed by anyone, as far as I can see. So why would someone block their passage? What further adds to my confusion is that a very similar scenario played out just a few weeks ago, with the very delayed passage of legislation to improve programs to homeless veterans. As America honored its veterans on Veterans Day, a member of the Senate was blocking legislation to help those who have put their lives on the line defending this country but who have fallen on hard times.

How is it, at a time when our Nation is at war and the resounding call of patriotism rings in our ears a Senator or Senators is playing penny ante partisan politics with legislation to help veterans, servicemembers and their dependents? Everyone is now flying the American flag. It is time that we act to honor those who carried it into battle.

Again, I request that whomever has placed a hold on this bill please come to speak to me I look forward to working with this colleague to resolve whatever impediments there are to Senate passage of this bill.

UNANIMOUS CONSENT REQUEST—H.R. 2716

Mr. WELLSTONE. Mr. President, I thank my colleague, Senator ROCKEFELLER, who is chair of the Veterans' Committee for his work. As a member of the committee, I am very proud to support his request.

I say to the Senator from West Virginia, he has outlined, in this legislation passed out of the committee, a set of benefits that are so important to veterans. Yet it is being blocked by an anonymous hold.

I also now ask unanimous consent—this is another piece of legislation that I worked on together with Senator ROCKEFELLER—that the Senate proceed to the immediate consideration of Calendar No. 201, H.R. 2716; that the Rockefeller-Specter substitute amendment be agreed to; the act, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there an objection?

Mr. BURNS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this is legislation that didn't just come up yesterday. It is something any number of us have worked on for the last year and a half, 2 years—LANE EVANS and CHRIS SMITH from the House, Senators ROCKEFELLER, SPECTER, myself. This is a passion for me, focusing on homeless veterans. I think about a third of the adult males of this country who are homeless are veterans.

It is a scandal what we do with this legislation, which passed out of our committee 21 to 0 or thereabouts, a unanimous vote. It may have been a voice vote but a unanimous vote by the committee. What this amendment does is it provides services for veterans who are struggling with PTSD, addiction. Many of these veterans are Vietnam veterans. I used to spend a lot of time organizing the street people. This was long before I ran for the Senate. Many of them were veterans. Many of them were Vietnam veterans.

This legislation provides job training assistance. It also enables veterans to try one-stop shop places where veterans can get the help they need and tries to move people into affordable housing.

There is an anonymous hold. I went through this on this veterans homeless bill four or five times before Thanksgiving. I know the Senator from Montana himself is not the one who objects. This is an anonymous hold.

My hold is not anonymous. I announced yesterday, I have a hold on every single piece of legislation, every resolution that is nonemergency. We do a lot by unanimous consent in the Senate. We have unlimited debate. I love the Senate for that reason. We have unlimited amendments. I love the Senate for that reason.

One of the ways we get a lot done is we work this through committees. We massage it. We get everybody together and get consensus and we pass bills by unanimous consent.

Since this is an anonymous hold, my hold is not anonymous. I have a public hold on every piece of legislation now from the other side until this passes. I had to do that before Thanksgiving. I have to do it again.

This did not come up just yesterday. We have been working on this matter for the last couple of years. Anybody who objects can come out here and object. We can debate it. I will say to my colleagues that this is truly reprehensible.

It is not just the playing games. I use my leverage to fight for what I believe. In this particular case I am going to fight for veterans. I am proud to do so. It has been among the most meaningful work I have ever done as a Senator.

I am not a veteran. I was very involved in the war against the Vietnam war. When I was elected to the Senate, I had some contact with veterans but not much. I was a college teacher in Northfield, MN. I knew some of the veterans but not well.

I especially didn't understand a lot of the World War II veterans. I didn't know them. The best thing that has ever happened to me—I am not being melodramatic—as a Senator is that I have learned a lot. I have grown as a person. I have had to be with a lot of people who don't see the world the same way I do, which is good. Veterans have been my teachers. There are so many issues I have worked with for veterans. This one I feel especially strongly about. It goes back to my community organizing days when a lot of poor people were homeless and many of them were veterans.

I know a lot of these veterans. They come to our office in Minnesota. You will be at a meeting with some of the veterans and guys who are struggling with PTSD. They can't sit that long. They will get up every 10 minutes. They will leave, and then they will come back. They are really struggling. So are a lot of other veterans.

Don't you think it is a scandal that so many homeless people today in our country are veterans and many of them Vietnam vets? Don't you think it is a scandal that there is an anonymous hold on its consideration on the floor of the Senate?

I was asked yesterday by a journalist whether or not the Senate's former majority leader, TRENT LOTT, violated his word. Absolutely not. We went through this before Thanksgiving. Everybody wanted to get this bill through dealing with the Internet and taxes or not taxes. The agreement was that the bill I had would go through and so then I took the hold off other legislation.

Now we have something that has come back from the House, we preconferenced it, and Representatives CHRIS SMITH and LANE EVANS worked hard on that. It is a better version. I love working with other people. Now we have this anonymous hold.

There are three issues here. No. 1, I thought we were doing some reform here on anonymous holds. I don't know what in the world is happening. Something has broken down because, obviously, people continue to do it. That is No. 1.

Second is the substance. I don't really know what the objection can be to this legislation. I don't know why a Senator would be opposed to getting more resources and providing more help to veterans who are homeless. I don't understand it, but I would like to see somebody come out and debate it.

Third, I was asked about the motivation. One more time, I have no idea what the motivation is. I don't know what is going on here politically. But I will say this. I can promise my colleagues that no other legislation is going to move unless it is an emergency. My hold is not anonymous. No resolutions, no other legislation. Pretty soon, I might even get to nominations in a day or two. That is what I will do until this passes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I ask unanimous consent to speak for no more than 5 minutes on the subject of a column I will talk about.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent to follow Senator KYL.

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

PRESIDENT BUSH'S SECURITY MEASURES

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a column in the December 5 edition of the Arizona Republic, the primary newspaper in my hometown, Phoenix, written by Robert Robb.

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

CRITICS OF BUSH SECURITY MEASURES FORGET WE'RE AT WAR

A democracy at war remains a democracy.

That means that the government's policies, including the conduct of the war, remain appropriate subjects for discussion and debate.

To underscore that point, and highlight the contrast with the fascist enemy, Winston Churchill continued the practice of the prime minister standing for questions before Parliament during World War II.

As Churchill put it in his war memoirs: ''(A)t no time was the right of criticism impaired. Nearly always the critics respected the national interest.''

Churchill's description connotes a higher standard of conduct than ordinarily pertains in a democracy for those who criticize war policies, to be careful about facts and fair about issues, to check the customary political hyperbole, grandstanding and posturing.

The critics of the Bush administration's war policies are beginning to fail this higher standard.

This is, in part, because President Bush failed to ask for a formal declaration of war against al-Qaida, the Taliban and other specified terrorist organizations.

The bombs falling in Afghanistan should have settled the question. But without a formal declaration, there are still those who want to treat this as a law-enforcement action, rather than as a war.

But a war it is, and it has a domestic as well as foreign front.

Enemies of the United States entered the country, stole airplanes and killed thousands of Americans. The government believes that there are other enemies still in the United States who plan to commit similar acts of violence.

One of the war fronts is finding and incapacitating those enemies living within.

Critics now casually and routinely depict the efforts of the Bush administration to do so as an assault on civil liberties.

There were reasons to object to certain provisions of the anti-terrorism legislation, and, indeed, I so objected.

But the actual powers granted the government by the legislation are routinely mischaracterized in the public debate. More importantly, the general charge that the Bush administration is trampling on civil liberties is irresponsible hyperbole not justified by the record to date.

The administration has detained a handful of people as material witnesses, as permitted by the grand jury laws. It is detaining a larger number on suspected immigration law violations.

Clearly, the administration is selectively enforcing long-neglected immigration laws. But enforcing a law isn't trampling on civil rights just because enforcement previously has been lax.

The Bush administration has been roundly criticized for wanting to ask questions of young men from Middle Eastern countries. Given that all of the hijackers were of a similar background, as are overwhelmingly the members of al-Qaida, that's a perfectly sensible desire.

These interviews are voluntary at a time of war. The adverse reaction to them is more revealing of the character of the critics than of the administration.

Then there are the potential military tribunals for foreign combatants. Under President Bush's executive order, he must personally designate someone for such a trial. A military tribunal would consider evidence with probative value, although classified information could be reviewed in camera, or in a judge's private office. Defendants would have procedural rights and an attorney.

We are at war. Having such a mechanism in place may be important to protect the security of the United States. Having the option poses no threat to civil liberties. Whether such tribunals adequately protect defendant rights and fairly administer justice can only be ascertained in practice.

Senate Judiciary Chairman Patrick Leahy, D-Vt., is going to bring Attorney General John Ashcroft before his committee to answer inflated civil rights concerns. This is supposedly part of Congress' vaunted oversight function, which receives no mention in the Constitution.

Meanwhile, Leahy is neglecting the clear constitutional duty to act on judicial nominations.

Leahy would better serve the nation by bringing some judges before his committee for confirmation, rather than trying to unfairly put Ashcroft in the dock.

Mr. KYL. Mr. President, I wanted to insert this column in the RECORD not only because the author is one of the best writers from my hometown newspaper, and frequently has very wise things to say, but also because his column is right on point for something that has been troubling me. The title is ''Critics of Bush Security Measures Forget We Are at War.''

The point he is trying to make is that in this question of deciding how we are going to make Americans more secure from terrorist attack, some people are getting carried away in the expression of concerns about the civil rights or due process rights of people who might be the subject of military commissions or other investigations by our law enforcement or military people in connection with this war on terrorism.

I think he makes a good point. His essential point is that it is not a zero sum game, that we can both provide for the security of our citizens on the one hand and, on the other hand, ensure that American citizens will always have their due process rights, and even for those who are not American citizens, who become the equivalent of prisoners of war, and that the United States, through procedures developed for the military commissions, will treat them fairly. I think that is a very legitimate point to make.

The Attorney General is going to be before the Judiciary Committee, and he will be asked to respond to a lot of questions about how he is handling his investigations and how the military commissions will work. I note that the President's order to the Defense Department to develop the procedures for military commissions has not yet resulted in the rules and regulations, and rules of evidence and procedures, and so on, at least as far as I know. So it is premature to criticize those rules.

In the Judiciary Committee yesterday we heard from two eminent law professors, who I am sure would be happy to be called liberal in their political ideology: Laurence Tribe, with whom I have worked and for whom I have a lot of respect; and Cass Sunstein; as well as two Republican witnesses, both with significant experience in this area. All four agreed this was the kind of circumstance that justified the creation of military commissions and, indeed, that such commissions were constitutional. The two more liberal professors said they would make some changes around the margins. But nobody questioned the authority of the United States of America to set up these tribunals in order to take care of those people who might be captured, particularly in the Afghanistan situation, or said it would not be appropriate to try to bring them to justice under our article III court system in the United States.

I point that out to ask my colleagues to look at this column. I think it is very well written. It makes the point of what we need to be considering when we characterize the issue as a zero sum game, which it is not. We don't need to deprive anybody of appropriate civil liberties at the same time we are ensuring the security of the United States and its citizens from terrorist attacks.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. REID. Will the Senator withhold for a unanimous consent request?

Mr. WELLSTONE. Yes.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the previous order with respect to the debate time prior to the cloture vote on the motion to proceed to S. 1731 be changed to reflect that the time begin at 11:45 a.m. today, and that the time until 11:45 a.m. be a period of morning business with Senators permitted to speak therein for up to 5 minutes each, with the remaining provisions of the previous order remaining in effect.

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

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

MENTAL ILLNESS DISCRIMINATION

Mr. WELLSTONE. Mr. President, when I was speaking about the homeless veterans, many who struggled, I

wanted to bring colleagues up to date about the whole issue of discrimination against people who are struggling with mental illness.

It is difficult to believe that in the year 2001 there is a whole class of citizens—probably well over 20 percent of the families in this country have a loved one who struggles with mental illness—certainly, all of us know someone who does—and they face discrimination. There still is a tremendous stigma attached to people who struggle with mental illness. I remember testimony from a doctor who said that when someone is in a hospital and they have had surgery for cancer and they have had chemotherapy or radiation treatments and they come home, neighbors gather around and give them support. Do you know what. That is exactly the way it should be.

Often, if it is somebody who struggles with mental illness and they get out of a hospital, you don't see neighbors gathering around and saying we want to support you. It is still considered by too many to be a moral failing, even though it is a brain disease.

There was an editorial today—and I will not read from it because I think Senator DOMENICI will—from the L.A. Times that is so powerful, calling for parity and ending the discrimination for this brain disease.

Unfortunately, this discrimination is reflected in the coverage. What we have right now in so many health care plans around the United States of America, if you or your loved one—and, again, I am so sorry I don't have the figures with me. Just take suicide among young people. Suicide kills more young people than cancer and about six, seven, or eight other terrible diseases we all hear about.

Suicide in Minnesota is the second leading cause of death in young people. Nationwide it is the third. Your son or daughter is severely depressed and you need help. You are told you have a few days in the hospital, and that is it. You can have some outpatient visits outside the hospital, but just a few days, and that is it. Also, the copays and deductibles are very high; in other words, what you have to pay before there is any coverage or the percentage you have to pay.

It is completely different if your child has diabetes or a heart condition or a broken ankle. We would not do that to people. We would not say: OK, you struggle with this disease, diabetes; you are in the hospital a few days and then you are out or you can only see your doctor so many times and there is no more coverage.

Even in our Medicare system, which I want us to change as well—by the way, the highest percentage population of suicide is with the elderly. People do not realize that. All too often we say: Oh, well, if I was 80 and I was having a hard time walking, I would be depressed, too. It is incredible the way we trivialize this illness and the way we discriminate.

Do my colleagues know that in our Medicare program, if one goes under part B to see a doctor for a physical illness, it is a 20-percent copay. If you struggle with depression and go to see someone for help, it is a 50-percent copay. That is blatant discrimination. That should end.

Senator DOMENICI and I—I thank him for his work; it has been an honor to work with him—bring this bill to the floor. There has never been a hearing in the House of Representatives on the problem of discrimination. We offered an amendment to the Labor-HHS appropriations bill. We had 66 Senators who signed on, and it passed out of the HELP Committee 21 to 0. We passed it. Then it went to the conference committee.

I am speaking for myself, not for Senator DOMENICI or any other Senator. It is clear what is going on. We are in a fierce fight, but it is one of these fights that is not as open and public as one would want. Robert Pear wrote an update about this issue in the New York Times today. Thank goodness.

Overall it is hard to get the public's attention on this issue. There is a fierce fight going on. The insurance industry has gone to a couple of people in the House and has basically said: Kill it. Thanks to the work of PATRICK KENNEDY, MARGE ROUKEMA, and others in the House, I believe there are around 250 House Members who have signed a letter saying: Keep this in the conference committee, pass it, end the discrimination.

If we ended the discrimination, it would be civil rights. We would end the discrimination in treatment for people who struggle with this illness. Believe me, I say to my colleagues, it is an illness. It is for real.

Second, if there is money in the plans, the care will follow the money, and a lot of kids will get help rather than winding up incarcerated. A lot of people will get help rather than winding up homeless. A lot of adults will get help rather than winding up in prison. A lot of people will not miss as many days at work and be more productive and families will be better off. There will be fewer problems. This is the thing to do. It is the right thing to do.

The CBO says it will cost 1 percent increase in premiums. That is it. Not to mention the $70 billion David Satcher, our Surgeon General, said we spend as a result of our failure to provide the treatment for people. Mr. President, $70 billion over 5 years is $350 billion. It is not only morally the right thing to do, it is economically the right thing to do. It is 2001. We should have done this 100 years ago.

The insurance industry marches on Washington, DC, every day, and they put the word out, they put the fix in: Kill it in conference.

I have come to the Chamber of the Senate today to ask my colleagues to please be strong and hang in there. Senators HARKIN and SPECTER are our key leaders. Hold the line. I have come here to appeal to House Members to not kill this bill, and I have come to appeal to the White House: We need your help. This is the perfect example of compassionate conservatism. It is a matter of ending the discrimination.

Kay Jameson, who has written some brilliant books and just won a McArthur Foundation Genius Award—she deserves it—has written that the gap between what we know and what we do is lethal. The tragedy to all this is that these illnesses—I mentioned depression as one example; I could mention many others as well—are diagnosable and treatable, in fact, with a far greater success rate than many of the physical illnesses.

My wife Sheila and I started going to some gatherings with an organization called SAVE which was started by Al and Mary Ann Kluzner in Minnesota. Al Kluzner is a Republican. I hope Mary is not. I am teasing.

The point is, this illness does not know any political party boundaries. It does not know any economic boundaries. SAVE is an organization of family members who lost loved ones to suicide. One feels that it is their own fault where all the evidence shows this is a brain disease. It used to be it was maybe 50 people coming together, and sometimes now the gatherings are 300 and 400 people. This is all about making sure they get the help. This is all about making sure that the illness is treated. This is all about preventing suicide. This is all about dealing with a broad range of mental illnesses that affect adults and children throughout our country, and yet we have this discrimination. We do not even tell the plans they have to provide the coverage. I want to. We just say if you have mental health coverage, treat it the same as physical health. There should be no discrimination.

This insurance industry has tried to put the fix in and stop this in conference committee.

I am still hoping we can get the support from the White House. I am still hoping we can pass this legislation because the consequences are so tragic if we fail to pass it.

Mr. President, I will stop, otherwise I will go on for hours. 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. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

COMPREHENSIVE ENERGY POLICY

Mr. MURKOWSKI. Mr. President, it is my understanding that the majority will be introducing a comprehensive energy bill this morning or perhaps

early this afternoon. I want to make my views known on that because it represents a departure from tradition in the Senate of bipartisanship within the Energy and Natural Resources Committee.

I believe we can anticipate the Democratic leader and the chairman of the Committee on Energy and Natural Resources will be introducing their bill this afternoon. This will not have any input from the minority.

I am pleased, on the one hand, to see finally some acknowledgment by the other side of the aisle that energy is important to our Nation's security and it should be a priority of this Congress. I think it is also important to note—and I ask unanimous consent that the recent poll of the Ipsos-Reid Group be printed in the RECORD—76 percent of Americans have indicated energy should be taken up as the No. 1 priority of this body.

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

CITIZENS FOR REAL ENERGY SOLUTIONS

ENERGY POLL SUMMARY—NOVEMBER 14, 2001

95 percent of Americans believe it is ''very'' or ''somewhat important'' for the government act on energy issues. Only ''security'' is a higher priority than energy among voters today.

72 percent believe that energy issues are a higher priority than before the September 11 attacks and the war on terrorism, including 70% of Democrats. This means 72 percent of people think energy is a higher priority than it was when the House passed HR 4 by a wide, bipartisan margin. (240–189, with 36 Democrats voting in favor)

86 percent think ''decreasing dependence on foreign oil and gas is important to national security''

Two-thirds (67%) of those surveyed agree that opening ANWR can be done in an environmentally sensitive manner. 53% of Democrats believe it.

Of those who have ''read, seen, or heard anything about the Bush Administration's National Energy Policy,'' supporters outnumber opponents by an overwhelming 60 percent to 26 percent.

And finally, 73 percent of those we polled—including a majority of Democrats—find President Bush's repeated calls for the Senate to pass energy legislation to be sufficient reason to act.

[The surveys were conducted by Ipsos-Reid, an international public opinion and market research firm, from Oct. 5—Nov. 10 and from Nov. 9–12, 2001. These polls were based on randomly selected samples of 532 and 733 adult Americans, respectively. With samples of these sizes, the results are considered accurate to within ± 4.3 percentage points and ± 3.7 percentage points respectively.

Mr. MURKOWSKI. While there is some satisfaction in seeing that the majority has agreed to prioritize energy, on the other hand I am absolutely dismayed at the partisan nature in which this bill was put together and the extraordinary means taken to remove the bill from the committee's jurisdiction.

I am going to spend my time today talking about the process rather than the substance since neither I nor most of the other members of the Committee on Energy and Natural Resources were afforded the opportunity to see this legislation until it was introduced. I find it rather disappointing and I guess somewhat humorous that so much fanfare has been linked to this bill's introduction when in fact it is the second time this year alone we have had a similar occurrence. The leadership has taken over the responsibility of the committees of jurisdiction and basically proposed to introduce legislation that does not reflect the input of the minority. This was done first in the Finance Committee on the stimulus bill.

I am a member of the Finance Committee, and I participated in the effort where the majority leader and the chairman of the committee basically introduced their version of stimulus and we found we had no input in it so we were at a stalemate. Now we see where we are on stimulus today. We are negotiating with basically the authority of the majority of two over the minority of one. We are not going to have opportunities to amend or even hardly be heard on our views, which I think is unreasonable, unhealthy, and undemocratic, but this is what was done as well in the Energy and Natural Resources Committee.

There is no question the need for a comprehensive energy policy is a critical and pressing issue for this Nation and for this institution. At the beginning of this Congress, I sought out my colleagues on the other side of the aisle and did what we could to get together to introduce comprehensive energy legislation. I think we tried to reflect their interests in the bipartisan and traditional way the committee worked. S. 388 and S. 389, which were the Murkowski-Breaux bipartisan bills, while not perfect, met the requirement and remain the only bipartisan comprehensive energy measure introduced in the Senate. I did not think and I still refuse to accept that the energy needs of this Nation should be a partisan issue, but evidently those on the other side believe they have a better energy bill and can do it better without us.

The PRESIDING OFFICER (Mr. NELSON of Florida). Under the previous order, the Senator from Alaska has only a few seconds remaining. Under the previous order, at 11:45 a.m., other business will intervene.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed 7 minutes to finish.

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

Mr. MURKOWSKI. Mr. President, energy should not be a partisan issue. For over 3 months, our Committee on Energy and Natural Resources has been effectively dissolved. The committee was closed while this document was put together behind closed doors, with no input from the minority.

The Democratic leader has selected his deputies and their special interests, whatever agreements were arrived at in deference to the Senate and the committee rules, blatantly bypassing the committee of jurisdiction.

I ask unanimous consent that a release from the chairman of the committee dated October 9 be printed in the RECORD.

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

From: Jeff Bingaman, Chairman, Senate Committee on Energy and Natural Resources.

ENERGY COMMITTEE SUSPENDS MARK-UPS; WILL PROPOSE COMPREHENSIVE AND BALANCED ENERGY LEGISLATION TO MAJORITY LEADER

At the request of the Senate Majority Leader Tom Daschle, Senate Energy & Natural Resources Committee Chairman Jeff Bingaman today suspended any further mark-up of energy legislation for this session of Congress. Instead, the Chairman will propose comprehensive and balanced energy legislation that can be added by the Majority Leader to the Senate Calendar for potential action prior to adjournment.

Noted Bingaman, It has become increasingly clear to the Majority Leader and to me that much of what we are doing in our committee is starting to encroach on the jurisdictions of many other committees. Additionally, with the few weeks remaining in this session, it is now obvious to all how difficult it is going to be for these various committees to finish their work on energy-related provisions.

Finally, and perhaps most importantly, Bingaman said, the Senate's leadership sincerely wants to avoid quarrelsome, divisive votes in committee. At a time when Americans all over the world are pulling together with a sense of oneness and purpose, Congress has an obligation at the moment to avoid those contentious issues that divide, rather than unite, us.

Bingaman will continue to consult and build consensus with members of his committee, with other committee chairs and with other Senators as he finalizes a proposal to present to the Majority Leader.

Mr. MURKOWSKI. The letter says:

At the request of Senate Majority Leader Tom Daschle, Senate Energy and Natural Resources Committee Chairman Jeff Bingaman today suspended any further markup of energy legislation for this session of Congress.

Now that is pretty blatant, in my opinion, taking the authority away from the committee. So much for the legislative process, the value of the committee process, or the interests of this Nation and our fellow citizens. So much for the majority leader and the chairman of the Energy Committee defending the Standing Rules of the Senate and the rules of the Committee on Energy and Natural Resources.

Why was this extraordinary action taken? According to a press release, as I have indicated, the Democratic leader made this decision because he wanted to avoid, ''quarrelsome, divisive votes in the committee.'' The fact is we had the votes in the committee to pass it out, and it was generally known. It was known by the chairman, it was known by the majority leader, and it was known by the majority.

One of the purposes of the committee is to test various proposals to provide the Senate with consideration and a recommendation. Our distinguished President pro tempore, Senator BYRD,

noted in his remarks on the history of the Senate that the use of committees in legislative bodies predated the first Congress. There are records of joint committees of the House of Lords and the House of Commons in the English Parliament in the 1340s. This history is especially instructive when he discusses the reforms that have occurred, especially those that opened the committee process and limited the autocratic power of committee chairs.

Senator BYRD's discussion of these reforms in the 1970 Legislative Reorganization Act is particularly relevant. He quoted William White's description in the Senate committee in the mid-1990s as ''an imperious force. Its chairman, unless he is weak and irresolute, is, in effect, an emperor.''

The 1970 reforms were intended to curb that power and open the process. The majority of the committee were given the power to call a meeting if the chairman refused, and I obviously have not gone to that extent.

Later reforms opened our business meetings, with a few exceptions, to the public. Rule 16–3: to fix regular biweekly or monthly meeting days for the transaction of business before the committee. Further, the committee shall meet on the third Wednesday of each month while Congress is in session for the purpose of conducting business. Neither the Standing Rules of the Senate nor the committee rules provide an exception for the Democratic leader to abolish committees or order them to cease activities whenever there is a likelihood that there may be a bipartisan action that would conflict with his particular agenda.

Those rules, according to the Democratic leader, now do not apply to the Committee on Energy and Natural Resources. I ask why. The reason is clear. We have the votes, so he is not going to let us vote. Apparently whenever it is convenient to the Democratic leader, the rules of the Senate can now be suspended and the rights of members of standing committees of the Senate can be abandoned. The majority of the members of the Committee on Energy and Natural Resources have been ready, willing, and able to complete action on a comprehensive bill.

Yes, there would be votes on amendments. What is wrong with that? Some would pass and some would fail. I have always been prepared to live with the results to bring a bill to the Senate, but at least there would be debate in public and an opportunity for all Members to participate. I believe virtually all the members of the committee share that view.

Since the Democratic leader closed the committee, there has not been a single business meeting on energy and, in fact, there have been no business meetings at all. It is a sad state of affairs when the authorizing committee is precluded.

This abuse of the legislative process is outrageous. This concentrated action by the leadership to deny the committee members the opportunity to advise the Senate is reprehensible. The majority leader has abolished one of the standing committees of the Senate and crafted partisan legislation behind closed doors with special interests without a whimper from the press. It is abundantly clear now this has been the strategy all along and that all rhetoric about national energy security and bipartisanship has been empty talk, devoid of any substance. We can write the Democratic speech now as the leader pleads with colleagues not to offer divisive amendments.

We hear the partisan calls: We wanted to move an energy bill, but some Members insisted on offering amendments that he did not like, amendments that should have been dealt with in committee. We can probably imagine the editorials now, castigating Republicans for not accepting whatever may be in the proposal that it is about to be unveiled.

We need an energy policy in this country. This Nation deserves better than this travesty. The American public deserves a fair, honest, and open debate on this critical issue. We need conservation, we need efficiencies. We need additional research. We need development. We need to deal with our infrastructure and our domestic supply for developing and refining transportation and transmission. We certainly need to provide for the security of our energy supplies.

Maybe we are now at the stage where the country will have to live with a take-it-or-leave-it package, cobbled together in some back room by the Democratic leader. But this Nation deserves better. The Members of both sides of the aisle who serve on the Energy and Natural Resources Committee deserve better. We deserve the opportunity to debate, discuss, and vote. This is an institution that did not fear and should not fear debate.

I brought the nuclear waste legislation to the floor in an open and fully transparent process last Congress. I don't think the distinguished Democratic whip, my good friend, the senator from Nevada, would accuse me of being other than up front and honest with him. Although we disagreed on the subject, I was always willing to talk openly. This is the way the Senate should work.

What has happened here is that not only have the views of the minority of the committee been silenced but the views of the Members, as well. I am certain the majority leader will take steps on the Senate floor to further restrict amendments.

One of the interesting things about this is the elastic bipartisanship on this, the comity of the Senate that normally would have Senators consult with their colleagues whose States are affected by a given measure are also falling victim to the Democratic leader's assault on the institution. I understand included in the legislation put forward by the Democratic leader are provisions dealing with the development and transportation of natural gas owned by the State of Alaska. These provisions were again developed behind closed doors without consultation to either the Senators or the Governor of our State.

Finally, make no mistake about it. While I support opening the gas line from Alaska, I am not here in the Chamber criticizing the companies, which is what many of our Democratic friends have done. As a consequence, I will have far more to say about the majority leader's proposal once we are given the courtesy of seeing it. Unfortunately, its introduction comes with a heavy price of the Senate and the Committee on Energy and Natural Resources.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. 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. CONRAD. Mr. President, is the time running on the one-hour provided for debate on the agriculture bill?

The PRESIDING OFFICER. It has not yet begun to run.

Mr. CONRAD. When will that begin?

AGRICULTURAL, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there is now 1 hour of debate, evenly divided between the leaders or their designees prior to a vote on the motion to invoke cloture on the motion to proceed to the consideration of S. 1731.

Who yields time?

Mr. CONRAD. Mr. President, I note the chairman of the Agriculture Committee is here. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa, the chairman of the Agriculture Committee.

Mr. HARKIN. Mr. President, we have 1 hour equally divided; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Mr. President, I look forward to the vote on cloture. I hope it will be an overwhelming vote. I hope we can move on this bill right away, today. Time is wasting, as they say. The clock is ticking. We are here. We are in Washington. We are ready to do business. I believe we have a good bill. I believe we have a very good, well-balanced farm bill. It is a 5-year farm bill. We have reported it out of committee. We are ready to bring it to the floor and have it open for amendments that Senators might offer.

It is a 5-year bill. It is a comprehensive bill. I think it provides greater improvements to the farm commodity

and income protection programs. We are strong on conservation, rural economic development. Agricultural trade and research has a good provision.

I will have more to say about my distinguished ranking member, Senator LUGAR, and the great work he has done on agricultural research.

We have nutrition assistance programs, we have a new title dealing with energy, and of course credit titles and forestry titles. It is a comprehensive farm bill. I know a lot of the press tends to focus only on commodities. Commodities, obviously, are an important part of the farm bill. However, this farm bill covers other areas across the United States which I will talk more about.

I thank the ranking Republican member of our committee, Senator LUGAR, former distinguished chairman of the Senate Agriculture Committee. I very much enjoyed working with him and his staff, developing this bill. I can say without any hesitation that we have had a very high level of cooperation and a bipartisan working relationship and collaboration in writing this bill. In fact, all but one of the titles of this bill represents a bipartisan agreement. All titles of this bill passed in our committee with bipartisan votes.

That shows we did, in fact, work closely together. We did have a vote on the commodity title and even there, there was a bipartisan vote. To be sure, it was not the same as on the other titles, but we voted to uphold the committee's commodity title.

Again, as an indication of the broad-based support that we had in the committee for the bill, even though there were some who may have wanted to change the commodity title we reported the bill out on a voice vote, which is in practical effect unanimous.

Let me point out the legislation is within our committee's budget limitations for the new farm bill. We were allowed by the Budget Committee $7.35 billion for fiscal 2002, and $73.5 billion for the 10 years, above the baseline. The bill has been scored within those limitations.

I hope we can move forward and work our way through this bill. As I said, we are ready to consider amendments. I am hopeful—and I say this with all due respect to Senators. I know people may want to have amendments to this that they feel strongly about. I myself in the past have felt strongly about amendments to farm bills when they have come to the floor. But the important point is to move the bill forward and not slow down the farm bill. We should have amendments, debate them in a timely fashion, vote on them, and move on.

I am hopeful we can reach meaningful time agreements on the amendments that will be offered to this bill. Of course, I believe it is a good bill as it came out of the committee. But I understand there will be some who may want to offer amendments.

Why act now? Why not wait until next year. We have heard some talk about waiting until next year for a farm bill. Frankly, farmers around the country need to know what the farm program is going to be, and they need to know soon.

A lot of farmers are going to be going to the bankers right after the first of the year to get the money they need for their crops, to put in their crops. What is the banker going to say? ''What is the program going to be? What can you count on?''

How are the farmers going to fill out the paperwork to go into the banker to get the money they need to plant crops if they have no idea what the program is going to be?

That is why it is so important that we finish this legislation and give a clear signal to the agricultural community and the agricultural credit community just what we are going to have for next year.

The other reason is—and I will be repeating this data over and over again as we go through the debate on the farm bill—that there really is a crisis in rural America, since soon after the 1996 farm bill was passed.

In 1996, we had net farm income of $55 billion nationally. Since that time, net farm income has fallen to an average of $46.3 billion, a decline of nearly 16 percent.

Had it not been for the sizeable Government payments from the farm bill and the additional payments that we in the Congress have made in that period, which includes about $30 billion in additional emergency payments over those years, if we had not had those payments, net farm income would have fallen to less than $30 billion on average.

Thus, had it not been for the Congress coming in every year on an ad hoc basis, the market-generated net returns to farmers would have been only 54 percent of what we had in 1996. That is why it is so critical we move ahead and get this legislation passed.

Commodity programs are only part of the reason to move ahead. Several of USDA's critical conservation programs are simply out of money. The Wetlands Reserve Program, the Farmland Protection Program, and the Wildlife Habitat Incentives Program are all out of money. I say to those who are interested in conservation and want to promote and provide for conservation, we need the money now, not next year. That is because many of these programs have to be funded on a continual basis.

Take the Wildlife Habitat Incentives Program, for example. That is not something that should be just stopped and then started. The Wetlands Reserve Program is not a program that can be kept in abeyance for 9 or 12 months, and then just be started again without real negative consequences. These are conservation programs that need continual infusions of money for the protection of our endangered lands and endangered species.

The Environmental Quality Incentives Program—the EQIP—to defray conservation cost of crop and livestock producers, is far short of the resources needed. It is not out of money just now, but the funding is inadequate for the need out there. This bill substantially increases funding.

However, if we do not pass the legislation soon, the USDA will not be able to carry out the conservation programs adequately during the present fiscal year. Also, the bill will help provide very important and much needed new help in the areas of rural economic development, agricultural trade, research, credit, nutrition, and renewable energy. So we need to move ahead without delay.

At some point later on I will take the time to go through the bill and talk about the different commodity and other programs covered in the bill, all the various aspects that are in the bill, but I do not believe that is necessary right now. We are coming up to a cloture vote. I basically wanted to take the floor to say why it is so necessary we move ahead and not delay this bill any longer. We have a huge decrease in net farm income. We have to address that.

We have to let the bankers and the farmers know what kind of program they can count on next year. But, again, if we do not move this bill soon, farmers will be going to the banks and seeking credit for the crops they are going to be putting in without knowing what to expect in the farm program. That is why we need to move on this legislation right now.

In addition, we need to move on the bill to make sure we keep the funding stream going for our necessary conservation programs.

Mr. President, I want to again publicly thank my good friend and ranking member of the Senate Committee on Agriculture, Nutrition and Forestry, Senator LUGAR. He was chairman for more than six years. He was a great steward of the committee. He did a great job guiding, directing, and leading the Agriculture Committee. I am proud to follow in his footsteps as chairman of the Agriculture Committee.

I again thank him and his staff for all the working relationships that we have had in developing this farm bill and in all the other work we have been doing on the Agriculture Committee. I want to thank Senator LUGAR for that great working relationship.

With that, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself as many minutes as are required.

I deeply appreciate the thoughtful comments of my colleague, the chairman of our committee. Let me reiterate the importance of what he has said on the bipartisan cooperation on major titles. He has touched upon them. I shall do so again because each represents superb staff work and work

by Senators to achieve virtually unanimous results: The rural development title, the research title, the energy title, the forestry title, the trade title, the credit title, and the conservation title.

With regard to research and nutrition, during the course of the debate and events and the will of the Senate to continue with this bill, I would want to say more. I believe we can improve both of those areas very substantially. We can do so through substantial change in the commodity section. So there will be an offset to do that.

But giving credit where credit is due, a substantial number of titles are reasonably settled and I think will meet with the favor of the vast majority of Senators.

The debate we are having during this hour is on a motion to invoke cloture so that we can proceed to the Agriculture bill today. Therefore, that is the issue on which the Senate needs to focus. The question is, Why today? What is the compelling need to proceed to this legislation?

First of all, most Americans who are presently watching television, if they are not on the C–SPAN channel watching this debate, are watching developments on the war in Afghanistan. They are watching a gripping drama in which Americans are at risk.

There is, in my judgment, a compelling need for us to be discussing the defense budget and issues that are involved with terrorism, whether they involve a continuation of the insurance industry, for example, or other aspects of the war. We are in a war.

This has been the case really throughout this strange preoccupation with the Agriculture bill. I say ''strange'' because the Agriculture legislation we now have on the books does not expire until next September 30—over 9 months from now. During that period of time, so-called AMTA payments—fixed payments—will be made to all the farmers who are in the program. A seventh year of payments will occur automatically. So will loan deficiency payments to farmers who have the row crops that are covered by the loan deficiency program. In short, the stable safety net that has been sought remains, plus very large, fixed payments. None of that changes during the coming months.

Parenthetically, there is a need, I suppose, to discuss the defense budget and to do so in line with things which have occurred in our American economy since the first thoughts about a new farm bill began.

For example, at the time the Senate and House Budget Committees began to formulate the resolution last year, I note from the chart that was prepared by OMB that the surplus was estimated at $313 billion for the fiscal year commencing October 1. As a matter of fact, I recall that the President of the United States, during the State of the Union Address, discussed surpluses in the future that might approximate $3 trillion—if one extrapolated further, as much as $5 trillion—and suggested how responsibly the Congress might allocate that money. That was February. But by May, there were at least some signs of a weakening economy seen by the same persons who prepared the chart.

I look at it here. We now know officially that a recession occurred, or started, in March. But this was being picked up by the budget officials. They then estimated in May that the surplus would be only $304 billion, only incrementally down from the estimate of $313 billion. But we went on recess in August. Things had changed abruptly by the time we returned on Labor Day. By then it was $176 billion for the fiscal year commencing October 1.

Then, in the post-September 11 period, the first time the authorities had another chance to take a look at this, $176 billion had evaporated, and it was down to $52 billion—just double digits—some distance from $313 billion barely 8 months before.

The head of OMB in an address to the Press Club last week gave the very bleak news that for the next 3 years—not just for the year immediately ahead of us—there will be deficits in the Federal accounts—not $313 billion of surplus, or the $176 billion, or even the $52 billion, but red figures.

The entire farm bill debate in Congress has proceeded almost as if we were in a different world from the one in which there is war, recession, and deficits.

Senators with a straight face have said: We were told in the Budget Committee a long time ago that there was $73.5 billion above the current baseline—$100 billion—allocated to agriculture over a 10-year period of time. By golly, we are going to claim it. You can have a war, you can have a recession, and you can have deficits, but that additional $73.5 billion remains inviolate above any other priorities of the country.

Post-September 11, some Senators who held that point of view became nervous. They said: At some point people may begin to make estimates that it is gone and that there is no money. But harking back to the budget resolution, there is the additional $73.5 billion, and ignoring reality, or whatever may transpire now, not for just the next year but for 3 years down the trail, if we do not pass a farm bill—and in a hurry—somebody may question whether the $73.5 billion is there.

Indeed, most Americans question it. We have an extraordinary ''Alice in Wonderland'' quality about the agriculture debate in which people with blinders on ignore the rest of the world, but I think at their peril.

One reason all of this has accelerated is that my distinguished colleague, the majority leader, the distinguished member of our committee, Senator DASCHLE—seemed to want to accelerate the farm bill, and wanted to see a bill on the floor. He was not alone. It was suggested by others that Senators who are moving into reelection phases in various farm States did not want to go home without not only discussing it but passing it, nailing down that additional $73.5 billion whether it is there or not. Furthermore, their political judgment was there would be liabilities if they did not succeed in that quest.

Each Senator has to be the best judge of his reelection prospects. I don't fault anybody who believes they need to proceed to a farm bill and spend as much money as the law will allow. And maybe that will help that Senator. But I doubt it. I doubt it simply because the political facts of life are that this time the American people are looking in on the debate. One reason they usually don't look in on these debates is they are very complex issues. Most Senators would be hard pressed to go through a glossary of agriculture terms that are a part of these bills. So they do not try. They do not want to be embarrassed by indicating they really do not understand what this is all about. But I think they will by the time this debate and the discussion of it is concluded.

If I were a Senator running for reelection, I would not want to vote for cloture today. I would not want to put any stamp on a bill coming out of the Agriculture Committee. It contains, in its commodities section, bad policy, which will be harmful to agriculture, not helpful.

I think the exception, perhaps, is my distinguished friend from Iowa, Senator GRASSLEY. I understand the distinguished Senator from Arkansas, Mrs. LINCOLN's family may collect some payments from these programs. But I receive payments from the programs. The Lugar stock farm ranks No. 22 in Marion County in terms of the payments received. How do I know? Because the Environmental Working Group has a Web site. The Wall Street Journal introduced the country to this just last week. If you are curious, you can go into that Web site and find out, down to the dollar, how much every farmer in your State has received during the period of 1996 to 2000. It will be a revelation.

Let me just discuss the politics that seems to drive the issue today. One prominent farmer in my State, who was named in an article that the Associated Press picked up, having taken a look at this Web site, was found to have received almost $2.9 million in farm payments in the last 5 years. That came as a shock to my constituents in Indiana who are not farmers. Worse still, this farmer criticized my stand. He said: LUGAR is way off base; he wants to limit these payments.

At the time, he had it wrong. He thought I wanted to limit the payments to $1 million, say. He said that $1 million does not go as far as it used to go. This was shocking. People wrote in to the papers, and they had no idea that farmers were receiving subsidies, farm payments—these very programs

we are discussing—to the tune of, say, an average of $500,000 or $600,000 a year in our State. We do not have farms that are that large. This particular farmer was identified as having only 12,000 acres, dwarfed by many farms farther to the west of us.

So this started an interesting debate. The Indianapolis Star has written very strong editorials in favor of the comprehensive bill that I prepared for the Agriculture Committee debate. The other papers in Indiana have, by and large, chimed in. This is not a lonely quest. I think I have the majority behind me. I certainly do of those who favor conservation and who are deeply interested in the environment and those resources, of people who are poor and want to make certain the Food Stamp Program works at a time of recession and unemployment, of people who are interested in research, not only at Purdue University but anywhere else where they know the cutting edge of agriculture is not more payments to farmers but research that gives us some hope of feeding the world as well as ourselves.

In the course of all of this discussion of who is getting subsidies, some unusual figures have come up. If it is the will of the Senate that we must discuss this for a long time, I will have a lot of those. It will be exciting, I think, for friends and neighbors to know who is receiving what. But let me just give you a capsule summary.

Eight percent of the farmers of this country identified as having commercial farms—single digit 8—receive 47 percent of all the payments. It is a very concentrated sort of payment schedule. There is another group known as intermediate farmers. These are farmers who have roughly 300 to 800 acres—a harder time on that amount of acreage. These folks receive about 35 percent of the payments. So you add that to the 47 percent, and that takes care of over four-fifths of the payments. We have accounted for, say, only 20 percent of the farms in this country.

I never heard one of these debates before without many Senators rising to address the Chair and pointing out that farmers in their States are desperate, the weather has failed again, the floods, the rains, a lack of any trade initiative that seems to make any difference, and rock-bottom prices, about the lowest that one has ever seen.

In due course, if necessary, I will cite chapter and verse from USDA's very fine publication in which they explain why prices are low and why they remain low. I will explain why the bill that Senators may or may not wish to debate will drive them lower still. The bill the Senate will have passed will stomp down prices. They will have no hope of ever getting up. This may not concern Senators who will say, after all, the bill provides for fixed payments anyway. It does not matter how low the price goes. That is irrelevant, although it is useful in a debate to point out that agricultural policy has failed and prices go low. Of course, they go low because the very policies give incentives, strong incentives, to plant and produce more every year.

We have very efficient farmers in this country who produce, say, an incremental bushel of corn for much less than the loan rate of $1.89. I point this out just for the sake of the debate. Every bushel of corn I produce on my farm this year—and it would be true of anybody else—is going to get at least $1.89. That is not the market price. That is irrelevant to the argument except in terms of the Federal payments that have to be made. The taxpayers pick up the difference between that $1.89 and wherever the market price went.

Yet these policies are going to drive the market price down further. The taxpayer exposure is higher, thus the need for the additional $73.5 billion for 10 years—a perpetual price crisis for agriculture without relief predicted by the very definition of the bill.

Let me just point out that if, in fact, we were in an income crisis situation, that might temper my remarks. But quite to the contrary, the Secretary of Agriculture pointed out for our last agriculture debate in August—and this is coming to pass—that net cash income to farmers this year, 2001, will be $60.8 billion. That compares to $57.5 billion last year, $55.7 the year before, $54.8 billion the year before that, and even in the record year of 1996, that the chairman has cited, net cash income of $57.6 billion, about $3 billion less than this year.

This is the all-time high. We never had such large net cash income as this year. The skeptics will say: Aha, but $20 billion of that comes from Federal payments, not the market. You bet. Given the policies we have that drive down prices every year, more loan deficiency payments are almost bound to come, plus the fact we took action, as the Presiding Officer will recall, in August to send another $5.5 billion as an emergency tranche, as we have the previous 3 years.

Some farmers will say we need to have certainty with this bill because each year the Senate votes for more money. Do you believe for a moment, given the political competition in this body, there will not be somebody on the floor of the Senate next June, July, August, suggesting we have a crisis at hand and, by golly, we ought to send more money on top of the fixed payments as we have done the previous 3 years? That is the nature of the debate we are having today.

The fact is, farm income is at a record level. We have a situation in which we are at war, and we have need for money to pay for the war. We have a recession in which we have deficits around us. A prudent person, seeing we have a farm bill on the books that is going to pay fixed payments plus loan deficiencies, would say: This is not the time for the debate. That is what I say.

I hope Senators will not move to proceed to this bill and will not vote for cloture on the motion to proceed. I think it would be a mistake.

Having said that, if that mistake is made, let me mention to the distinguished chairman that, indeed, we will try to remedy the bill in a big way. I have a comprehensive commodity title, a lot to say about enhancing nutrition, a lot to say about conservation and research. Furthermore, finally, we will get to reform of the sugar program and reform of the peanut program and big reform of the dairy program. This bill has an egregious dairy section, and Senators are already quoted as being dismayed to proceed. It creates in a big way a consumer problem throughout America. But this time something very sensitive, the price of milk, goes up for everybody. That really is unacceptable.

Other Senators may also have amendments. This is a list of those we already prepared on the bill I gave to the Agriculture Committee. These are not figments of the imagination. The amendments are drafted and the talking points are ready. I hope it will be an educational experience Senators will enjoy and, furthermore, that they will vote with me and reform this bill.

Let me conclude by saying I do hope we will get to the defense bill quickly. I take the time I have on the floor to say that I noted with some concern—perhaps there will be an explanation for this—in the release coming from the Defense Appropriations Subcommittee, a note that it provides $357 million for former Soviet Union threat reduction, the Nunn-Lugar program, a cut of $46 million from the budget request.

I find that to be inexplicable. At a time in which our President and President Putin are talking about reduction of nuclear weapons, in which the fundamental thrust of the war is to keep weapons and materials of mass destruction from terrorist cells, I am dismayed. I want to get to that debate. I think that is serious with regard to the world, with regard to our security. That is a real issue.

In due course, we will discuss the subsidies. Senators will have parochial interests, I understand that. But I hope we can hold it to a dull roar. I hope there will be some proportion given the deficits of the next 3 years, not a 10-year program but a 5-year program which the Senate did adopt but which we still have to work on in conference, if we come to that point prematurely.

For all these reasons, I hope the Senate will vote no on cloture, that we will get on to the serious business that really faces the country in its defense, and that other issues such as this we may be able to work out more amicably in the Agriculture Committee or elsewhere in the ensuing weeks.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Texas.

Mr. GRAMM. Mr. President, I take this opportunity to congratulate the

distinguished Senator from Indiana. It has been my privilege to serve with him now going into my 18th year. I have always admired him. I have always thought he was the one reasonable, sane leadership voice on agriculture in the Senate. I take a little bit of the time I have this morning to say that.

I am not going to get into the merits or demerits of the American farm program or this bill. I can sum up my own feelings by simply saying that America's farm program would make an old commissar from the Soviet Union puke.

It is a program which is an embarrassment to logic and reason. It chronically encourages overproduction. It hurts the best farmers the most. It has no socially redeeming value, and America would benefit greatly if we could eliminate the great bulk of the farm program.

I would say, in sort of the ultimate insult to everything that many Members of this body claim to believe in, we literally have a program in this bill that builds upon an idea where we drive up the price of milk consumed by children, many of whom are from poor families, to pay more subsidies to people in the dairy industry who on average have assets of over $800,000.

How that can be justified defies imagination. Yet we constantly are engaged in debating compacts which are really conspiracies against trade. In this bill, we solve the problem by just giving a whole bunch of money to everybody.

I don't want to debate the demerits of the farm program or this bill. I want to make several points.

First of all, it is December. In the last 25 years, we have not often been in session on December 5. We have work to do on serious issues. We are at war with terrorism. We have an economy that desperately needs attention. We have a handful of appropriations bills that have to be passed. Senator LUGAR raised the need to debate Defense appropriations. God knows, while we are still feeling the shock of the last terrorist attack, knowing there may be another, that is the business of the Senate.

The economy is in a recession, or at least we have had a negative quarter of economic growth, and almost certainly we will have another one. We ought to be debating a stimulus package. We have a very real problem with terrorist acts and their impact on insurance. We ought to be dealing with that issue.

Instead we are dealing with extraneous matters in what is a political agenda, sort of a political one-upmanship effort.

What are we doing talking about a farm bill that does not even expire for a few more months? What is this about on December 5? Does anybody really believe there is any possibility whatsoever, any chance that this bill could be finished before we adjourn? Does anybody really believe that?

If we were mean spirited—and, of course, we are not—but if we were mean spirited, we would let you get on this bill and make you stay on it awhile. But nobody has any intention of staying on it.

This is all a political one-upmanship to try to bring up a bunch of extraneous issues that supposedly have some political saliency. My own view is we need to get on with the pressing business of the country. We are going to get paid every day next year. This bill doesn't expire for a few more months. Let's set it aside, go to the Defense appropriations bill, finish these appropriations bills, and make a decision on if we can pass a decent stimulus package. If we can, we should; if we can't, we should forget about it.

Can we deal with terrorist threats and the insurance implications of them? We ought to do those things and finish our business.

But why are we bringing up a farm bill which is way over budget, which I think the President will veto? There is only one reason. It is political. I don't think it makes any sense.

We have some people on our side of the aisle who want to bring this up because they want to offer amendments to it. We don't have anybody, as far as I know, on our side of the aisle who is for the bill as it is now. The point is, we have all next year to offer amendments. I hope we can deny cloture on bringing this bill up and get on with the business of the country.

I am not getting mail here—none of my colleagues are—so I have probably 200,000 first class letters. And I will bet you not one of them says: Stop what you are doing; stop fighting this war; stop worrying about the economy, and raise the price of milk. I don't think America is concerned about the farm program right now. The current farm program is going to be in effect for a few more months. But they are concerned about a lot of work we have not done.

This is a political stall, in my opinion. We ought to get on with the business of the country.

I thank the Senator for yielding.

Mr. CONRAD. Mr. President, farmers would have been stunned to have heard the speech of the Senator from Texas, because in his world the economics of what happens to farmers just doesn't matter. But to hundreds of thousands of farm families, the economic downturn started for them 5 years ago. They have been in a constant recession. In some cases, they have been in a depression for 5 years.

The Senator from Texas says it doesn't matter, you don't need to do the bill now because the farm bill does not run out for 9 months. That is really not the case. Effectively, this farm bill expired 4 years ago because that is when we started writing disaster assistance packages for agriculture because prices were the lowest they had been in 50 years. So, effectively, the farm bill that is the underlying law was altered 4 years ago and each and every year since because of the disastrous conditions that exist for American farmers today.

When the Senator from Texas says this bill is over budget, that is false. This bill is not one penny over budget. If he really believes what he says, come out here and bring a budget point of order against this bill and let's see the ruling that will flow from that. He won't do it because the fact is that this bill is not over budget by one thin dime.

The reason we need to write a new farm bill, and do it now, is that American agriculture is in deep crisis. This says it very well. On this chart is the crop farm index: Prices received and prices paid by farmers from 1990 through 2002. The green line on the chart is the prices that farmers receive. The red line is what they pay to produce those commodities. Just looking at it, one can see there was a rough balance until the last farm bill was written. Then the commodity prices farmers received collapsed. The prices they paid to produce those commodities continued to increase—especially with the energy runup we experienced earlier this year. The result is an enormous gap between the prices that farmers are paid and what they pay to produce these commodities.

Again, we have the lowest prices in real terms in 50 years. On top of that, in the month of October, when the new price index came out, we saw the biggest 1-month decline in the prices that farmers receive in 91 years. The records have only been kept for 91 years. So what we have seen is the biggest monthly decline of the prices going to farmers in the entire history of the commodity index.

The harsh reality is that American agriculture is in deep trouble. When I talked to the farm group leader and I asked him what would happen if this farm bill did not pass with the additional resources that have been provided for in the budget, he said it would be a race to the auctioneer. He was right because that is what we confront in rural America today.

One key reason for that is our major competitors, the Europeans, are supporting their producers at levels much higher than ours. The most recent numbers show this. This is the European Union and the amount of support they provide per acre to their producers: $313 an acre of support. We provide $38 an acre of support. In other words, they are outgunning us nearly 10 to 1 in support for their producers. It is no wonder American agriculture is in crisis. It is no wonder that if they don't get a safety rope, if they don't get something to assist them through these difficult times, we will see literally tens of thousands of farm families forced off the land. That is the economic reality.

It doesn't stop there. When we look at the world agricultural export subsidies, this is what we find. This bar

chart shows who accounts for world agricultural export subsidies. The blue part of this pie is Europe. They account for 84 percent of all the world's agricultural export subsidies. This little piece of the pie, this red chunk, is the United States, which is 3 percent. We are being outgunned here 28 to 1. The deck is stacked against our producers. The playing field is not level.

It is no wonder, therefore, that our producers are in deep financial trouble. They are saying to us: We need to know now what the rules are going to be before we plant the next crop. We need you to tell us of what the farm program is going to consist. That is why there is urgency today. It has nothing to do with political one-upsmanship, as claimed by the Senator from Texas. It has to do with urgent economic necessity.

The fact is, despite the budget increase, farm support funding is projected to decline under this bill. You will hear a lot of talk on the floor that there has been this big increase, there has been an increase over the so-called baseline. That is the red line on this chart. The baseline is the funding that would flow from current farm law. You can see that this bill provides more funding than that baseline. That is true. What is missing is not what Congress has been providing to American farmers the last 4 years. It hasn't been the baseline. No. We responded to the crisis by every year passing an economic disaster package to help our producers. And this farm bill will provide less assistance than farmers have been getting the last 4 years. That is a fact.

Over the life of this bill, you can see—that is the green line—the support will be in decline. As I said, it is less support than farmers have actually been getting in each of the last 4 years because of the economic disaster packages Congress has passed in response to the economic emergency that exists all across rural America.

When we look at the Senate bill versus the House bill on commodity program funding for the first 5 years of this bill, we see on this chart that the Senate bill is somewhat more than the House bill, about $2 billion more—$27.1 billion versus $25.1 billion. If we compare the Senate and House bill on conservation program funding, we see on this chart that the Senate bill is $8.4 billion versus $6.8 billion in the House bill. So there is more for conservation, which I think the overwhelming majority of the American people support.

On this chart, on nutrition programs, over the 10-year life of the legislation, again, the Senate bill has somewhat more—$5.6 billion over 10 years versus $3.6 billion in the House bill—money for the basic feeding programs of the Federal Government because we know in an economic downturn more people need food assistance. America is a compassionate nation and one that responds to the needs of its people.

I urge my colleagues to vote to allow us to proceed to this bill so the Senate can work its will on farm policy, so we have a chance for people to vote. There will be amendments, no doubt, to improve this bill. We will have a chance to fix the dairy policy that the Senator from Texas criticized. I don't think any of us wants the results he described. We are going to have a chance to fix that, and negotiations are underway to fix that, and it will be fixed. But it won't happen unless we get to the bill. It won't happen unless we have a chance to debate, discuss, and amend. That is what the cloture motion is all about—to give the Senate a chance to act. Rural America needs it. Our farmers need it. They are in a desperate struggle for economic survival. They are up against the European Union, our major competitors, who are spending $90 billion a year to support their producers—far more than the United States. It is no wonder we are in economic trouble. I urge our colleagues to vote to proceed to this bill.

I recognize the chairman of the Senate Agriculture Committee, who has done an absolutely superb job in getting this bill to the floor. There is no more difficult challenge than writing a farm bill. The Senator from Iowa has done a brilliant job. Let me also recognize the ranking member who, while we disagree on farm policy, is one of the most thoughtful Members of this body and somebody we all respect.

My hat is off to the chairman of this committee for what is I think one of the most productive performances of any member this year in getting this bill to the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. Seven minutes and 40 seconds.

Mr. HARKIN. Mr. President, I thank my friend from North Dakota for his kind words, and I respond in kind by thanking our distinguished chairman of the Budget Committee for being not only a valuable member of the Agriculture Committee, but for his leadership. The Budget Committee allotted us $73.5 billion. I also thank him for continuing to point out the dire state of agriculture today.

When I first spoke, I pointed out that if you discount the added money the Congress is providing every year for agriculture, our net income right now to farmers is 54 percent of what it was in 1996.

The leader of the Budget Committee has continually brought to our attention that we have to make sure we get this bill done this year to provide for the farm economy of this country the amount of money that was allocated to us because our farmers and our rural communities need that money.

Rural America is in trouble. Thank God we have good advocates such as Senator CONRAD from North Dakota who fights for rural America, who understands we do not have as many people in rural America as in the big cities in California, New York, and other States. The work people do in rural America is what keeps this country going. We cannot afford any longer to have them on that downward track that the Senator from North Dakota pointed out on his chart.

I thank the Senator from North Dakota for being a great leader on our Budget Committee and for providing these funds and making sure we meet our obligations. I thank him very much.

I yield whatever time he may need to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I need only a few minutes. I am in the mood for thanking all three Senators. I, too, thank Senator CONRAD. Every time I talk to agriculture people in northwest Minnesota, I talk about Senator CONRAD's work and the fact we need to pass this bill now. We have the budget money. It is critically important.

Frankly, time is not neutral. As I have said before, I have seen more broken dreams, broken lives, and broken families in rural America than I ever wanted to. This is for real. I thank the Senator from North Dakota very much for his work.

I say to my colleague from Iowa, it is a modern miracle this bill came out of committee with strong support. The Senator from Iowa had to deal with a lot of different perspectives.

I forget the figures, but we received an announcement the other day that net farm income will be a couple billion dollars a year, a little over $3 billion a year if we pass this bill. I saw it somewhere. That is what it is about: Trying to get farmers leverage to get a price but focus on the environmental credits and CRP and focus on the energy section.

People are so excited about renewable energy, economic development, and nutrition. I thank both Senator LUGAR and Senator HARKIN for their leadership. Senator LUGAR has done a great job of being so outspoken and so tenacious about the importance of nutrition programs. This has made a safety net for many vulnerable families in this country and many children. This bill has the right balance. We have been doing an awful lot of negotiation on dairy, and I believe we are getting there.

If part of the importance of legislating is to bring people together, I think the Chair of this committee, Senator HARKIN, has done a masterful job. I cannot say I agree with every provision in this bill.

Mr. HARKIN. I have to say to my friend from Minnesota, I do not agree perhaps with every provision in this bill either. This is a balanced bill. We have to balance a lot of different interests in this bill.

I thank my friend from Minnesota for his service on the Agriculture Committee. Minnesota is very lucky to

have both Senators on the Agriculture Committee. We appreciate that.

I point out to my friend from Minnesota, the factory study showed there would be an increased average of $3.2 billion annually.

Mr. WELLSTONE. That is what I was saying. That is net.

Mr. HARKIN. Net farm income.

Mr. WELLSTONE. That is important. I certainly hope Senators will vote to proceed to this bill. We need to move on and get this work done. I thank the Senator.

Mr. HARKIN. Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I understand I have 15 seconds remaining. I will be brief.

As Senators prepare for this vote, they must know that if they vote for cloture, we are stuck; we are on agriculture and that will continue indefinitely unless there is unanimous consent to leave it. I ask my colleagues to vote against cloture. The vote on this is no.

Mr. HARKIN. Mr. President, we should vote for cloture. Let us get on with the farm bill. Let us have the amendments. Let us have time agreements. Let us move on. Let us send a signal to rural America that we are going to be there for them in their hour of need. I ask Senators to vote for cloture.

I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. Time is yielded back. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 237, S. 1731, the farm bill:

Tom Harkin, Tim Johnson, Bill Nelson, Harry Reid, Byron Dorgan, Fritz Hollings, Richard J. Durbin, Paul Wellstone, Kent Conrad, Tom Daschle, Debbie Stabenow, Tom Carper, Barbara Mikulski, Evan Bayh, Ron Wyden, Ben Nelson, Jean Carnahan, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to S. 1731, an act to strengthen the safety net for agricultural producers, to enhance resource conservation for rural development, provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent attending a funeral.

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

The yeas and nays resulted—yeas 73, nays 26, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—73

Akaka	Dayton	Lott
Allard	Dodd	Mikulski
Baucus	Dorgan	Miller
Bayh	Durbin	Murray
Biden	Edwards	Nelson (NE)
Bingaman	Feingold	Reed
Bond	Feinstein	Reid
Boxer	Fitzgerald	Roberts
Breaux	Grassley	Rockefeller
Brownback	Harkin	Santorum
Burns	Helms	Sarbanes
Byrd	Hollings	Schumer
Campbell	Hutchinson	Sessions
Cantwell	Hutchison	Shelby
Carnahan	Inhofe	Smith (OR)
Carper	Inouye	Snowe
Cleland	Jeffords	Specter
Clinton	Johnson	Stabenow
Cochran	Kennedy	Stevens
Collins	Kerry	Thomas
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Craig	Leahy	Wyden
Crapo	Levin	
Daschle	Lincoln	

NAYS—26

Allen	Graham	Murkowski
Bennett	Gramm	Nelson (FL)
Bunning	Gregg	Nickles
Chafee	Hagel	Smith (NH)
DeWine	Hatch	Thompson
Domenici	Kyl	Thurmond
Ensign	Lugar	Voinovich
Enzi	McCain	Warner
Frist	McConnell	

NOT VOTING—1

Lieberman

The PRESIDING OFFICER. On this vote the ayes are 73, the nays are 26. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Iowa.

Mr. HARKIN. Madam President, I appreciate the overwhelming support that we had from the Senate for moving to the Agriculture bill. However, with the rules that we are operating under, that was just a vote on cloture on the motion to proceed. Now I understand that we have 30 hours, under the rules of the Senate, before we have a vote on the motion to proceed.

With that overwhelming vote on cloture, I hope we might collapse that 30 hours. There is no need for that 30 hours. We might as well have the vote on the motion to proceed and get to the bill and let's start having amendments and move this bill expeditiously. I see no reason we have to have 30 hours of debate right now. We ought to move to the bill and let's have the amendments.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his quorum call request?

Mr. HARKIN. I withhold it.

The PRESIDING OFFICER. The Senator from Florida.

TERRORISM INSURANCE

Mr. NELSON of Florida. Madam President, I would like, while we have a lull on the farm bill, to take this opportunity to speak on a subject that is very near and dear to my heart: What we are going to be doing as a nation to address the fact that, as a result of terrorist acts, there may be a lack of terrorism insurance on January 1. That is not only for commercial lines of insurance, which would be businesses such as shopping centers and office buildings, but it could also affect homeowners and automobile owners. Since September 11, businesses and consumers have suffered great economic losses, and we are reading about those repercussions every day. So I would like to address this very sensitive topic as we come into the closing days of this session.

The insurance industry is now saying the clock is running out for those businesses that want terrorism insurance because 70 percent of reinsurance policies—that is, insurance on insurance, or, in industry terminology, reinsurance—70 percent of those reinsurance policies expire after December 31, and many insurance companies are threatening to cancel policies or to exclude terrorism coverage.

We simply can't let that happen. Congress must act to make sure that insurance is available and affordable. It is the responsible thing to do. The problem is that there are so many different ideas on how to do it.

I served for six years as Florida's elected Insurance Commissioner and State Treasurer. During that time, we experienced a major catastrophe—Hurricane Andrew. This natural disaster, with insurance losses totaling $16 billion, proved to be the most costliest in the history of this country. The private market was so paralyzed from this event that nurturing it back to life proved extremely daunting. Insurance companies were not offering new home owners policies; to the contrary, they were trying to flee the State of Florida and were cancelling policies for those who remained in the State of Florida. Fortunately, by establishing a private pooling mechanism, and carefully monitoring rate increases, we were able to reinvigorate and stabilize the market. Accordingly, in the waning days of this session, I would like to offer some of my experience as guidance as we proceed.

Let me give you an example of what is happening just to set the stage as to how serious this is right now.

The ISO, the Insurance Services Organization, which files policy provisions for many insurers, has announced that it is asking for terrorism exclusions in insurance policies across the nation.

That should be the first warning sign. But there are other warning signs.

For example, I will read from the Chicago Tribune of October 28. Listen to this:

The world's leading insurers, led by Lloyd's of London, a collective name of 108 insurance-writing syndicates, said this month that commercial property premiums would rise by more than 80 percent.

That is the Chicago Tribune.

Then listen to a report that was sent out by Lloyd's of London. I quote from the investor newsletter of Lloyd's of London,

Members of Lloyd's of London:

Names may now have a historic opportunity for property underwriting following the sharp rise in premiums in the aftermath of the American catastrophe.

That newsletter added that premiums were at ''a level where very large profits are possible.''

If there is any doubt about some of the shock to the system right now because of what is happening with rate increases, let me point out that the Wall Street Journal reported that insurance companies are already raising premiums by 100 percent or more on some lines of commercial insurance coverage.

These accounts were presented by the Consumer Federation of America's insurance expert, Bob Hunter, at a press conference earlier today.

Bob Hunter also talked about a big reinsurance company, one of the giants in Germany, named Alliance. Alliance has announced increases of 20 to 50 percent, and in some cases increases may reach 200 percent.

Another example hits close to home for all of our Senators in the Northeast corridor:

It is reported that the cost of insuring Giants Stadium in New Jersey's Meadow Lands for terrorism is now being increased from $700,000 to $3.5 million.

That is a fivefold increase. That is a 500-percent increase.

If that were not enough, the CEO of Zurich Financial Services, which is another one of the major giants from Europe which does business through subsidiaries here in the United States, told a gathering of insurers, on November 27, with respect to the terrorist attacks of September 11:

The industry needed it to operate efficiently. The players who are strong in a responsible manner and are aggressive will be the winners of the next 15 years.

What we saw in Florida with insurance rate increases after Hurricane Andrew seems to be occurring again this time on a national scale with huge increases in commercial insurance rates.

That is why we must act.

I understand that there are all kinds barriers to progress on this issue—people are trying to rewrite the tort laws of this country and thus you have a fight that has gone on almost as long as the Republic on this issue. If this continues, it is possible that we will not be able to pass anything in the next week. I am trying to understand what would be the consequence. Will the market respond? But I don't think that is the responsible thing. I think the responsible thing for us to do is enact a piece of legislation and get it signed into law.

But I want to say to my colleagues that from all of my experience with insurance, as we deal with terrorism insurance we must be ever-mindful of consumer safeguards:

Therefore, any bill that we would enact must have three fundamental protections for the consumer.

I think the bill has to have three protections for consumers: No. 1, commercial insurers must offer coverage for the risk of terrorism on all policies.

In other words, an insurance company could not clearly say they will cover your little two-story office building but not cover your 20-story office building. They cannot cherry-pick. There has to be mandatory coverage for all on terrorism risk. No. 2, the insurance company cannot cancel the terrorism insurance unless it is in the normal course of business, such as somebody did not pay their premiums. And No. 3, because we not only have to make terrorism insurance available, we have to make it affordable.

Commercial consumers cannot afford these kinds of price increases. They cannot afford a 500-percent increase. They cannot afford a 200-percent increase. They cannot afford what Lloyds of London was saying was an 80-percent increase, particularly not if the legislation we pass here is going to have the Federal Government picking up most of the terrorism risk.

So I clearly advise all my colleagues in the Senate, the third protection is that there has to be a reasonable amount of rate increase, and what it can be has to be limited. I have suggested it be in the range of about 3 percent, which would produce an additional $6 billion of premium, and that the $6 billion of premium associated with the terrorism risk not being mixed with all the other premiums like on fire and theft. Our legislation should require insurers to specify the price for terrorism coverage as a separate line item on the policy.

If we do not carefully monitor proposed rate increases, the insurance companies are going to file whatever they want in an increase with 50 State insurance departments. Then those insurance commissioners, who are trying to do a good job, are going to put their actuaries to work to see if this is a reasonable filing.

How do they determine if it is reasonable and not excessive and nondiscriminatory, which is usually the statutory standard for reviewing a rate increase? They have to have data and they have to have experience. We do not have any of that in our 50 State insurance departments. Thus, what will happen is, whatever the rate hike is that is filed, the insurance departments of the 50 States will not be able to say that it is excessive, and they will not be able to prevail in a court of law or in an administrative court of law. As a result, the practical effect will be that the insurance rate hike that is filed will, in fact, be in effect. And it would be 2 or 3 years before you could ever start to overturn it.

What is worse, there are 10 States whose law says that an insurance company cannot file a rate until it is approved by the insurance commissioner. The legislation that is being contemplated to be passed in this body would say, this Federal legislation will supersede the State law, so that, in effect, the rate hike takes effect immediately even though the State law says, in those 10 States, that the insurance commissioner has to approve it first.

That is a pretty high-stakes ball game. We simply cannot afford for this to go on. So what I am going to continue to urge, as I have privately—this is my first public statement on this, save for an interview I had last week with the Washington Post and save for the testimony I gave to the Banking Committee and as a member of the Commerce Committee when I had the opportunity to express my thoughts there—but so much more is known now as to see what is starting to happen in these last few days of this session. This is what we are confronting.

Simply, if we do not watch it, we are going to allow to pass through this Chamber, and be accepted by the House, a piece of legislation that, in order to take care of the problem of the lack of terrorism insurance, will then allow the rates to go sky-high, rates, I submit respectfully to all of my colleagues, that will not be able to be affordable, particularly by homeowners and by automobile owners.

Even though the bills being contemplated say this is primarily for commercial insurance, they also say, at the option of the insurance company, for personal lines of insurance, such as for automobiles and homes, they can opt into it. What homeowners' insurance company, if it has homes, for example, in the neighborhood of a nuclear power plant, is not going to opt in to this kind of protection?

So what I am saying is, you better watch out. We are about to vote for something that is about to mandate huge rate hikes. The Senate and the House of Representatives do not normally handle this stuff because ever since the 1940s in the McCarren-Ferguson Act, we transferred that ability to regulate insurance to the 50 States. Thus, we are not familiar with the facts of rate-making and the experience and data as to what is excessive in rate increases. We had better watch it.

From the insurance companies' standpoint, let me tell you, I do think they need protection. They cannot simply be asked to accept the terrorism risk. There is not an insurance company in the world that wants to accept that risk. So in this Senator's personal opinion, I believe there is a role for the Federal Government as a backstop for the insurance industry accepting this huge potential risk.

If we are fortunate, if our intelligence apparatus is working, then we

will be fortunate not to have other significant terrorism losses. But there is that uncertainty on the basis of what we experienced on September the 11th, what we experienced back in the early 1990s when they tried to blow up the World Trade Center, what we have seen with regard to the Timothy McVeighs of the world and the Oklahoma Federal building, and so forth.

So there is that element of terrorist risk where I do believe insurance companies need to be partnered with the Federal Government in helping assume that risk.

We better watch out about the potential price hikes. We know the property and casualty insurers are going to be paying about $50 billion in claims from September 11. That is a huge payout. But let's remember that the companies are going to recover a lot of those insurance losses they have paid out in tax breaks where they can carry forward those losses and offset them against gains.

Remember, this is an insurance industry. This is an industry that has been very fortunate to be financially flush with cash. In the property and casualty field, there is a surplus to the tune of in excess of $300 billion. In the reinsurance world of just those companies that reinsure, there is a surplus in the range of $125 billion. Their problem is not a lack of cash; it is the uncertainty of the quantifying and the pricing and the spreading of the risk of future terrorist attacks.

In time, I believe, just as we have seen in Florida in the aftermath of that catastrophic hurricane that disrupted the entire homeowners marketplace, you will see the marketplace—along with the strengthened security that we are now imposing, fortunately, in this Nation, and our war against terrorism—I think in time that will solve the problem. In the interim, we are going to have legislation in the next few days in front of this body.

Remember the three items we ought to look for, for the protection of the consumer: No. 1, that there be mandatory coverage for terrorism, that they can't red-line and say, I will select your skyscraper but not your skyscraper; No. 2, that they cannot willy-nilly just cancel the terrorism coverage; and No. 3, that there be a reasonable amount of rate increases proportionate to the risk the insurance industry is picking up, given the fact that the Federal Government will be picking up most of the risk, and not let this be an excuse for rate hikes that ultimately will affect the economic engine of this country. If insurance becomes unaffordable, the economic engine of this country cannot operate because of the need to have the protection against these acts of terror.

I am grateful for the time to speak on a subject that is very important to this country. I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I ask unanimous consent to speak as in morning business.

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

NOMINATION OF EUGENE SCALIA

Mr. BOND. Madam President, I rise today to express my very strong support for the embattled nomination of Eugene Scalia to be Solicitor of Labor. I am extremely frustrated, as many of us are on this side, by the other side's unwillingness to bring this nomination to the floor for a vote.

Mr. Scalia has been cleared by the HELP Committee and is now languishing in limbo with the session fast drawing to a conclusion and the window for acting starting to close. There are no good reasons for holding up this nomination, for refusing to bring it to the floor.

May I be permitted to state the obvious? The debate is not about Eugene Scalia's qualifications, experience, intelligence, dedication, compassion, or any other attribute we would normally consider to determine if a candidate should be confirmed. He meets everyone's definition of what this position requires. Even those who have opposed his nomination are quick to admit he possesses the skills and the experience that Solicitors of Labor typically have.

It seems to me the only basis on which Mr. Scalia is being blocked is that those on the other side did not agree with the results of last year's election on two levels and with some of the actions this Senate has already taken. First they do not like the fact that George Bush emerged as the new President, and some are trying to do anything in their power to frustrate and impede his administration from pursuing its agenda.

Secondly, because Mr. Scalia's father is one of the Justices of the Supreme Court who was in the majority decision which found for George Bush in Florida, they are using their disagreement with Justice Scalia as a reason to block the confirmation of his son.

Both of these reasons are shameful, and they should have no place in this consideration.

The opponents of Mr. Scalia have raised other arguments which are equally without merit and specious. One of these is that Mr. Scalia is not qualified for this role because the Solicitor of Labor must serve as the people's lawyer and take up the cause of those whom the labor laws and regulations are intended to protect and, because Mr. Scalia has represented employers, he is on the wrong side of the equation. That argument fails on a number of grounds.

First, the Solicitor of Labor answers to the Secretary of Labor. The Solicitor's role is to advise the Secretary about the arguments surrounding the Department's actions and her decisions. This is the role this position has played regardless of the administration or party in power. While it is an important position, it is not at all the policy-oriented position that Mr. Scalia's opponents make it out to be. The notion that the Solicitor of Labor is the people's lawyer is a straw man argument invented for the sole reason of creating a fictional standard that Mr. Scalia's opponents think he fails to meet because he has spent his career representing employers in labor issues.

The second reason this argument fails is that it does not recognize the substance of Mr. Scalia's work. Even under this fictional standard, Mr. Scalia would qualify. A large part of Mr. Scalia's career in labor law has been spent advising his clients, the employers, on how to comply with the law and steering them away from mistreating their employees under the law. In other words, his career has been focused on helping employers treat their employees better in accordance with the laws passed by this body. Thus, he has indeed taken up the cause of those whom the labor laws are intended to protect.

Another unsupportable argument against Mr. Scalia has to do with his involvement in the OSHA ergonomics regulation debacle. I know something about that matter. We in the Small Business Committee spent a good deal of time working on that issue. Mr. Scalia represented employers on this issue and thus was on the side that ultimately prevailed when both Houses of Congress, by bipartisan margins, invalidated that regulation last March. May I remind fellow Senators that the vote was 56 to 44, with every single Republican and 6 Democrats supporting the resolution of disapproval. Why should this be held against him, when he agreed with the position we took by a 56-to-44 vote margin? This was a resounding victory, perhaps one of the biggest for those of us on this side of the aisle on the labor issue.

The fact that Mr. Scalia was right in his arguments should be to his credit. It should be an indication that he understands what the limits of government are, what the limits on government should be, and if the Department goes too far, it should be reined in.

I don't need to go through the long list of reasons we won that vote. It should be clear that we would not have won with such an impressive margin if that rule had not been so horribly flawed. Are we willing to say that because the Clinton administration OSHA put an egregiously flawed regulation forward, we are not going to confirm Eugene Scalia to be Solicitor of Labor because he agreed with the majority in both Houses and the President that it should be repealed?

While all these arguments and discussions about Mr. Scalia's merits unequivocably support confirming him, they obscure one of the hidden truths about him. He genuinely cares for the people whom he represents and will approach the position of Solicitor of Labor ever mindful of those who rely on the Department of Labor for protection.

Since his confirmation hearing and the subsequent vote approving him in committee, we have received a letter from a woman whose case he took pro bono—at no charge—which illustrates this point and conclusively demonstrates the caliber of person Eugene Scalia is. It is a short letter. I will read excerpts from it, and then ask unanimous consent that the full text be printed in the RECORD.

The letter is from Ms. Cecilia Madan. It begins: I am a deaf, Hispanic immigrant and a single mother, working full-time to support my daughter. And I have information about Eugene Scalia's handling of a labor employment matter involving me.

She describes how, in 1998, her work environment became increasingly hostile, abusive, and difficult for her to bear. In seeking legal assistance, she learned she could file an action under civil rights laws, the Americans with Disabilities Act, or the DC Human Rights Act. But every lawyer she consulted told her that even if they were willing to take the case on a contingent fee basis, she would have to pay a substantial retainer upfront. She simply did not have it. She could only afford their consultation fees.

Then she writes:

Then a friend of mine recommended that I try the ''pro-bono'' program at Gibson, Dunn & Crutcher, and Mr. Scalia in particular. My brother called for me, to see if I could have an appointment. I was so worried that Mr. Scalia might be too busy and turn me away (after all, I had never heard of him before)! But he agreed to an appointment immediately. At our meeting, Mr. Scalia was so kind, and thoughtful, and patient; he even asked to see a picture of my daughter! I fear I must have rambled a great deal when I told my story, but he didn't seem to mind at all. Our meeting lasted a long time, but he didn't ask for a consultation fee or a retainer, and he told me that he and his law firm would take my case ''pro bono.'' He said that he didn't think a lawsuit (which could take a long time) would be necessary, because often these matters could be resolved through ''firm negotiations,'' which he was fully willing to undertake for me. He made every effort to reassure me, saying that he and his associate would do everything they could to ''resolve this.'' He seemed to sense my extreme anxiety and tried his best to calm my fears. I was able to walk away with confidence and hope.

The negotiations went on for several weeks, but they were tremendously successful—much more than I had even hoped for. ''Firm negotiations'' is right: The employer agreed to just about everything I had asked for, and ''my lawyers(!)'' got the employer to agree to things I hadn't even thought to ask for!

Not only did he and his associate negotiate around the employment problems I was facing right then, they took great care to look ahead and watch out for my future interests.

A few months later, when I was able to get a new job, with a different employer (as a result of the settlement Mr. Scalia got for me), I was impressed to receive brief word from him saying that he had heard of my new job and hoped that my daughter and I were well. . . .''

She concludes her letter this way:

Throughout my ordeal, Mr. Scalia went out of his way to help. He seemed especially . . . concerned about not making things worse for me on the job, while he was vigorously defending my rights with my employer. Even though he had never seen me before and even though I could never pay him, simple justice is what he wanted for this employee and worked hard to get, and that is what he got for me. I am so grateful to him for his efforts as my lawyer. . . .

I ask unanimous consent that the full text of the letter be printed in the RECORD.

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

OCTOBER 9, 2001.

[Re nomination of Mr. Eugene Scalia to be Solicitor of Labor.]

Hon. EDWARD M. KENNEDY,

Chairman, Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am a deaf, Hispanic immigrant and a single mother, working full-time to support my young daughter, and I have information (which I hope will be helpful in considering Mr. Eugene Scalia's nomination to be Solicitor of Labor) about his handling of a labor/employment matter involving me.

I began full-time work in 1991 for a local employer. By 1998, the work environment there had become increasingly hostile towards me, abusive, and difficult for me to bear, and I was terrified that I would lose my job. In desperation (I was heavily in debt and living from paycheck to paycheck, just to make ends meet), I went to several labor-lawyers in the area, who advised that me I could file lawsuits under the 1964 Civil Rights Act, the D.C. Human Rights Act, and the Americans with Disabilities Act, based on the facts of my employment situation, on the grounds of my ethnicity/race, my sex, my hearing disability, a medically-diagnosed chronic condition I was suffering from and under treatment for at the time, and my marital/family status. Unfortunately, all of these lawyers—even those who said that they could take the case on a contingency-fee basis— insisted on my paying them a substantial retainer up front, and I had no money to pay them any more than their consultation fees.

Then a friend of mine recommended that I try the ''pro-bono'' program at Gibson Dunn & Crutcher, and Mr. Scalia in particular. My brother called for me, to see if I could have an appointment. I was so worried that Mr. Scalia might be too busy and turn me away (after all, I had never heard of him before)! But he agreed to an appointment immediately. At our meeting, Mr. Scalia was so kind, and thoughtful, and patient; he even asked to see a picture of my daughter! I fear I must have rambled a great deal when I told my story, but he didn't seem to mind at all. Our meeting lasted a long time, but he didn't ask for a consultation fee or a retainer, and he told me that he and his law firm would take my case ''pro bono.'' He said that he didn't think a lawsuit (which could take a long time) would be necessary, because often these matters could be resolved through ''firm negotiations,'' which he was fully willing to undertake for me. He made every effort to reassure me, saying that he and his associate would do everything they could to ''resolve this.'' He seemed to sense my extreme anxiety and tried his best to calm my fears. I was able to walk away with confidence and hope.

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A few months later, when I was able to get a new job, with a different employer (as a result of the settlement Mr. Scalia got for me), I was impressed to receive brief word from him saying that he had heard of my new job and hoped that my daughter and I were well. We sure are . . . thanks in such great part to him!

Throughout my ordeal, Mr. Scalia went out of his way to help. He seemed especially to be concerned about not making things worse for me on the job, while he was vigorously defending my rights with my employer. Even though he had never seen me before and even though he knew I could never pay him, simple justice is what he wanted for this employee and worked hard to get, and that is what he got for me. I am so very grateful to him for his efforts as my lawyer. And I hope you soon will give other people in the workforce the opportunity to have him as their lawyer, as Solicitor of Labor.

Please let me know if you need more information or if I may help Mr. Scalia's nomination in any way.

Sincerely,

CECILIA MADAN.

Mr. BOND. I think this simple letter speaks volumes about Mr. Scalia and the type of person and the type of lawyer he is. It is a clear statement of the values he upholds and the positive impact he believes he can have as a lawyer. This is the person President Bush has chosen to be his Solicitor of Labor. I truly and honestly believe the President could not have found a better candidate, or one who is better qualified, better trained, and better motivated. I am thrilled that Mr. Scalia is willing to accept the responsibilities of public service, and I implore the majority leader to bring this nomination to the floor for a vote before we adjourn.

Every shameful day he remains unconfirmed is another day the Secretary of Labor and America's employees do not benefit from his abilities and compassion.

I yield the floor.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EDWARDS). The clerk will call the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, as we are in preparation for a debate on farm legislation, I want to call to the attention of the Senate a very useful and, in fact, remarkable publication called ''Food and Agricultural Policy, Taking Stock for the New Century,'' published by the U.S. Department of Agriculture this summer to state the views of the Department, and to offer data for Senators and members of the public as we began the farm debate.

I want to quote extensively from chapter 3, entitled ''Farm Sector Policy'' because I believe it gives a very

good outline of USDA's opinions on farm policy as it has progressed in our country, and as we hope it may progress through constructive debate on this bill.

Mr. President, the chapter begins by saying that:

If farmers and farm families all across the country share the same goals and face the same challenges and opportunities, fashioning farm policy today would be straightforward. And, indeed, that is the way it must have seemed in the 1930s, when farm families depended mainly on farm earnings and grew crops and livestock on much the same acreage as their neighbors. Then, policy had a more focused objective—helping to reduce the wide income disparity between farm families and their urban counterparts—and a ''one-size-fits-all'' approach was more appropriate. Supporting field crop prices provided widespread assistance, since most farmers grew some field crops, and helped stabilize the entire sector. The farm sector and all of agriculture are vastly different today, as is much of rural America. Yet our farm policy retains vestiges of the New Deal programs and reflects a time of greater homogeneity across American farms and farm households.

Today, the farm sector is diverse beyond the imagination of those who framed the New Deal legislation. On average, farm family incomes no longer lag, but rather surpass those of other U.S. households.

That, I found, Mr. President, to be a remarkable statement, counterintuitive to much of the debate we have on the subject. I will mention again:

On average, farm family incomes no longer lag, but rather surpass those of U.S. households. Most farms are run by people whose principal occupation is not farming. Markets have changed, too. Domestic demand alone is no longer sufficient to absorb what American farmers can produce. Demand by well-fed Americans grows slowly, with population growth. The promise of new, much-faster growing markets lies overseas, in countries where economic prosperity is emerging for larger numbers of people.

As a result, the United States must consider its farm policy in an international setting, helping farmers stay competitive while pressing for unfettered access to global markets. At the same time, Americans' expectations with respect to food have moved well beyond assurance of adequate quantities to include quality, safety, convenience, and many more attributes. And expectations now extend to environmental preservation and enhancement.

More than seven decades of farm policy have provided a rich, full experience upon which to draw as we contemplate appropriate 21st century policies for our industry. The view of policies and programs across their history has proved very instructive, providing invaluable lessons which, at very minimum, can help us avoid the obvious mistakes of the past. History shows us that growth in farm household income was largely due to rapid improvements in productivity, supported by a strong research base, along with better opportunities to market products, including export markets and off-farm employment opportunities.

Many of the program approaches since the 1930s proved not to work well, or not at all, produced unexpected and unwanted consequences, became far costlier than expected, and have been continually modified over time in the long succession of farm laws. Some major and still highly relevant lessons learned include: History has shown that supporting prices is self-defeating. Supporting prices is self defeating. Government attempts to hold prices above those determined by commercial markets have simply made matters worse time after time. Artificially higher prices encourage even more unneeded output from the most efficient producers. At the same time, they discourage utilization, consequently pushing surpluses higher and prices lower. Costs to taxpayers grew until the point was reached where something had to be done. All too often, that turned out to be finding ways to restrict output.

The second lesson, Mr. President, of the USDA book is supply controls proved unworkable, too.

These usually involved restricting the amount of land farmed in attempts to reduce output. But the remaining land was farmed more intensively, and supply rarely was cut enough to boost prices to politically satisfactory levels. The programs were costly to taxpayers and consumers and the unused resources were a drag on overall economic performance. But, perhaps the most important of all, limiting our acreage was a signal to our competitors in other countries to expand theirs, and we lost market share that is always difficult to recapture.

The third lesson of the farm bill is stock holding and reserve plans distort markets enormously.

Isolating commodity stocks from the market when supplies are abundant is attractive for its short-term price stimulus. But, because such stocks eventually must be returned to the market, they limit the recovery of prices in the future. Moreover, time after time, stocks have proved costly to maintain, distorted normal marketing patterns, ceded advantage to competitors, and prove tempting targets for political tampering.

The fourth lesson is:

Program benefits invariably prove to be disparate, providing unintended (and unwanted) consequences. The rapidly changing farm sector structure produced a wide array of farm sizes and efficiencies. Many farms were low cost and the programs were of enormous benefit, enabling them to expand their operations. Others did not receive enough benefits to remain viable and thus were absorbed along the way. That situation still maintains to some extent today, even though we now have fewer farms.

The clarity of these lessons provided several emphatic turning points in national policy. The 1985 farm law proved to be one such point when, after long debate on fundamental philosophy, a more market-oriented approach was adopted. That market orientation was extended in the 1990 farm law, making a less intrusive and expensive role for government in farmer decisionmaking and in the operation of the markets.

The Federal Agricultural Improvement and Reform Act of 1996—

A law that currently we have in place—

proved to be historic in that it removed much of the decades-old program structure, provided unparalleled farmer decisionmaking, flexibility through ''decoupled'' benefits, and set a new example throughout the world for providing domestic farm sector support.

While that approach is arguably still the least distorting of markets and resource use, its direct payments—

These are the so-called AMTA payments, Mr. President—

do share some unintended effects with price support programs, namely the artificial inflation of farmland prices. The effect clearly has been exacerbated by the size of payments in recent years, some $28 billion in the last 4 years above the amount provided in the 1996 law.

While the rise in land prices creates wealth for some, it works to the disadvantage of others. Direct government transfers distort real estate markets, keeping land prices artificially high when commodity prices are low, as we are seeing today. Higher land prices for consecutive years of large program support make it more difficult for beginning farmers by increasing capital requirements. This inflation also makes it more costly for existing farms to expand to achieve size economies, either by purchasing or renting additional acres (since land rents move in tandem with prices). Higher land values do benefit local tax authorities and the collateral base of farm lenders, but add directly to production expenses through higher interest and rental costs. Since the land charge is such an important component of a farmers' total cost, sustained increases in land prices and rents have a decidedly adverse effect on the competitiveness of our farmers in the marketplace compared with those in other exporting countries, a cause of growing concern in recent years.

To come to the nub of the problem, the farm sector chapter says:

Squaring Today's Realities With Policies. Because of their historical evolution, current program benefits still are largely directed to specific commodity producers, resulting in only 40 percent of farms being recipients.

That is a remarkable figure. After all is said and done and the payments are made, only 40 percent of farmers receive anything; 60 percent receive nothing, a fairly large majority.

And, there still is no direct relationship between receiving benefits and the financial status of the farm. The most financially disadvantaged segment of farmers today is the low-income, low-wealth group.

And this is defined in appendix 1 of this book. Essentially, the book points out that there are commercial farms, intermediate farms, rural residence farms, and then they are distributed by size and income.

In any event, the most low-income, low-wealth group comprises 6 percent of farms, had an average household income of $9,500, and received less than 1 percent of the direct payments in 1999.

In contrast, 47 percent of payments went to large commercial farms, which contributed nearly half of program commodity production and had household incomes of $135,000.

These are families, obviously, that are middle class, upper middle class, and they received half of the payments.

Our current broad-scale, commodity-oriented approach to farm support does not recognize existing wide differences in production costs, marketing approaches, or overall management capabilities that delineate competitive and noncompetitive operations. It thus is impossible to provide enough income support for intermediate farms without overly stimulating production by the lower cost, large-scale commercial producers. Even though many intermediate farms and rural residence farms receive some program benefits, only one in four generated enough revenue to cover economic costs. Even more problematic is the inability of these farms to improve their cost efficiency at the same

pace as larger commercial operations, whose investment in new technologies and ability to expand are aided by program benefits.

Another unintended consequence of current programs stems from the increasing disconnect between land ownership and farm operation. While program benefits were intended to help farm operators, most support eventually accrues mainly to landowners in the shortrun through rising rental rates and, in the longer term, through capitalization and to land values.

Land prices in recent years have been relatively robust, especially in areas producing program commodities, despite concerns about low commodity prices and the future direction of farm programs.

For many farm operators, renting land is a key strategy to expand the size of business in order to capture the size economics, as evidenced by the fact that 42 percent of farmers rented land in 1999.

Clearly, operators farming mostly rented acreage may receive little benefit from the program. The impact of income from any source, including program benefits on land values, depends on whether that income is viewed as permanent or transitory. The degree of certainty that the income will continue in the future and even though production flexibility contract payments were intended as transitory when authorized by the 1996 farm bill, subsequent emergency assistance and a 70-year history of Government involvement in agriculture have reaffirmed expectation that support will continue in the future.

Indeed, Mr. President, in both the bills offered by the House of Representatives and by the Agriculture Committee of the Senate, the so-called AMTA payments continue throughout the entirety of the bills.

There was no expectation that they would be phased out as in the 1996 farm bill, no anticipation that they would be transitory. As a matter of fact, in both bills they are larger, and therefore the impact, which has been found in the chapter I am reading, the difficulty for farming, is likely to be exacerbated. The 1996 FAIR Act also continued the marketing loan program, another evolution of the old price support idea, but importantly modified to avoid government stockholding which proved so burdensome in times past.

Marketing loan payments effectively provide a large countercyclical component to farm income but distort markets by limiting the production response to falling market prices. The program guarantees a price for traditional program commodities: Food grains, feed grains, cotton, and oil seeds. As market prices have fallen below this guaranteed price, total marketing loan benefits have risen less than $200 million in the 1997 crop to $8 billion for the 1999 and $7.3 billion to date for the 2000 year crops.

Since 1996, countercyclical marketing loan benefits have totaled about $20 billion. While the current policy made large strides toward greater market orientation, a careful evaluation in the context of today's diverse farm structure and increasingly consumer-driven marketplace still reveals several misalignments among policy goals, program mechanisms, and outcome. Improvement could support more sustainable prosperity for farmers, agriculture, and rural communities without engendering long-term dependence on direct government support.

I will translate that in many ways to the debate we are now having. Essentially, the bill that is before the Senate as reported by the Agriculture Committee attempts not only to continue fixed payments for 10 years without accuracy, thus implying a perpetual agricultural crisis the last farm bill in 1996 had in mind, that essentially we would move toward more of a market economy and transition payments would go to certain farmers who have been in the business.

This has led to substantial debate in the last 5 years because essentially, as many have said, there are landowners receiving payments who are no longer farming at all. They literally are not in the business. The contract we made with farmers in the 1996 farm bill was that if one had a history of planting corn or wheat or cotton or rice—and eventually soybeans have entered in through a marketing loan situation—they receive money on the basis of that history. Thus a part of the distortion that the USDA now points out: The payments are heavily loaded toward people who own land, but 42 percent of those who are actually in the fields this year rent land. They do not own it. Their rents are higher. As a result, their net income is lower.

The policy we have adopted essentially of the fixed payments plus the other aspects, the marketing loans, the other countercyclical situation, increase essentially the land values. If someone is a landholder, that is helpful. As the USDA publication points out, if one is a mortgage banker holding a note, the value of that land increasing is useful. But for young farmers coming into the business, this is potentially disastrous. There is very little entry. For those renting, 42 percent, certainly they have higher costs year by year.

Furthermore, as the USDA publication points out, all of this is occurring to the benefit of only 40 percent of farmers to begin with. The other three-fifths are out of the picture.

One of the interesting facets of farm debates is many farmers must surely believe they are benefiting from this. It is apparent that, really, for time immemorial, a minority of farmers have received any benefit. A substantial majority are not touched by this, certainly in terms of their income.

In addition, the farm policies, whatever their intent, have stimulated overproduction. As USDA points out, essentially the most efficient farmers, using the very best of research, using the best of machinery and equipment and seed, are able to produce a bushel of corn or a bushel of wheat for substantially less than their domestic competitors, fortunately for much less than almost all of their foreign competitors. Therein lies the advantage of the United States in terms of exports.

The problem comes, to take a very specific example of corn, as I mentioned earlier in the afternoon, the loan deficiency payment for a bushel of corn in Indiana and in many other locations is $1.89. That figure was meant to be a floor. It was anticipated the price of corn would be more than $1.89 and seldom would it reach $1.89, but in the event that it did, a farmer could be certain of receiving $1.89 regardless of what the market price might be. The taxpayers generally picked up the difference between the market price and the loan deficiency payment level, the loan rate at $1.89.

But what if corn farmers who were very efficient find that they can produce additional bushels for much less than $1.89 per bushel? The incentive obviously is to produce as much as possible because $1.89 is guaranteed for every bushel, and if one is producing for less than that, it is a profit on every single additional bushel. That does not escape the attention of many of our most efficient farmers, and they have increased their production. By and large, they have grown. Other competitors have not grown and, as the USDA points out, in many cases have either sold their properties or rented them to others who are able to obtain better results, I suspect.

This has led to a certain amount of decline in the number of farmers in the country. But as many farm statisticians have pointed out, in recent years the numbers of farms have grown in various sectors of our society, in large part because many Americans who are professionals in the city, or who simply wanted a rural life-style, purchased small farms or at least some acreage. They qualify under USDA standards as a farm situation if they have $1,000 of sales. That is the cutoff point. Many do have $1,000, and many maybe have $10,000 worth of sales, but increasingly large numbers, hundreds of thousands of persons, have qualified as operating farms on that basis.

Seventy years ago, no one would have considered attempting to think through a farm bill that would be of assistance to all of these additional farmers. But as USDA points out, a majority of persons now obtain more of their income from something other than farming, even as they are classified as one of the 2.1 million farm situations in our country.

I mention that simply because in rhetoric in this debate, or at other times, about farm bills, a great deal is said about the plight of the small family farmer and saving that person. In fact, I would contend most of our farm bills have done a pretty good job of that. There literally is a pretty broad safety net but only if you are in certain types of farming; namely, the row crops—corn, wheat, soybeans, cotton, and rice. For instance, if you are a livestock farmer—hogs, cattle, sheep—these programs do not pertain to you at all.

Increasingly in our farm debates, we have been hearing Senators describe

strawberries, cherries, peaches, nuts, and cranberries. These are sometimes known as niche crops, specialty crops, but clearly are not crops contemplated by farm bills. No money in these farm bills goes for these crops. That has not been very satisfying to most Senators who come from States with these constituents.

The situation now with the specialty crops is, Senators come to the floor and ask quite candidly: What is in this farm bill for us? We understand from the New Deal days onward, people in cotton, rice, corn, and wheat were taken care of; a safety net was there for them. But no one thought about us in those days. We are thinking about ''us'' now.

As a result, the Senate fields annually a large number of disaster bills. Somewhere in the United States of America, the weather is not good for whoever is doing whatever they are doing. They point out that although corn growers or cotton growers are having their problems, the strawberry growers and others are also having a very tough time in other areas. Or the cranberry situation is a disaster.

As a result, the plea comes for disaster assistance payments to these farmers. The USDA, as a rule, has not been geared up to make these payments because there is no particular crop history or there is not a tradition of making the payments. As a result, the payments don't occur for a while because USDA must establish regulations as to who is eligible, how to verify this, and how to audit these situations. Nevertheless, as we have had the disaster bills or supplemental bills, each summer more and more Senators are finding the focus of these disaster bills is not very wide. This is also the case with the farm bill. The 40 percent who get the money are not 100 percent; the Senators who represent the other 60 percent say: What about us?

We have had hearings before the Agriculture Committee, and there are debates among people in the so-called specialty crops—fruits and vegetable and so forth. Some say: Leave us alone. You have pretty well mangled other markets. Supply and demand still pertains in what we are doing without government supports, without subsidies. As a result, there is risk but there is also reward. The market works for us. Don't gum it up.

On the other hand, many well-meaning Senators trying to help constituents are not prepared to take that for an answer. They visit with many farmers who have had genuine disasters caused by the weather or other problems, and they want relief for these constituents. Again and again, the disaster bills try to address all of these localized problems.

The so-called stimulus package offered to the Senate—which we are not considering for a variety of reasons, and which I gather is now grist for the mill, with the overall group discussing this in a bicameral way—had about $6 billion worth of agricultural provisions in it. Many of them duplicate items in the farm bill we are now considering. Perhaps Senators were nervous that the farm bill would never get to them, and the urgency, at least as they saw it, was that the money in the stimulus package might be spent sooner. Perhaps so.

We found these same ideas popping up in the debate we had in August, when the Senate sent $5.5 billion to farmers in the country, mostly to row crop producers, but with a debate on specialty crops and other things that ought to be covered to address their particular problems.

This simply reinforces what USDA has started in chapter 3 of its recent policy book; namely, one size doesn't fit all. As a matter of fact, the number of farming operations in terms of size, scope, altogether the things they are doing, is so diverse, it is very difficult for any farm bill to encompass a majority, or even a small minority of operations, for that matter.

This is why, as we have this debate on the farm bill, I look forward to the opportunity to offer an amendment to the commodity section. I tried to look realistically as to what is occurring on American farms today. I am saying that in Federal policy, strawberries and cattle should be treated no differently than wheat.

In essence, we should take a look at the whole farm income. Each farmer must file with the Internal Revenue Service the proper returns that indicate all income generated on the farm. For many farms that are fairly diversified, that have income from cattle, from hogs, perhaps some from timber, perhaps some corn and soybeans, sometimes some wheat. In the South, more likely it is from cotton or rice, along with the livestock. In essence, we are saying, income earned from all agricultural production should be treated equally in federal farm policy.

Take the example of a farmer who receives $100,000 a year in agricultural sales from all sources. Under the bill I presented to the Agriculture Committee, that farmer would declare that income, and he would receive a $6,000 credit from the Federal Government (or 6 percent of that $100,000) to be utilized in one of three ways. The $6,000 could be used to purchase whole farm revenue insurance, guaranteeing 80 percent of the 5-year income to that farm; in other words, a genuine safety net created on the basis of the history of that operation. If the farmer has had $100,000 of income 5 years in a row, obviously, the average is $100,000, and the farmer would receive a $6,000 government credit. This would buy an 80 percent whole farm revenue insurance policy, which means that in a case of a disaster or a downturn of income, that farmer is guaranteed at least $80,000 of income. That premium would be paid for by the $6,000.

Say the farmer has some money left over. He could utilize that then for a so-called farm savings account. A farmer puts the money from the Federal Government into this account and he matches it with an equivalent amount. At that point, that account remains for a rainy day purpose—once again, to stabilize farm income and to offer a genuine safety net. Or the farmer may use more sophisticated means of risk management. He also has the option to use the $6,000 to purchase other risk management or marketing tools that are of equivalent value.

In essence, we recognize all of agriculture, all of America, all the diverse ways in which people make money. We offer a genuine market-oriented program through a variety of risk management options (including whole farm revenue insurance) so that essentially no farmer could do worse than 80 percent of his annual income in any kind of disastrous year. We encourage savings accounts with a matching Government contribution, to increase the farmer's financial reserves and enhance the financial viability of the family farm. This has the virtue of being relatively inexpensive. That particular virtue has escaped the debate thus far altogether, in large part because Senators have competed with each other to provide more subsidies for more constituents. I understand that urge. But I have also suggested that this debate is occurring at a time in which it is prophesied by the Office of Management and Budget that we will have 3 years of Federal deficits.

One can say, after all, if we are doing deficit spending into deficits for all sorts of other things, the farmers ought to have their share of the deficit spending, too. But that is not the way this debate began. It began with the thought that we were going to have a $300 trillion surplus for the coming year and, for that matter, for most of the years in the coming decade. I have argued earlier on that the outlays, in my judgment, lead to overproduction and lower prices, distorted land values, and make it tougher for young farmers, tenent farmers, and farmers that rent land.

But leaving aside that argument, I make the argument now that we do not have the money. We have not had the money for some time. It is obvious to everybody who has common sense outside the agricultural debate. But sometime it will dawn upon most Americans, and they will wonder what we are doing here.

Senators who rush back to their constituents and say, ''I got $173.5 billion in farm subsidies for you,'' may find some skeptics who will say, ''Where was the money? Where did you find the money?''

The Senator may say, after all, the farmers deserve the same benefits as everybody else. There was not any money, but there will be someday. Surely, this thing will turn around. Maybe so, maybe not. My constituents in Indiana are wondering about this.

Two percent of us, and I include myself among this group in Indiana, actually are in the farming business. That is a declining number. But 98 percent are not. Maybe those of us who are in the 2 percent count upon the 98 percent never looking into this picture and wondering how in the world it is all formulated and why we are receiving money. But more and more of the 98 percent are looking into it.

What is occurring is not a mystery to editorial writers in Indiana. They write about it all the time. So do people in the Associated Press. So do people who are local reporters. They are reporting how much money farmers are receiving in Indiana, county by county, by dollar.

This comes as a revolutionary surprise. Many farmers are able to explain—I try to do so, too—that these payments come because we have a farm program which was supposed to be a transition program. We were going to move from heavy subsidies to the market in a 7-year period of time in the last farm bill. These were transition payments. Other payments come, likewise, because of the loan deficiency payment business that I just explained. There is a floor price, really, for every bushel of corn, every bushel of soybeans.

Some payments come because of conservation and cooperation by farmers to do things that are very helpful as stewards of land and water. So there are good reasons for some of these payments. Most constituents understand that.

But they do find it difficult to understand why persons on Indiana farms that appear to be very prosperous receive hundreds of thousands of dollars from the Federal Government. They are wondering, have we missed something here? Was it the argument about the devastation of rural America, the loss of income of people, the loss of farms, young farmers coming in, and so on? And they wonder how are any of these persons helped in the process?

I am saying that these folks whom we intend to make beneficiaries are not in fact helped and have not been for some time.

Let me conclude this explanation with some principle that I found to be useful in an USDA publication, and I commend it to the attention of Senators because I think it offers a fairly good foundation for this debate on farm policy. As the debate continues, I want to return to other aspects that I found especially illuminating in the same publication, but I offer this, at least as some basis for an amendment I intend to offer in due course in the commodity section, which I believe will be constructive, which will be more fair, and which will clearly be less expensive, and which has at least some semblance of reality, considering the times we are in, fighting a war and recession and attempting to do common sense things as Senators.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the Senator from North Dakota, Mr. DORGAN, be recognized immediately upon the conclusion of my remarks.

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

Mrs. FEINSTEIN. Mr. President, I rise to talk about the farm bill as it is presented to this Senate, and specifically the dairy part of that bill. I rise with the knowledge that some negotiations are going on to see if that particular dairy program cannot be improved, at least improved from the position of California. The present bill, as drafted, before this body, is one, frankly, I cannot support. I cannot support it largely because of the dairy provisions.

I thought it might be helpful if I related my experiences. The problem is that some States have many small farms, 60 to 80 cows, and other States have larger farms. That is where the subsidies intermesh to really create a very difficult playing field for California. Essentially the provisions in the agriculture bill that is on the floor now would force consumers across the United States to pay $1.8 billion more for milk each year. It would drive down essential income to dairy farmers who produce the milk contained in most of our Nation's dairy products.

California is the largest dairy State in the Nation. Last year, dairy farmers produced 32.2 billion pounds of milk. Over 19 percent plus of the Nation's supply comes from California. The industry is a $4.3 billion industry in the State, and dairy is the largest part—most people do not know that—of what is a $30 billion agricultural industry. We have 2,000 dairy farms in the State—2,100 to be exact. We lead the Nation in the total number of milk cows at 1.5 million. I often joke I wish they could vote. The California industry produces 122,000 jobs and contributes $17.5 billion overall in the economy each year.

These are full-time, year-round jobs in agricultural counties that make up the heart of the great California central valley. Dairies provide jobs for farmers who grow and ship feed, for farmhands who milk the cows, for workers in the processing plants who make our famous California cheeses, and for packers, marketers, and many others. In fact, in the great San Joachin Valley, one in every five jobs is dependent on the dairy industry. If California were a separate nation—I think most people do not know this—it would rank eighth in the world in milk production, fifth in the world in cheese production, and ninth in the world in butter production.

I want to make it clear that we are talking about California more than any other State when you talk dairy. So it is simply not possible to leave California out of any dairy equation.

I am aware that the dairy industry, particularly in the Northeast, needs government help. I want to make it clear that I can't support that help if it greatly disadvantages the dairy farmers in California.

I think the California Secretary of Agriculture put it best. I would like to quote from a letter dated December 3:

> Consumers will see higher prices for fluid milk. In the Senate bill, it is 40 cents more a gallon for milk.
>
> State law and economics dictate that California's dairy prices must bear a reasonable relationship to milk prices in neighboring regions.

California law, like it or not, ties us into any pooling agreement that might be made.

> As fluid milk prices in surrounding states rise, California fluid milk prices would be increased in a corresponding manner. Unfortunately, the higher milk prices will force some consumers to switch to less expensive—and less nutritious—non-dairy alternatives. Dairy processors would be negatively impacted by this loss of fluid milk sales.
>
> At the same time, California's dairy farmers will also lose under the Senate plan. Increases in fluid milk prices will undoubtedly lead to increased milk production. Once an area covers its needs for fluid milk, the additional milk goes for manufactured product such as cheese, milk powder, and butter. California is the leading producer of both milk powder and butter. California is the second largest producer of cheese, and in fact only 19 percent of California's milk production goes for fluid milk. By simultaneously stimulating production while dampening demand, the Senate plan strikes at the heart of California's dairy economy by severely depressing prices for manufactured dairy products.

I ask unanimous consent that this letter be printed in the RECORD.

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

CALIFORNIA DEPARTMENT OF FOOD & AGRICULTURE,
Sacramento, CA, December 3, 2001.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I recently wrote to you expressing concern about the proposed changes to the federal dairy system and its impact on California. While this proposal has changed since that letter, its impact remains negative for California's consumers and dairy producers.

The new plan, contained in S. 1731 as of this writing, would apply to only the federal order program. However, it would have enormous consequences to this state.

Consumers will see higher prices for fluid (drinking) milk. State law and economics dictate, that California's dairy prices must bear a reasonable relationship to milk prices in neighboring regions. As fluid milk prices in surrounding states rise, California fluid milk prices would be increased in a corresponding manner. Unfortunately, the higher milk prices will force some consumers to switch to less expensive—and less nutritious—non-dairy alternatives. Dairy processors would be negatively impacted by this loss of fluid milk sales.

At the same time, California's dairy farmers will also lose under the Senate plan. Increases in fluid milk prices will undoubtedly lead to increased milk production. Once an area covers its needs for fluid milk, the additional milk goes for manufactured product such as cheese, milk powder, and butter. California is the leading producer of both milk powder and butter. California is the

second largest producer of cheese, and in fact only 19 percent of California's milk production goes for fluid milk. By simultaneously stimulating production while dampening demand, the Senate plan strikes at the heart of California's dairy economy by severely depressing prices for manufactured dairy products.

This is the case even though the Senate plan will primarily increase production in other parts of the country. Manufactured dairy products may be easily stored and transported. Accordingly, the markets for these products are nationwide so that even if increased production were limited to other regions, California's prices for its manufactured products will drop significantly.

The Alliance of Western Milk Producers estimate that over 9 years the bill would have the impact of reducing California dairy farmer's revenue by approximately $1.5 billion. At the same time, California consumers would pay an additional $1.5 billion in higher retail milk prices. The Alliance estimate seems reasonable using the analysis completed earlier by the University of Missouri's Food and Policy Research Institute. Our economists concur with these estimates.

Without question, dairy policy offers some of the most contentious issues in agriculture. The sole positive attribute of the Senate plan is that it has united California's dairy consumers, producers, and processors in opposition to the proposal. Whatever it does for the rest of the country, it is bad for our state.

I thank you and your staff for all of your efforts on behalf of Californians. If I may be of any assistance to you on this or any other matter, please do not hesitate to contact me.

Sincerely,

WILLIAM (BILL) J. LYONS, JR.,
Secretary.

Mrs. FEINSTEIN. Mr. President, I said that California families under the Senate bill will pay 40 cents more per gallon of milk. That is according to the California Department of Food and Agriculture. That represents a net cost to the industry of $1.5 billion over the 9 years of this bill.

Do we really want to make it more expensive for parents to provide calcium to their children? Do we want to deprive the elderly of nutrition that strengthens bones, fights cancers, stops osteoporosis? Do we want to make families cross milk off their grocery list because it costs too much? I don't think so.

For Californians, the legislation is a double-edged sword. Not only will a mother in Los Angeles be paying more every week at the grocery store, but a father who runs a dairy farm in Modesto will see his income slashed, if this bill becomes law. For one co-op, this represents a loss of $71,000 per dairy farm.

The payment formula may be complicated and crafty, but the winners and losers are clear. California is targeted by this bill to be a loser.

Like other goods, a higher price established for fluid milk by law—not the market—will cause families to buy less, as I said, and cause suppliers to get an improper price signal to produce more. If there is too much drinking milk in the marketplace, it spills over to compete against milk used to produce cheese, butter, milk powder, and other dairy products.

Prices for milk are based on how the milk is used, which is referred to as ''ultimate utilization.'' Since over 80 percent of the milk in California is used to produce these dairy products, any excess milk will drive down the prices received by California dairy producers. Other States with small dairies can take advantage of government subsidies no matter what the milk goes for. But States such as California are excluded under their proposal because dairy farms have large herds. The average size of the 2,100 herds in California is 656 cows.

Again, this is an attempt to take money from California to give it to other States.

Dairy producers estimate they are going to lose $1.5 billion over the next 9 years if the provisions in the Senate farm bill are enacted into law.

Let me read a couple of letters from California's dairyland.

Jim Tillison, Chief Operating Officer of The Alliance of Western Milk Producers, writes that the dairy program in the Farm Bill ''is bad for California's consumers and it is bad for California's dairy farm families.'' He estimates, ''the net loss of revenue from manufactured milk will decrease California dairy farm family income by $1.5 billion over the next 9 years.'' The Alliance of Western Milk Producers is a trade association that represents California dairy cooperatives. Together, Alliance member cooperatives market approximately 50 percent of the milk produced in California both as raw milk and as processed dairy products.

Rachel Kaldor, Executive Director of the Dairy Institute of California, a state trade association representing the manufacturers of over 70 percent of the fluid, frozen, and cultured dairy products in California, writes, ''any legislation which creates federal price floors, production limits and income redistribution—national pooling—is bad news for California.''

In another letter, Gary Korsmeier, Chief Executive Officer of California Dairies Incorporated reports, ''the milk prices for California farm milk used in cheese, butter, nonfat milk powder and other dairy products, would drop by $2.9 billion dollars.'' Korsmeier predicts the average dairy farmer in the cooperative would lose $71,000 per year. California Dairies Incorporated is a member of the Alliance of Western Milk Producers. Formed from the merger last year of three California dairy cooperatives, California Dairies' 700 members account for about 40 percent of California's milk production.

I could go on and on. I can talk about lower milk consumption, increased milk production, and dramatically increased government expenditures on the dairy program. I can talk about another layer of bureaucracy and exacerbation of regional disparities. I can talk about providing another chance to pit big producers against small producers and reduction in the percentage of producer income that is derived from the market. I can talk about contradicting congressional intent for the current program, setting up regional supply management boards, and increases in assessments on dairy producers.

The dairy program is a bad part of this farm bill.

I would like to read into the RECORD the agricultural groups that oppose the dairy provisions currently in this bill: California Farm Bureau Federation, Alliance of Western Milk Producers, Western United Dairymen, California Dairies Incorporated, Milk Producers Council of California, Montana Dairy Association, Dairy Producers of New Mexico, Idaho Dairymen's Association, Oregon Dairy Farmers Association, Texas Association of Dairymen, Utah Dairymen's Association, and the Washington State Dairy Federation.

It is not only California, it is a number of Western States that would be seriously impacted by the dairy provisions of this bill.

Let me say in conclusion that a national dairy policy that strikes at the heart of California's dairy industry and other Western State dairy farmers is not an option. I cannot support a farm bill that harms California. I hope the negotiations going on to try to come up with another formula to meet this concern are successful.

I thank the Chair, and I yield the floor.

Mr. President, I appreciate the unanimous consent agreement to recognize the Senator from North Dakota. But I also notice that he is not present at this time. I ask that the unanimous consent agreement be rescinded.

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

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise today to voice my strong support for the consideration of the passage of a farm bill this year. We have been discussing and debating and moving forward with a number of pieces of legislation, but, in my home State of Arkansas, there is no piece of legislation more important than the pending farm bill.

Two major issues that have been discussed are biosecurity and economic stimulus. For my State, the farm bill addresses both of these issues. I urge my colleagues to move forward with this legislation expeditiously.

I commend Chairman HARKIN for holding a markup this year and not bowing to those voices that said we should delay this.

While I do not claim that the Harkin bill is my preference on a number of issues, I am pleased that the Agriculture Committee worked so hard and so diligently in getting a bill out of committee this year. I hope the full Senate will now act expeditiously.

For rural America and for most of Arkansas, an economic stimulus package must be tied to agriculture. To talk about passing an economic stimulus package and not doing a farm bill, for the State of Arkansas simply does not make sense. For Arkansas, the two complement one another and are intricately related.

The agriculture industry in Arkansas has been in distress over the last few years due to a combination of high energy prices, low commodity prices and difficulties in opening up foreign markets to American goods.

Agriculture and agriculture-related activities account for a full 25 percent of my State's economy and provide $5 billion in farm income. It is Arkansas's single largest industry. Farming is, in many ways, the lifeblood of my State. It is imperative that a new farm bill be passed this year, which is why many of us have worked so hard to push for the completion and passage of a farm bill while we are still in session this year.

Fewer and fewer farmers in my State are able to continue farming due to, not a recession, but a depression that the agricultural sector has experienced over the last few years. While the rest of the economy grew and benefitted during the late 1990s, agriculture was one of the very few industries that actually suffered during this time.

Let me share with my colleagues just a few of the statistical facts regarding the farm economy in my State over the last few years. These are Arkansas-specific numbers from the USDA.

In 1996, the price for rice was $10.20 per hundredweight. For the year 2000, that price was $5.70 per hundredweight. In 1996, for the entire rice crop production in Arkansas, the value was $733 million. In the year 2000, the value of production had dropped to $490 million.

Next, let me share the statistics on cotton. In 1996, the price was 71 cents a pound. In the year 2000, the price had dropped to 56 cents per pound. In 1996, the cotton crop value of production was $555 million. By the year 2000, that had dropped to $388 million.

In 1996, for wheat, the price was $4.38 per bushel, but, in the year 2000, the price had dropped to $2.40 per bushel. In terms of the value of production, in 1996, the wheat crop was valued at $293 million; by the year 2000, it had dropped by more than half to $142 million.

For soybeans, a major commodity crop in Arkansas, the price was $7.34 per bushel in 1996; in the year 2000, the price had dropped to $4.90 per bushel. In 1996, the value of production was $824 million; in the year 2000, the value of production dropped to $407 million.

Overall, the net farm income for agricultural production in my State has gone from about $2 billion in 1996 to just over $1.5 billion in the year 2000. That is a decline of nearly half a billion dollars. In a small rural State such as Arkansas, that impact is devastating.

It is my sincere hope that we can get a farm bill into conference, get it passed, and signed by the President this year.

There are few issues that are followed as closely or scrutinized as completely as agriculture policy. The Agriculture Committee was given the very great responsibility of creating a farm bill that will determine the direction of agriculture policy and the assistance available for farmers and rural communities over the next 5 years.

In committee, there were a lot of compromises that were reached. In a bill of this scope, with the impact it will have on rural America, it is never possible to please everyone. The goal of this farm bill, from the beginning, was to re-craft a failing policy and provide the assistance and certainty that our producers must have.

This policy is extremely important. In many cases, it will determine whether or not farmers in the State of Arkansas will be able to plant next year, and, in an even broader sense, it will determine if many of the hard-working farm families in Arkansas will be able to continue to work their land and make a living.

Over the past 4 years, rescuing the farm economy has cost over $30 billion in emergency Federal farm aid. It is quite clear that our current farm policy is not working. It has been an ad hoc policy. We have been forced to address short-comings annually. The current policy has been devoid of certainty—creating instability in the farm economy across this country. It has resulted in farmers never really being sure of what Congress is going to do, and it has resulted in Congress having make ad hoc emergency assistance as needed from year to year.

It is imperative that we end the annual struggle where Congress must find money and make available large numbers of emergency funds to support our nation's farmers due to insufficient agricultural policies. We must recognize the needs of our farmers and address them.

My views, and the views of a few other Members, were made quite clear with the introduction of S. 1673. I still believe that the bipartisan compromises we came to in that bill would provide the type of assistance our farmers need while providing a healthy framework for agriculture policy in the future.

This is indeed a unique time in our Nation's history. Now, more than ever, our country is looking to its leaders for guidance and support. Our national security has been tested, and our economy is in need of a stimulus. Throughout all of this is the need for strong, comprehensive policies that reflect the needs and priorities of our country.

I do not need to tell this body that agriculture is one of these priorities and that a strong, responsible, and well-crafted farm bill will ensure the assistance our farmers and rural communities need while providing the stability and certainty they must have to continue over the next 5 to 10 years.

While I have been pleased with the steady progress we have made with the farm bill over the last few weeks, I urge my colleagues to push hard to complete the consideration of the bill so we can provide for the needs of our nation's farmers.

Over the last few weeks there have been reports criticizing farm policy and criticizing the various farm bills. Despite these reports, I would argue that strong farm policies are absolutely essential to assure the safe, abundant, and affordable food supply we enjoy in this country. The farm policy of the past may not have been perfect, but it is that which has given the American people the safest, most abundant, and most affordable food supply in the world. Our farmers are, in fact, the best in the world. This is a testament to their hard work and their commitment to advancing agriculture. But their hard work must be joined by sound agriculture policy.

I realize the diversity of agriculture in different parts of this country. However, I also realize a farm bill is just that, it is a farm bill meant to reflect and address the needs of our agricultural communities. Numerous titles of this bill address key issues of rural America, but if farmers are not farming, what will happen to those communities then? What will happen to the seed dealers, the bankers, the car dealers, and a whole host of industries directly reliant upon the farm economy?

As you are all aware, there are numerous proposals out there to address the farm sector's needs. While I worry that the best possible policy might not emerge, I do believe we will make improvements to our current policy. I am firmly behind moving forward and completing a farm bill this year. It is a must for our farmers. I believe that, in the end, we will work to provide for the needs of our nation's producers.

In terms of trade, I agree with the Secretary of Agriculture, in her testimony before the Agriculture Committee, that expanding trade is an essential part of agriculture policy. I believe that aggressive action on this front will greatly benefit our producers and allow the United States to fully participate in the proliferation of trade agreements that are now emerging out of Latin America, Asia, and with our allies in the Middle East.

Agriculture trade can open up whole new markets and provide our country with new friends abroad who will be able to share in our wealth during prosperous times and come to our aid in times of need or tragedy.

However, trade also requires compliance with international agreements. While I have been critical of some of the provisions in past trade agreements, and will likely have misgivings about some future agreements, I understand the importance of the United States keeping its word.

As Senator CONRAD has pointed out in committee and on the floor with numerous charts, we don't support our producers at nearly as high a level as our European competitors. Our farmers are at a strategic and competitive disadvantage. The way to fix this problem is with green box payments. Senator COCHRAN and Senator ROBERTS are to be commended. They have crafted a proposal in committee—and I assume will be offering it on the floor as well—

providing the support our farmers need while remaining true to our obligations abroad. While there may be other proposals that are WTO compliant, few would provide the level and assurance of support that the Cochran-Roberts proposal would.

The greatest fear of many farmers and their lenders in my State is replicating a system where a farmer is not certain of the level of support they will receive from year to year. This has been the fatal flaw with our current policy. The rapid phase-out of the fixed, AMTA-style payments in the Senate version of the farm bill that came out of committee is very troubling. That style payment is one of the only true green box payments in the bill. If the WTO calls for lowering allowable amber box payments, these payments may be the only money allowable for safety net purposes.

While I support moving forward, I believe the assured levels of assistance in S. 1673, the House bill, and the Cochran-Roberts approach are, by far, more favorable than some of the other proposals circulating that would diminish these payments.

In addition to trade, conservation is a key component of the farm bill, as it should be. Our farmers and ranchers are stewards of our nation's natural resources. It is important that incentives be available that encourage and reward environmental stewardship. It is my belief that this is an important component of farm policy, but it is a component that must be balanced with other titles in the bill.

I strongly support the increased acreage for WRP in all of the proposals we have seen. CRP has also been an important program for Arkansas. In addition, the Wildlife Habitat Incentives Program has also been successful in promoting the health of wildlife in Arkansas. These are all good programs.

While I support these programs, I believe a balance must be struck. I agree with many of my colleagues that this is done by strengthening programs we know are successful, where we know our funding can be maximized to the benefit of the environment and the agricultural sector.

As we have learned from the last few years, a farm bill must provide a safety net for producers through a good commodity title. A sufficient commodity title is absolutely essential in providing the support needed by our country's farmers. Without these programs, our farmers would be at an incredible competitive disadvantage with our European counterparts. Many of our farmers would simply be put out of business.

The farm bill must reflect the needs of our country's producers. It must also allow the Congress to avoid the costly ad hoc emergency spending that has characterized farm policy for a number of years.

Proper funding and allocation of these funds is essential in allowing our farmers to remain on their farms. Without farmers working the land, without the type of technical expertise present in our country's agricultural sector, we would not have the abundance of nutritious food we enjoy in this land.

Our farmers are indeed the best in the world. They are early adopters of new technology and enhanced growing techniques that allow them to increase production while reducing the environmental impact of agricultural activities. Much of these great strides forward have been the direct result of this nation's commitment to its farmers.

This Nation has its roots in its fertile soil. It is important that we remember that agriculture has been, and will continue to be, a source of great strength and security for our country.

I conclude by emphasizing to my colleagues just how important the farm bill this year is. It is an absolute must-have for our nation's farmers and rural communities. I hope we will move forward quickly and responsibly.

I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we in the postcloture period for debate?

The PRESIDING OFFICER. Yes, we are.

Mr. DORGAN. Mr. President, we are now, as I understand it, in a 30-hour postcloture period following the cloture vote on whether we should proceed to consider the farm bill.

I don't quite understand this, frankly. We ought not to have had a vote on whether we should proceed to the farm bill. Of course, we should proceed to the farm bill. Who on Earth thinks we should not proceed to write a farm bill.

The current farm bill is a miserable failure. Not many people in the Senate have farmed under that farm bill, as a matter of fact. Those who have had to try to raise a family and operate a family farm under this current farm bill, Freedom to Farm, understand it is a miserable failure. The whole premise of the current farm bill was a failure.

The premise was, whatever happens in the marketplace, that is all fine and that is all farmers need to know. And if the marketplace collapses and farmers don't have support for their products and they go broke, God bless them; the country doesn't care. America will be farmed from California to Maine, and we will have giant agrifactories. We will still get food on the grocery store counters. Under the philosophy of Freedom to Farm, family farmers are kind of like the little old diner left behind when the interstate highway comes through—kind of nice to talk about, nice to think about, nice to remember, but they are not part of today.

People who think that way couldn't be more wrong. The seed bed of family values in America has always come from family farms. It is the road to small towns and big cities and has nurtured and refreshed this country in many ways. Family farming ought not be out of fashion. It ought not be yesterday's policies. It ought to be what we aspire for tomorrow's food supply. Family farming ought to be an important part of this country.

Why do we need some special help for farmers? Why do we have a farm bill? That is a good question. In fact, the U.S. Department of Agriculture was created in the 1860s by Abraham Lincoln with nine employees. My feeling is we don't need a Department of Agriculture if the sole purpose is not to foster a network of families that farm this country. If our goal is not to foster a network of family producers for America's food supply, then I say put a padlock on USDA, turn the key, and get rid of it. We don't need it.

If the goal, however, is to foster a network of family food producers because we believe, both for social and economic purposes, it strengthens and enhances this country, then let's write a farm bill that does that. Let's write a farm bill that supports that. The current one does not. We haven't had one that supports that for a long while.

It is interesting, I come from western North Dakota, a very sparsely populated part of the country. We had a little dispute recently in western North Dakota with prairie dogs. I got right in the middle of the dispute. I can't stay out of a dispute like that, I guess, much to my detriment.

Here is the situation. It relates to what is happening in western North Dakota. We are in western North Dakota becoming a wilderness area. There is no Federal designation. We don't need one. We are fast losing people. My home county was 5,000 people when I left it. It is now 3,000 people. I left a small county in southwestern North Dakota. It is actually pretty big in geographic size. I left to go off to college. It was 5,000 people; now it is 3,000 people.

The adjoining county just south of the badlands in western North Dakota is Slope County, about the same size. Actually, it is almost as big as one of the small eastern States. It has 900 people; seven babies were born in that county last year. So I come from a part of the country that is losing population hand over fist. People are moving out, not in.

Family farmers and ranchers are not able to make a living so they leave. Their dreams are broken. All that they aspired to do to live on the land and make a living with their family, all those dreams are gone.

Then this past spring, the U.S. Park Service, which is also in western North Dakota, had a problem. Out in the badlands of North Dakota we had a little picnic area, and it belonged to the taxpayers and the Federal Government. It was our picnic area. The prairie dogs, fury little creatures, took over this picnic area. Prairie dogs are very much like rats except they have a button nose and furry on the tail, and they multiply quickly.

So the prairie dogs took over the picnic area. Our Federal Government sprang into action. They just sprang into action and did an environmental assessment—an ''EA,'' they called it. They did a finding of no significant impact—some sort of SNIFF; there are acronyms for these major things they do. They jumped right into action. You know what the conclusion was? If the prairie dogs have taken over the picnic area, then move the picnic area. It is a quarter of a million dollars to move the picnic area.

That doesn't make much sense to me. I said: Why don't you move the prairie dogs? We are not short of prairie dogs, we are short of people in western North Dakota. We are not short of prairie dogs; move them.

They said: We can't do that.

I said: When I was a kid, 14 years old, the rats took over our barn and my dad asked if we could have a program to get rid of the rats. And myself and two other 14-year-old boys very quickly pointed out to the rats that the dumping grounds for our town was about a mile away, and lo and behold we got rid of the rats.

I said: Hire three 14-year-old boys from western North Dakota to get rid of the prairie dogs, and it won't cost you very much. We will reclaim our picnic grounds.

I said: The point is, I am really interested that you are going through this machination with respect to prairie dogs and picnic areas, when I can't get anybody interested in the fact that our State in the western part and in most rural counties is systematically being depopulated. Family farmers are going broke, ranchers are going broke, people are moving out. We can't get anybody interested in what all that means and the consequences of it, but you have a few prairie dogs move into a picnic area and, by God, the whole Government has studies going on and they are going to spend money to move picnic grounds.

I said that is a strange set of priorities, in my judgment. I have gone off a bit, but in fact it is hard to get people interested in the real issues. The real issues in western North Dakota are that family farms are losing their shirts. Ranchers have had a big struggle there and people are moving and nobody seems to care much. But they care about a few prairie dogs.

As an aside, I lost the issue. They moved the picnic grounds. Then, about a month later, after all this big controversy, I read in the newspaper that a guy from Oklahoma had invented a truck—he created a truck with a hose on the truck that had a vacuum attached to the hose, and he would stick the hose in prairie dog holes and suck them out of the holes. And it threw them into the back of this truck, which he had padded with mattresses so they didn't get hurt.

I said: That is an interesting approach—to suck the prairie dogs out of the holes and then throw them into this truck with mattresses and they don't get hurt.

Then 2 weeks later, on the national news I saw that in Japan they were selling prairie dogs for $250 apiece as pets. I am thinking to myself that here is a solution to a problem. Hire that guy from Oklahoma, suck those prairie dogs out of the holes, ship them to Japan, reduce our Federal trade deficit, save the taxpayers a quarter million dollars, and reclaim our picnic grounds. Of course, that was way too simple for the Park Service.

I digress a bit only to say this: When you get a prairie dog problem, you have the whole darn Government running to see what they can do about it. But when you have a problem with family farmers making a living, who invest all they have in the spring to plant a seed and get on the tractor to plant that seed, and then they hope beyond hope that the insects won't come, that it will rain enough—but not too much—so they won't have crop disease, that they won't have hail, and that if they are lucky, in the fall they will be able to get out there with a combine and harvest the grain and put it in a 2-ton truck, only to find out when they drive that truck with a load of wheat to the elevator, the elevator and grain trade will tell them: This food you produced doesn't have any value. This food you produced on your farm doesn't have value.

That family farmer on that farm scratches his head and says: What is this about? Our food has no value?

We have a world in which a half billion people go to bed every night with an ache in their belly because it hurts to be hungry, and we are told the food we produce in abundance has no value. Are we not connecting the dots somehow? Is something missing here? The farmer who is told his food has no value goes to the grocery store on the way home and picks up a box of puffed wheat, or puffed rice, or Rice Crispies, or shredded wheat. What they discover is that someone discovered that grain had value. It wasn't the person who produced it, who risked their money to produce it. It was the person that puffed it, crisped it, crackled it, popped it, put it in the box, and sells it for 100 times what family farmers are getting who took all the risks to produce it. There is something fundamentally wrong there.

My point is this: We have struggled to write a farm policy that recognizes the value and the worth of family farmers to this country. Some say: Why are farmers different? Why don't you recognize the value and the worth of the person on Main Street who runs the hardware store, or the barber shop, for that matter? Well, the family farm is the only enterprise in our country that has the risks I have just described—planting a seed, borrowing all the money they can to plant the seed, and hope beyond hope that all the other circumstances that could completely wipe them out financially do not do that between when they plant the seed and when they harvest it; and then they go to the grain elevator with no understanding that their product is going to have any value at all. They are the only small enterprise that has all of those concurrent risks at the same time.

The question for this country about its security and about the nature of its economy is: Do we want to maintain a network of family producers producing our food or not? It is very simple. Europe has made that decision. Long ago, Europe decided it wants family producers to be producing food for Europe. Why? Because Europe has been hungry in its past and doesn't want to be hungry again. It believes food production by family units is a matter of national security for Europe. We ought to believe the same for the United States.

I grew up in a town of 300 people. When I was a boy, in my hometown, I would go on Saturday night to my hometown and it was full of cars. The barber shop was open until midnight. The barber was cutting hair there at all hours of the night on Saturday night. It was like a festival on Saturday evening in my hometown. That is not the case anymore. Family after family after family have gone broke—forced to leave the family farm because they could not make a living raising their grain and the livestock and selling them at prices that the grain trade and the exchanges provided.

Now, one might say that is just the way things are and there is really nothing you can do about that. Europe didn't decide that. They said: We want to maintain a network of family producers for our national security. We believe food security is critically important, and we want to maintain a network of family farm producers for that purpose. Go to Europe and to a small town in rural Europe on a Saturday night and see what you find. You will find that those small towns are alive, as I described my small town was many decades ago. They are alive and thriving. Why? Because the blood vessels that create the economy of a small town come from family farms to these small communities and nourish those small communities.

In many ways, this debate is about values. What kind of an economy do we want? What do we cherish? What do we think is valuable about this country? It is always interesting to me that if you are big enough, strong enough, powerful enough, have enough resources, and you come to this Congress, I am telling you, people stand at attention and say, yes, sir; no, sir; what do you want, sir. I could give a lot of examples of that.

Tom Paxton wrote a song a long time ago, many decades ago when the Congress gave Chrysler Motors a bailout. Mr. Paxton, a great folk artist, wrote, ''I Am Changing My Name to Chrysler.'' It is interesting, even as we now are struggling to get through a motion to proceed on a postcloture, 30-hour

discussion, just to get to the farm bill to try to help those families out there, even as we do that, we have a package to try to stimulate the economy that comes over from the House of Representatives that says: Do you know how we do that? We give Ford a $1 billion rebate check for the alternative minimum taxes they paid in the last 13 years. We give IBM a $1.4 billion tax rebate check for the last 13 years. Maybe Mr. Paxton should write a new song called ''I Am Changing My Name to Ford.''

The point is this: The individual family farmers around this country don't have the kind of clout and power and opportunity to access their Government that some of the largest enterprises in this country do.

Family farms play an important role in our economy and in our culture. For social and economic reasons, I believe this country ought to want to foster and nurture a network of family farmers across this country producing America's food.

We can do it another way, and in some areas we do. In California, they have areas where one company milks 3,500 cows every day three times a day. God bless them, in my judgment. They have every right to do that.

I suggest we have a price support under the milk produced from about 100 cows and say: If you want to milk 120 or 3,020 cows, God bless you, but that is at your risk, not ours. We will provide a price support of the milk on the first 100 cows you milk. That is what we ought to do with respect to providing a safety net for family farmers.

Let me speak for a moment about the farm bill that was written in the Senate Agriculture Committee. Certainly it is not perfect. It is not exactly the bill I would write. I would prefer more targeting in the bill to be more helpful to family-size farms.

This bill is sure a whole lot better than the underlying farm law. I was here when we debated Freedom to Farm, which I thought was a catastrophe and I voted against it, and I am pleased I did. I want to see somebody stand up in this Chamber and say how well Freedom to Farm has worked. It almost bankrupted a lot of family farmers except for the fact every single year we had to pass emergency legislation to fill the gaps between Freedom to Farm which was such a miserable Swiss cheese piece of legislation that really did not help family farmers at all.

When the Freedom to Farm bill was passed, we had high grain prices, and we had people around here thinking that it was going to last forever; we are always going to have high grain prices, so we will just give these farmers declining payments over 7 years, not with respect to what the current market prices are; we will just pay them, and things will be great.

It was an absurd proposition. The fact is, prices collapsed almost immediately, and they stayed down and they are down today.

The current, underlying farm law does not work at all. It is a miserable piece of public policy that should never have been enacted but was, and we have had to make the best of it by the end of each year passing some emergency legislation to respond to the needs that were unmet in Freedom to Farm.

The Senate Agriculture Committee has passed legislation that does a policy U-turn, and that policy U-turn says: Let us go back to at least some form of countercyclical help, getting help only when you need it. That makes good sense to me. That countercyclical help is the help that I hope will give family farmers a message from the U.S. Congress that says: You matter; you count; we want you as part of America's future.

Those Senators who come from farm country have had the same kind of calls I have had and the same experience as I have had. Some say: Those are anecdotes that are emotional but do not mean very much. They mean everything.

Arlo Schmidt was doing an auction sale in North Dakota. He was auctioning a farm that had gone broke. A little boy came up to Arlo at the end of the auction sale. He was about 8 or 9 years old, Arlo told me. The little boy was angry. He had tears in his eyes. He grabbed Arlo Schmidt around the leg, looked up at him and said accusingly: You sold my dad's tractor.

Arlo patted him on the shoulder to comfort him some, and the kid would have none of it. He said: I wanted to drive that tractor when I got big.

The point is, that little boy felt that he, too, wanted a chance to farm, but his family lost their dream, and the result was an auction sale. Those auction sales all around the country, those poster sales of those broken farms reflect a failure of farm policy.

This is a hungry world. It is an enormously hungry world, and we produce food in such great abundance. The economic all-stars of food production are family farmers. There is something fundamentally wrong when we cannot make the connections between what we produce in great abundance and what the world needs.

As I speak today, there are tens of thousands of children who will die from hunger and hunger-related causes every hour, and nobody thinks much about that. I had a friend who was a singer many years ago who died in 1981. His name was Harry Chapin. He was a wonderful singer. He devoted one-half of the proceeds of his concerts every year to fight world hunger.

Harry Chapin used to say if every day 45,000 children die of hunger and hunger-related causes, it is not even in the newspaper; there is not even a news story about it. But if in New Jersey, 45,000 people died in one day, it would be headlines. The winds of hunger blow every minute, every hour, and every day, and it is not even newsworthy. We have family farmers with hopes and dreams to produce America's food and to produce food for the world only to be told that which they produce has no value. There is something dramatically wrong with that.

I will finish by saying this: I regret we are here today dealing with this bill. We should have been on this bill long ago. I especially regret we had to have a vote on a motion to proceed. We are having a debate on whether we are going to proceed to the agriculture bill.

I have the deepest respect for Senator LUGAR of Indiana. I listened to his speech. I could not disagree with him more. He knows I have spoken many times about the Nunn-Lugar program, for which I will have admiration forever for Senator LUGAR. What he has done in some areas is so wonderful and so important to this world. But in agriculture policy, I could not disagree with him more.

It is important for us to have aggressive debate about this so that the country gets the best of what all of us have to offer. I am hopeful at the end of the day that we will get past this postcloture debate, get on the bill, offer amendments, and get this bill done.

Today is Wednesday. We ought to finish this bill this week. We ought to have a final passage vote on Friday, go to conference next week, finish the conference report, and put it on President Bush's desk for signature at the end of next week. That is what we ought to do. I commit myself to doing that. I hope others will as well.

Today, let us make that commitment to America's families who are desperately trying to make a living and hold on to that dream of making the family farm work.

In this hungry world, especially at this time when we talk about security, food security, and contributing to the world's food supply by our country's economic all-stars, the family farmers, it is something that merits the attention and merits the writing of a good farm bill by the Congress, and it merits us doing that now, this week, and next week, and finishing that product so we can have the President sign it before the end of this year.

Mr. President, I yield the floor and 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. THOMAS. 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. THOMAS. Mr. President, are we on the farm bill?

The PRESIDING OFFICER. We are on the motion to proceed to the farm bill.

Mr. THOMAS. Mr. President, I want to talk about the farm bill for a moment. I have been listening to my

friend from North Dakota talk in general terms of where we ought to be and what we want to do for the world, but we have not talked about how we get there.

There ought to be some target, instead of talking about having food. That is great. The fact is, we are talking about a policy. Look at this bill. It was brought up to the Chamber this morning. There is a lot of detail in this legislation. What we need to be talking about and have been talking about but have not completed is a vision of where we want to go, what do we want agriculture and our food system to be in 10 or 15 years.

My colleagues talk about the politics of it, of course, and that is great. They can talk about distributing funds to everyone, and that is great. All of us want some safety net in agriculture, and we will work to do that, but we have to go beyond that and take a look at how we get there and what is the best way to do that.

Quite frankly, I have been involved in agriculture. My friend was talking about coming from a town of 300. I come from Wapiti, WY. That is not even a town; it is a post office.

I know a little about agriculture. That has been my life as well, a different kind of agriculture to be sure, and that is one of the issues. There are all kinds of agriculture with which we have to deal. The Bush administration took a look at it and they had a statement I thought was good. They believe farm policy should ensure compatibility between domestic and trade objectives.

Have we talked about that? No, we have not. Support open markets. Did we talk about markets? No, we did not. Provide market-oriented farm safety net? I think all of us want to do that, not create undue uncertainty. These are the principles we ought to have as we move forward.

I am a member of the Agriculture Committee. I am a new member of the Agriculture Committee this year, as a matter of fact. The idea of finishing on Friday bothers me a little bit because this bill was jammed through the committee in time that most of us did not even have a chance to take a look at what was being proposed. It was brought up when we, quite frankly, ought to have been dealing with our economic stimulus package.

We ought to be dealing with doing the appropriations and those matters that really have impact. The farm bill does not expire until next August. I am one who thinks, yes, we ought to go for it after we get back in January so farmers will have some idea, before planting time, as to what they look forward to in the future. But the idea that we take something like this that hardly anyone in this whole place has looked at and pass it in 2 days is criminal, and I hope that does not happen.

I objected as we went through this bill a time or two simply because we have not had an opportunity to look at various complicated titles, and they are complicated. We were asked to deal with titles such as conservation, for example, in a markup in the morning when we did not even get the language until some of the staff got it at midnight the night before. I do not think that is a very responsible way to deal with a bill that is as important as this Agriculture bill. It is my opinion the committee moved much too quickly. We did not have an opportunity to find out what was in the particular title, whether it be marketing titles, competition titles, conservation titles, or commodity titles.

Did we have a chance to talk a little bit about the projected ideas and the proposals with people at home in the business? No, we did not. We did not even receive the language until midnight the night before the markup.

So I think we need to take a little time and look at all the aspects. Agriculture is a complicated industry everywhere. In every State, it is a little different. I am from Wyoming. Our largest activity, of course, is livestock, mostly cattle, some sheep, but we also have crops. Interestingly enough, our largest cash crop in Wyoming is sugar beets. So each of us is different. As we went through this in the committee, people were talking about cranberries, about cherries, about apples. That is okay, but it takes a little time to put together a responsible kind of policy to deal with those issues.

During the time the committee was working on the bill, we never did get overall scoring. We never did get a real look at what it was going to cost. Indeed, after the committee was directly forced to deal with it before it was brought to the Senate, changes had to be made which we did not even have anything to do with. That is not the system I believe ought to be used in this place, especially when we are talking about something as complicated and far-reaching that impacts as many people as does a policy for farming.

As we went through the bill, the chairman would talk about a reconciliation process, that after we have waded through the first part of it we could come back and do it. We did not even get a chance to look at the reconciliation until it is now being considered. So I have to say that as interested as I am—and as I said, my own background is in agriculture. I have always been involved with agriculture, so I am very much interested in it, not only because of whom I represent in Wyoming but because I am personally very interested in a successful agriculture that has some opportunity to be market-oriented so we are producing those commodities that the market requests, so that we can build new markets overseas, which we have to do in order to have a program of that kind. So it is a complicated matter, and we really need to move on with that.

As I have said repeatedly, I asked for a little more time in the committee, but we did not get it so we will deal with it as we are, and there will be amendments we can take a look at. Quite frankly, we may be dealing with Defense appropriations before this is completed. We may be dealing with economic stimulus. In any event, we ought to be taking a look at where we want to be over time. We ought to promote the idea of family farms instead of the big corporate farms, of course, so that families can afford to stay on those farms and be effective. We need to find additional markets.

We produce more than we are going to consume. So in order to be an effective industry, we have to find markets and move there. I think we have to be very careful, as we are in this trade business, that the things we do will fit into trade, the so-called green box, the WTO, or the amber box. If we find we do not have these payments that fit into the WTO rules, then we have some difficulties in being able to do that.

I happen to think one of the most important issues we ought to look at is conservation. In my part of the world—and I think it may be even more important other places—people would like to see open space remain. One of the best ways to do that is to have successful agriculture, of course. We need to do that.

There are a great many things we must do and I think we can do. I think there is more emphasis on conservation, whether it is grasslands or whether it is timber or whether it is crop lands itself. These are the kinds of things we need to think about. We need to have a thoughtful bill which we have time to discuss and not jam through because of the political expediency of getting it done before this year is over. I do not think that is the best reason to come up with something that has not had the kind of consideration and thought we look forward to having.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Under cloture, each Senator may speak up to 1 hour.

Mr. THOMPSON. Very well. I am not going to take up the 1 hour. I yield to my friend from Indiana.

Mr. LUGAR. May I respond to the distinguish Senator? In the event the Senator does not use his hour, if he were to yield the balance of that time to me, that would be helpful in the expedition of the debate. But the Senator should be prepared to utilize his full hour.

Mr. THOMPSON. No, I am not going to utilize the full hour.

The PRESIDING OFFICER. The Senator from Wyoming has yielded time to the Senator from Indiana.

Mr. LUGAR. Mr. President, the forum we are attempting to adopt is one in which a Senator yields time to me as manager of the bill as sort of a time bank. I will explain for all Members I am allotted only 1 hour under the rule. I can accumulate as much as 2 more hours by such allocation from Senators, which I seek to do simply to

expedite the debate during those times when there are no other Senators present to speak.

In that event, will the Senator yield whatever time he has remaining when he completes his speech?

Mr. THOMPSON. I yield the remainder of my time to the Senator from Indiana.

Mr. LUGAR. I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Mr. President, I rise in support of the committee-passed farm bill and to express my hope that we can complete action on it quickly.

First, let me commend Chairman HARKIN and the majority leader for their fine work in meeting the needs of the Senators from different regions of this great and diverse country. We all have unique needs. It is not easy to address all of them and to bring them together. I thank the chairman, again, for his efforts to do so.

I think we have come up with a good farm bill, worthy of passage. This legislation provides a critical income safety net for American farmers. It includes an unprecedented $20 billion increase in conservation spending. It substantially increases allocations for nutrition, for rural development, and forestry programs. This bill meets the needs of our rural communities while remaining within the budget authority.

I am also pleased that the chairman has included an energy title in the legislation that provides incentives for alternative fuel technologies. The energy debate over the past few days only solidifies the need for further advancements in alternative fuels.

Let me take a moment to focus on a major reform that is in this bill, a major reform of the peanut program. In a place such as Washington, where talk of eliminating a program is as rare as spotting a whooping crane, we are now ready to eliminate the Depression-era peanut quota program from our Nation's $4 billion peanut industry. That is worth repeating. Some may think they heard me incorrectly.

There is a provision in this bill to eliminate the old peanut quota system. For decades this system served the South well. For decades it provided economic security to some of our country's poorest areas and it guaranteed the domestic market a safe, high-quality source of peanuts.

But all of that changed when NAFTA and GATT were passed. These agreements effectively ended the peanut program as we know it. Trade protections for peanuts were ratcheted down. Imports gradually increased and farmers' quotas were reduced. In the 1996 farm bill, Congress had decided to require farmers to cover peanut program losses, making it a no-net-cost to the Government. That sounded good politically, but it failed to make peanuts more competitive on the world market and it certainly did not quell imports.

Peanut producers have faced up to this competitive reality. The vast majority are willing to finally give up a program that has served them well for more than 60 years. Yes, it is going to cost some money to compensate quota holders for their losses, but it would be unthinkable for the Government not to compensate farm families for their property. There has to be a bridge between the old system and the new system, and this bill gives us one. It makes that necessary transition and it does it in a fair way.

At a time when we are searching for the best ways to stimulate our economy, this farm bill is the greatest stimulus we can provide to rural America. It will give that economy an instant boost.

If we do not act, I can tell you what the scenario will be in Georgia and in other parts of this country. If we do not pass a farm bill now, local banks will make a fraction of their traditional farm loans. Farmers without financing will either get out of farming or declare bankruptcy. Who will suffer then? I will tell you who. Those farmers, those families in fragile rural areas where the economy is driven by the feedstore and the family restaurant and the local car dealership.

With many textile plants and other industries leaving the rural South, these farmers have fewer and fewer places to turn. In rural Georgia, the challenge today is just to stay afloat. It is becoming tougher by the day. Our Nation's great prosperity over the past decade, unfortunately, has not always filtered down to these rural areas. We have failed to bring many of these communities along economically, and it shows.

We have spent a lot of time looking out for Wall Street, and well we should. Now it is time we look out for Main Street. We need to help places such as Moultrie, GA, and Driver, AR, and Seagraves, TX. Our Nation is focused on the September 11 attacks, and rightly so. But let us not forget that agriculture has been mired in a 5-year disaster, devastated by bad weather and bad prices. Almost every year in this body we have had to provide supplemental appropriations. We need this new farm bill to stop the cycle.

The time is now for a new farm bill. We must act before adjourning for the year. We cannot go home for Christmas with generous, bountiful gifts for certain segments of our economy but only ashes and switches for our farmers.

Mr. SANTORUM. Will the Senator yield for 1 minute?

Mr. MILLER. Yes.

Mr. SANTORUM. I just want to say to the Senator from Georgia, I congratulate you and commend you. For many years we have had battles in the peanut program between those who are peanut consumers in large consumption States and those who are producers, but you have stepped in and provided great leadership for your growers through this transition process. I am very privileged and pleased to join you in a truly unique situation. I think it has not been seen here since the peanut program was instituted. Those who are the consumers of peanuts and those who are the growers of peanuts have found common ground to work on a piece of legislation that will transition us into a whole new era in peanut production.

I commend the Senator for his great leadership from a great peanut-producing State, to help shepherd his growers into a much more market-oriented approach to growing peanuts. I commend the Senator for his great effort.

Mr. MILLER. I thank the Senator for his remarks. He is one who has studied this program closely in the past.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise today to offer my concerns over the action of the Senate in proceeding to the Farm Bill, notwithstanding the nice dialog between the Senator from Pennsylvania and my good friend from a fellow peanut-growing State, the Senator from Georgia, Mr. MILLER.

I understand the desire to make improvements in the existing farm bill. There should be improvements made. From what I can tell, the House-passed bill and the Senate-Agriculture-Committee-reported bill have several very worthy provisions.

No one can argue against the need for a strong farm bill. Indeed, it is a high priority, and I certainly will not disagree with that. In my home State, the Commonwealth of Virginia, agriculture accounts for a significant part of our diverse economy. Agriculture creates approximately 388,000 jobs in Virginia, which is about 10 percent of the total jobs statewide.

Virginia agriculture contributes about $19.5 billion to Virginia's gross State product, or 11.2 percent of the total GSP.

Farms cover 8.8 million acres, or 34 percent of Virginia's total land area. There are 49,000 farms in Virginia. Most farms in Virginia are smaller farms, but there are 49,000 of them. Again, a strong farm bill is very important to Virginia.

I do applaud the work of the committee in drafting this bill. However, I have several concerns and I cannot agree with moving forward on this bill right now. Let me elaborate on these several concerns.

Number one, this is not the right time to deal with this bill. The current farm bill, with whatever flaws it may have and whatever improvements need to be made to that bill, does not expire until the end of fiscal year 2002, which is September 30 of next year. We are already several months into the fiscal year 2002. It is simply unfair to our hard-working men and women to make any changes to this legislation that may harm their income in the middle of the current year. They just finished the fall harvest and are now involved in planning, buying, and leasing for the

next planting. It would be like lining up to kick a field goal and having the goalpost moved after you kick the ball. After you kick it, nobody is allowed to move the goalpost back. That simply would not be fair. It is a terrible way to make changes, whether it is in the peanut program in particular in Virginia or any other sort of program when farmers are making these decisions.

The second problem I have with this measure being brought up now is that Americans have much more pressing problems to deal with rather than changing a law that doesn't expire for another 10 or 11 months. We are at war. Financing this war is important, and making sure that the men and women in uniform have adequate compensation is important. It is important that they have the armaments and the most technologically advanced equipment for protecting our interests at home and abroad. We need to be worrying about that and dealing with the crisis of terrorism. That must be dealt with now.

The Defense appropriations bill: We need to be dealing with proper funding for our Defense Department.

Overall appropriations: The Senate and the House have not completed work on all the fiscal year 2002 appropriations bills, yet we are considering a bill and a law that has not expired and will not expire until the end of fiscal year 2002.

Sometimes I may have a hard time getting used to the logic of the Federal Government—trying to change a bill that has 10 months of validity to it while not even taking care of bills that should have been financing our military or schools since the first of October. These are supposed to be 5-year farm bills. There is a logic to making this a four-year bill. There is a predictability that allows farmers to plan ahead and make investments so that they will grow the best crop possible to provide for their families. That bill doesn't expire until late next year, and here we are arguing that issue.

Meanwhile, we are in a war, and we are not dealing with the Defense Appropriations bill or the Labor-HHS Appropriations Bill. As far as I am concerned, these appropriations bills are some of the primary functions we serve as Members of Congress. The one thing we have to do each and every year is fund the government. We haven't completed that task yet. Those bills should have been completed before October of this year. Here we are fiddling around and debating a very important measure with important implications, but again not taking care of the things that are most timely.

We have emergency appropriations, and $20 billion in appropriations still has to be finalized by Congress concerning response to the September 11 terrorist attacks. Congress has yet to spend the $20 billion appropriated portion of the war on terrorism for emergency security, response, and recovery efforts This issue should be on our plate right now for action rather than the farm bill.

Economic stimulus: We realize our economy has a great deal of consternation. Consumer confidence is low. Businesses are not investing. Jobs are being lost. An economic stimulus package, something that will help spur consumer spending and business investment and thereby the creation of more jobs rather than the loss of jobs—that should be a priority. That is a clear and pressing need for the people of America right now, not a law that expires in October of next year.

Getting hard-working Americans back to work is a priority. Our economy has lost thousands and thousands of jobs and these job losses are not unique to the airline or tourism industry, or even to New York or Virginia. They are felt in every corner of the country and in every industry. As the Senator from Georgia mentioned, we have lost a lot of textile jobs in the South. In Southside, VA, 2,300 jobs were just lost at VF Imagewear in the Henry County area—in the heart of Virginia.

The President's back-to-work package is a way to help those folks who are out of work—hopefully temporarily—with their health care as well as with their unemployment benefits. We need to help these people through tough times and most importantly, strengthen the economy to enable them to get back to work. That is a part of the stimulus package that I wish we were arguing, debating, and acting upon at this moment. But we are fiddling with this bill that doesn't expire until next year.

Nominees: The President ought to have his team in place. I know the Senator from Georgia at one time was an executive. They need their own team in place to respond and to effectuate their philosophy, to act upon the principles, promises and policies that they enunciated to the American people. Yet the President has not gotten the deserved attention to have his nominees for key administration positions—whether it is in the State Department, judicial arena, or in other areas.

I think the Government needs to have capable people to do the work of the Government. Senator BOND spoke on this matter earlier and I agree with his remarks.

Energy legislation: I very much agree on the need to pass comprehensive energy legislation that deals with both supply and demand issues. That is a positive aspect of this farm bill that the Senator from Georgia, Mr. MILLER, brought up. Fuel cells and new technologies are very important. We can't keep doing things the same old way. We need to have a diversity of fuels and not be so dependent on foreign oil. I would like to see us become more energy independent in this country so that we are not jerked around by monarchs or others in the Middle East for our reliance on oil, which matters a great deal for our economy, and clearly it matters to farmers. When diesel prices or gas prices are skyrocketing, they are put in quite a bind.

An energy bill, which has consisted been advocated by Senator MURKOWSKI of Alaska, is something we have been trying to deal with for this entire year. It is an important issue that has been dealt with in the House and deserves the Senates attention.

We are at war in Afghanistan. We also have a war on the homefront as well. We have become the target of domestic terrorism that is accurately described as war. We need to make sure that in our homeland we have the right safety and security—not just abroad but here at home as well.

The farm bill, in my view, is not a piece of legislation that should be rushed into. I believe Senator CONRAD accurately portrayed why we may be pushing this legislation forward. He explained that issue very well. He said: ''The money is in the budget now. If we do not use the money, it will very likely not be available next year.'' While what the Senate Budget Committee says may be true, it is not a good reason to rush through floor consideration on a piece of legislation as important as this one. The farm bill is an important matter. It merits time, consideration, and full debate on the floor. With all of the other priorities that the Senate really must consider prior to recess, it doesn't make sense to hold them up for the farm bill.

I am not a member of the Agriculture Committee and was therefore not able to offer amendments in the committee. I look forward to the opportunity to work with committee members and potentially offer amendments on the floor.

I also understand that the committee markup was not very open to amendments. While I am sure there was a significant amount of wonderful work done by the chairman on the bill, I know there are significant differences even within the Agriculture Committee. These differences are obvious even to someone who is not on the committee. Especially when you look at the number of competing bills introduced by committee members themselves. First there is the Harkin bill which was passed by the committee. There is a Lugar substitute, and the Cochran-Roberts substitute is a third measure. There is a fourth measure being considered, the House-passed bill, and the fifth is the Lincoln-Hutchinson bill.

I heard from people all across Virginia about many of the positive changes that several of these bills would make. However, I also heard from Virginia peanut farmers who have a different view than peanut farmers maybe in Oklahoma, or New Mexico, or Texas, or even the Empire State of the South, Georgia. That is my third concern. The peanut farmers in Virginia may very well go out of business with

this measure as written. This new peanut program will hurt the income of hard-working Virginia peanut farmers.

In 1996, when the Federal Government last debated the farm bill, the target price was lowered from $670 per ton down to the current level of $610 per ton. This $610-per-ton level is not due to expire until the end of fiscal year 2002—September 30, 2002.

These peanut-growing farmers in Virginia have sense and practicality. They have already entered into agreements for land. They have entered into agreements for equipment leases as well as renting quota for the upcoming growing season. They will be planting in Virginia only about 5 to 6 months from now. That is simply the planting, and these farmers are certainly in the midst of preparation prior to planting right now.

This farm bill will change their revenue stream after they have already entered into contracts based upon the provisions in the current farm bill. People in the real world think that law doesn't expire until September 30 of 2002. They think that law is going to be there. They make decisions based on that law. Here we are debating changing the rules on them.

The bottom line is that it is simply not fair. It is not fair to our hard-working farmers who have to be dealing with a moving target.

I have been working on these issues with members of the committee and other concerned Senators and look forward to the opportunity to make some changes that will benefit the hard-working family of peanut growers in Virginia and, indeed, every farmer, regardless of crop throughout our country.

Virginia's peanut farms cannot withstand another 10-percent reduction in the price of peanuts as we saw back in 1996. This current farm bill, as proposed, will do just that and then some. Virginia has about 76,000 acres of peanuts and 4,000 peanut growing farmers. The crop brought in $60 million to the State's economy last year. While these numbers may not look large to some Senators who have large corporate farms in their States, these peanut farms are the basis of many local rural communities, particularly in southeastern Virginia. And there are different types of peanuts. I am not going to name every one, but in Virginia we grow the jumbo—the nice, big peanuts. You may see the brands Whitley's or the Virginia Diner peanuts, the Hancock peanuts, the blanched peanuts. Those are Virginia-style or sometimes called Virginia-Carolina style peanuts—the jumbos, the big peanuts, not the small, little redskin peanuts or the Spanish peanuts, goobers, or runters. Those are all fine peanuts as well. You just have to eat two of them for every one of a Virginia peanut. They are probably just as great for peanut butter and candies.

Most of the States are different. Virginia grows this different type of peanut. While it is larger, it does get a lower yield per acre than you would with the smaller peanuts, and they also have a higher cost per acre. Our peanut farmers in Virginia risk having their revenue cut to a point where they will lose money on each pound that is produced. Again, it is a different peanut than is grown in other regions of the country. And while that raises our costs, it unfortunately does not often equally raise the price that the farmer receives. So a tough situation now would just become disastrous if this measure became law in the middle of this year, or, for that matter, even after 2002.

The situation here is one where our economy would be affected. The farmers, in particular, who have purchased equipment, who have made leases on equipment, on implements, on fertilizer—I know the Presiding Officer understands because in his State they have a lot of good rural communities—if there is a good crop that brings in a good yield, sure, that helps the farmer, the implement dealer, those who sell feed or seed or fertilizer, but it also has an impact on the entire community with the money that comes into the businesses there, such as grocery stores and restaurants. It has a big impact on that economy through both direct and indirect means.

Having met this summer with a great deal of peanut growers in southeastern Virginia, it reminded me of when I saw the tobacco farmers just a few years ago, where they were trying to get the best yield per acre they could get and they were under attack by officious nannies from Washington, who are looking to reform somebody else's habit, and here are these communities wondering how they are going to survive. They are simply hard-working law abiding men and women trying to provide for their families. And these proposed changes don't only affect them—it affects their whole community. It is not a matter of humor nor to be taken lightly. Their livelihoods are at stake.

So I say, number one, this is not the right time to change the law before it expires. Let the law expire before you change these laws affecting these peanut farmers. Number two, we have much more pressing issues on which to be focusing our current attention and our brainpower, whether it is supporting our war effort, addressing our economy, getting people back to work or gaining energy independence. And number three, I think this would have a terrible impact on Virginia's peanut farmers and their communities.

I find it completely wrong for the Federal Government to change, at this time, a law that many good, decent, hard-working, law-abiding citizens have relied on. To do that would put a lot of people out of business. And any new law should take effect after the end of the current farm bill.

So with that, Mr. President, I thank you for your attention. I thank my colleagues for their attention. And I hope to be able to work with all of you in the months ahead to come up with a peanut program that is good for the taxpayers, and also one that allows Americans to enjoy the benefits of good, wholesome, nutritious peanuts as well, and takes into account fair practices as far as legislating up here. And we should not change laws before they expire, especially when so many people have relied on those laws. I especially hope that Virginia peanuts will always be around for all of us to enjoy.

With that, under the provisions of rule XXII, I yield my remaining time to the ranking member of the committee, Senator LUGAR.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Colorado.

Mr. ALLARD. Who controls the time?

The PRESIDING OFFICER. Under cloture, there is no control of time. Each Senator has a maximum of 1 hour.

Mr. ALLARD. One hour.

The PRESIDING OFFICER. One hour.

Mr. ALLARD. Mr. President, I thank you for recognizing me and giving me an opportunity to rise today to talk about the farm bill which the Senate is debating. I would also like to thank and commend the Ranking Member of the Agriculture Committee Senator LUGAR for his leadership during this debate. As a member of the Senate Agriculture Committee, I participated in the drafting of the bill which we are now about to consider. Also, when I was in the House of Representatives, some 5 years back, with the passage of the freedom to farm bill, I was on the Agriculture Committee on the House side.

I think this is a great opportunity for us to do some good things to help agriculture in this country. However, it is an opportunity to do the wrong thing. I do think we have to be careful about moving forward too quickly on some of this legislation without giving our farmers and our ranchers and the agricultural interests in our various States an opportunity to study what is in the bill to give us a full assessment of how it is going to impact businesses in their various States.

In the State of Colorado, agriculture is very important. We have always worked on trying to have a broad, diversified economy. So we have other industries and other sources that broaden out our economic base in the State.

For example, in Weld County, this is a county frequently recognized as one of the largest agricultural producing counties in the country, usually rated in the top 5, based on gross agricultural dollars that are brought in.

I have another county in northeastern Colorado that produces a lot of corn. It is one of the largest corn-producing counties in the country. Again, this varies a little bit depending on

weather and how yields come out year to year. So certainly agriculture is important to the State of Colorado.

As a member of the State senate—I also served on the agriculture committee in that body—we continually worked to have a broad base.

In the State of Colorado, not only do we have some counties that contribute considerably to agriculture in the country, but they also add a lot of opportunity for other businesses in the State of Colorado to develop added value to those agricultural products.

We all want to do the right thing and help the agricultural economy. But everyone needs to have the opportunity to review the legislation to understand how it effects them. This is not the bill that was reported out of committee, however, nor the one which was introduced on November 27. So it has been a little difficult to determine what is exactly contained in this particular bill. Farmers in Colorado, as best I can figure out, would probably do best under the Cochran-Roberts proposal. But, again, we need more time, more opportunity to talk with farmers in the State of Colorado.

We certainly have different types of operations. Some of them that we have in Colorado are strictly ranching operations. We have a lot of wheat operations, irrigated agriculture—vegetables. We need time in our office to begin to assess how these various agricultural operations are going to be impacted by a bill as complicated as the farm bill that we are about to consider on the floor of the Senate.

This has been an interesting process to go through this past couple of months as we have attempted to draft a bill. I have been somewhat skeptical, as we drew to a conclusion to get a bill here to the floor. The current farm bill, the Freedom to Farm bill, does not expire until September 2002. Again, I do not fully understand why it is so important we push forward so quickly because I think input from our agricultural interests in our respective States is very important. If this goes through too quickly, they will be divorced of that opportunity to have their input to their Representatives so they can have an impact on the agricultural legislation.

I was a member of the House Agriculture Committee and supported the provisions contained within Freedom to Farm. I did not think it was necessary to rewrite the bill a year earlier. But here we are, ready to rewrite the farm bill.

It is complicated. As I stated, I have some problems and concerns about the legislation and how this bill moved forward. This has been a trying time for the Senate, for example, with the anthrax problems we have had in the Hart Building which has impacted some 50 of our colleagues. It has been difficult for them to get in touch with their records that are embargoed within the building. It has made it difficult for colleagues who have been on the Agriculture Committee—and I suspect it would have an impact on Members here on the floor—to evaluate what their positions are, as far as a major piece of legislation such as the agriculture bill, without full access to their office resources and files.

So as we move forward in an expeditious manner, we put certain Members of this body at a disadvantage. We have to be sensitive to their needs and their desire to do the best job and represent their constituents.

In my office, we have been hosting several staffers of Senator CRAIG THOMAS. I am sure it has been difficult to continue to operate throughout this process. It is an unfortunate situation, and I am sure it has not helped the drafting of sound legislation.

As for the process with which the farm bill moved through the Senate Agriculture Committee, we were not receiving legislative language until about 1 to 2 a.m. in the morning on the same day of the bill markup. It was hardly sufficient time to fully analyze and assess its impacts.

Generally speaking, most of the titles were agreed to on a bipartisan basis. As the Chair knows, so many of these issues break out on a commodity basis and not on a partisan basis.

During the committee markup, I did support an alternative commodity title offered by my colleagues, Senators ROBERTS and COCHRAN. The fundamental component was the establishment of farm savings accounts.

Rather than continue to rely on Federal subsidies during bad times for farmers, many in Congress believe farmers and ranchers should have the opportunity to set up accounts to set aside income during the years in which their income is high so that they could then withdraw funds in years when their incomes are low. Unfortunately, this alternative was defeated in committee.

I see this provision becoming more important as we see the price of implements used in farming, for example, get more expensive. If you have a large farm operation, it is not unusual to see somebody spend $100,000 for a tractor. I remember when I was a young lad working in the hay field, we had a large tractor. We spent $4,000 or $5,000 on it. When you have high costs on your implements, that means you have to accumulate savings over the years in order to be able to afford that tractor.

If you have a year when you have a good return on your commodity prices and the farm does well, you may end up with a considerable amount of income. But you find yourself as a farmer getting kicked into higher income tax brackets. So instead of being able to set that aside for investments that will help you be a better farmer and produce better in future years, you find you have to hand the dollars over to the Federal Government. So the idea of the farm savings accounts is, during those years when you have a lot of revenues coming in, you can set that aside for future years.

Then when you get into years when you don't have as much return on your crops, then you can carry those profits forward and distribute them out over the years. That has profound impact on farm operations today and is something that should be implemented.

I indicate my strong support for an upcoming amendment to be offered by Senators ROBERTS and COCHRAN. When putting a farm bill together, my philosophy is to let farmers do what they do best, and get the Government out of the farm. Unfortunately, the farm bill that came out of committee and which is now being considered does not do that. It moves us back towards more Government intervention and less towards free markets and free enterprise.

Senators ROBERTS and COCHRAN are to be commended for developing a sound alternative to that which came through the committee. This is a solid proposal they are going to introduce. It needs serious consideration by the Senate.

An important component of the farm bill is the research title. As a veterinarian, this is an area in which I believe strongly. If we are going to continue to have an abundant and safe food supply, we need to continue to fund our Nation's research priorities. I was able to include two provisions which I believe are extremely important.

The first allows for research on infectious animal disease research and extension to allow grants for developing programs for prevention and control methodologies for animal infectious diseases that impact trade, including vesicular stomatitis, bovine tuberculosis, transmissible spongiform encephalopathy, brucellosis and E. coli 0157:H7 infection, which is the pathogenic form of E. coli infections.

It also set aside laboratory tests for quicker detection of infected animals and the presence of diseases among herds, and prevention strategies, including vaccination programs.

This is becoming a smaller world. Not only do we need to be concerned about diseases that are naturally occurring, but we need to be aware and cognizant of the potential impact of diseases that don't occur. For example, we saw the profound impact of hoof and mouth disease in countries such as England and the devastating impact on the livestock industry in that country. We need to make sure that we have the research in place in this country where we can develop modern technologies and that will help protect the livestock industry.

The second provision I had put in the bill establishes research and extension grants for beef cattle genetics evaluation research. It provides that the USDA shall give priority to proposals to establish and coordinate priorities for genetic evaluation of domestic beef cattle.

It consolidates research efforts to reduce duplication of effort and maximize the return to the beef industry and also to streamline the process between the development and adoption of new genetic evaluation methodologies by the industry; and then to identify new traits and technologies for inclusion in genetic programs in order to reduce the cost of beef production to provide consumers with a high nutritional value, healthy and affordable protein source.

Research, in my view, is fundamental. It is extremely important that we have the research base there to continue to improve production in order to deal with infectious diseases that affect plants and animals and to help assure a high quality food supply.

I do think the people of this country have a great deal. They have the best quality food at the most reasonable price of any place in the world. That is something to be proud of. We need to do everything we possibly can to make sure that we maintain our position in the world.

A couple other provisions are in the bill. There are some attempts within the bill to deal with alternative fuels. It is something I have worked on. I established the renewable energy caucus. I believe that renewable fuels is certainly something we need to look at for energy independence instead of war dependence on energy sources particularly out of the Middle East. We need to look to agriculture to help us meet some of those energy needs.

I also have a provision in there to deal with cockfighting. It is an attempt to try and protect States rights. The State of Colorado, along with 46 other States, have all passed laws against cockfighting. We have three States that have not.

However, Mr. President, those states that have chosen to outlaw cockfighting have difficulty enforcing their own laws. As a result of a loophole in the Animal Welfare Act, which specifically excludes live birds from the interstate transport ban, individuals who are caught with fighting birds can avoid being detained by law enforcement by claiming that they are transporting the birds to a state in which cockfighting is legal. Game birds are the only animal for which this loophole exists and this is unfair to the states that have chosen not to allow cockfighting.

My attempt is just to make sure that we don't preempt the States in a way through this Federal loophole that they can't enforce the law they passed. This is an important provision—something I have worked on for almost 3 years. It was passed by a strong majority in the House Farm Bill and has been passed previously by the Senate. It is my hope that we are able to retain this language in the final version of the Farm Bill.

Mr. President, agriculture is important to this country. It is important to States such as mine and certainly important to the Senator who is presiding over the Senate at this particular time. I think we all have a common interest. We want to see our farmers and ranchers be able to stay in business, and we want them to be able to compete in a world market. We need to work to expand not only our international markets, but also our domestic markets. Sometimes that requires thinking beyond the box. It is a challenge for those of us who are looking at establishing the proper public policy that would allow our agricultural sector to continue to grow and prosper.

This is an important piece of legislation. I hope we don't rush it through to the point where we haven't given the various agricultural interests an opportunity to have their input as to what the final outcome of this bill will be.

I hope that we allow enough time for them to participate in the process. It is important that we do the right thing. We can do that if we allow plenty of opportunity for everybody to participate.

Mr. President, I yield the remaining time to the ranking member of the committee and look forward to working with him on this legislation.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Colorado for yielding that time. I thank him even more for his message. It has been a genuine pleasure to work with him on the Agriculture Committee in trying to formulate good legislation. I look forward to supporting the ideas he has presented this afternoon.

Mr. President, as a part of the background for our debate, we ought to consider carefully the status of the farm economy presently. Many views have been given, and they are earnest views of Senators and their States' particular agricultural interests.

Let me review a summary of where we stand at this particular point in the year 2001. Current USDA forecasts suggest that the underlying farm economy, exclusive of Government payments, is stronger this year than last. While U.S. agriculture continues to face the prospects of somewhat reduced income and outgoing structural change, many indicators remain favorable. The indicators that remain favorable are: Exports are up; asset values for agriculture throughout the country are up in the aggregate; debt levels are down; the rate of inflation for the overall economy, of course, has been down; interest rates are down; productivity and prices appear to be strengthening.

Clearly, in the soybean and corn markets, which I know the occupant of the chair watches, as I do, we have seen mercifully an upturn, after bottoming out. In any event, the price levels across the board for all crops appear to be slightly stronger than last year. World markets are extremely important to us, and this is why we are all encouraged that export sales apparently will finally come in somewhere close to $53.5 billion in 2001, as compared to $49 billion a year ago, an increase of $4.5 billion. They could grow to as much as $54.5 billion in 2002, according to USDA's best projections. These levels are still below the record levels of 1996, often cited primarily in response to continuing problems in Asia, and production increases by competing exporters—many of them in Latin America.

Nevertheless, the sales appear to be increasing significantly. Year over year, forecasts of grain, poultry, and horticultural exports in 2002 will exceed 2001, largely due to increased volume. Exports to major U.S. markets in Asia and the Western Hemisphere are projected above 2001, even in spite of slowing economic growth or, in some cases, recession in those areas.

Overall farm income has this projection: The intermediate term economic outlook for agriculture is uncertain, as always. It is clear that many underlying farm economic conditions are stronger this year than last. Farm cash receipts could be near high record levels for 2001, and, indeed, earlier this morning I discussed this subject. We found figures from USDA that showed roughly $60 billion of net cash income. This would be, in fact, a new all-time record for any year, including 1996.

Farm cash receipts have been driven largely by a 9-percent increase in livestock sales. Overall crop sales appear to be up about 3.1 percent. Gross cash income is up 4 percent and net cash income is up 5.7 percent over last year. The $20 billion in payments from the Federal Government, including the AMTA payments, which we voted on in the summertime, come to $20 billion less, in fact, than the $23 billion that the Congress allocated last year. That is significant because the net cash income record was received, even though Government payments have come down this year by, apparently, something close to $3 billion.

The projected increase in sales in 2001 will more than offset the modest decline in the Government payments and could boost cash income to $239.3 billion, up significantly by $9.2 billion from last year.

I mention all of this, Mr. President, not that these are figures that are likely to lead anyone to a false impression about agricultural prosperity but it seems to me important because this debate thus far has been about a necessity of having the farm bill passed during this calendar year. One of the reasons offered by some Members has been the gravity of the situation for many farmers. Each one of us has many such farms in our States that are not working well. But the overall picture is important. The overall picture is one of higher net cash income.

I found it to be extremely important to study the USDA tables on farm balance sheets. One of the factors of obvious debate that always seems counterintuitive to many who listen to them is that, each year, I and others have made the point that the total

value of farms in America has been growing. By that I mean the estimates of the total value of farms, the equity, after all liabilities, real estate debt, or any other farm debt have been subtracted, is $1.36 trillion. That is up from $1.4 trillion last year.

In other words, the equity in farms in this country—the bottom line is there has been an increase of 3.2 percent. That is not unusual. Simply tracing back over the course of time, USDA points out that in 1995, the net equity in farms in America was $815 billion.

In 1996, often cited as the high water mark in terms of farm prices and prosperity, farm values were $848 billion, but in 1997, this went to $887 billion, in 1998, to $912 billion, and in 1999, to $964 billion. Last year, it went to $1.4 trillion, and this year it went to $1.36 trillion.

Throughout this time, however—Senators wish to argue the ups and downs of agricultural prosperity or difficulty—the value of their farms went up every single year without exception. Many have asked: How can this be? I have tried to answer that question in earlier statements.

The programs we have adopted, for better or for worse, finally add up to more land value. They go essentially to landowners. That is capitalized in the land. They are able to borrow more on it, and they become more prosperous. The market value is higher because a stream of payments guaranteed by the Federal Government appears to be behind those values.

Some, without being spoiled sports, have raised the question of whether these land values have a reality to them that is solid for the future. They have not suggested a so-called bubble effect that land values, much like communication or telecommunications firms in our economy in the last 2 years, simply exceeded the potential for income streams that might come from them.

Nevertheless, it is difficult to argue that these land values, increasing each year, do not have built into them certain expectations of Federal policies that are very generous.

Perhaps over the course of the next 5 years, or in the case of the House bill the next 10 years, the general public in the United States; that is, taxpayers, everyone who is not a farmer, are prepared to make very large transfer payments of their moneys to those who are farmers and to do so in such a predictable way that anyone who owns land can anticipate that kind of flow. It would have no relationship to whether or not there was an emergency. It simply is a guaranteed transfer of payment with the same certainty as a pension right or some other property right involved.

That is a judgment for Senators, Members of the House, and the President to make, and we all have our different views on this issue.

I have always wondered whether those who are not farmers understood the transfer that was occurring and the seeming permanence of that, as opposed to payments that came in emergencies.

Senators have risen throughout this debate and condemned the farm bill of 1996 as a terrible failure, pointing out that it is so bad that we are compelled as Senators to meet almost every summer and vote to send more money to farmers.

With some degree of political realism, I would say the compulsion for us to meet every summer to do this is probably being propelled much more by our own desires. To a certain degree, I have noted an amount of political competition in this—some persons purporting to be stronger friends of farmers than others, all believing we ought to be able to help out by sending more money in that direction. There has been no reticence on the part of Senators on both sides of the aisle to vote this money.

I predict, I think without being too far off the mark, that whatever kind of a farm bill we finally enact this time, there may be those among our number who will ask us each summer to come to the Chamber to vote more money, to supplement whatever it is we have done. In other words, I have never found in my experience in the Senate that the issue is ever settled. The emergencies occur every year and in many parts of the country and sometimes vary widely. Let me offer a reason why that is so. This is not a cynical reason. This is a reason rooted in the reality of my own experience.

One of the questions I frequently ask witnesses before the Agriculture Committee when we are having debates on programs or incomes is to give me an estimate of the return on invested capital that they obtained from their farm operation.

Most witnesses, even those who are fairly sophisticated, do not know. They really have not thought that problem through. They say that is almost irrelevant: My problem is keeping the farm alive, keeping the dairy operation alive. I do not know what the return on investment is; the problem is paying the banker and having enough capital to buy new equipment to be competitive.

I understand that, but it illustrates part of the problem. When I have had discussions with very prosperous farmers in Indiana, whom I respect for their abilities and have learned a lot from them, their answer to that question is usually a 3 to 5-percent return on invested capital over several years. Some years it is much better, but some years it is close to a wash.

Some suggest, of course, that depends on how leveraged the farm is. If, in fact, a very valuable property has an almost equally valuable mortgage on it, the amount of equity that the farmer has in play is fairly small; therefore, any income fluctuation makes the return on income either go up or down very rapidly.

Let us say for the sake of argument that the farm has no debt. That has been essentially my case for many years, and my own experience has been roughly 4 percent on invested capital. When that figure arises in a forum that is not a farm meeting, many people raise the question: That is pretty low for a large enterprise over a long period of time. For example, many people who are skeptics about this would say you could have gotten a 6-percent return just by investing in U.S. Treasury bonds for 30 years during many recent periods. For that matter, prior to this lower interest rate period we are in now, you probably could have bought the bonds maybe even for 7, 8, or 9 percent at different times during this decade, with absolutely no risk economically, no risk from markets drying up abroad, no risk from the weather.

This raises the question: Why is $1 trillion of American capital tied up in farms—which, indeed, it is—2 million such entities, at least with the definition of $1,000 in sales?

The reason ultimately, in my case, as well with most people, is that we like what we are doing. Frequently, it is a family tradition. That is my case. My dad bought the farm 70 years ago. It is something very important to me as a person. It is more than simply a business enterprise. But I have to recognize there are alternative things I could do with the capital and probably do better than 4 percent. This 4 percent is anecdotal in a sense but not entirely.

If, in fact, as the distinguished chairman of the committee pointed out this morning, net farm income in this country for 2001 is 49.4 percent, and you factor that with a divisor of $1.36 trillion for the value of real estate and so forth, you come to something like 4.8 percent. Taking a look at all of American agriculture, that net was earned on this amount.

So my experience is not too far away from the mainstream, which is comforting to know, but not for farmers generally because there is not much leeway.

I suggest the reason we have debates almost every year is a good number of farmers do not have any leeway. If farms that are fairly large and well managed do no better than 4 percent on average, and in some years 3 percent or 2 percent, situations that are not so well managed, do not have modern equipment, the research into seeds or planting processes, or have not done conservation work that has proper drainage, they are going to have problems meeting it at all every year; there is so little leeway.

Intuitively, we have known it even if we could not quantify it, and our policy has generally been, regardless of which farm bill I have been involved in, to save every family farmer. We have tried, in fact, to think through how there could be a safety net and ad hoc emergency payments and whatever was required. We have not succeeded, although, as I mentioned in an earlier debate today, we have stimulated a lot of

people to come into farming, many of them in a small way. It is not a major income. So the numbers of farmers do not trail off as rapidly as they did at the turn of the century, 100 years ago, or all the way through the 1930s. Nevertheless, the concentration into about 170,000 large farms in this country is pronounced. These farms are doing the majority of the business, and about 600,000 farms in America plus or minus a few do about four-fifths of all we do.

Trying to fashion a farm policy, therefore, that fits these situations, these diverse situations, is virtually impossible. At the same time, we have tried—all of us have tried. The bottom line has been we have succeeded in good part, but the debate continues because farms that do not make very much on invested capital are in trouble every year.

I do not know the answer to that question. My guess is, in part, it is being answered by age. The average age of people who are farming increases. The people who come to the distinguished occupant of the chair and to me, who have, say, a 30-, 40-, 50-herd dairy situation, say: What are we going to do? I am 65, one farmer will say. I would like to retire. I would like to get a pension or my money out of this. The son who is about 40, it is very doubtful whether he wants to continue, whether there is enough for a livelihood at a middle-class level in our society, and they come to us and ask for counsel as to what to do. There is no good answer. It finally has to be a gut feeling on the part of that farmer.

The farm bill on which we are about to embark, if we adopt the bill passed by the Senate Agriculture Committee, in my judgment, makes the situation substantially worse. I do not paint this in disastrous hues. My own judgment is, regardless of what we do, this will not be an irrevocable disaster for the country, but I think some people will get hurt. Among those who will get hurt are probably the small, simply because most of the payments will go to the large. The payments will be much larger than they were before, so the large will be even more consolidated and confirmed in their situations. Land values will continue to increase, maybe not to a bubble situation but clearly rising on the basis of not much behind them.

The return on capital is still pretty sketchy. If one were to take a look at this, such as the people at the stock market, it would be seen as a pretty precarious kind of investment, and based largely upon the general mood of the public as a whole. Since this prosperity would not have been based on the market necessarily but really on the basis of our political debate and public policy, that which is given can be taken away.

I have no idea what the mood of the Congress will be 2 or 3 years from now, if in fact we have sustained deficits for 3 years as the Director of OMB has prophesied we will. There is no farm program that is engraved forever. We can pass a bill that has 5 years' duration or 10, but each Congress can amend that very substantially and change it materially and must have the right to do so on the basis of whatever the crisis the country faces or its priorities then.

That is why I fear the idea of 5 or 10 years of very large fixed payments to 40 percent of farmers who are in the program as opposed to 60 percent who are not, based on nothing more than the fact that one has been a farmer in the past, whether they are farming now or not. It has some problems to it. They are not being glossed over. I think Senators must understand what they are doing.

Having heard a lot of criticism about fixed payments in the past, these so-called AMTA payments, I am astonished so many Senators are fully prepared to do more of it now really without any limitation. The bill I presented does have limitations. The 6 percent credit that one receives on the basis of all the total whole farm income is finally limited to only $30,000 a farmer. The Senate Agriculture bill we are now considering could pay as much as $500,000 to a single farm entity. In fairness to my chairman, Senator HARKIN, who has long believed there were problems in having such distortions, he readily admits in order to obtain a majority support in the committee, he acquiesced to those who wanted more. For all I know, those limits are still being raised, even as we speak, to accommodate the situations of particular crops.

This does not bode very well for the small family farm situation, or the saving of everyone, or the general ethic of the bill that is often presented that way, or even those particular cases of distress in the midst of the overall increasing prosperity I described in the overall report.

These are concerns that have led me and others to suggest alternatives. In the event the debate proceeds, we will have that opportunity. I utilize this time of deliberate and thoughtful debate on the farm bill to bring forward some of these facts and some of this information.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to use up to the hour of time postcloture that I am entitled to and that I be allowed to speak as in morning business.

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

ENERGY POLICY ACT OF 2002

Mr. BINGAMAN. Mr. President, today I joined Senator DASCHLE in introducing the Energy Policy Act of 2002. This bill is a culmination of a great deal of work involving several committees in the Senate. In the Committee on Energy and Natural Resources alone, we had over 50 hearings in the 106th and 107th Congresses that relate to this bill.

The staff of the committee, particularly the majority staff, who have worked on drafting the legislation we introduced today, did yeoman's work. I will mention the individuals who worked so hard on this: Of course, Bob Simon, who is our staff director. This list is in no particular order except perhaps alphabetical, although I am not sure that is exactly right. Patty Beneke worked hard on various provisions; Jonathan Black; Shelley Brown helped us with the bill; Mike Connor; Deborah Estes; Sam Fowler, who was the principal draftsman on the bill; Jennifer Michael; Leon Lowery; Shirley Neff made tremendous contributions. Malini Sekhar, Vicki Thorne, John Watts, Bill Wicker, and Mary Katherine Ishee also made great contributions.

So I want to publicly state my appreciation to them for the good work they did.

Although the bill that we introduced today is the culmination of a great deal of work, it is also in many ways just a beginning. It is a starting point for the next phase of the Senate's consideration of energy policy. Senator DASCHLE has indicated he desires for us to bring it up and debate this legislation and the entire subject area during the first period of the next session.

One obvious question is why we invested so much time on this topic of energy in developing this bill. There are two basic answers to that question. First, energy is central to our present and future economic prosperity. Any of us who lived in the last few decades of this country know we depend upon foreign sources for much of our energy. Our economy is vitally dependent upon reasonable prices for energy.

Second, there has been significant changes in energy markets since the last time Congress considered comprehensive energy legislation. The last major energy bill we passed was the Energy Policy Act of 1992. Since that time, as a nation we have moved further away from command and control regulation of energy toward a system that relies much more on market forces to set the price of energy. In the process, our energy markets have become more competitive, more dynamic, and there have been some significant bumps in the road which we have all observed.

Consumers are now more vulnerable to the vagaries of energy markets and the volatile prices for energy. The structures to regulate these emerging market forces are not fully developed, as we could see very clearly in the last few weeks with regard to the circumstances of Enron Corporation.

Gasoline supplies nationwide have become increasingly subject to local crises and to price spikes due to the proliferation of inflexible local fuel specifications and tight capacity in refining and in pipelines.

Of course, the events of September 11 have caused many of us to reflect on the inherent vulnerabilities of our energy transmission system. The time

may be right for us to rethink how we site energy infrastructure, the balance between central and distributed generation of power in our electricity system.

So Congress needs to respond to these changes and challenges and opportunities. If we do so in a balanced and comprehensive and forward-looking way, then we can develop an energy policy that will lead to a new economic prosperity for the country and for the world. But we will not get there simply by perpetuating the energy policy approaches of the past. New ideas and approaches are needed as well as greater investment to move into the future.

That is what this bill we have introduced today tries to do. The bill has three overarching goals. This chart specifies what those are.

First, we try to ensure adequate and affordable supplies of energy from a variety of sources—from renewable sources as well as from oil and gas and coal and nuclear. I emphasize renewables because, as I will indicate in a few moments, that is an area to which we have given too little attention.

Second, the bill improves the efficiency and productivity of our energy use, including energy reliability and the productivity of our electric transmission system and energy use in industry, in vehicles and appliances, and in buildings.

The third overarching goal of this legislation is to keep other important policy goals in addition to our energy policies, goals such as protection of the environment and global-climate-change-related issues—keep those goals in mind as we sort through our energy policy choices.

I think we can achieve these three goals if we accelerate the introduction of new technologies and if we create flexible market conditions that empower energy consumers so they can make choices that will benefit both them and our society more generally.

This combination of new technology and policy innovation in pursuit of a diverse and robust national energy system can be seen in the provisions of this bill as they relate to the first major goal. This is obtaining an adequate and affordable supply of energy. So let me start the discussion by speaking first about this important subject of renewable energy that I referred to a minute ago.

Our Senate bill contains numerous provisions enhancing the contribution of renewable forms of energy to our future energy mix. Under the ''business as usual'' approach of the House energy bill, H.R. 4, which has been proposed at various times on the Senate floor, the contribution to our energy mix from renewables will not substantially increase over the next 20 years. The result will be an energy system, particularly for the production of electricity, that will go from being about 68 percent based on coal and natural gas to being about 80 percent based on those two fuels. That overdependence would leave our country very vulnerable to shortfalls in the delivery of either of those commodities. Consumers would be exposed to severe risks of price spikes.

We clearly need more diversity in the ways that we produce electricity in this country, not less diversity. Our overdependence does not make sense in light of the commitments to renewable energy that have been made in other countries, particularly in Europe. This chart demonstrates that very graphically. This chart is entitled ''Commitment to Renewable Generation.'' This is generation of electricity. The percentage increase in nonhydro renewable generation during the 5 years 1990–1995—a 6-year period, I guess—here you can see the percentage increase. In the case of Spain, it was a little over 300 percent. In the case of Germany, it was something over 150 percent—175 percent. In the case of Denmark, it was nearly 150 percent. Then it goes on down until you get to the United States, which is way down in the single digits.

There are countries that did less during that 5- or 6-year period than we did but not many. Even France, which is often held up as a model for its commitment to nuclear power, has outpaced the United States in recent years in its investment in renewable sources of electricity other than nuclear power. The United States needs to lead the world in renewable technologies.

We have abundant domestic renewable resources. The world market for such technologies is capable of strong growth in the future. Renewable technology leadership would help U.S. firms achieve a strong position in winning those markets and thus creating new jobs in our own country.

If our country is to lead the world in renewable energy technologies, we need to do a better job of getting those technologies into the marketplace in this country.

Our bill that we have introduced today would boost future use of renewables in five major ways. Let me summarize those five ways.

First, the bill contains market incentives that would triple the amount of electricity produced from renewable energy over the next 20 years. Here is another chart that tries to show graphically where we are today, slightly after the year 2000, at less than 5 quadrillion Btus annually. This green wedge shows what we would anticipate as the growth in the production or generation of electricity from renewable sources between now and the year 2020 under this legislation that we have introduced.

These incentives include a renewable portfolio standard that creates a market for new renewable sources of electricity, whether they are wind or solar or biomass or incremental hydroelectric generation from existing dams.

A second market incentive is the Federal purchase requirement for renewables that would grow to 7.5 percent of all Federal electricity purchases by the year 2010. The renewable energy production incentive, which is an existing program to help rural electric co-ops and municipal utilities generate renewable energy, is also reauthorized in this bill and extended to include Indian lands which contain some prime renewable resources. So that is the first way in which this bill would make an effort to boost our future use of renewables.

The second is that the bill being introduced today greatly expands the contribution of renewable fuels such as ethanol and biodiesel-powered vehicles and transportation. By 2005, 75 percent of the Federal Government's vehicles that can burn alternative fuels would be required to do so, creating more market certainty for renewable fuels and their associated infrastructure.

By 2012, 5 billion gallons a year of renewable fuels would be blended into our gasoline, decreasing our import dependence on foreign oil.

The third way in which the bill helps renewables contribute more to our energy mix is by removing existing regulatory barriers that affect renewable energy. For example, wind and solar power can be effectively tapped by small distributed generation systems, but current practices and rules in the marketplace often discriminate against distributed generation. Our bill tries to deal with this problem by requiring electric utilities to offer their customers net metering, in which a customer can offset his electric bill by the amount of electricity that he generates and sells to that local utility.

The bill also requires fair transmission rules for intermittent generation such as wind and solar.

Finally, the bill mandates easier interconnection for distributed energy production into the interstate transmission grid and requires States to examine ways to facilitate that interconnection of distributed energy into local electric distribution systems as well.

A fourth major way in which our bill promotes renewables is by disseminating information about and facilitating access to areas of high resource potential, particularly on our public lands. There are many places in this Nation and my State that have untapped renewable energy potential. The bill creates a pilot program at the Department of Energy and in the Forest Service for development of wind and solar energy projects on Federal lands.

A fifth and final area in which the bill helps make renewable energy a bigger part of our energy picture in the future is through enhanced research and development programs. These research and development programs in our bill at the Department of Energy will grow from an authorized level of $500 million in fiscal year 2003 to $733 million by fiscal year 2006.

I would like to briefly talk about some of the other more traditional energy supply sources in addition to renewables that we try to promote and encourage in this legislation.

Natural gas is one of those in our Nation at a crossroads major policy decision with regard to energy security. U.S. natural gas demand is expected to increase from 23 trillion cubic feet per year. Demand is expected to be about 35 trillion cubic feet per year by 2020. Much of that demand is going to be driven by the use of natural gas for electricity generation because, as we build more powerplants to produce more electricity, virtually all of those new powerplants that are coming on line—not all, but many of those new powerplants that are coming on line—are expected to use natural gas.

As you can see from this chart, which goes from the period of 1970 through 2020, today there is more consumption of natural gas than there is production in the country. But it is not a very major gap. As we move forward for the next 20 years, that gap grows. Our consumption of natural gas is going to increase more quickly than the production of natural gas is expected to increase.

We tried to follow the developments in this field internationally to understand what is occurring. We have a very disturbing development of which I think the Senate needs to be aware and of which our entire country needs to be aware.

As a result of this gap that I have pointed out on this chart, as a nation we are at the risk of becoming dependent upon imported natural gas brought to our shores in tankers for a substantial portion of the gas that we consume.

The countries on which we would rely for much of that gas are prone to political instability. They are in the early stages of forming an OPEC-like organization for natural gas exporters.

There is a cover story in the June 2001 issue of OPEC's Bulletin that discusses Iran hosting an inaugural meeting of the Gas Exporting Counties Forum.

As a nation, we do not want to be in the position of having to deal with a cartel in natural gas in addition to the cartel we already deal with related to oil.

Our bill takes several steps to come up with a different policy for natural gas.

We increase funding for research to develop domestic natural gas deposits in deepwater areas in the Gulf of Mexico and in harder to tap geologic formulations on shore.

We provide research funds to explore the potential of methane hydrates that are trapped on the ocean floor at great depths.

The bill authorizes more funds to facilitate the permitting and leasing of Federal lands for natural gas production in places where that is environmentally acceptable.

The bill addresses a number of developing problems in natural gas production, such as conflicts over coal bed methane and hydraulic fractures and to bring these conflicts to resolution before they reach crisis proportions.

But even these steps, which I believe will be useful and important, will not be enough to close the gap that is reflected on this chart. The most significant step the bill tries to take for future natural gas supply is to provide enough financial incentives so that we see the construction of a pipeline to bring down from Alaska the vast reserves of natural gas that have been discovered and have already been developed in the Prudhoe Bay region.

The Presiding Officer and I had the opportunity to visit there earlier this year. The existing reserves are estimated to be over 30 trillion cubic feet of gas. It is estimated that the total natural gas resources on the North Slope of Alaska could be in the order of 100 trillion cubic feet. A natural gas pipeline from Alaska to the lower 48 States would provide at least 4 billion to 6 billion cubic feet of natural gas per day before the end of this decade.

Once the pipeline is constructed, it would provide gas to American consumers for at least 30 years. It would be a stabilizing force in natural gas prices as well.

The project makes a great deal of sense. But it has not happened because there is a lack of certainty about the investment risk of building such a major pipeline.

We are talking about an enormous undertaking. The pipeline would be one of the largest construction projects ever undertaken. It would create a massive number of jobs in Alaska, in Canada, and in the lower 48. The project would require the construction of the largest gas treatment plant in the world, and the laying of about 3,600 miles of pipe requiring 5 million to 6 million tons of steel.

The preliminary estimates are the cost would be in the range of $40 billion. But since natural gas prices vary from $2 to $10—which we have seen that just in the last 12 months—per mcf it is hard for the market to take on this challenge by itself. So we are proposing legislation that would expedite the process for permitting, for providing rights-of-way, and certifications that are needed for the U.S. segment of the pipeline.

The Government would step up and offer to underwrite loans for 80 percent of the cost of the line that is constructed within the United States.

There are various other provisions which we think would improve the likelihood that this pipeline would be built in the near future.

I believe it is important for the Senate to be proactive on this project—not simply to sit back, cross our fingers and hope that the various companies that are looking at this decide to go ahead.

If we do not act while there is substantial private sector interest in building this pipeline, we will lose an important opportunity to bolster our national energy security in natural gas.

As a consequence, we might well be hearing speeches 10 to 20 years from now about our dependence on foreign natural gas which would sound a lot like the speeches we have been hearing about our dependence on foreign oil.

Since I mentioned oil, let me say a few things about what we have in this bill related to oil, and the ways we are trying to increase domestic production of oil.

(Mr. DAYTON assumed the chair.)

Mr. BINGAMAN. When you hear all the rhetoric about drilling in the Arctic National Wildlife Refuge—and we have heard various speeches about that in this Chamber—one would think it is the only place in the United States where we could find more oil. That is far from true. There are 32 million acres of the outer continental shelf off the coast of Texas, Louisiana, and Mississippi that have already been leased by the Government to oil companies for exploration and production. They are shown on this map I show you by these yellow blocks.

There is no requirement that any legislation be passed in order for drilling to occur in these areas. These are areas that have been leased. They can be drilled. We need to do what we can to encourage the actual development of those leases.

In addition to the production off the Gulf of Mexico, there are outstanding prospects for increased production from the National Petroleum Reserve—Alaska.

Again, the Presiding Officer and I had the opportunity to see the promise that some of the oil companies obviously felt about the potential production there.

Under the Clinton administration, the previous administration, leasing was expanded in this area. Industry made some major finds. There is no law that needs to be passed in order for additional leasing to occur in that area. I, for one at least, believe that is an appropriate place for us to be pursuing additional oil production.

If the problem really is not finding areas to lease under current law, then why is there not more domestic production going on in the areas that are already leased for exploration and production? We need to look at that question. That is not a simple question to answer.

We need to look at the differences between our Federal and State royalty and tax policies and those of other countries with oil and gas resources. We have provisions in this bill to try to have that analysis done.

A second proposal to boost domestic production in the near future is to provide adequate funding for the Federal programs that actually issue new leases and new permits for oil and gas production. For all the rhetoric from the administration about the need to

boost domestic production, in its last budget request, the administration did not ask for adequate funding to do this work properly. The result of inadequate funding for U.S. land management agencies is delay and frustration on the part of U.S. oil and gas producers. This bill calls for increased budget levels for those functions. The Federal Government can then take the necessary steps to make oil and gas leasing faster and more predictable where it is already permitted.

The bill also contains increased research and development funding to support domestic oil and gas production by smaller companies and independent producers. These entities account for the majority of on-shore U.S. production of oil. They do not have the resources to do their own exploration and production research and development.

Let me say a few words about coal. This is an important contributor to our current energy supply picture.

Fifty-nine percent of our electricity generation nationwide is based on coal. This chart I show you is a good background chart for anyone interested in how we produce electricity in this country. You can see this top line is coal. That represents the 59 percent to which I just referred. Fifty-nine percent of our electricity generation is based on coal. We have tremendous coal resources. We have been called the ''Saudi Arabia of coal'' by some.

But coal's place in our energy future needs to be clean and needs to be emission-free. Coal-based generation, as we all know, produces more greenhouse gas emissions per Btu of energy output than does natural gas-fired generation that I was talking about a few minutes ago. Other pollutants from coal-fired plants have been the source of regional tensions between States where coal-fired plants are located and States that are downwind from those plants.

Coal is too important a resource to write off. Technology holds a promise for dramatically lowering, even to zero, the emissions from coal-based plants. This bill takes a very forward-looking approach to the issue by authorizing a $200 million per year research and development demonstration program based on coal gasification, carbon sequestration, and related ultraclean technologies for burning coal.

The proposal was a result of a strong bipartisan push in our committee by Senator EVAN BAYH and Senator CRAIG THOMAS and is one more example of the crucial role that research and development is going to play—and needs to play—in shaping our energy future.

Research and development are also keys to the future of nuclear power in this country. Nuclear reactors emit no greenhouse gases, so on that basis one would think they are an option that we should be looking at for the future. But nuclear plants have other characteristics that are not as attractive. They have very high up-front capital costs compared to other generating options. That puts them at a disadvantage in the marketplace. The nuclear waste problem is not yet solved. Nuclear safety is a continuing concern for many in the public. Our cadre of nuclear scientists and engineers is growing older and dwindling, and we are not seeing a large supply of students being trained to help us deal with nuclear issues in the future.

This bill takes on these problems by focusing on research and development on new nuclear plant designs that might address these problems and on a program to strengthen university departments of nuclear science and technology.

The bill also contains a partial reauthorization of the basic nuclear liability statute; that is, the Price-Anderson Act. The part that is in the bill deals with liability of Department of Energy nuclear contractors, including the National Laboratories that are a significant source of our national nuclear expertise. The other main part of the Price-Anderson Act, dealing with the commercial nuclear power industry, is being developed by the Committee on Environment and Public Works and is expected to be offered by them as an amendment when we get to the floor consideration of the bill.

Hydropower is another source of energy supply that this bill addresses related to electricity generation. Many hydroelectric facilities are reaching the age at which their original licenses under the Federal Power Act are about to expire. The process of relicensing these facilities needs to be protective of the environment, predictable for licensees, and efficient in the way it is administered.

We have been working for months with both the hydropower industry and the environmental groups to develop a consensus on how to achieve these goals. There is strong bipartisan interest in moving in that direction. We are committed to working toward this end. We have worked with Senator CRAIG extensively on this issue. We look forward to continuing that communication and hope that by the time this bill comes to debate on the floor we have a consensus on that issue.

A final way in which the bill focuses on increasing the supply of domestic energy is through a series of provisions facilitating the development of energy resources on Indian lands. Let me say that is an important new area we are trying to put some emphasis on in the bill.

The second of the major overarching goals that I mentioned at the beginning of my comments was this need to use energy supplies more efficiently and productively. So far, we have talked about how to increase supplies of energy through renewables, through oil, gas, coal, hydroelectric, and nuclear.

Let me refer now to parts of the bill that deal with this second overarching goal: how to use energy supplies more productively and efficiently.

As I have mentioned consistently throughout the past year, you cannot have a sound energy policy based only on production or only on conservation. We need to focus on both. Our energy policy needs to combine programs that boost supplies with programs that use those supplies more efficiently.

The first major way in which we can use our energy supply more efficiently is by having an electricity transmission system that is ready for the challenges of the next century. Electricity is essential to our modern way of life, yet our electric system largely operates on a design that is nearly a century old.

We have vulnerabilities in our current system. We just excerpted some of the headlines from national newspapers, and I have put those up here on a chart to remind people of what we were hearing in the news and on television earlier this year.

Let me just read a few of these: ''Electricity crisis: The Grinch that stole Christmas.'' That was last Christmas.

''Happy holidays. Now turn off that Christmas tree.'' That was last Christmas.

''California declares power emergency.'' ''Blackout threat remains as California scrambles.'' ''California power woes affect entire west coast.'' ''Energy chief moves to avert California blackouts.'' ''Utilities seek immediate rate hike to avoid bankruptcy.'' Those are the types of headlines we were seeing at the end of last year and early this year.

We need to address the issue of electricity generation and transmission. The central challenge we face with electricity is to have two elements: First, to have market institutions that ensure reliable and affordable supplies of electricity and, second, to have policies that favor future investments in new technologies that give consumers real choices over their energy use. We have provisions in this bill to do just that.

I could go through those provisions in detail. Since I notice there are others wishing to speak, I will skip over some of these and move on to the highlights of the rest of the bill.

A second way in which we need to increase efficiency in the various uses of energy is in the fuel efficiency of vehicles. The bill contains two provisions in that regard: One that mandates higher fuel efficiency in the vehicles purchased by the Federal Government for civilian use, and a second that provides a framework for the Department of Energy to assist States in expanding scrappage programs to get old fuel inefficient vehicles off the roads. This is cash for clunkers, as it has been referred to by some.

I know Alan Binder has spoken eloquently about how important he thinks it is that we pursue that course both for our energy future and as a way to get cash into the hands of people to stimulate the economy at this point.

Let me move to one other chart to make the point that we do need to deal

with this issue of transportation, if we are going to begin to deal with total oil demand in the country. This is a chart that shows U.S. oil consumption in millions of barrels per day. It goes from the year 1950 to the year 2020. This line, which is here at 2000, sort of shows where we are today. You can see that the total oil demand has been increasing and is expected to keep increasing. Total transportation demand has been increasing and is expected to keep increasing.

Domestic oil production has been declining since about 1970. That is not going to change. Domestic oil production is going to continue to decline.

We can affect it. Domestic oil production, if ANWR is opened, will be affected. It will increase it somewhat. That is reflected with this little red line. But when you look at what are the steps that can be taken that will have a major impact on this total oil demand, this top number, you can see that doing something about transportation demand is by far the largest action that we can take.

The Commerce Committee is having a hearing tomorrow on this very issue. They are intending to develop a proposal to bring to the Senate as an amendment to this bill to indicate a change in the requirements, the corporate average fuel efficiency requirements, the CAFE standards, fuel efficiency standards, and I look forward to seeing what they propose. I do believe it is important we take serious steps in this regard. The House-passed bill did not do that.

We as a Nation have to come to grips with this issue. The technology is there. This is not something we have to go out and speculate on as to whether the technology could be developed that will get us better fuel efficiency. We all know Senator BENNETT, our good friend from Utah, has a hybrid electric vehicle he parks right out here at the Senate steps. I complimented him on it. I asked him yesterday: What kind of fuel efficiency do you get on that car? He said: 53 miles per gallon in town. Now, that is a clear signal to me that the technology is there. We can produce more efficient vehicles. We should do that. We should provide incentives for people to use those.

There are other steps. The Federal Government can do a much better job of increasing efficiency in the energy it uses. We have included various provisions to encourage that. Industrial energy efficiency can be dramatically improved. We have various provisions to encourage that. Commercial and consumer products can be much more efficient than they are, and we have provisions in the bill to encourage that.

There is a new generation lighting initiative in this bill which I believe is a major step in the right direction. We are still using incandescent light bulbs, just as Thomas Edison taught us. There is no reason why we can't be using much more advanced technology which is much more efficient. About 25 percent of the power that goes into most lighting fixtures actually winds up being translated into light. The rest goes off in heat. We can do much better than that. This next generation lighting initiative we believe will help U.S. industry to meet that challenge and help our country to benefit from the development of those new technologies.

We also have a provision for substantially increasing the effort for energy efficiency assistance programs. This is the LIHEAP program, the Low-Income Home Energy Assistance Program. Many people depend upon that as we get into the winter months. You do not know it today by the temperature outside, but there are cold days coming. In the winter, this is an extremely important program. And also in the summer, when air conditioning is needed, this is an extremely important program for many of our citizens. We propose increases there.

A third and final overarching goal of the bill is to balance energy policy with other important societal considerations. Energy production and use comes associated with a host of consequences for the environment. We need to strike the right balance among energy, the environment, and the economy. That balance is what we are sent to Washington to try to find. This bill addresses the issues in a number of ways. Several provisions of the bill deal with the legacy of past problems posed by energy production and use for the environment.

We have major provisions to focus the attention of the country and the Government on dealing with the issue of global climate change, a proposal Senators BYRD and STEVENS made earlier this year that has been considered in the Governmental Affairs Committee, setting up an office to look at global climate change to come up with a policy and coordinate our governmental response to that issue. That is a proposal the bulk of which we have included in this legislation.

That is a very important part of the bill. I have said from the beginning of the discussion about an energy bill that we needed to have one that integrated energy policy with climate change policy, and we have tried very hard to do that.

We also have provisions in the bill to reconcile energy policy with the needs we have for security of our energy infrastructure. The events of September 11 have caused us to think about potential security vulnerabilities of the energy infrastructure. This is an area where there is a considerable amount of work that has been done, but more needs to be done. We have provisions to focus on the Strategic Petroleum Reserve, to direct the administration to fill the Strategic Petroleum Reserve. We also have provisions related to security of other parts of our energy infrastructure.

Let me say a couple of words about why we have not included a provision in this bill to open the Arctic National Wildlife Refuge to drilling. If you take all of the discussion about energy policy that has occurred in the Chamber over the last 10 or 11 months, you would think that this was the centerpiece, this is the main thing the country needs to be doing to solve its energy problems. I dissent from that view. I do not believe this is the centerpiece of our energy policy. This is a case of the tail wagging the dog.

I do believe that opening the wildlife refuge for drilling is not an essential or substantial part of solving our national energy needs in the future. As you can see from this chart, it does increase production domestically. It does not increase it to such an extent that our problems of growing dependence on foreign sources of oil are solved.

That debate is one that I am sure we will have, and we have had it already many times in the Senate Chamber. We will have an opportunity to have it again when this bill comes up, and each Senator has a strongly held view on the subject.

Let me put up one final chart and then I will conclude. Earlier this year, President Bush appointed a task force and asked Vice President CHENEY to head the task force and work up a so-called energy plan for the country, look at our long-term energy needs. Although that plan was severely criticized by some, I thought there were some constructive suggestions in it. I didn't agree with everything in it, but I thought there were constructive sections in it.

The administration recommended that the Congress act in 10 different policy areas. We have those on this chart. They range from electricity, to energy tax incentives, expedited Alaska gas pipeline construction, and on down through the list. The House-passed legislation, H.R. 4, which has been proposed here at various times on the Senate floor, addresses 5 of the 10 key areas that the administration proposed that we address.

The legislation we are introducing today addresses 9 of the 10 key issue areas. I am not saying the administration embraces every aspect of what we proposed in each of these nine areas, but in many respects we do believe we are making recommendations that are consistent with that energy plan that was earlier issued by the administration. We believe these issues should not be partisan. We believe there is a great deal of common ground that we can find on energy issues. I look forward to working with my colleagues on the Democratic side and the Republican side in identifying ways this bill can be improved, if there are suggestions out there. The bill is there for anyone to study and to suggest improvements. I think, in many ways, having it available for that kind of scrutiny over the next weeks, until we get into the new session after the first of the year, will be very good and will help us produce a better product for the American people.

I see this as a project that, hopefully, will set the course for our energy policy in this country perhaps for another decade, for some period. It was 1992 when we passed the last major energy bill in the Congress and had it signed into law. There is no reason to believe we are likely to try comprehensive energy legislation in the near term again. I hope very much that we can seriously consider this legislation in the new session of the Congress in February, as Senator DASCHLE has indicated, and that we can pass a bill on a bipartisan basis and go to conference with the House.

Mr. DORGAN. I wonder if the Senator will yield for a couple questions.

Mr. BINGAMAN. I am glad to yield to my colleague from North Dakota. I compliment him on the very major contributions he made in the development of this bill.

Mr. DORGAN. As a member of the Energy Committee, I am pleased to work with Senator BINGAMAN. He has done an extraordinary job. We have had many Members of the Senate come to the floor of the Senate talking about the urgency of having a new energy policy. I agree with that urgency and that the policy should be new, and I agree it ought to be a balanced, comprehensive policy. The other body, the House of Representatives, wrote an energy bill that I classified as kind of a dig-and-drill bill that is not changing anything very much. It is just trying to produce more of that which we have been using. This legislation enhances production of oil, natural gas, and coal in an environmentally acceptable way. We agree with that proposition. But it is also the case that we believe much more needs to be done.

I wonder if the Senator from New Mexico would describe again the components, other than enhanced production, which we have in this comprehensive plan—the components of conservation, efficiency, and renewable energy, which I think are so important to a balanced energy plan. I wonder if the Senator from New Mexico would especially talk about conservation because I think that is a significant portion of any energy policy that would work in the long term for this country.

Mr. BINGAMAN. Well, I am glad to briefly describe again the main things we are trying to do in the conservation area and increased efficiency area. We are trying to increase efficiency in all aspects of how we use energy—in appliances, residential construction, commercial construction, and increased efficiency with the Federal Government and State governments and schools, school buses, automobiles, and SUVs, and the whole range of places where we use energy in our society, in our economy. We are trying to say we can be much more efficient in the use of energy we produce. There is a great opportunity there.

When the President came out with his energy plan, and the Vice President came out with his plan, it had one statistic that was referred to repeatedly, and that is that we are going to have to build 1,300 new power generation plants in the next 20 years. Well, that is not our analysis. We don't believe that is the case. We think if we take some prudent steps to improve efficiency in conservation, we clearly will need new generation in the next 20 years, but not anything like the new generation to which the Vice President has referred.

So I think there is a great opportunity here. As the Senator from North Dakota says, we have tried very hard to balance the two—balance increased production with increased efficiency, and move us down the road in a way that is acceptable to the environment.

Mr. DORGAN. The Senator from New Mexico, the chairman, will remember that at a hearing we held with the Department of Energy, I asked the Deputy Secretary what our goals and aspirations were for the next 25 and 50 years, and what kind of energy plan do we have for 50 years from now? What do we aspire to do? What kind of national objectives do we have with respect to supply, and what kind of energy? The answer was, we are going to have to get back to you on that, because they don't have plans 25 and 50 years from now.

The reason I asked the questions, the Senator will recall, is when we debate, for example, Social Security, everybody talks about what will the balance be in the account 30 years from now or 50 years from now. When we talk about energy, nobody is thinking ahead.

That is the point of the bill that has been introduced today. I am proud to be a cosponsor of it. This bill says you have to have balance here and, yes, you have to produce more. But if that is all you do, is produce more natural gas, oil, and coal, then you are consigned to a policy that I call yesterday-forever. Yesterday-forever as an energy policy for this country is shortsighted and foolish. The legislation being introduced today under the leadership of the chairman of the committee is balanced. It includes production, yes, but significant conservation. Conserving a barrel of oil is the same as producing a barrel of oil, along with significant efficiencies and significant new emphasis on limitless energy and renewable energy.

I drove a car on the grounds of this Capitol Building that was run by a fuel cell. There are new technologies, new approaches, new kinds of fuel that are limitless and renewable year after year that we also ought to embrace. Federal policy ought to be the lead in embracing that as a matter of public interest in this country.

So let me again say to the Senator from New Mexico, it has been more than a decade since we have had a comprehensive policy change in energy in this country, one that is thoughtful and balanced and really provides initiative to move us in the direction that would be productive for this country. I think the Senator has provided leadership on a draft of something that is very comprehensive and remarkably refreshing, as compared to what the other body did. I think the other body is saying what we did yesterday, let's do more of tomorrow. That is not a very thoughtful policy. Let's do a lot of good things that work to move us in a new direction to meet our energy needs.

Again, I asked if he would yield for a question, and I guess I could ask a question, but I did want to say to him that this is good policy. It is not the case that the long-term energy needs of this country will be served in a very comprehensive way if we are able to pass this bill as-is tonight. We won't do that. But does the Senator not believe that this will really advance this country's energy policy in a significant way?

Mr. BINGAMAN. Obviously, I believe it would advance the interests of the country in a very substantial way. I appreciate very much the comments of the Senator from North Dakota. Again, I want to just acknowledge and compliment him on the great contributions he made to the development of this legislation. We have many of his ideas that are central to this legislation.

We look forward to the scrutiny by the rest of our colleagues in the Senate, and I hope very much when this bill comes up for consideration that we will have a good bipartisan vote in favor of it.

Mr. President, I yield the floor. I see there are other Senators wishing to speak.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, before the Senator from New Mexico leaves the floor, I wish to thank him for his leadership on the issue of energy policy for this Nation and thank him for the way he has worked with me and Senator BREAUX representing Louisiana, which is a producing State but also a State that is very interested in alternative energy sources, particularly from agricultural products, which we think holds a lot of promise.

Many of our universities are engaged in alternative fuel developments, as well as environmental cleanup. I thank the Senator particularly for his willingness to put in this bill significant authorization for the first time for $450 million for the seven producing States, much of that production being off our coastline. Because of current law, which has been in place for many years, as the Senator knows, Louisiana and other coastal States have been shortchanged because of the impacts that affect our States.

We will be able to use this money to help restore our wetlands which we are losing at an alarming rate. It will help

us to provide the critical investments to protect our infrastructure—our pipelines and other facilities—that not only helps Louisiana but supports the whole Nation, which the Senator from New Mexico mentioned.

I thank the Senator on behalf of all the people of Louisiana and many people in the coastal parts of our Nation for his insight and leadership in including that provisions.

I wanted to go on record this afternoon about this bill and to thank the Senator from New Mexico. There are a number of other good provisions in this bill.

Mr. BINGAMAN. Madam President, may I respond briefly to the comments? The Senator from Louisiana has been a tireless and very effective advocate for her State and for coastal regions generally in this regard.

There are substantial impacts that oil and gas development in particular have had on those regions. We have tried in this legislation to include a provision at her urging that will help provide resources to deal with those impacts. I think it is good legislation. It will be good public policy.

I thank her for her many other contributions to this legislation as well. She is a very valued member of our committee and has made great contributions to various provisions in the bill since the beginning of consideration of it. I thank her very much.

Ms. LANDRIEU. I thank the Senator.

NATIONAL ADOPTION MONTH

Ms. LANDRIEU. Madam President, I want to speak to the Senate for a few minutes on a different subject, but one that is equally important and deserves our attention and focus.

I had hoped to get to the Chamber last week when it was actually November to speak about this subject because November is National Adoption Month. I want to spend a few minutes talking about what that means to us as a nation and what adoption has meant and continues to mean and will mean in the future to so many of our families in the United States and around the world.

I also want to talk about all the great successes and celebrations for us to be proud in a bipartisan way. This truly has been one of the issues on which there is unanimous consent and a truly deep commitment on the part of both the Democratic Party and the Republican Party.

I want to spend a few minutes, even though it is December 5, because the schedule was so hectic in the last week, talking about what National Adoption Month means.

Since 1993—so it has been almost 10 years—by Presidential proclamation, the 30 days in November have been declared to be a special recognition of National Adoption Month. During this month, communities, States, and local governments, not-for-profit organizations and adoptive families come together from the east coast, the west coast, the north, and the south to sponsor activities and events to help raise the awareness of the joys of adoption.

My husband and I do not have to attend any of these events necessarily because we live with this joy every day. Our two children are adopted. They are now 4 and 9 years old. It has been the greatest joy of our life. I know the specific stories of hundreds of families. I have held these children in my arms. I have read to them. I have played with them. I have seen them in so many different settings and at so many different ages and in many different physical, emotional, and mental health states; some very healthy, other children with great challenges that God has given them who now have loving parents and the great opportunities these children now have in homes where they can be provided and cared for.

We do not have to go far to these events, but I never tire speaking about it with our colleagues and sharing the importance of it and how proud we are of our success. We recommit our efforts in the month of November to make the way easier, to reduce the barriers that still exist, to recommit our energies to the fact that it should be a God-given right, I believe, and one that we should support for every child to have a family.

God did not create human beings to raise themselves. It just is not possible to do that. Every human being needs to be raised by another human being in a very loving and nurturing way.

For many years, unfortunately, we have had this idea that governments can raise children. Governments cannot raise children; families raise children. Or that some children are damaged goods and they can just raise themselves. No child is damaged goods. Or that children in some way can wake themselves up in the morning even at 3, 4, 5 years old, get themselves dressed, get themselves off to school, feed themselves, care for themselves, protect themselves. It does not happen without a nurturing adult.

Our idea is to talk about the fact that every child deserves a family on which they can count, a family with at least one loving adult, if not two, who will love them, nurture them, protect them, raise them, and give them the opportunities to which they are entitled. We recognize that while we have a lot of successes, we have a long way to go.

Let me share just a few successes. Last year, in 2000, nearly 50,000 children were adopted out of foster care, a record number. That success is built squarely on the shoulders of what President Clinton and Vice President Gore, and now what President Bush and Vice President CHENEY, have committed, which is to help invest resources and help write policies and laws that promote adoption in this Nation.

This represents a 78-percent increase over 1996. There are not many programs run by the Federal Government, the State governments, or, for that matter, private-sector initiatives or enterprises that can boast of a 78-percent increase. We are proud of our work at the Federal level working with our State governments and, in many instances, faith-based organizations and nonprofits promoting adoption.

Second, because of the work this Senate did, we passed the first international treaty on adoption last year called the Hague Treaty, which is now being ratified and signed by many nations in the world. I specifically thank Senators HELMS and BIDEN for their extraordinary leadership.

While many of the children who are adopted in the United States are born in the United States and then come to families through a domestic system, a growing number of children are coming into this country from other countries, such as China, Russia, countries in South America, and countries in the Mideast.

As this treaty is adopted and embraced by many countries, we are hoping the world—some developed nations, some underdeveloped nations, some nations that are Christian in their outlook, some that have other religious leanings—say with one voice: We believe the world community has a responsibility to see that every child in this world has a home. We wish that every child could stay with the parent to which they were born. That is our greatest hope. We wish we could fix every problem that a family has so those children can be raised in that home into which they were born.

There are terrible circumstances. There is alcoholism, drug addiction. There is abuse and neglect and mental illness and war and famine that separate children from their birth parents. So we cannot leave those children. We cannot say to them: Raise yourself. We have to have international laws in place and policies in place that help to heal that, to give those children, if they cannot stay with their own parent, to be able to have some kind of family to call their own.

I cannot imagine living without having a mother or a father, someone to pick up the phone, even at my age, at any age, to be able to not have someone you can rely on to give you a reference point and stability in your life.

Without this Hague treaty we passed, there are millions and millions of children who will never find a home. Our great hope is this treaty will be implemented with all haste. The State Department is, unfortunately, quite busy with the war effort now, but as soon as it can give its attention, Secretary Powell has assured me he is going to provide the resources necessary to the State Department to get this new system set up. I think it would be welcomed around the world.

The third success we have had, and on which we continue to work, is an adoption tax credit. If we can give tax credits to some major corporations in this world worth millions and hundreds of millions of dollars, we can most certainly provide tax credits to families

who are not wealthy, who live paycheck to paycheck, whose paychecks might be small but their hearts are large, who have loving homes and they want to take a child in.

It is very expensive to raise a child. So the $10,000 tax credit we can give by doubling the current tax credit and making it permanent will say the Government believes if a private citizen or a family takes a child in through adoption, they are entitled to have some of those expenses written off and we thank them for the contribution they are making to that child's life and we thank them as taxpayers because the taxpayers have to pick up the tab for the raising of that child at higher rates of reimbursement, sometimes as much as $100 a day for emergency placement or extraordinary fees paid through government agencies. So we are saving ourselves money.

The Senator from Texas, Mr. GRAMM, was wonderful when he spoke about this. When I said the scoring mechanism made us say this tax credit would cost the taxpayers money, he and I entered into a colloquy and we rejected that notion, although technically we were not successful in that, by saying for every dollar we give out in a tax credit, it probably saves $10 to the taxpayer because these children come off the public roll, come into the loving arms of a family willing to spend the time and basically put sweat equity into the raising of this child, and we are forever grateful. Our tax credit is passed and we now need to make it work for foster care children.

Additionally, the Presidential candidates in this last election, I think for the first time—in my lifetime for pretty certain, and maybe in the history of the country—made adoption a central component of their Presidential platform. So this issue is gaining in strength and is becoming part of the American psyche and conscience, and we are very grateful for that success.

Secondly, while we are very excited and passionate about these successes, we also have a great challenge ahead of us. There are still today 570,000 children in foster care in the Nation, more than half a million children. These are children who have been taken away from their birth parents for many good reasons. Hopefully, many of them will return to their birth parents in an atmosphere of safety and security, but the parental rights of some of these children must be terminated because they are at risk, their life is at risk, unfortunately. There are about 130,000 of these children of all ages and shapes and sizes and colors who are waiting to be adopted today.

I want to share in a couple of weeks from now that we are going to host a major national event in New Orleans. We are pleased to host this event. We are excited about hosting it. I am going to be there, along with my senior Senator from Louisiana, at the Super Bowl. We are going to be in a stadium. It is called the Dome Stadium. We are proud of it. It is one of the finest stadiums in America. Eighty-five thousand people can fit into this stadium, and there is going to be a record crowd for that event. There will probably even be a few people standing in the aisles.

The only thing that would make it better is if the Saints were playing in the playoffs and the championship. Maybe that will happen. Anyway, this event is going to take place. When it does, I want people to hear this message and my colleagues to think about the fact there are more children waiting to be adopted in the United States than could fit in every seat in the Dome Stadium, in the aisles, and crowding around the concessions.

So when my colleagues see that panoramic, beautiful view of the Dome Stadium, I want them to think about the fact that in every seat there could be a child saying: All I want is a mother or a father or a family to call my own. I am alone in the world. I need someone to help me.

I want to show some pictures and tell some stories of two of these 130,000 children. This is Joshua and Tiffany. They are twins. They are fraternal twins. They are 5 years old. They are beautiful children. They were born premature, as many millions of children are born premature, some extremely so. They have some developmental delays, but they are generally healthy children. Their favorite cartoons are Barney and Teletubbies. I understand 5-year-olds. I have Mary Shannon who watches not too much television but enough to know who Barney and Teletubbies are.

They say in their bio their favorite snacks are cookies and they love ice cream, but what they really want is a mother and a father to adopt them. They are available for adoption. They would love a family. These children are born healthy and they would be two of the children sitting in those seats in the Dome Stadium. I hope somebody will want to take them in. The government has to do a better job of connecting these children to the waiting families who are out there, and I think we are on the track to do that.

Let me show another picture. This is a precious little girl, as are these two. Her name is Cheyenne. She is from Louisiana. Cheyenne is 6 years old. She was born in 1995. She is bright and charming. She wants to be part of a family. She has beautiful blue eyes. They say in her bio she is a little shy, but if I did not have parents, I might be a little shy, too, because it is your mother and your father who help you to learn how to communicate, learn how to talk to people.

She enjoys active sports. She does not have a family. So if we could be a little more enthusiastic and committed to helping in terms of all the things we are doing, we can help Cheyenne find a family perhaps in Louisiana.

I see my colleague from Arkansas who has done some beautiful work in this area, as well as my colleague from Virginia.

If we can find a family for Cheyenne so she has somebody to count on and depend on, that is what this is all about.

One of the things we are working on—and, again, there are 160 members of our coalition on adoption; that number is growing—one of the projects we hope to have funded this year is an extension of what we call Faces of Adoption. It is an Internet site. Anyone can log on the Internet at www.adopt.org. This site is funded by the Government in partnership with all of our State agencies, with a nonprofit organization out of Philadelphia, the National Adoption Foundation, which has been sort of the lead nonprofit. I thank the President for putting money in his budget so by the year 2005, if we fund it, we will have pictures and information about every child waiting, like Cheyenne, like the twins, like the other children, some of whom are perfectly healthy, some of whom have challenges. There is not one who would not be wanted by some family in this country.

I am very excited about new technologies that can help connect these children to families. We say there are no unwanted children, there are just unfound families. We should thank the Lord for the new technologies that enable us to tell these children's stories to families and to say that while everybody thinks they want to adopt an infant, and it is wonderful to adopt infants—and we did that in our situation—there are children of every age, every race, every background who could fit beautifully into a family.

I want to share one of the other great successes with my colleagues. It is called Angels in Adoption. So many in the Senate, and I think so many of the people in my State and around the Nation, are angels because they do help to find homes for children and take children into their homes. We call them angels. I don't know if the camera can show my angel pin was designed by an artist in Louisiana, Mignon Faget. We give this pin to the Members of Congress and to our award winners in our States. I will talk about Angels in Adoption.

We were scheduled to do this event on September 11. It was planned a year ahead of time. We had thousands of people in Washington that night for this event. We were going to present these awards to these people. I see my colleague from Idaho; he was going to be cohosting the event on September 11 with me. Of course, we know what happened on September 11. I spend just a moment to say what would have been said that day, but events prevented going forward with the event.

For the record, let me cite some of the people who would have received the angels award. The idea is for every Member of Congress to find one person in their district—it could be a parent who adopted a child; it could be a judge

who works overtime and gets into the office early or stays late or takes a couple of cases extra to help make sure that child gets the home they deserve; it could be a local attorney who does it pro bono but really believes in adoption so he or she gives their time; it could be a church that has taken this as a special mission in their community. The Members of Congress give out these awards I cite for the record.

My award would have been given to Volunteers of America in north Louisiana, a nonprofit that has placed 2,500 children in homes in Louisiana and actually some in Arkansas and in our surrounding region. The reason I decided to give my award to the volunteers was that their board created a video which I saw. I was very moved. It was a story of a birth mother and father, a young couple who just were not quite ready, didn't have the resources or the maturity to raise a child. They made a courageous, selfless, and loving decision to give their child to a family who was desperately wanting a child, to provide a home. That video was so moving and would be such a good example for so many young people to see, I thought they should be given an award so we could distribute that video to communities around the country.

Second, Representative JIM MCCRERY from Louisiana would have given his award to Lillie Gallagher who is an angel in the outfield in Baton Rouge, LA. She is director of St. Elizabeth's, a foundation that was created because an individual—a man—went on a retreat. He believes in prayer. God gave him a vision to create an agency. He did it with his own money and his friends. That agency, without government support, has helped place hundreds of children. Lillie contributes tremendously as the original founder and director of that agency. So she was presented an award. This is just an example.

Senator John Breaux would have presented his award to Linda Woods, a birth mother and an adoption advocate in Louisiana. She has been active on many boards and commissions. Linda is an Angel in Adoption.

And finally, one of my favorites, although it wasn't my award, was the award given by the Congressman from my State, CHRIS JOHN from Lafayette, to Kaaren Hebert. I want to talk a minute about Kaaren because she is an angel whom I hope others emulate. Kaaren is a young woman. She works for the State of Louisiana. She is a government employee. She is fabulous. She worked in a small parish in Louisiana and was so recognized for her work that she was awarded and given a promotion to be a regional director. So she moved up to be the regional director in Lafayette, which is in south Louisiana. It is a beautiful city. About 250,000 to 350,000 people live in the region. Kaaren, under her leadership, had in 1997 35 adoptions in that region. In 1998, there were 43 completed adoptions. In 1999, there were 66 completed. Under her leadership, she has placed over 459 children out of the Louisiana foster care system into homes in Louisiana. Some of them were placed out of State.

If every government worker did the job that Kaaren did—just 85 percent of her work, not 100 percent—I would estimate there wouldn't be any children waiting in this country, if everyone were as conscientious and as gung ho and as wonderful as Kaaren. She most certainly deserved an award, and she got it, although not publicly because of what happened that day.

I wanted to share a few of the angel stories. But there are remarkable stories from every place in the Nation. We hope the press will write about the stories so it will encourage other people to join in and help.

Finally, several Saturdays ago was National Adoption Day. On that day, 1,000 adoptions were finalized in capitals all across the Nation because the judges and family courts have decided to come together and try to promote adoption on one day.

Finally, I end by thanking my colleagues for their work, acknowledging my wonderful partner, LARRY CRAIG, a Senator from Idaho, as we cochair the adoption caucus in the Senate, and I thank the Senator from Arkansas, the Senator from Virginia, and the Senator from Indiana for their good work and say as we celebrated Thanksgiving last week and as we celebrate Christmas, let us recommit ourselves to the idea that these celebrations aren't really worth having, if you think about it, if you don't have a family with whom to celebrate. Nothing, to me, would be sadder than to have no place to go on Thanksgiving or Christmas. I guess because I come from such a large and loving family, the thought of it is so alien to me, I cannot quite grasp it. But I know there are in this world millions of children who not only have no place to go on Thanksgiving and Christmas, but they have no place to go any day. They put themselves to bed and sleep at night by themselves. I hope we will remember them. Think about their pictures, like Cheyenne. Think about so many of them who just need our people and every government official in this Nation, at the Federal, State, and local level, to do more than we do, including myself. I recommit myself to do this work even harder during this next year.

I thank my colleagues for their work in this area and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I wish to commend my distinguished colleague from Louisiana. I have been privileged to serve here many years in the Senate. In the 23 years I have been here I do not know of a single Senator who has ever taken the depth of interest and time and commitment to this ever growing, important subject in our land.

This is not politics. This is not partisanship. This is plainly, simply trying to help those who, for many reasons, are less fortunate than ourselves. I commend the distinguished colleague from Louisiana.

Madam President, I would like to address the Senate briefly on the question of the agriculture bill. The distinguished Senator from Indiana is managing this bill from our side. He and I have been discussing an issue with regard to the peanut section of the bill.

Throughout my career here in the Senate, I have worked with those Senators from the areas in which peanuts have been grown and hopefully will grow in the years to come. We have always been able to reach a meeting of the minds to try to provide, not a tremendous profit, but a reasonable profit for the arduous work of growing peanuts.

In my lifetime I had the opportunity to own and operate several farms. In many years we had a small peanut patch. It is not easy to grow those peanuts. It requires a lot of manual labor. There is a constant battle with disease. Now we see a bill before the Senate, indeed one was before the House, which fractures the coalition of States that for so many years have joined together to ensure that our respective peanut growers have a fair share, an opportunity to have the benefits provided by law for those who toil in the most respected profession of agriculture.

Somehow that fracture, in my judgment, seems to hurt Virginia very severely. Virginia prides itself in growing a specialty peanut. Small family farms in rural areas. I have always enjoyed traveling through those areas. You see the old silos, the old barns, in many parts of the State the old farm machinery. But they are very proud of their operations, whether it is a half acre or 500 acres—whatever it may be. Oftentimes, generations pass down to future generations the various plots of ground on which these peanuts have been grown through the years.

We recognize that as things have changed in this country, more and more we try to establish agriculture on its own two feet, independent from subsidization. We have done our best to preserve the ability of these families to continue to raise peanuts.

Virginia, again, grows a specialty peanut. There is not a Member of this Chamber who has not at sometime enjoyed that rather large peanut. It is anywhere from about three-eights an inch up to a little bigger than a half-inch. It is quite white after it is finally processed for consumption.

By and large, the specialty peanut is served in dishes and bowls where it can be seen. It is such an excellent peanut. But it is costly to grow this peanut. It has such extraordinary quality it really is not economical, in many ways, for them to break it up and put it into candy and cover it with chocolate. Very little goes into peanut butter. Because of the quality and flavor, and indeed the visual aspects of this peanut are so wonderful that it is served on

the family table, particularly at festive times of the year. At Christmas, I would bet half the tables in America will have the quality-type peanut grown in this segment of our country, primarily Virginia, some in North Carolina, some in the other States.

Farmers in Virginia are the ones who are, in terms of the numbers of farmers in it, perhaps the most concentrated in this specialty peanut. This legislation, unfortunately, leaves them behind—and I think unfairly. That is the principal thrust of my comments—fairness. I want to see that our farmers are treated as fair as the other peanut farmers, and that they get a fair return for this particular peanut.

These rural areas are suffering from a loss of jobs. Young people are moving on to other areas of our State and elsewhere seeking jobs. If we do not correct this inequity with regard to the production of these specialty peanuts in Virginia, these rural areas are going to suffer an economic loss, one that on the horizon we do not see a recovery to provide the jobs that will be lost in this peanut industry if this bill is passed as it now stands goes through.

The particular farm bill on which farmers all across our country are operating today does not expire until next September. Yet, for some reason, those who drew up this peanut provision said once the Presidential signature is affixed to this piece of legislation and it becomes the law of the land, the programs under which our peanut farmers have operated since the 1930s are gone. And such support as they receive, really what we call the no-net-cost-to-the-Federal-taxpayer-program, is gone.

At a minimum, it would seem you would allow the peanut farmers in Virginia and elsewhere to finish out this growing cycle, a cycle that started first with the decision of the various farmers not to go for another crop, go to their bank, make their commitments for financial resources, and begin to till the ground and put the necessary fertilizer and other nutrients in that soil to raise next year's crop. Now all of a sudden, bang—the program stops. That is not the type of fairness our Congress wants to inflict on this very small number of farmers.

I will urge and continue to work with the managers of this bill in hopes that, at a minimum, we can have such effective date of the legislation to enable the farmers to continue this growing cycle under the existing farm bill until it expires next September.

I thank my colleague, the distinguished Senator from Virginia, Mr. ALLEN, who spoke on this earlier.

I yield the floor.

COMMENDING SENATOR LANDRIEU

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, before I begin my remarks I would, as the distinguished Senator from Virginia did, compliment my colleague from Louisiana who has tirelessly involved herself with the issue of adoption, making it more acceptable, more reasonable, and easier to work through in this Nation. She has done a fabulous job. She has provided leadership and compassion in this area, and I have been delighted to work with her, to learn from her, and to share in the experiences that she can bring back to us in this body to help us, in this great Nation, improve the laws of the land that can reach out to the smallest of our constituents to make their quality of life just that much better, providing a loving home and the support they need.

I wanted to compliment her on her work and encourage her as she has rededicated herself today. I, too, rededicate myself to the issue of adoption and working with our States and families across this Nation and other legislators to improve the approach this government takes on adoption, and to making it a much easier, simpler and encouraging process.

Madam President, I rise today to add my voice to those in support of this year's farm bill, and to encourage my colleagues to join me in bringing this bill to the floor as quickly as we can.

For the last 5 years, our farmers have worked to make ends meet under incredibly difficult circumstances. As prices for equipment, fertilizer, energy costs, and other inputs have skyrocketed, the returns have plummeted. Every year they have harvested their crops without knowing if they will be able to afford to plant another crop in the next growing season.

When I was in the House of Representatives, I opposed the 1996 Freedom to Farm bill because it did not provide adequate support for our farmers. It provided flexibility, and it provided policy—but policy that was dependent on other areas of government for which we did not have the wherewithal to provide the support.

Since that bill passed, farmers in Arkansas and around the country have been in limbo every year waiting for Congress to pass emergency spending bills because the existing farm policy was absolutely inadequate. The United States has the safest, most abundant and affordable food supply in the entire world. But if we are going to ensure that safety and abundance, we must invest in our farmers and rural communities, and we must do it immediately.

We desperately need a farm bill to provide a dependable safety net that ensures not only the financial viability of our farmers but also the viability of local bankers, merchants, and other rural and small town institutions that depend on a safe farm economy.

We need a farm bill that will improve and stabilize farm income by continuing fixed income payments and creating a countercyclical income protection system.

We need a farm bill that creates new conservation incentives and increases acreage for existing programs, such as the CRP, our Conservation Reserve Program; the WRP, the Wetlands Reserve Program; the Equip Program; and many other proven programs that allow us to take marginal lands out of production to use our own resources in our farming operations to be better stewards of the land, and to be more productive in our production.

Rural communities across the Nation will see the benefits of a new farm bill.

As we move forward, we need a farm bill that will spur rural development and expand broad-band access to our rural communities so they, too, can compete in this global economy, and so our producers can access the very Government programs that we want to provide them.

As we have tried to minimize Government in bringing it down and making it more efficient, we are dependent on technology. Yet many of our rural communities can't access the very technologies we are expecting them to use for the programs that the Government provides their producers.

We need to increase funding to land-grant colleges. And we desperately need to improve nutrition and food aid programs, energy conservation programs, and forestry initiatives.

We need a comprehensive package for our farm economy and for rural America. We have produced a good, solid, comprehensive package out of the Senate Agriculture Committee.

This past year, I begged my Senate colleagues to focus on our desperate need for new agriculture policy in this country.

This past year, I have also urged my colleagues on the Senate Agriculture Committee to work hard together to deliver a new farm bill this year—something on which producers can depend, something with which they can go to the financial institution to ask them for the ability to put next year's crop in the ground.

It is time for us to make that happen, and we can. In these few short days that we have left, we can bring about good, comprehensive, constructive agriculture policy that will help the producers of this country and that will allow them to continue to be the producers of the safest, most affordable and abundant food supply in the world.

But it is going to take us coming together, working hard, and focusing on what we need to complete before we break for the holiday.

I am proud to stand up today for American farmers. I am proud to stand up before my colleagues and beg them to come together and bring about a comprehensive policy that will allow the agricultural producers of my State and other States across this country once again to go back to doing what they do best; that is, producing that safe and abundant food supply in a way that they can be assured their Government is providing them the safety net they need to be competitive with other farmers, and particularly other governments across the globe.

As we look at the export assistance numbers across the globe, we can see that the European Union is consuming about 80-plus percent of the export subsidies worldwide. Our farmers are not competing with other farmers. They are competing with other governments, and it is now time for our Government to stand and say we are going to provide the safety net, and we are going to provide the Government assistance in working with our agricultural producers so they, too, can be competitive.

Today, I urge my colleagues to join me in supporting a farm policy that works for working farmers—a farm policy that we can conference with the House and get a good, solid, comprehensive bill to the desk of the President so we can once again have good, solid, agricultural policy on behalf of the many hard working men and women on family farms today and across this Nation.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Thank you, Madam President.

EXPIRATION OF ATPA

Mr. GRAHAM. Madam President, I am here this evening with a tinge of sadness. At midnight last night, one of the most important and successful efforts in the United States to build better relations with our neighbors in Latin America expired. After 10 years of successful service to the United States and the four countries of the Andean region—Bolivia, Peru, Ecuador, and Colombia—the Andean Trade Preference Act expired of its own accord last night, and the Congress has not allocated the time necessary for its extension.

This landmark trade agreement, which was passed in 1991, has helped the United States and these four countries to develop legitimate, strong, expanding commercial ties, and it has contributed substantially to the goal of stabilizing the economies and political systems of these four countries by encouraging a diversification of their economies.

To look backwards, in the last full year before the Andean Trade Preference Act was passed, the United States imported $12.7 billion from these four Andean countries, primarily in traditional agricultural commodities such as coffee and bananas.

In the year 2000, the United States imported $28.5 billion from these countries—a 125-percent increase. Much of this increase was in new and frequently nontraditional areas of economic activity for these four countries.

To mention one example, the cut-flower industry hardly existed in terms of its imports into the United States prior to the Andean Trade Preference Act. In 1991, the year before ATPA took effect, the United States imported $220 million in flowers from the four Andean countries. In the year 2000, the United States had more than doubled that amount to over $440 million worth in flowers.

The flower industry is particularly important because it is a very strong job generator. I have been told that, on average, for every hectare of land that is committed to flower production in the Andean region, there are between 5 and 10 persons employed to work those flowers and to bring them into full blossom and ready to be exported not only to the United States but increasingly to the world.

The United States has also been a significant direct beneficiary in that we have substantially increased our exports to the Andean region. Over the last 8 years, those exports have grown by 65 percent, to a total of $6.3 billion in 1999.

As one visits the Andean region, they are struck by the prevalence of U.S. products—everything from the yellow diesel equipment, Caterpillar, to telecommunications equipment made in the United States.

Given the clear value this program has had for the United States and our four neighbors in the Andean region, it is a sad commentary that after 10 years of success we have allowed this program to expire. It also ought to be a strong motivation for us to say we shall not conclude this session of Congress without extending this program and expanding the program so that it will yield even greater benefits to the United States and to our Andean neighbors.

I filed legislation in the last Congress and again in this one which has that objective. I am pleased to report that the Senate Finance Committee, last week, reported favorably the legislation which will extend and expand the Andean Trade Preference Act. The House of Representatives has already adopted a similar piece of legislation. I hope in the next few days the Senate will do likewise, and we can move quickly to resolve differences between the two Houses and send this legislation on to the President to be signed.

I also am very hopeful we will make this legislation retroactive to midnight of last night so there will not be a hiatus in the benefits which have been available for a decade.

Why is all of this important to the United States beyond the amount of direct economic benefit? It is important to the United States because the United States has a stake in what happens in this region of the world—a region that is so close to us.

If we are serious about halting the flow of illegal drugs into the United States, we must be concerned about the Andean region because over 80 percent of the cocaine that comes into the United States, and an increasing proportion of the heroin that comes into the United States, comes from this region. If we are interested in building strong democratic capitalist institutions, we should be concerned about this region.

Colombia has had one of the longest democracies in South America. It has been a role model to other countries in the hemisphere. But Colombia, as well as its neighbors, has faced unusually stressful and challenging situations over the last decade. The Andean Trade Preference Act has been a source of stability in a region which has frequently been in turmoil. If we are steadfast in our war against terrorism, then we must be concerned with what is happening in the Andean region.

Some of the most violent terrorists in the world are in our own hemisphere. The guerrillas and drug traffickers who are waging war on civil society in Colombia are some of the most vicious in the world. What many Americans fail to recognize is that the largest single source of terrorist attacks against Americans in the world is in the country of Colombia.

In the year 2000, over 40 percent of the incidents of terrorist attacks against U.S. citizens and U.S. interests were in the country of Colombia. Unfortunately, that violence in Colombia is spilling over to its neighbors, especially Ecuador.

I am concerned that we have already taken a step back from our commitment which the Congress made just a year ago through Plan Colombia, a commitment that was to galvanize the international community with Colombia in a major effort at rolling back drug trafficking, guerrillas, and terrorism. One year later, we in the Senate, by a 22-percent margin, have cut the funding for the Andean Regional Initiative.

I hope before we vote on the foreign operations conference report the negotiations between the Senate and the House will result in a significant restoration of those funds not only because the dollars are needed in order to accomplish their important objectives but also because of the symbol that those dollars represent in terms of our commitment to a long-term war against terrorism.

The Senate must act rapidly on this legislation so the people of this region will have confidence in our reliability as a neighbor and partner and that they will have incentives to develop legitimate economic alternatives to the production of drugs and other illicit activity.

It has been estimated that in Colombia alone, if we were to be fully successful in our efforts to rid that country of the scourge of drug production and trafficking, some 400,000 Colombians would be without a livelihood. It is important that we be a partner not only in the eradication of drugs but also in the provision of legitimate, lawful employment to replace those 400,000 illicit jobs.

I would point to the fact that the legislation I hope we will soon be considering is not just a replication of that which passed in 1991. There have been significant changes in the political and economic landscape of the Andean region since that initial enactment.

To mention one of the most significant of those changes was last year's

passage by the Congress of the Caribbean Basin Trade Partnership Act of 2000. This was important to the Andean region because it changed the competitive playing field between the Andean region and the Caribbean Basin.

The 2000 legislation—the Caribbean Basin Trade Partnership Act—gave to the countries of Central America and the Caribbean, which participate in the Caribbean Basin Initiative, parity with the benefits that had earlier been offered to Mexico under the North American Free Trade Act. The effect of this has been to change the competitive position between the Caribbean Basin and the Andean Trade Pact.

In one of the most critical areas, which is apparel assembly, today most apparel in the Caribbean Basin will come into the United States duty-free, while the Andean region will still be paying, on average, a 14-percent duty for the same assembled items. There have been fears that that differential—zero from the Caribbean; 14 percent from the Andean region—could result in as much as 100,000 jobs lost in Colombia alone, lesser amounts in the other three Andean trade countries.

That would go in exactly the opposite direction of what we should be doing in terms of encouraging more legitimate jobs in the region as an alternative to the licit jobs in the drug trade. We are seeing the effects of that 14-percent differential. In May and August of this year, imports of apparel from Andean trade countries declined 6 percent over the same period just a year ago. Through that same period, imports from the CBI countries have increased over $47 million. We are already beginning to see some relocation of industrial activity out of the Andean region into the Caribbean.

I was the sponsor of the Caribbean Basin legislation in 2000 and have long been a supporter of our relations with that region of the world. We must not continue to help one region at the expense of the other. We must have a trade, economic, and foreign policy perspective that treats all of our neighbors with respect and equality.

I would like to point out that there is not only a past and a future in the United States relationship with the Andean trade region, but there is also going to be a past, a present, and a future. That future is that it is critical that we prepare for the year 2005.

What is the significance of the year 2005? The significance is that in the major area of job creation and promotion that we can influence in this region, which is primarily in the apparel assembly area, we are going to lose the protections we have had over the recent past.

A little background: For much of the past several decades, there has been an international agreement called the multifiber agreement. That agreement has restricted the number of specific apparel items which any individual country can ship into the United States. Under that agreement, for instance, the country of China is limited as to the number of shirts and blouses and other items it can import. Those numbers are substantially below what its capacity to produce is.

Because of that, the differential in the cost of production between Mexico and the Caribbean and the Andean region and the Far East has been kept within tolerable limits. The concern is that as soon as that multifiber agreement lapses, which will occur in the year 2005, there will be the potential that the United States will be swamped with apparel products from Asia with which our neighbors in Mexico and the Caribbean and the Andean region cannot compete.

Therefore, the next few years are critical in our urgency of developing a more efficient and productive industry and a partnership between the U.S. textile capability, because virtually all of those assembled items are assembled from U.S.-grown fiber and U.S.-spun textiles, which are then assembled in either Mexico or the Caribbean or the Andean region. We must make that partnership of American textiles and near-neighbor assembly sufficiently efficient that it can survive in a post-2005 economic environment.

We need to start that process as rapidly as possible in all areas. We have already done it with Mexico and the Caribbean. Now we must turn our attention to the Andean region.

One final point: Our office is receiving calls from a wide variety of businesses, both in the United States and in Latin America, complaining that they will be subject to increased duties starting today, December 5. Many of these companies deal with perishable goods, including cut flowers and vegetables, that cannot be held for days or weeks while Congress deliberates.

I would like to make it clear again that it is my intention and hope to work to assure that the current ATPA benefits will be retroactive from the date of enactment of any legislation to midnight of last night. That would mean that any duties collected in the coming days by the Customs Service would be refundable.

We recognize that the confusion and inconvenience this situation will create will result in some dislocations and some abrasions between our country and these four good neighbors. I wish it could have been avoided. What we can do today is commit that we will make this period as short as possible and we will make it as painless as possible to all involved.

The old cliche is ''trade, not aid.'' That is not a cliche but a truth that has worked in the Andean region to our benefit and to the benefit of our four neighboring countries. The United States has been a powerful beacon for open markets and strong free trade and a capitalist economic system as a fundamental foundation under democracies. Now it is our challenge to rebuild that foundation in a deeper and expanded form for our relationship with these four neighbors in the Andean region. I hope we will get about that business of foundation building as soon as possible.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I appreciate very much the words of the distinguished Senator from Florida. I share his feelings completely. We had the privilege in the Foreign Relations Committee of having a meeting with the President of Bolivia just this morning. President Ramirez is in Washington to meet with President Bush tomorrow.

Obviously, the President of Bolivia, an extraordinarily talented person, a great leader in South America, expressed very considerable anxiety over the end of the Andean free trade situation. Bolivia has taken extraordinary steps against the drug trade at great cost but with great effectiveness. Our foreign policy really depends upon the support of extraordinary leaders such as the President of Bolivia.

The words of the Senator from Florida are timely, and his leadership on this issue really has been exemplary. I congratulate him and look forward to working with him.

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.

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

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

HEALTH CARE AND NEW YORK DISASTER NEEDS

Mrs. CLINTON. Mr. President, I appreciate the opportunity and thank the distinguished ranking member on the Agriculture Committee for the chance to come to the floor and speak about a matter of great concern and urgency to my State. I also commend the Senator from Indiana and the chairman of the Agriculture Committee for their very hard and diligent work on the bill we are considering.

I turn our attention, as I have on numerous occasions over the past weeks, to the situation in the State of New York following the attacks on September 11 and the extraordinary damage inflicted on the infrastructure, on the economy, and most especially on the lives of New Yorkers.

I commend Senator BYRD and the Appropriations Committee for the extraordinary job they have done in marking up the fiscal year 2002 Defense appropriations bill which addresses not only the pressing national security and defense needs of our Nation but also marks a significant step forward in addressing our homeland defense needs, as well as the specific needs related to the cleanup, rebuilding, and revitalization of the city of New York.

Just days after the horrific attack on September 11, just over 12 weeks ago, President Bush told a joint session of Congress: We will rebuild New York

City. The President's Budget Director weeks later said: The President's pledge of $20 billion is an absolute guarantee, and it is likely to be more.

We have collected quotations from other leaders. It is very gratifying to me that Senator BYRD and the Appropriations Committee have moved forward to fulfill the promises and commitments made to the people of New York. I personally thank and commend Senator BYRD for balancing the needs of our country with the need to be prepared in the face of terrorism, to rebuild the financial capital of the world, New York City, and to be fiscally responsible—understanding if we don't get our economy going, if we don't proceed, it will cost more later. I also thank the Appropriations Committee staff, especially Terry Sauvain and Chuck Kieffer and Paul Carliner on Senator MIKULSKI's staff who have given my staff and myself so much assistance in the weeks since September 11.

The bill reported out of committee is just the first step. As we go to the floor, which could be as early as tomorrow, I hope my colleagues understand and appreciate we are fighting a war on two fronts. We have to fully fund the important defense needs of our Nation, and we have to fully fund, beginning with the Appropriations recommendations, the homeland security needs and New York City's needs.

I will speak today particularly about the health care needs of New Yorkers and Americans in the aftermath of this disaster. The essential services that hospitals and health care workers provided throughout the World Trade Center disaster demonstrate how much we depend upon our health care system all the time, but particularly in a time of need. New York's hospitals and hospital workers pitched in heroically during the emergency, not only on the day of September 11 but on the days and weeks following. They worked around the clock. They operated on backup power systems, without phones and other utilities. Health care workers jeopardized their own lives to be at their stations. Hospital personnel provided supportive services to community members and hospitals that were right there at ground zero. St. Vincent's and NYU Downtown not only cared for the injured but provided meals for rescue workers, took meals to elderly residents who were trapped in their apartments. They served as the backbone of the care and support system we relied on during this crisis while suffering their own structural damage. NYU, for example, lost its data center, and therefore its billing capacity. In effect, that was a fitting metaphor for how these hospitals operated: According to their mission, not their bottom line. They did not begrudge the costs of clearing hospital beds. They did not count the costs of bringing staff in on highest alert on overtime pay. They did not stand at the door of the emergency room asking to see people's insurance cards and sending them to a line to get their applications filled out.

They incurred security expenses. They depleted stockpiles of emergency supplies, pharmaceuticals, and blood. They provided disaster counseling services as well as emergency food, housing, and transportation. They also incurred expenses on emergency telecommunications and backup generators. When they ran out, they had to purchase and rent equipment. They had to set up an emergency morgue. They incurred so many extraordinary costs, and it is in part to alleviate some of those costs that we have a special provision in the appropriations for hospital costs that were incurred during this disaster.

But the disaster has had a devastating impact, not only on providers but on health coverage as well. One of the most unfortunate consequences of the disaster, combined with the economic downturn, has been the impact on workers. Many workers in New York City saw their jobs just vanish in the rubble of the collapsed towers. Thousands more throughout the city and State lost their jobs because of the aftershocks of the disaster. Then it spread out around our country.

The unemployment rate nationally has gone up half of 1 percent—faster in 1 month than at any point in the last 20 years. In New York City, of course, the problem is exacerbated. In the span of 1 month, unemployment rose 1.3 percent, more than twice the national rate.

This is a picture of a recent job fair. Here you see people scrambling for their livelihoods, for their families' economic survival, but with limited opportunities in a recessionary economy.

The headline from the San Antonio Express News, October 18:

New York job fair sends thousands away; Arena isn't big enough for crowd.

The New York Department of Labor has estimated that 250,000 New Yorkers will be out of work by year's end. Based on what we know about the rates of health insurance among the jobless, the majority will lose their health insurance.

While some may be able to rely on Medicaid, estimates show that 100,000 of these displaced workers will end up uninsured. This is true across the country. We know that more than two out of five Americans who lose their jobs lose health care as well. That inflicts a double blow. It is my hope that in the coming days we can address some of these pressing economic and health care needs, not only for New Yorkers but for all Americans, first through supplemental appropriations, then through the stimulus package.

The proposed Senate economic stimulus package reported to the Senate floor would provide additional help for displaced workers who are eligible for COBRA continuation but cannot afford to use up over half of their unemployment check each month just for health insurance. The proposal would cover 75 percent of the cost of COBRA, making it affordable for far more unemployed families. This would mean we would see that approximately 457,000 temporary unemployed workers and their families would be covered. Currently the COBRA premiums, which average over $7,700 for families in New York, are unaffordable without some additional help.

But we also know that many workers in small businesses are not COBRA eligible. In New York, 25 percent of workers are employed by small businesses not covered by COBRA. The stimulus proposal addresses that gap by offering health coverage through a temporary State Medicaid option with an enhanced match to encourage States to provide the coverage.

We will see not only an effect on individuals and their families but also on State budgets. States expect to see an additional 4 million individuals added to their Medicaid rolls. The number of children on Medicaid could rise as much as 11.3 percent.

Here you see on this chart the steady growth in Medicaid enrollments as unemployment rates grow. At a time when States are already reeling from reduced revenues, many of our States will not have the resources to meet this increased need. We already have heard troubling stories from our States. Tennessee is proposing to eliminate coverage for 180,000 Medicaid beneficiaries. Washington is considering cuts of 10 percent to 15 percent. California is talking about budget cuts of up to $1 billion in Medicaid. Florida may eliminate coverage of adults with catastrophic health care costs. And Indiana has appropriated $140 million less than is projected will be needed for Medicaid in that State alone.

So just when we have unemployment going up, revenues going down, many more people being thrown into the ranks of the unemployed, unable to keep their insurance, when we have 2.6 million more children having to rely on this safety net program, the States are in an impossible position, and it is a vicious circle because if they cannot provide at least some Medicaid funding, many hospitals will be forced to provide services the best they can, increasing their costs which will not be reimbursed. And we are into that vicious cycle where uncompensated costs create downward pressures on institutions such as hospitals that have to cut services even for the insured and have to turn away the uninsured.

Many States are going to be in that difficult position. I hope we are going to provide at least some temporary support through increased matching funds to help Governors be able to deal with the increasing health care costs.

I know in the State of New York we came up with a quite creative approach by creating something called the Disaster Relief Medicaid Program. It cut through all the bureaucratic redtape, cut the application process which

many of us have been complaining about for years—cut it down to one page, allowed many needy people to skip over all those bureaucratic hurdles to be able to be eligible for Medicaid. It has been a lifesaver for a lot of our New York families.

We will not be able to continue that without some additional help. I think, actually, this program is a very good model we ought to look at in the future when we try to think of some permanent ways to provide more Medicaid assistance. But certainly this streamlined post-crisis process really did a tremendous job filling a breach that would have otherwise caused a tremendous amount of backlog and uninsured people not being given the health care they deserve to have.

Yesterday, Congressman PETER KING from New York, along with some House colleagues, introduced legislation on the House side to hold States harmless if they were slated for what is called an FMAP decrease—in other words, the match they get from the Federal Government—and provide an additional two point increase to all States, with an additional 2.5 percent available to States with unemployment rates higher than the average across States nationwide.

I think this is a good short-term solution. It is also a good stimulus, if you can get money into the hands of people who need to spend it, as people who have health care needs have to spend it. But it is the right thing to do as well.

I urge my colleagues to support the kind of cobbled together approach that would give COBRA premium subsidies, would provide an increase in the FMAP, at least temporarily, to help out our States that are facing such revenue shortfalls, provide a Medicaid option for non-COBRA-eligible workers which will be not only important for our States and for our economy and our health care system but absolutely essential to so many of the workers who, since September 11, have been not only out of work but out of health insurance as well.

I thank my colleague, the ranking member of the Agriculture Committee, for his indulgence, in being able to address this critical issue that will come before us sometime in the next few days. I appreciate greatly the attention that can be paid to making sure we provide the kind of health care support that is needed at this time.

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. 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.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that at 12 noon, Thursday, December 6, the motion to proceed to S. 1731, the farm bill, be agreed to and the motion to reconsider be laid on the table; that the Senate then proceed to the consideration of Calendar No. 254, H.R. 3338, the Department of Defense appropriations bill, provided, further that no amendments be in order to S. 1731 prior to Tuesday, December 11.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, the two managers of the bill, Senators HARKIN and LUGAR, are two of the prizes we have in the Senate. The debate has been very civil, and they really look forward to going back to this bill. Debate on the bill should be one of the better debates we have had this year. I hope everyone who has concerns will get their amendments ready so we can finish this bill before the end of the year.

Mr. HARKIN. Mr. President, if the Senator will yield, I thank the Senator for working out this agreement and for getting us to cloture on this bill so we can proceed to the farm bill.

As my good friend from Nevada knows, people in rural America need this bill. They need it now.

The Presiding Officer also knows that his farmers in Georgia, and especially farmers around the South, are going to have to go to their banks pretty soon after the first of the year to get loans ready for planting their crops. Their bank is going to say: What are you looking at? What are you going to have next year? They will not know. Many farmers will be right behind them in about February and March. They will be going to their banks.

That is why it is so important to get this farm bill finished. As I said earlier today, and I say to my good friend from Nevada, right now we are facing over 54 percent less net farm income today than we had in 1995. We can't afford to wait any longer. We have a good bill. It is a balanced bill. We have worked out all of our agreements.

This is a good bill for all Americans. It is a good bill for farmers all over this country. It is a good bill for people who live in our small towns and communities.

I want to personally thank my good friend from Nevada, the assistant majority leader, for all of his help in getting this bill to the floor and for making sure we get this bill finished before we go home for Christmas. We are going to do that. We are going to finish this bill. We are going to have it out of here, and we are going to let the farmers of America know what they can count on for next year.

I thank my friend.

Mr. REID. Mr. President, the majority leader asked me to also announce that when we go to the Defense appropriations bill, we are going to complete it this week. He will certainly have more to say about this tomorrow. But this is something we have to do. People who serve in the Senate want to be out of here by a week from Friday, and we have to finish this bill so it can be taken to conference over the weekend and the conference report brought back prior to next Friday. I hope everyone will understand that.

As he said—I am speaking for the majority leader—we may have to work through the weekend. But if people have any hope of getting out of here by next Friday, they are going to have to really work with us and move this legislation.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 532; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate's action.

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

The nomination was considered and confirmed as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

John P. Walters, of Michigan, to be Director of National Drug Control Policy.

Mr. LEAHY. Mr. President, all of us have a strong desire to confront and conquer the scourge of drug abuse and the ways it ravages American lives, especially young American lives. The debate on how best to prevail in this struggle is well under way in communities and at kitchen tables across the nation. The President's nomination of John Walters to head the Office of National Drug Control Policy has been the most recent catalyst for this debate.

I voted against Mr. Walters' nomination in committee. In light of that, I would like to share some of my concerns about Mr. Walters in the hope that he will take them to heart, and that he will greatly exceed my expectations and the expectations of the other Senators who voted against him in committee.

I believe Mr. Walters was the wrong choice for this job, and that his sharply partisan approach to drug policy issues provides an imperfect fit for an era of growing bipartisan consensus about drugs. Indeed, his ideological bent is a hindrance when our efforts to prevent drug abuse call for cooperation and pragmatism. Until his confirmation hearings, most of the little he had said and written about drug treatment was deeply skeptical. He has focused primarily on the need to reduce the supply of drugs, too rarely focusing on the neglected demand side of the drug equation. He has also dismissed concerns about the racial impact of our

current drug policies and the utility of mandatory minimum sentences. In short, Mr. Walters' public record does not inspire confidence in those of us who think Congress has occasionally made the wrong decisions in our attempts to prevent drug abuse.

I do not doubt Mr. Walters' intellect or the depth of his concern about our nation's drug problems. I simply believe that he is not the best person to coordinate our anti-drug efforts. We all agree that the fight against drug abuse is vitally important. We disagree only in the methods we choose to achieve our shared goal of a drug-free America.

We have worked hard on the Judiciary Committee to ensure a speedy and fair hearing for the Bush administration's executive branch nominees. Within days of the Senate's reorganization this summer and my becoming chairman, I noticed a hearing on Asa Hutchinson's nomination to head the Drug Enforcement Administration. After we had the hearing, I expedited the process to provide a quick committee vote, and then worked to secure a vote on the floor so that Mr. Hutchinson's nomination could be approved before the August recess. I similarly expedited the process for the nominations of Robert Mueller to head the Federal Bureau of Investigation and of James Ziglar to head the Immigration and Naturalization Service, among others.

I scheduled John Walters' nomination hearing for the first full week following our August recess. That hearing was set for the morning of September 11, and was, of course, postponed as a result of the terrorist attacks in New York and near Washington. I made every effort to reschedule the hearing as soon as possible, consistent with our obligations to consider the anti-terrorism legislation that the Administration proposed shortly after the attacks. I believed strongly that drug abuse was still a vital problem for this nation and that we needed to continue to pay attention to our domestic priorities even as we engaged in our necessary response to terrorism. The committee considered the nomination on October 10.

After that hearing, the work of the Judiciary Committee was made more difficult by the anthrax concerns that led to the closing of the Senate office buildings and the displacement of Members and their staffs. Considering these delays, and the controversy that Mr. Walters engendered, I think it is a tribute to the committee that we voted on his nomination as quickly as we did, within a month of his confirmation hearing.

Law enforcements is and will remain indispensable in reducing drug abuse. Indeed, we all agree that we must severely punish those who traffic in and sell drugs. More than anyone, however, law enforcement officers know that improving drug treatment and taking other measures to reduce the demand for drugs will greatly assist their efforts. The White House also understands this. President Bush has said that ''[t]he most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America,'' and has promised that his administration will concentrate ''unprecedented attention'' on the demand for drugs. In the Senate, I have joined with Senator HATCH, Senator BIDEN, and others in introducing S. 304, the Drug Abuse Education, Prevention, and Treatment Act. That legislation would increase the federal focus on treatment programs, with targeted programs to increase the availability and effectiveness of drug treatment programs in rural areas, provide additional treatment opportunities for mothers who are addicted to drugs, and more.

Although Mr. Walters testified at his confirmation hearing and wrote in his responses to written questions that he supports drug treatment efforts, his previous record casts doubt on the strength of this support. Mr. Walters has criticized the concept that addiction is a disease, referring to that concept as an ''ideology;'' even though it is held widely, if not universally, by government and private experts. He has written that ''the culture of victimhood lies at the core of the therapeutic worldview.'' He has said that he supports ''good'' treatment but sharply criticized existing treatment providers, aside from faith-based providers. These and other statements by Mr. Walters have caused great concern among many of these who care about treating drug addiction. For example, the president of the Betty Ford Center wrote to the Judiciary Committee on October 9 that: ''Mrs. Ford and I are convinced that Mr. Walters may not have the confidence in the treatment and prevention strategies that we believe are necessary for the creation and implementation of a balanced and thoughtful approach to U.S. drug policy.''

As I have said repeatedly, we cannot reduce drug abuse without punishing drug offenders, and in particular without ensuring that those who traffic in and sell drugs are incarcerated for substantial periods of time. At the same time, many of us—Democrats and Republicans—have come to question our reliance on mandatory minimum sentences for a wide variety of drug offenses, as well as the 100:1 disparity under current law between sentences for crack and powder cocaine. In his writings and statements, Mr. Walters has been hostile to reconsideration of these policy choices Congress made during the 1980s. For example, he wrote as recently as March that the arguments that we are imprisoning too many people for merely possessing illegal drugs and that criminal sentences are too long or harsh were ''among the great urban myths of our time.'' This statement flies in the face of the widespread dissatisfaction with mandatory minimum sentences among policymakers and federal judges. Indeed, Chief Justice Rehnquist and the Judicial Conferences composed of representatives from all 12 U.S. circuits have called for the repeal of federal mandatory minimum sentences. Mr. Walters has said he would conduct a review of the current sentencing structure, but given his past views, I do not believe that he is the best person to undertake that task.

Between 1983 and 1998, drug admissions to State and Federal prisons increased almost 16-fold, from over 10,000 drug admissions in 1983 to almost 167,000 new prison entries for drug offenses in 1998. During this time, white drug admissions increased more than 7-fold, Hispanic drug admissions increased 18-fold, and black drug admissions increased more than 26-fold. The disparity in sentences for crack and powder cocaine has contributed significantly to this disproportionate imprisonment of African Americans. Under current law, it takes only 1 percent as much crack cocaine to trigger equal mandatory minimum penalties with powder cocaine. This disparity has a severe racial impact, as African Americans are much more likely than white Americans to be sentenced for crack offenses. For example, in FY 1999, blacks accounted for 84.7 percent of those sentenced for crack offenses and whites accounted for just 5.4 percent. There is also reason to doubt the logic of the crack-powder distinction on law enforcement grounds. Since cocaine is imported and distributed in powder form, and only manufactured into crack at the retail level, those persons at the highest end of the drug distribution chain are rarely affected by the increased crack penalties. In other words, the harshest sentences are reserved for less-culpable offenders.

Despite these troubling facts, Mr. Walters has referred to the racial impact of the sentencing disparity as a ''perceived racial injustice'' and urged Congress in 1996 testimony to ''[b]lock lower crack sentences'' and to strip the U.S. Sentencing Commission of authority even to propose changes in criminal penalties where Congress has adopted mandatory minimums. His position on this issue undoubtedly has played a role in the decision by 21 members of the Congressional Black Caucus, including the ranking Democratic member of the House Judiciary Committee, Mr. JOHN CONYERS, to oppose this nomination. Considering that Mr. CONYERS was such a strong supporter of Asa Hutchinson's nomination to head the Drug Enforcement Administration that he took the time to write me about it, I take his strong opposition to this nomination seriously.

Mr. Walters' reaction to popular and legislative judgments by various States to allow limited use of marijuana for medical purposes also concerns me. Numerous states have considered and passed medical marijuana initiatives, some by substantial majorities. Mr. Walters has responded to this trend by advocating that the federal government use the Controlled Substances

Act to take away the federal licenses from any physician who prescribes marijuana to a patient in states that permit the practice. Such a step would prevent these doctors from prescribing or possessing any medication that is federally controlled, basically making the practice of medicine impossible. In addition to running roughshod over any federalism concerns whatsoever, Mr. Walters' draconian response raises questions about his sense of proportion. Although shutting down the process as he has suggested may be effective in rendering these State-passed initiatives meaningless, his proposal is a very blunt instrument, to say the least.

Mr. Walters' response to written questions on this issue did not alleviate my concerns. I asked him whether the Federal government should make it a priority to prosecute people who distribute marijuana to ill people in States that have approved medical marijuana initiatives. He answered that he supports ''enforcing the law,'' and then briefly discussed the relatively small size of the DEA, without addressing whether medical marijuana cases should be a priority. I am all the more disappointed by the insufficiency of this answer in light of last month's DEA raid on a California center that provided marijuana to the ill in accordance with California law. It is absurd that such a matter has become a government priority, given our growing problems with heroin, methamphetamines, and other far more powerful and dangerous drugs. I asked Mr. Walters recently about this raid, but he said he believed it would be inappropriate to make any substantive comment prior to his confirmation.

Mr. Walters has been a prominent spokesman for active interdiction efforts in Latin America, and I fear he would seek to have the United States overextend its anti-drug role in Latin America. Prior to the development of Plan Colombia, he said that ''we need to do more in Latin America'' in ''[f]ighting drugs at the source.'' He has also been a consistent supporter of increasing the U.S. military's role in preventing drugs from entering the United States. I agree that reducing the supply of drugs would have tremendous benefits for our nation. At the same time, I agree with President Bush that the reason that so many drugs find their way to our shores is because there is substantial demand for them. The costs—both financial and political—of our involvement in the internal affairs of Latin American nations require close scrutiny. I have been skeptical about many elements of the ill-considered Plan Colombia, and we should be extremely cautious of additional proposals of that nature.

In addition, Mr. Walters has been sharply critical of Mexico, calling it a ''narco state'' and a ''safe haven'' for the illegal drug industry. Although these comments were made about predecessor governments to the Fox administration, they cannot help Mr. Walters' efforts to implement the Bush administration's appropriate policy of strengthening our ties with Mexico.

Mr. Walters has forcefully expressed his positions on drug-related and other issues for the better part of two decades, both in and out of government. He is a staunch advocate for interdiction and punishment, but his record has not demonstrated a commitment to a comprehensive approach to our drug problems. When the Judiciary Committee held its confirmation hearing for this nominee, I said that I feared that Mr. Walters had a hard-line law enforcement answer to every question about drug policy, at the expense of the balanced approach that we need to succeed in the struggle against drug abuse. I still hold those fears, but I hope that Mr. Walters exceeds my expectations in office.

Mr. HATCH. Mr. President, on behalf of all parents and grandparents, teachers, clergy, mentors, agents of law enforcement, treatment and prevention professionals, and all the others who work every day to prevent illegal drug use from destroying the lives of our young people, I rise to support the nomination of John Walters, the President's nominee to be our nation's next Drug Czar. The confirmation of this important nominee is long overdue. Mr. Walters' nomination has languished in the Senate for almost six months, but with his confirmation, the President's cabinet will finally be complete.

Mr. Walters will begin his tenure as Drug Czar at a very precarious time, but I know he is the right person for this challenge. He will need to work closely with law enforcement, intelligence, and military authorities to prevent drugs from being trafficked into America from abroad and to prevent the manufacturing and sale of drugs for the purpose of funding terrorist activities. Mr. Walters is eminently qualified to carry out this task, and, as I have previously stated, I am confident that he will be a first-rate Director. After all, having served at the Office of National Drug Control Policy and the Department of Education with Bill Bennett, he learned from the person widely regarded—by Republicans and Democrats alike—as the most talented and effective drug czar we have had in this country.

I want to highlight once more how John Walters' career in public service has prepared him well for this office. He has worked tirelessly over the last two decades helping to formulate and improve comprehensive policies designed to keep drugs away from our children. By virtue of this experience, he truly has unparalleled knowledge and experience in all facets of drug control policy. Lest there be any doubt that Mr. Walters' past efforts were successful, let me point out that during his tenure at the Department of Education and ONDCP, drug use in America fell to its lowest level at any time in the past 25 years, and drug use by teens plunged over 50 percent. Even after leaving ONDCP in 1993, Mr. Walters has remained a vocal advocate for curbing illegal drug use. Tragically, as illegal drug use edged upward under the previous administration, his voice went unheeded.

John Walters enjoys widespread support from distinguished members of the law enforcement community, including the Fraternal Order of Police and the National Troopers Coalition. His nomination is also supported by some of the most prominent members of the prevention and treatment communities, including the National Association of Drug Court Professionals, the American Methadone Treatment Association, the Partnership for Drug Free America, National Families in Action, and the Community Anti-Drug Coalitions of America. All of these organizations agree that if we are to win the war on drugs in America, we need a comprehensive policy aimed at reducing both the demand for and supply of drugs. Mr. Walters' accomplished record demonstrates that he, too, has always believed in such a comprehensive approach. As he stated before Congress in 1993, an effective anti-drug strategy must ''integrate efforts to reduce the supply of as well as the demand for illegal drugs.''

Despite this groundswell of support, ever since Mr. Walters was first mentioned almost seven months ago to be the next Drug Czar, several interested individuals and groups have attacked his nomination with a barrage of unfounded criticisms. Because these untruths helped delay his confirmation until today, I feel compelled to respond once more to some of these gross distortions.

Some have charged that John Walters is hostile to drug treatment. Once again, I want to state for the record that this criticism is categorically false. He has a long, documented history of supporting drug treatment as an integral component of a balanced national drug control policy. You do not have to take my word on this. You need only look at the numbers.

During Mr. Walters' tenure at ONDCP, treatment funding increased 74 percent. This compares with an increase over eight years for the Clinton Administration of a mere 17 percent. This commitment to expanding treatment explains why John Walters has such broad support from the treatment community. It is simply inconceivable that the prominent groups supporting Mr. Walters would do so if they believed he was hostile to treatment.

Another recurring criticism is that Mr. Walters doesn't support a balanced drug control policy that incorporates both supply and demand reduction programs. This criticism, too, is flat wrong and again belied by his record. For example, in testimony given before this Committee in 1991, Mr. Walters, then acting Director of ONDCP, laid out a national drug control strategy

that included the following guiding principles: educating our citizens about the dangers of drug use; placing more addicts in effective treatment programs; expanding the number and quality of treatment programs; reducing the supply and availability of drugs on our streets; and dismantling trafficking organizations through tough law enforcement and interdiction measures.

Mr. Walters' firm support of prevention programs is equally evident. His commitment to prevention became clear during his tenure at the Department of Education during the Reagan Administration. He drafted the Department's first drug prevention guide for parents and teachers—titled ''Schools Without Drugs,'' created the Department's first prevention advertising campaign, and implemented the Drug-Free Schools grant program.

These are not the words or actions of an ideologue who is hostile to prevention and treatment, but rather, represent the firmly held beliefs of a man of conviction who has fought hard to include effective prevention and treatment programs in the fight against drug abuse.

Some have also criticized Mr. Walters because he doesn't buy into the oft-repeated liberal shibboleth that too many low-level, ''non-violent'' drug offenders are being arrested, prosecuted, and jailed. I, too, plead guilty to this charge, but the facts prove we are right. Data from the Bureau of Justice Statistics reveals that 67.4 percent of federal defendants convicted of simple possession had prior arrest records, and 54 percent had prior convictions. Moreover, prison sentences handed down for possession offenses amount to just 1 percent of Federal prison sentences. Thus, it is patently false that a significant proportion of our federal prison population consists of individuals who have done nothing other than possess illegal drugs for their personal consumption.

The drug legalization camp exaggerates the rate at which defendants are jailed solely for simple possession. This camp also wants us to view those who sell drugs as ''nonviolent offenders.'' Mr. Walters, to his credit, has had the courage to publicly refute these misleading statistics and claims. I want to join him in making one point perfectly clear. Those who sell drugs, whatever type and whatever quantity, are not, to this father and grandfather, ''nonviolent offenders.'' Not when each pill, each joint, each line, and each needle can and often does destroy a young person's life.

I am committed 100 percent to expanding and improving drug abuse education, prevention, and treatment programs, and I know that John Walters is my ally in this effort. Last week, the Judiciary Committee voted out S. 304, the ''Drug Abuse Education, Prevention, and Treatment Act of 2001,'' a bipartisan bill I drafted with Senators LEAHY, BIDEN, DEWINE, THURMOND, FEINSTEIN, and GRASSLEY. This legislation will dramatically increase prevention and treatment efforts, and I remain confident that it will become law this Congress. As I have stated many times, I solicited Mr. Walters' expert advice in drafting S. 304. I know, and his record clearly reflects, that he agrees with me and my colleagues that prevention and treatment must remain integral components of our national drug control strategy.

We need to shore up our support for demand reduction programs if we are to reduce illegal drug use in America. This commitment is bipartisan. Our President believes in it. Our Attorney General believes in it. Our Democratic leader in the Senate believes in it. My Republican colleagues believe in it. And most importantly, John Walters believes in it.

Finally, Mr. President, now that Mr. Walters is about to be confirmed, I want to urge the Senate not to let this session end without holding hearings for and acting on the deputy positions at ONDCP. Mr. Walters needs his team in place. I look forward to working with my Senate Republican and Democratic colleagues and the Administration to carry forward our fight against drug trafficking and terrorism.

Mr. KENNEDY. Mr. President, I oppose this nomination. We have a real opportunity to strengthen the nation's efforts against substance abuse, and we ought to take advantage of it. We rely heavily today on police, prosecutors, and prisons to handle this problem. There's too little emphasis on prevention and treatment. Spending for prevention and treatment has never exceeded one-third of the federal drug-control budget.

This unacceptable situation continues, in spite of overwhelming evidence that drug treatment works.

In 1994, a landmark study, the California Drug and Alcohol Treatment Assessment, found that every dollar spent on treatment saves taxpayers $7 in future costs for crime and health care.

A 1997 study by the Rand Corporation found that treatment for heavy cocaine users is three times more effective at reducing cocaine consumption than mandatory minimum sentences, and 11 times more effective than interdiction.

A study by the Institute of Medicine showed that treatment was effective in reducing criminal activity and emergency-room visits, and in increasing rates of employment.

In 1997, the Department of Justice reported that offenders who complete drug-court programs are only one-third as likely to be arrested for new drug offenses or felonies compared to other offenders, and only one-fourth as likely to violate probation or parole.

Now more than ever, Americans support prevention and treatment. They understand that we cannot stop substance abuse without reducing the demand for drugs. In the nation's efforts against substance abuse, prevention and treatment must become equal partners with incarceration and interdiction.

To his credit, President Bush has called for closing the treatment gap. He has stated that ''the most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America.''

Thanks to the leadership of Senator LEAHY, Senator HATCH, and Senator BIDEN, the Judiciary Committee passed a bill last week to increase federal funding for drug education, prevention, and treatment. there is much more, however, that we must do to see that all Americans understand that drug use is harmful, and that effective treatment is available to every addict who wants it.

The nomination of John Walters sends exactly the opposite signal. As a longtime critic of drug treatment, he's the wrong man for the job. In 1996, he ridiculed President Clinton's proposal to provide drug treatment to chronic users as ''the latest manifestation of the liberals' commitment to a 'therapeutic state' in which government serves as the agent of personal rehabilitation.'' Last March, Mr. Walters described the view that addiction is a disease of the brain as an ''ideology'' promulgated by the ''therapy-only lobby.''

Mr. Walters has emphasized punishment and prisons as the primary solution to the problem of drugs. He has criticized attempts to reform mandatory-minimum sentences for nonviolent drug offenses. The United States now has the highest per capita incarceration rate in the world. Yet Mr. Walters recently declared that ''[t]he war on crime and drugs is rapidly losing ground to the war on punishment and prisons.''

In his response to the Judiciary Committee's questionnaire, Mr. Walters said that during the first Bush administration, he was ''a principal author of a new drug strategy and federal spending plan that targeted more resources for treatment than any administration before or after.'' But as Mr. Walters has admitted, the Clinton administration spent substantially more—not less—on drug treatment. As for the increases that did occur during the Bush administration, Mr. Walters fought them all the way.

At his nomination hearing on October 10, I pressed Mr. Walters on whether he would try to balance federal spending for demand-reduction and supply-control efforts. Saying only that he was not ''notionally'' opposed to equal spending, he refused to give an answer.

Before the hearing, the president of the Betty Ford Center wrote that he and Mrs. Ford questioned whether Mr. Walters has ''the confidence in the treatment and prevention strategies that . . . are necessary for the creation and implementation of a balanced and thoughtful approach to U.S. drug policy.''

Mr. Walters' comments on race are also troubling. In 1997, he criticized

General Barry McCaffrey for sending ''the wrong message'' when he expressed concern about the high percentage of African-Americans being imprisoned for drug offenses. Earlier this year, he categorically dismissed the view that the criminal justice system unjustly punishes African-American men as one of ''the great urban myths of our time.''

Racial discrimination is offensive and unacceptable in all its aspects. The need to eliminate it continues to be one of the nation's important challenges. It is undisputed that even though blacks and whites use illegal drugs at the same rate, blacks are incarcerated for drug offenses at a much higher rate. Mr. Walters was asked to justify his ''urban myth'' statement, but he only cited unrelated statistics on murder rates. We need a Drug Czar who has, at the very least, an open mind about the possibility of racial bias in drug sentencing.

Mr. Walters' supporters contend that despite his longstanding opposition to increased treatment funding, and his very recent criticism of drug therapy, he is the right choice to revitalize our drug-control efforts and close the country's treatment gap. I hope that they are right, and that those of us who oppose him are wrong. I am concerned, however, that by approving this nomination today, we are losing our best opportunity to develop a more balanced and more effective national strategy on drug abuse.

Mr. DURBIN. Mr. President, I join with several of my colleagues in opposing the nomination of John P. Walters to be Director of the Office of National Drug Control Policy—the Nation's Drug Czar.

As much as anyone here, I am mindful of the need to unify behind the President during these times. Let me emphasize that I share the President's goals in combating the problem of drug abuse, and I applaud his commitment of greater resources to drug treatment and prevention efforts. My fear, however, is that Mr. Walters is not the person to meet these goals.

John Walters is a seasoned veteran of the Drug War, someone with a long and established track record on many controversial issues. Too often in the past, he has adopted divisive stances on these issues. His views, and his certitude in advocating them, send a fair warning to this body as it debates his nomination. His controversial and often incendiary writings on drug-related issues have been red meat for the right-wing of the Republican Party.

Let me focus on a couple topics. Like many of my colleagues, I am very troubled by the considerable evidence that our prosecution of the drug war disproportionally targets racial and ethnic minorities. African-Americans represent 12 percent of the U.S. population, 11 percent of current drug users, but 35 percent of those arrested for drug violations, 53 percent of those convicted in state courts, and 58 percent of those currently incarcerated in state prisons. In my home State of Illinois, African-American men end up in State prisons on drug charges at a rate 57 times greater than white men. These disparities, whatever their cause, demand the attention of the Nation's Drug Czar. Aside from the injustice of this situation, there is stark evidence that drug offenders who are not minorities escape the same scrutiny and enforcement as those who are. Our war on drugs must be fair and balanced.

With the exception of the last few weeks, Mr. Walters has spent most of his career being dismissive of the subject of racial disparities in drug enforcement. As recently as this April, he characterized as ''urban myth'' the sincere concern of many, including myself, that young black men receive excessive prison terms under the current sentencing regime. He has accused the nonpartisan federal Sentencing Commission of being ''irresponsible'' for proposing adjustments to the 100–1 disparity between federal prison terms for crack cocaine and powder cocaine offenses, offenses which divide starkly along color lines.

It has become a cliche for public officials to lament racial profiling in law enforcement. What matters is action, not words. But even now, when Mr. Walters has experienced a ''change of heart'' on many issues, he will only concede that there is a ''perception'' of disparate treatment in the criminal justice system. As someone committed to using the Drug Czar's office to promote criminal law initiatives, he has exhibited little sensitivity for the role that race plays in the criminal justice system. Given the important law enforcement role filled by the Drug Czar, I cannot overlook this weakness.

Another source of real concern is the nominee's record on drug treatment and prevention. Early in my congressional career, I worked to pass legislation to improve substance abuse treatment programs for pregnant and postpartum women. We know that treatment programs can work. A study by the RAND Corporation a few years ago found that for every dollar that we invest in substance abuse treatment, the American taxpayers save $7.46 in miscellaneous societal costs.

The Nation's drug crisis demands that we supplement law enforcement efforts with effective treatment and prevention programs. While Mr. Walters has voiced his support for a balanced and coordinated approach, his long paper trail belies his real intentions. He has a long record of hostility towards, as he put it, the ''notoriously under-performing drug treatment system,'' and towards those who implement it. He has criticized those who approach drug addiction as a disease as ''ideologues.'' He has condemned the Drug-Free Schools Act, which created many of the same types of prevention programs he takes credit for now.

Let me say a few brief words about the John Walters who came to visit the Senate Judiciary Committee. Judging by his answers to the Committee's questions, he has been doing a lot of reflection lately. He now believes that ''the consideration of addiction as a disease has wide application.'' A man who once defended harsh mandatory minimum sentences today professes support for ''second and third chances'' and tempering justice with mercy. A harsh partisan critic of President Clinton now wishes to ''transcend traditional political and party boundaries.'' The same person who wrote ''[t]here is no question that supply fosters demand'' stands beside President Bush's pledge that ''[t]he most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America.''

Mr. Walters assured the Committee that he has not undergone what we refer to as a ''confirmation conversion.'' That is precisely what concerns me—that he has not moderated his views at all, but has merely rethought his public relations strategy. Over the course of his career, Mr. Walters has made a conscious choice to polarize rather than advance the public debate. Accordingly, I cannot provide my support for his nomination.

ADDITIONAL STATEMENTS

LIFE AS AN AMERICAN

• Mr. DURBIN. Mr. President, I rise today to share with you and the rest of my colleagues the thoughts of one of my younger constituents, for I think they are noteworthy for their insight, their honesty and their prescience.

Stephanie Kaplan, who lives in Highland Park, IL, is a junior at Highland Park High School. Stephanie recently submitted her writing to the Jewish Press in Omaha, NE, in response to their request for essays about patriotism. Out of all the responses that arrived at the newspaper, the editors deemed Stephanie's the best among them.

Perhaps most remarkable is that this essay, in which Stephanie explains what life as an American means to her, was written in August, before Osama bin Laden became a household name and when the top news stories did not mention Afghanistan.

Our enemies have attacked us for who we are and what we believe. The very freedoms we love inspire their hatred. As our freedoms are the source of this conflict, we cannot allow them to become its casualties.

Stephanie's writing is a timely reminder of what it is we value and what it is we are defending.

Her essay follows:

WHAT BEING AN AMERICAN MEANS TO ME

(by Stephanie Kaplan)

Ice cream for dinner. Sitting on the bleachers through a muggy afternoon, cheering heartily for a favored team or player. An early-morning walk, as the trees that line the street wave their green leaves in the

wind, scintillating drops of dew falling down to join their brethren on the glistening grass. Air conditioning with the twist of a knob.

This is America!

But luxuries, the majority of which can be purchased by money, do not define what being an American means to me.

Freedom. Yes, there are rules and regulations, a moral code, and systems of punishment for those who infringe and sever them. They are in place to protect the people, however, and are not oppressing as some governments, which implement so many restrictions that the citizens are suffocated by the layers upon layers of laws.

I can keep my lights on through the night, if I so wish. No policies prohibit me from befriending a Jew, a Muslim, or a person of color. And only my own predilections will rule my summer afternoon activities, be it in-line pick-up hockey on the basketball court down the street, or a lazy afternoon perched before my computer, like a dog passing away the hours chewing on rawhide.

Being a United States resident, to me, translates into the simple joy that I can ride my bike to the places that defined my carefree youth, mainly the elementary school's playground. And if I so wish, I'll stray from the paved trail and take the long route, or cut across the grass.

Most importantly, I possess no fear when being out alone. For I feel safe, in this country, that I will not be a victim of hostility based on any outward appearance. And I'd never really noticed how wonderful and rare that is until I spent three weeks on a teen tour with students from 21 different countries.

My best friend became a girl from Hong Kong, and, as we were walking along one overcast afternoon, she stated, ''I hate the Beijing government.'' Then, she added, ''If I said that in Hong Kong, in a casual conversation, I might be okay. But if I was in Beijing, I could get shot. That's why I like America, it's free for opinions.''

Never experiencing any sort of political oppression, it's difficult for me to grasp what she must feel, or the fear of a simple slip translating into death.

And this country is not perfect.

But as the anthem states, this is ''. . . the land of the free.'' Sovereignty is a daily part of life. What may have seemed like a burden—all the decisions one must make, and the consequences that can only be blamed on an individual—now seems liberating.

Existing in America means much to me, but the most poignant example is that I can pray, out loud, in Hebrew, with the shades drawn up and the door gaping, invitingly open.

On the trip, while occupying a dorm room, I prayed every morning, just as I do at home. The glaring difference was that the people who passed by my open doorway were not all Jewish. Openly, I expressed my faith and reinforced my beliefs to myself, my dedication to the Hashem.

How far we've traveled, in place, time, and pure progression, since my grandmother hid below ground in Germany, with but one dress, and could not even talk, let alone pray aloud, for fear of SS men. And the advances since my grandfather fought for survival in the same foreign country, with outlandish limitations, are miraculous.

Could, I wonder, either of them imagined a time in which their granddaughter—yes, a family!—could be so audacious as to flaunt her prayer?

It's not the passing of years, though, but the changing of countries that made it possible.

America may never be able to be defined, as being American means so many different things to millions of unique people. For the country, when drawn, should not be its traditional shape, as seen on a map, but as a 3–D shape, with as many angles as it has citizens, for the people shape America as much as the land.

Being an American means choices, luxuries, decisions, freedoms, and a feeling of not importance, but responsibility, in illustrating the greatness of my country, and endeavoring to uphold the lofty ideals of the founders of this Nation, inhabitants who, like my grandparents, escaped tyranny and a role of inferiority to pull freedom to their chests and keep it there, chained 'til a death that does not come prematurely due to discrimination.

Being an American means I am an individual and have the independence to be just that—an American, because I believe in the country and the opportunity. While it may take a little digging, opportunity is available; even if found, one must clean off the dirt before pursuing it.

I am a living, breathing, original American, and that I can exist unscathed is what being a citizen of this realm is all about. Existing as a member of this free country means, to me, that if in 60 years my family can go from savoring every drop of water to survive to having a house with a mezuzah on each doorway, I can savor the prospects presented by freedom and find a way to take it a step farther.

After all, my door is always open.●

TRIBUTE TO MARY KAY ASH

● Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to Mary Kay Ash.

On November 22, 2001, America and Texas lost a great person Mary Kay Ash.

Throughout Mary Kay Ash's life, her unswerving devotion to principles and to doing what is right enabled her to exert an influence unique in a society that was known for strict rules of hierarchy, specifically male hierarchy. She flourished where many fail, or simply remain in the shadows of obscurity. By doing so, she blazed the path for many women after her, we have all profited from her success.

Over her career, Mary Kay sacrificed a lot to fulfill her dream, do her duty to her family and her God, and to stand by her principles. It is women and men of that caliber who have made our country great.

Her savvy created an incredible business from a profit point of view, but, most important, she created a business that offers women the chance for personal and professional fulfillment and success. It is no wonder that Mary Kay Cosmetics is considered by Fortune Magazine as one of the top ten best companies for women, indeed, it is also recognized as one of The 100 Best Companies to Work for in America.

But Mary Kay never stopped with work, she did not even start with work. Her priorities were always clear: God first, family second, and career third. It is why, when her husband died from cancer, she put her endless energies to work in that arena as well, creating the Mary Kay Ash Charitable Foundation in 1996. This nonprofit provides funding for research of cancers affecting women, and it has recently expanded its focus to address violence against women.

Since she was a fellow Texan, I was never surprised by her zest for life. E.B White once wrote, ''I arise in the morning torn between a desire to save the world and a desire to savor the world. This makes it hard to plan the day.'' Not for people like Mary Kay, she knew how to accomplish both.

Mary Kay remembered what was important yet still reached for the stars—and all of us are the better for it. Thank you Mary Kay, I hope you are driving a beautiful pink Cadillac up in heaven.●

TRIBUTE TO KAREN NYSTROM MEYER

● Mr. JEFFORDS. Mr. President, Karen Nystrom Meyer was appointed to serve as the Executive Vice President of the Vermont Medical Society (VMS) in 1988. Throughout her tenure in office, Karen's work has been characterized by great integrity, compassion and a strong understanding of the critical role physicians play in improving the quality of life in the Green Mountain State. Many Vermonters shared my sense of loss when Karen Meyer recently announced her resignation in order to accept a new position in the field of higher education.

The fourteen years she led the society were years of great change and accomplishment for the organization. It was Karen's first job as an office assistant in a large internal medicine practice that gave her a real appreciation for the struggles and rewards of practicing medicine. The first woman executive of a State medical society in the country, she completely restructured the governance of the society moving from the traditional House of Delegates representative structure to an annual membership meeting format where each VMS member may participate in making Society policy. While Vermont was the first State to restructure its governance structure in this way, many other State societies have followed Vermont's lead.

During Karen's tenure at VMS, the society was able to achieve many of its policy initiatives at the State and Federal level. These include passing the ''Clean Indoor Air Act,'' supporting lead screening for children, ensuring coverage of clinical trials, increasing access to health care for Vermonters, funding anti-tobacco programs, and developing a strong education program for physicians around end-of life care.

Karen was also instrumental in helping to establish the Vermont Program for Quality in Health Care (VPQHC). Over the years, VPQHC has achieved national recognition for its important work developing clinical guidelines, reporting on health care quality in Vermont and educating physicians and practitioners. Karen has also demonstrated outstanding leadership and gained national recognition for her

work with the American Medical Association and the American Association of Medical Society Executives, where she has participated on many work groups and policy teams.

Prior to becoming Executive Vice President of the Vermont Medical Society, Karen was the Commissioner of Housing and Community Affairs for the State of Vermont. As Commissioner, she worked tirelessly to increase the availability of affordable housing in Vermont. However, I am sure she will say that her most enjoyable job was working for me as a legislative assistant in the 1970's when I represented Vermont in the House of Representatives. Based on our work together, I can personally attest to her grace, competency and sense of humor—all of which are the key characteristics of a successful public servant.

While Karen is leaving the medical society, she will continue to play an important role in improving the social fabric of Vermont. She has accepted a new position at the University of Vermont where she will work with the acting President to develop a renewed sense of mission for the University. I know that I speak for thousands of Vermonters in thanking her for extraordinary service to the Vermont Medical Society and conveying our best wishes in her future endeavors.●

TRIBUTE TO MONICA TENCATE

● Mr. GRASSLEY. Mr. President, I rise to pay tribute to a departing Senate Finance Committee staffer, Monica Tencate. She has served the Senate with great distinction, and it is with much sadness that I am bidding her goodbye. I'd like to take a few moments to describe her contribution.

Monica came to the Senate from California in 1998, and joined Chairman Roth's Finance Committee health team. After effective service there, she moved to Senator FRIST's Subcommittee on Public Health, making a tremendous contribution on a broad range of challenging HELP Committee issues. I know her years with Senator FRIST were very rewarding ones for her, so I was delighted that she was willing to return to the Finance Committee to work with me, as Director of the Finance Committee's health policy team.

As I look back at this year, Monica was a real leader in the Committee's effort to strengthen and improve Medicare for the 21st Century, including prescription drug coverage for Medicare beneficiaries. She did a stellar job in helping to assemble a Tripartisan group, which put forward a framework for future success in this area. Due to the September 11 terrorist attacks, making major improvements to Medicare will have to wait until 2002. I believe, however, that we've laid a solid foundation for next year's efforts, and Monica's contribution was indispensable.

Monica also played a key role in the Committee's efforts to help provide coverage to the uninsured, to streamline Medicare regulations for beneficiaries and providers, and to address potentially serious problems posed by the new hospital outpatient payment system. She's done all this while keeping in mind the reality that our federal health programs aren't free—it's hard-working Americans who pay for them. It's easy to lose sight of that fact here inside the Beltway, but Monica never has.

Monica's contribution to me and to the Senate, in fact, went beyond policy and politics. She was a true team player, earning the respect of everyone she worked with, and the affection of her fellow Finance Committee staffers. And she did all this during one of this body's most tumultuous years in recent history—a year we'll all remember for the 50–50 Senate, the change in party control, the September 11 attacks, and finally the anthrax attack that drove many of us out of our offices. She served in her extraordinarily challenging job under these difficult circumstances with grace, commitment, and good humor. She will be sorely missed.

Now Monica is heading home to San Diego, to rejoin her husband Mike, who's also serving the nation in the United States Marines. I wish her and Mike every blessing in this new phase of their life, and I extend to her my deepest thanks.●

200TH ANNIVERSARY OF THE CARLISLE FIRE COMPANY

● Mr. BIDEN. Mr. President, among the images of September 11th that we will never forget, are the pictures of the firefighters rushing into the buildings to help, as everyone else who was able was trying to get out to safety. At that moment, without discussion or explanation, an appreciation for the extraordinary service and leading citizenship of firefighters became a prominent and, I hope, permanent feature of our collective consciousness.

In my State of Delaware, we have a rich heritage of local fire companies serving our communities, a tradition of neighbors helping neighbors. And I rise today to honor one of those local departments, the Carlisle Fire Company, which serves the City of Milford, Delaware and which will celebrate its 200th anniversary in 2002.

Originally founded under charter from the State Legislature, as, simply, a ''Fire Fighting Organization,'' the company began its service in the spring of 1802, a full 90 years before the first water mains and fire hydrants were installed in Milford. A hand drawn hook-and-ladder was acquired, and was stored along with other equipment at a building owned by Mrs. Angeline Marshall, appropriately, on Water Street.

In 1915, the department reincorporated as the Milford Fire Company, and that same year, there was a 10-day fund drive which raised money to purchase a triple combination fire truck Milford's Truck No. 1. A second name change followed in 1918, to honor Paris T. Carlisle, a Milford resident and member and officer of the Fire Company, who was killed in France during World War I. In 1921, the Company broke ground to build its first fire station, and in 1923, after another successful fundraising drive, Truck No. 2 was purchased and Truck No. 1 refitted to better serve the community. Ground was broken for the current fire hall on Northwest Front Street in 1977, and as the folks in Milford will tell you with well-earned pride, they paid off and burned the mortgage in 1990. At about the same time, ambulance service was added.

From that hall on Front Street, the Carlisle Fire Company responds to more than 1,800 calls per year. With an active Ladies Auxiliary, founded in 1963 with Peggy Jester as its first president, and a Junior Member program, created by then-Chief Marvin Hitch in 1973, the Company is truly a center of community life in Milford. And it also has a special place in our statewide firefighting community; the Delaware Volunteer Firemen's Association (DVFA) was organized in Milford in February of 1921, and the first president was Charles E. Varney, who was also president of the Carlisle Fire Company. The Company has continued its leadership in statewide programs ever since.

It is my privilege to share some of the history and hopefully some of the spirit of the Carlisle Fire Company with my colleagues and with our fellow citizens today. We honor the Company's 200th anniversary, and the extraordinary commitment and service that it represents, with gratitude to local firefighters, our neighbors who are there when we need them most. Congratulations to President Francis Morris and Fire Chief Kevin Twilley, and to all the officers, members and friends of the Carlisle Fire Company again, with great respect and with thanks.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 11:42 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 bill, with an amendment:

S. 494. An act to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central intelligence Agency Retirement and Disability System, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for consideration of the house bill and the Senate amendment, and modifications committed to conference: Mr. GOSS, Mr. BEREUTER, Mr. CASTLE, Mr. BOEHLERT, Mr. GIBBONS, Mr. LAHOOD, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. BURR of North Carolina, Mr. CHAMBLISS, Ms. PELOSI, Mr. BISHOP, Ms. HARMAN, Mr. CONDIT, Mr. ROEMER, Mr. HASTINGS of Florida, Mr. REYES, Mr. BOSWELL, and Mr. PETERSON of Minnesota.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Mr. STUMP, Mr. HUNTER, and Mr. SKELTON.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 90. An act to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

H.R. 2305. An act to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes.

H.R. 2441. An act to amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes.

H.R. 3323. An act to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes.

H.R. 3346. An act to amend the Internal Revenue Code of 1986 to simplify the reporting requirements relating to higher education tuition and related expenses.

H.R. 3391. An act to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program.

H.R. 3392. An act to name the national cemetery in Saratoga, New York as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes.

H.J. Res. 60. A joint resolution honoring Maureen Reagan on the occasion of her death and expressing condolences to her family, including her husband Dennis Revell and her daughter Rita Revell.

H.J. Res. 76. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress regarding tuberous sclerosis.

H. Con. Res. 277. Concurrent resolution recognizing the important contributions of the Hispanic Chamber of Commerce.

The message further announced that pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), and upon the recommendation of the majority leader, the Speaker has appointed the following member on the part of the House of Representatives to the Advisory Committee on Student Financial Assistance for a 3-year term to fill the existing vacancy thereon: Ms. Norine Fuller of Arlington, Virginia.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 1766. An act to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the ''Stan Parris Post Office Building.''

H.R. 2261. An act to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the ''Earl T. Shinhoster Post Office.''

H.R. 2299. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2454. An act to redesignate the facility of the United States Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, California, as the ''Congressman Julian C. Dixon Post Office Building.''

H.J. Res. 71. A joint resolution amending title 36, United States Code, to designate September 11 as Patriot Day.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 90. An act to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2305. An act to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2441. An act to amend the Pubic Health Service Act to redesignate a facility as the national Hansen's Disease Programs Center, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3392. An act to name the national cemetery in Saratoga, New York, as the Gerald B.H. Solomon Saratoga National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

H.J. Res. 60. Joint resolution honoring Maureen Reagan on the occasion of her death and expressing condolences to her family, including her husband Dennis Revell and her daughter Rita Revell; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress regarding tuberous sclerosis; to the Committee on Health, Education, labor, and Pensions.

H. Con. Res. 277. Concurrent resolution recognizing the important contributions of the Hispanic Chamber of Commerce; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1765. A bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3323. An act to ensure that covered entities comply with the standards for electronic health care transactions and code sets adopted under part C of title XI of the Social Security Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4831. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Emergency Extension of the Compliance Date for Standards for Hazardous Air Pollutants for Hazardous Waste Combustors'' (FRL7114–6) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4832. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL7110–7) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4833. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Environmental Impact Assessment of Nongovernmental Activities in Antarctica'' (FRL7114–3) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4834. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of Operating Permits Program; Oklahoma'' (FRL7113–7) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4835. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of the Title V Operating Permit Programs for Thirty-Four California Air Pollution Control Districts'' (FRL7113–5) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4836. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval; Operating Permit Programs for the State of Texas'' (FRL7113–6) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4837. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of Operating Permit Program; New York'' (FRL7113–3) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4838. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of Operating Permit Program; New Jersey'' (FRL7113–1) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4839. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of the Operating Permits Program; Arizona Department of Environmental Quality, Maricopa County Environmental Services Department, Pima County Department of Environmental Quality, Arizona'' (FRL7113–4) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4840. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of Title V Operating Permits Programs; Clark County Department of Air Quality Management, Washoe County District Health Department, and Nevada Division of Environmental Protection, Nevada'' (FRL7113–8) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4841. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Promulgation of Air Quality Implementation Plans; Connecticut; Revisions to State Plan for Municipal Waste Combustors and Incorporation of Regulation into State Implementation Plan for Ozone'' (FRL7106–4) received on December 3, 2001; to the Committee on Environment and Public Works.

EC–4842. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Full Approval of the Operating Permits Program in Alaska'' (FRL7113–9) received on December 3, 2001; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1382: A bill to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes. (Rept. No. 107–107).

H.R. 2657: A bill to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes. (Rept. No. 107–108).

By Mr. INOUYE, from the Committee on Appropriations:

Report to accompany H.R. 3338, A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes. (Rept. No. 107–109).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself and Mr. BINGAMAN):

S. 1766. A bill to provide for the energy security of the Nation , and for other purposes; read the first time.

By Mr. KENNEDY (for himself and Mr. MCCAIN):

S. 1767. A bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veteran's Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1768. A bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 1769. A bill to authorize the Secretary of the Army to carry out a project for flood protection and ecosystem restoration for Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEAHY:

S. 1770. A bill to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 1771. 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 Governmental Affairs.

By Mr. SMITH of New Hampshire:

S. 1772. A bill to ensure that American victims of terrorism have access to the blocked assets of terrorists, terrorist organizations, and state sponsors of terrorism; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1773. A bill to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1774. A bill to accord honorary citizenship to the alien victims of September 11, 2001, terrorist attacks against the United States and to provide for the granting of citizenship to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

S. 1775. A bill to prevent plant enterprise terrorism; to the Committee on the Judiciary.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1776. A bill to provide for the naturalization of Deena Gilbey; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. LEAHY, and Mr. SPECTER):

S. 1777. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CLELAND (for himself, Mr. FEINGOLD, Mr. ALLEN, Mr. COCHRAN, Mr. MILLER, and Mr. AKAKA):

S. Res. 187. A resolution commending the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax in Senator Daschle's office; to the Committee on Governmental Affairs.

By Mr. BIDEN (for himself, Mr. DASCHLE, Mr. LOTT, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mrs. CARNAHAN, Mr. CARPER, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. GRAHAM, Mr. HATCH, Mr. HUTCHINSON, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LIEBERMAN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. SARBANES, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. TORRICELLI):

S. Con. Res. 88. A concurrent resolution expressing solidarity with Israel in the fight against terrorism; considered and agreed to.

ADDITIONAL COSPONSORS

S. 321

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 1067

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. 1119

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1119, a bill to require the Secretary of Defense to carry out a study of the extent to the coverage of members of the Selected Reserve of the Ready Reserve of the Armed Forces under health benefits plans and to submit a report on the study of Congress, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1578

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1578, a bill to preserve the continued viability of the United States travel industry.

S. 1663

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1663, a bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

S. 1678

At the request of Mr. MCCAIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1679

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1679, a bill to amend title XVIII of the Social Security Act to accelerate the reduction on the amount of beneficiary copayment liability for medicare outpatient services.

S. 1707

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1707, supra.

At the request of Mr. JEFFORDS, the names of the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. FITZGERALD), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1707, supra.

S. 1738

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1738, a bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes.

S. 1745

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1745, a bill to delay until at least January 1, 2003, any changes in medicaid regulations that modify the medicaid upper payment limit for non-State Government-owned or operated hospitals.

S. 1752

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1752, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other sexually transmitted diseases.

S. 1765

At the request of Mr. FRIST, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Mr. LEVIN), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1765, a bill to improve the ability of the United States to prepare for and respond to a biological threat or attack.

S.J. RES. 29

At the request of Mr. HATCH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S.J. Res. 29, a joint resolution amending title 36, United States Code, to designate September 11 as Patriot Day.

AMENDMENT NO. 2157

At the request of Mr. MCCAIN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 2157 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. BINGAMAN):

S. 1766. A bill to provide for the energy security of the Nation, and for other purposes; read the first time.

Mr. JOHNSON. Mr. President, I rise in strong support of the comprehensive energy bill that is being introduced today.

As we all know, there has been a great deal of discussion this year about the nation's energy situation. The increasing volatility in gasoline and diesel prices and the growing tension in the world from the terrorist attacks have affected all of us. There is a clear need for energy policies that ensure long term planning, homeland security, fuel diversity and a focus on new technologies.

To this end, I am very pleased that a comprehensive energy bill has been introduced in the Senate by my South Dakota colleague, Senator TOM DASCHLE. The bill is the result of many months of hard work by the Majority Leader and the chairmen of the committees of jurisdiction, including Senator JEFF BINGAMAN, the chairman of the Energy Committee, of which I am a member. They have listened to the concerns of both those who run our energy systems and our constituents in crafting the legislation. The result is a balanced and thorough product that addresses most of the major segments of the energy system and looks ahead to the needs of future.

The bill covers a number of important areas, including incentives to increase oil and gas production and the nation's supplies of traditional fuels, streamlining of electricity systems and regulations, important environmental and conservation measures, and provisions to increase efficiency of vehicles and appliances.

One of the key provisions in the bill is the inclusion of a renewable fuels standard. Earlier this year, I introduced a bill with Senator CHUCK HAGEL of Nebraska, the Renewable Fuels for Energy Security Act of 2001 (S. 1006), to ensure future growth for ethanol and biodiesel through the creation of a new renewable fuels content standard in all motor fuel produced and used in the U.S. I am pleased the framework of this bill is included in the comprehensive energy legislation.

Today, ethanol and biodiesel comprise less than one percent of all transportation fuel in the United States. 1.8 billion gallons is currently produced in the U.S. The energy bill's language

would require that five billions gallons of transportation fuel be comprised of renewable fuel by 2012—nearly a tripling of the current ethanol and renewable fuel production.

There are great benefits of ethanol and renewable fuels for the environment and the economies of rural communities. We have many ethanol plants in South Dakota and more are being planned. These farmer-owned ethanol plants in South Dakota, and in neighboring states, demonstrate the hard work and commitment to serve a growing market for clean domestic fuels.

Based on current projections, construction of new plants will generate $900 million in capital investment and tens of thousands of construction jobs to rural communities. For corn farmers, the price of corn is expected to rise between 20 and 30 cents per bushel. Farmers will have the opportunity to invest in these ethanol plants to capture a greater piece of the ''value chain.''

Combine this with the provisions of the energy bill and the potential economic impact for South Dakota is tremendous. Today, 3 ethanol plants in South Dakota (Broins in Scotland and Heartland Grain Fuels in Aberdeen and Huron) produce nearly 30 million gallons per year. With the enactment of a renewable fuels standard, the production in South Dakota could grow substantially, with at least 2000 farmers owning ethanol plants and producing 200 million gallons of ethanol per year or more.

An important but under-emphasized fuel is biodiesel, which is chiefly produced from excess soybean oil. We all know that soybean prices are hovering near historic lows. Biodiesel production is small but has been growing steadily. The renewable fuels standard would greatly increase the prospects for biodiesel production and benefit soybean farmers from South Dakota and other states.

Moreover, the enactment of a renewable fuels standards would greatly increase the nation's energy security. Greater usage of renewable fuels would displace the level of foreign oil that we currently use. During these difficult times, it is imperative that we find ways to improve the nation's energy security and reduce our dependence on foreign oil. A renewable fuels standard would go a long way towards achieving this goal.

The House passed an energy bill without any provisions for a renewable fuels standard. Moreover, the House looks backward by focusing too heavily on tax breaks for traditional fuel supplies without enough encouragement for new technologies and provisions that will reduce our dependency on foreign oil. The Senate bill achieves the right balance for the nation's future. I commend Senators DASCHLE and BINGAMAN for their efforts and look forward to enacting the bill.

Mr. HOLLINGS. Mr. President, I want to thank Senator BINGAMAN and Senator DASCHLE for their leadership on the introduction of a comprehensive energy bill today, the Energy Policy Act of 2001. This bill has many components, and it required a great deal of coordination and effort to compile pieces that address issues that cut across committee lines. I appreciate their efforts in this regard.

As chairman of the Committee on Commerce, Science, and Transportation, I am particularly pleased to see several areas of coverage in the bill. This bill incorporates many climate science and technology provisions from a bill Senators KERRY, STEVENS, INOUYE, AKAKA, and I recently introduced, S. 1716, the Global Climate Change Act of 2001. These provisions will improve our climate monitoring, measurement, research, and technology so that we are better able to discern climate change, understand its patterns, and manage its effects. In addition, it contains provisions that would establish a service to provide expert, unbiased technology advice to Congress, which we have sorely lacked since the Office of Technology Assessment was abolished in 1995.

In addition, there is a placeholder in the bill for a CAFE provision. In 1975, I co-sponsored the legislation that became the current CAFE law. I was also very involved in efforts during the 101st and 102nd Congresses to increase CAFE standards. I am pleased to report that the Commerce Committee is again taking up the issue of fuel economy standards. In fact, we will be holding a hearing on this topic tomorrow morning.

The Committee is embarking on a process to develop a strong and technically feasible CAFE proposal that will strengthen our domestic and economic security. Such a provision must achieve oil savings to reduce our petroleum consumption and dependence on imported oil. It also must ensure that our automotive industry remains technically competitive. This is quite a challenge, but it is an issue that must be addressed.

The CAFE measures originally arose out of concern for the nation's energy security following the oil crisis of the early 1970s. When the U.S. first pursued CAFE, imported oil accounted for 36 percent of the nation's oil use; today imported oil accounts for 56 percent of U.S. oil use. Twenty-eight percent of our nation's total oil consumption is used in the transportation sector.

Since CAFE was implemented in 1975, we have seen an approximate doubling in the fuel economy of the nation's vehicle fleet. In 2000 alone, we saved over 3 million barrels of oil per day because of the fuel economy gains made since the mid-1970s. Clearly, a comprehensive energy policy must incorporate provisions to reduce energy use in the transportation sector—a goal that I believe can best be achieved by using technological advances to boost the fuel economy of passenger vehicles.

I appreciate that Senator BINGAMAN and Senator DASCHLE recognized the complexity of CAFE issues. I look forward to reporting back in a few months with a solid piece of legislation, compiled through the entire Commerce Committee, to fill the current placeholder in the energy bill.

By Mr. KENNEDY (for himself and Mr. MCCAIN):

S. 1767. A bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans' Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator MCCAIN in introducing the American Field Service Recognition Act to correct the longstanding injustice suffered by these courageous World War II veterans who saved the lives of so many American and Allied service members, but who have long been denied the veterans benefits that they need and deserve.

The American Field Service was a corps of nearly 2200 Americans, who drove ambulances into combat zones where American and Allied troops fought between 1939 and 1945. Twenty-seven were killed, seventy-one were wounded, and at least twenty-three were captured during that time.

The AFS members were volunteers who wanted to contribute to the war effort, but many were ineligible for service in the U.S. Armed Forces because of their age or their physical disability. The AFS received substantial support from the American government and its personnel were assigned in the theaters of North Africa, Western Europe, and India-Burma. During the war, the AFS evacuated approximately 700,000 wounded on these fronts.

Their application under a 1970's law for veterans' benefits was finally, but only partially, approved in 1990. The request for eligibility was that each AFS driver must have served under direct U.S. Army command during prescribed periods of time. The result was to exclude AFS drivers who served in France and North Africa before January 1943, half of the drivers who served in Italy, and all who served in the India-Burma Theater. Overall, because of this narrow interpretation of the law, fifty percent of the drivers who served under fire were denied benefits given to other drivers who served in other combat regions.

Sadly, AFS drivers are passing away at an increasingly rapid rate. There are currently 631 living drivers from World War II on the AFS roster, and 198 of them are still ineligible for benefits, including six who have recently passed away without access to VA medical care. Clearly, these courageous veterans, such as Clifford Bissler of Stuart, FL, who lost a leg and received two Purple Hearts for his service in the India-Burma Theater, deserve the help and recognition that this legislation will bring.

In 1943, President Roosevelt wrote to the leader of AFS and said of the drivers, ''In serving our allies, they serve America.'' It is long, long past time for Congress to finally recognize the contributions of all of these dedicated Americans who served during World War II, granting them the veteran's benefits and assistance that they very much need and deserve. If you would like to cosponsor this bill, please contact us or have your staff contact Duane Seward at 224–2008.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1768. A bill to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to authorize the CALFED Bay Delta Program. I am pleased that Senator BOXER has agreed to co-sponsor this bill with me. The bill that I am introducing today is also supported by Senator BINGAMAN, the chairman of the Senate Energy and Natural Resources Committee. He has committed to helping move this bill through his committee and hopefully through the Senate.

The most important thing about this new bill is that it fully authorizes the CALFED Record of Decision and all the projects associated with it with Federal costs of less than $10 million. Any projects of more than $10 million that are ready to be constructed will be reported to the authorizing committees in a package every 2 years.

This bill authorizes $2.4 billion to cover the one-third Federal share of the CALFED program. The State and water users will each be responsible for the other two-thirds.

California's population is 35 million today and could reach 50 million within the next 20 years. There simply is not enough water in the system to meet the future demand. CALFED is the best hope we have to increase our water supply, preserve the environment and protect against a water emergency. I don't believe we can wait any longer.

Mrs. BOXER. I am very pleased to be joining Senator FEINSTEIN today in the introduction of a bill that will help address California's water needs. We have worked closely together on this effort over the last year and I believe that this bill will help the CALFED program move forward in the right direction.

In California, as in many parts of the West, water is our lifeblood. For decades, water allocation was conducted through endless appeals and lawsuits, and divisive ballot initiatives. Such battles were painful and, they prevented us from finding real solutions to our state's very real water problems.

In 1994, a new state-federal partnership program called CALFED promised a better way—a plan to provide reliable, clean water to farms, businesses, and millions of Californians while at the same time restoring our fish, wildlife and environment. What has made CALFED work is that it employs a consensus approach that balances the needs of these various interests.

This bill stays true to that balanced approach. It authorizes the continuation of the CALFED program over the next 5 years and provides for a federal contribution of $2.4 billion over that time period. The bill requires that the CALFED program goals of protecting drinking water quality, restoring ecological health, improving water supply reliability, and protecting Delta levees progress in a balanced manner. The bill describes a detailed set of reports that should be provided to Congress prior to approving any project costing over $10 million. This reporting process is designed to ensure that major projects are not approved until the environmental and economic impacts are clearly understood.

I believe CALFED offers the best hope for ending California's intractable water wars. This bill will ensure that the CALFED program can continue its good work.

By Mrs. BOXER:

S. 1769. A bill to authorize the Secretary of the Army to carry out a project for flood protection and ecosystem restoration for Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. S. 1769, Mr. President, I am introducing a bill to improve flood protection in Sacramento. This is a companion bill to one that Representative MATSUI is introducing today in the House.

Currently, Sacramento only has an 85-year flood protection. This bill would raise the existing walls of Folsom Dam by 7 feet, which would improve flood protection to 213 years. Without this improvement, $40 billion of property, including the California State Capitol, 6 major hospitals, 26 nursing home facilities, over 100 schools, three major freeway systems, and approximately 160,000 homes and apartments, are at risk of a devastating flood.

For a city of its size, Sacramento falls shockingly below the 400 year-level of flood protection enjoyed by other river cities such as St. Louis, Tacoma, Dallas, and Kansas City. The Folsom mini raise is the critical next step in providing Sacramento with an adequate level of flood protection.

Next year, the Environment and Public Works Committee, of which I am a member, will reauthorize the Water Resources and Development Act. I hope this bill will be included as part that legislation.

By Mr. LEAHY:

S. 1770. A bill to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise to introduce the Terrorist Bombing Convention Implementation Act of 2001 and the Suppression of the Financing of Terrorism Convention Implementation Act of 2001. This bill would bring the United States into indisputable and immediate compliance with two important international conventions, which were signed by the United States and transmitted to the U.S. Senate for ratification by President Clinton. Both Conventions were entered into after the terrorist bombings at the United States embassies in Kenya and Tanzania. The bill also contains a provision which would enhance the ability of law enforcement authorities to work with their foreign counterparts in fighting sophisticated international criminal organizations by sharing wiretap information when appropriate.

The International Convention for the Suppression of Terrorist Bombings, ''Bombing Convention'', was adopted by the United Nations General Assembly in December 1997 and signed by the United States in January 1998. In September 1999, it was transmitted to the Senate by President Clinton for ratification.

The International Convention for the Suppression of Financing Terrorism, ''Financing Convention'', was adopted by the United Nations General Assembly in December 1999 and signed by the United States in January 2000. In October 2000, it was transmitted to the Senate by President Clinton for ratification.

Under the chairmanship of Senator BIDEN, the Foreign Relations Committee has moved expeditiously to report these conventions to the full Senate. Once ratified, they should be swiftly implemented. The passage of the proposed implementing legislation which I introduce today would ensure that the United States is in immediate compliance with these international obligations relating to terrorism.

Both conventions require signatory nations to adopt criminal laws prohibiting specified terrorist activities in order to create a regime of universal jurisdiction over certain crimes. Articles 2 and 4 of the Bombing Convention require signatory countries to criminalize the delivery, placement, discharge or detonation of explosives and other lethal devices, ''in, into, or against'' various defined public places with the intent to kill, cause serious bodily injury, or extensively damage such public places. The Bombing Convention also requires that signatories criminalize aiding and abetting, attempting, or conspiring to commit such crimes.

Articles 2 and 4 of the Financing Convention require signatory countries to

criminalize willfully ''providing or collecting'' funds, directly or indirectly, with knowledge that they are to be used to carry out acts which either 1. violate nine enumerated existing treaties, or 2. are aimed at killing or injuring civilians with the purpose of intimidating a population or compelling a government to do any act. The Financing Convention also requires that signatories criminalize aiding and abetting, attempting, or conspiring to commit such crimes. Signatories must criminalize such acts under Article 2 whether or not ''the funds were actually used to carry out'' such an offense.

Both conventions require that signatory nations exercise limited extraterritorial jurisdiction and extradite or prosecute those who commit such crimes when found inside their borders. The conventions also require that signatories ensure that, under their domestic laws, political, religious, ideological, racial or other similar considerations are not a justification for committing the enumerated crimes. Thus, signatory nations will not be able to assert such bases to deny an extradition request for a covered crime. Finally, Article 4 of each convention requires that signatory states make the covered offenses ''punishable by appropriate penalties which take into account the grave nature of [the] offenses.''

This proposed implementation legislation, consistent with the House version of this bill, H.R. 3275, creates two new crimes, one for bombings and another for financing terrorist acts, that would track precisely the language in the treaties, and bring the United States into undisputed compliance. The bill would also provide extraterritorial jurisdiction as required by the conventions. Furthermore the bill would create domestic jurisdiction for these crimes in limited situations where a national interest is implicated, while excluding jurisdiction over acts where the convention does not require such jurisdiction and there is no distinct federal interest served.

The bill, again consistent with the H.R. 3275, also contains ''ancillary provisions'' that would make the two new crimes predicates for money laundering charges, wiretaps, RICO charges, an 8-year statute of limitations, include them as ''federal crimes of terrorism,'' and make civil asset forfeiture available for the new terrorism financing crime. Existing laws which relate to similar crimes are predicates for each of these tools, and providing law enforcement with these ancillary provisions is both consistent and appropriate.

Neither international convention requires a death penalty provision for any covered crime, and the Department of Justice has provided a memorandum to Congress, in response to a request for its views, that such a provision would not be required to bring the United States into compliance. This should come as no surprise, given international sentiment opposing the United States' use of the death penalty in other contexts. Indeed, the inclusion of a death penalty provision in the implementing legislation for these conventions could lead to complications in extraditing individuals to the United States from countries that do not employ the death penalty. Therefore, unlike the House version of the implementing legislation, the Senate version contains no new death penalty provision.

Unlike H.R. 3275, the bill does not contain a third crime for ''concealment'' of material support for terrorists. The Department of Justice has conceded in the memorandum which it provided to Congress that this provision is not necessary to bring the United States into compliance with the conventions. Indeed, in the wake of the passage of similar provisions in the USA Patriot Act, P.L. No. 107–56, such legislation is not needed. Furthermore, although a similar provision is currently set forth in 18 U.S.C. §2339A, the House bill provides a lower *mens rea* requirement than that law; an important change which was not highlighted in the Administration materials provided explaining the proposal.

Finally, the Senate bill contains an important new tool for international cooperation between law enforcement which is not included in H.R. 3275. Currently, there is no clear statutory authority which allows domestic law enforcement agents to share Title III wiretap information with foreign law enforcement counterparts. This may create problems when, for example, the DEA wants to alert Colombian authorities that a cocaine shipment is about to leave a Colombian port but the information is derived from a Title III wiretap.

This bill would clarify the authority for sharing wiretap derived information, specifically in the Title III context. The bill provides a clear mechanism through which law enforcement may share wiretap information with foreign law enforcement, while at the same time ensuring that there are appropriate safeguards to protect this sensitive information against misuse. It adds a subsection to 18 U.S.C. §2517, that permits disclosure of wiretap information to foreign officials (1) with judicial approval, (2) in such a manner and under such conditions as a court may direct, and (3) consistent with Attorney General guidelines on how the information may be used to protect confidentiality. This clarification will provide an additional tool to investigate international criminal enterprises and to seek the assistance of foreign law enforcement in our efforts.

For all of these reasons, I am pleased to introduce this legislation and I urge its swift enactment into law.

I ask unanimous consent that the text of the bill be printed in the RECORD, along with the sectional analysis.

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

S. 1770

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

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Terrorist Bombings Convention Implementation Act of 2001''.

SEC. 102. BOMBING STATUTE.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

''§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

''(a) OFFENSES.—

''(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

''(A) with the intent to cause death or serious bodily injury, or

''(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss, shall be punished as prescribed in subsection (c).

''(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

''(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

''(1) the offense takes place in the United States and—

''(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

''(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

''(C) at the time the offense is committed, it is committed—

''(i) on board a vessel flying the flag of another state;

''(ii) on board an aircraft which is registered under the laws of another state; or

''(iii) on board an aircraft which is operated by the government of another state;

''(D) a perpetrator is found outside the United States;

''(E) a perpetrator is a national of another state or a stateless person; or

''(F) a victim is a national of another state or a stateless person;

''(2) the offense takes place outside the United States and—

''(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

''(B) a victim is a national of the United States;

''(C) a perpetrator is found in the United States;

''(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

''(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

''(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

''(G) the offense is committed on board an aircraft which is operated by the United States.

''(c) PENALTIES.—Whoever violates this section shall be imprisoned for any term of years or for life.

''(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

''(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

''(2) activities undertaken by military forces of a state in the exercise of their official duties; or

''(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

''(e) DEFINITIONS.—As used in this section, the term—

''(1) 'serious bodily injury' has the meaning given that term in section 1365(g)(3) of this title;

''(2) 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(3) 'state or government facility' includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

''(4) 'intergovernmental organization' includes international organization (as defined in section 1116(b)(5) of this title);

''(5) 'infrastructure facility' means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

''(6) 'place of public use' means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

''(7) 'public transportation system' means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

''(8) 'explosive' has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

''(9) 'other legal device' means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents, or toxins (as those terms are defined in section 178 of this title) or radiation or radioactive material;

''(10) 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

''(11) 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated, and sporadic acts of violence, and other acts of a similar nature; and

''(12) 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

''2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.''.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

SEC. 103. EFFECTIVE DATE.

Section 102 shall take effect on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

TITLE II—SUPPRESSION OF THE FINANCING OF TERRORISM

SEC. 201. SHORT TITLE.

This title may be cited as the ''Suppression of the Financing of Terrorism Convention Implementation Act of 2001''.

SEC. 202. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

''§ 2339C. Prohibitions against the financing of terrorism

''(a) OFFENSES.—

''(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

''(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

''(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

''(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

''(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

''(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

''(1) the offense takes place in the United States and—

''(A) a perpetrator was a national of another state or a stateless person;

''(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

''(C) on board an aircraft which is operated by the government of another state;

''(D) a perpetrator is found outside the United States;

''(E) was directed toward or resulted in the carrying out of a predicate act against—

''(i) a national of another state; or

''(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

''(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

''(G) was directed toward or resulted in the carrying out of a predicate act—

''(i) outside the United States; or

''(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

''(2) the offense takes place outside the United States and—

''(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

''(B) a perpetrator is found in the United States; or

''(C) was directed toward or resulted in the carrying out of a predicate act against—

''(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

''(ii) any person or property within the United States;

''(iii) any national of the United States or the property of such national; or

''(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

''(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

''(4) the offense is committed on board an aircraft which is operated by the United States; or

''(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

''(c) PENALTIES.—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

''(d) DEFINITIONS.—In this section—

''(1) the term 'funds' means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

''(2) the term 'government facility' means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

''(3) the term 'proceeds' means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

''(4) the term 'provides' includes giving, donating, and transmitting;

''(5) the term 'collects' includes raising and receiving;

''(6) the term 'predicate act' means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

''(7) the term 'treaty' means—

''(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

''(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

''(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

''(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

''(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

''(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

''(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

''(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

''(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

''(8) the term 'intergovernmental organization' includes international organizations;

''(9) the term 'international organization' has the same meaning as in section 1116(b)(5) of this title;

''(10) the term 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

''(11) the term 'serious bodily injury' has the same meaning as in section 1365(g)(3) of this title;

''(12) the term 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

''(13) the term 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.

''(e) CIVIL PENALTY.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least $10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

''2339C. Prohibitions against the financing of terrorism.''.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law.

SEC. 203. EFFECTIVE DATE.

Except for paragraphs (1)(D) and (2)(B) of section 2339C(b) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(d)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States, section 202 shall take effect on the date of enactment of this Act.

TITLE III—ANCILLARY MEASURES

SEC. 301. ANCILLARY MEASURES.

(a) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting ''2332f,'' after ''2332d,''; and

(2) striking ''or 2339B'' and inserting ''2339B, or 2339C''.

(b) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting ''2332f (relating to bombing of public places and facilities),'' after ''2332b (relating to acts of terrorism transcending national boundaries),''; and

(2) inserting ''2339C (relating to financing of terrorism,'' before ''or 2340A (relating to torture)''.

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A of title 18, United States Code, is amended by inserting ''2332f,'' before ''or 2340A''.

(d) FORFEITURE OF FUNDS, PROCEEDS, AND INSTRUMENTALITIES.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.''.

TITLE IV—DISCLOSURE OF INTERCEPTED WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS TO FOREIGN LAW ENFORCEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Foreign Law Enforcement Cooperation Act of 2001''.

SEC. 402. AMENDMENT TO WIRETAP DISCLOSURE STATUTE.

Section 2517 of title 18, United States Code, relating to the interception of communications, is amended by adding at the end the following:

''(6) Disclosure otherwise prohibited under this chapter of knowledge of or the contents of any wire, oral, or electronic communication, or evidence derived therefrom may also be made when permitted by the court at the request of an attorney for the government, upon a showing that such information may disclose a violation of the criminal laws of the United States or a foreign nation, to an appropriate official of a foreign nation or subdivision thereof for the purpose of enforcing such criminal law. If the court orders disclosure of any matters under this subsection, the disclosure shall be made in such manner, at such time, and under such conditions as the court may direct. In making any application under this subsection, the attorney for the government shall certify that the official or officials for whom an order permitting disclosure is sought, have been informed that they may only make use of the information provided under this subsection consistent with such guidelines as the Attorney General shall issue to protect confidentiality.''.

ANTI-TERRORISM CONVENTIONS IMPLEMENTATION—SECTION-BY-SECTION ANALYSIS

TITLE I SUPPRESSION OF TERRORIST BOMBINGS

Title I of this bill implements the International Convention for the Suppression of Terrorist Bombings, which was signed by the United States on January 12, 1998, and was transmitted to the Senate for its advice and consent to ratification on September 8, 1999. Twenty-eight States are currently party to the Convention, which entered into force internationally on May 23, 2001. The Convention requires State Parties to combat terrorism by criminalizing certain attacks on public places committed with explosives or other lethal devices, including biological, chemical and radiological devices. The Convention also requires that State Parties criminalize aiding and abetting, conspiring and attempting to undertake such terrorist attacks.

SECTION 101. SHORT TITLE

Section 101 provides that title I may be cited as ''The Terrorist Bombings Convention Implementation Act of 2001.''

SECTION 102. BOMBING STATUTE

Section 102 adds a new section to the Federal criminal code, to be codified at 18 U.S.C. § 2332f and entitled ''Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities,'' which makes terrorist acts covered by the Convention a crime. New section 2332f supplements and does not supplant existing Federal and State laws, and contains five subsections, which are described below.

Subsection (a) makes it a crime to unlawfully place or detonate an explosive in certain public places and facilities with the intent to cause death or serious bodily injury, or with the intent to cause extensive destruction, where such destruction results in, or is likely to result in, major economic loss. Conspiracies and attempts to commit such crimes are also criminalized. This provision implements Article 2, paragraphs 1, 2 and 3 of the Convention.

Inclusion of the term ''unlawfully'' in subsection (a), which is mirrored in Article 2 of the Convention defining the offenses, is intended to allow what would be considered under U.S. law as common law defenses. For purposes of subsection (a), whether a person acts ''unlawfully'' will depend on whether he is acting within the scope of authority recognized under and consistent with existing U.S. law, which reflects international law principles, such as self defense or lawful use of force by police authorities. This language is not to be construed as permitting the assertion, as a defense to prosecution under new section 2332f, that a person purportedly acted under authority conveyed by any particular foreign government or official. Such a construction, which would exempt State-sponsored terrorism, would be clearly at odds with the purpose of the Convention and this implementing legislation.

With respect to the mens rea provision of subsection (a), it is sufficient if the intent is to significantly damage the targeted public place or facility. Further, for the purpose of subsection (a), when determining whether the act resulted in, or was likely to result, major economic loss, the physical damage to the targeted place or facility may be considered, as well as other types of economic loss including, but not limited to, the monetary loss or other adverse effects resulting from the interruption of its activities. The adverse effects on non-targeted entities and individuals, the economy and the government may also be considered in this determination insofar as they are due to the destruction caused by the unlawful act.

Subsection (b) establishes the jurisdictional bases for the covered offenses and includes jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. This provision implements a crucial element of the Convention (Article 8(1)), which requires all State Parties to either extradite or prosecute perpetrators of offenses covered by the Convention who are found within the jurisdiction of a State Party. While current Federal or

State criminal laws encompass all the activity prohibited by the Convention that occurs within the United States, subsection (b)(1) ensures Federal jurisdiction where there is a unique Federal interest e.g., a foreign government is the victim of the crime or the offense is committed in an attempt to compel the United States to do or abstain from doing any act.

Subsection (c) establishes the penalties for committing the covered crimes at any term of years or life. This provision differs from the Administration proposal, which sought to add a new death penalty provision for this crime, despite the fact that such a provision is not required for compliance under the Convention and may create hurdles in seeking extradition to the United States under this statute.

Subsection (d) sets forth certain exemptions to jurisdiction as provided by the Convention. Specifically, the subsection exempts from jurisdiction activities of armed forces during an armed conflict and activities undertaken by military forces of a State in the exercise of their official duties.

Subsection (e) contains definitions of twelve terms that are used in the new law. Six of those definitions (''State or government facility,'' ''infrastructure facility,'' ''place of public use,'' ''public transportation system,'' ''other lethal device,'' and ''military forces of a State'') are the same definitions used in the Convention. Four additional definitions (''serious bodily injury,'' ''explosive,'' ''national of the United States,'' and ''intergovernmental organization'') are definitions that already exist in other U.S. statutes. One of those definitions (''armed conflict'') is defined consistent with an international instrument relating to the law of war, and a U.S. Understanding to the Convention that is recommended to be made at the time of U.S. ratification. The final term (''State'') has the same meaning as that term has under international law.

SECTION 103. EFFECTIVE DATE

Since the purpose of Title I is to implement the Convention, section 103 provides that the new criminal offense created in Section 102 will not become effective until the date that the Convention enters into force in the United States. This will ensure immediate compliance of the United States with its obligations under the Convention.

TITLE II. SUPPRESSION OF THE FINANCING OF TERRORISM

Title II implements the International Convention for the Suppression of the Financing of Terrorism, which was signed by the United States on January 10, 2000, and was transmitted to the Senate for its advice and consent to ratification on October 12, 2000. The Convention is not yet in force internationally, but will enter into force 30 days after the deposit of the 22nd instrument of ratification with the U.N. Secretary-General. Once in force, the Convention requires State Parties to combat terrorism by criminalizing certain financial transactions made in furtherance of various terrorist activities. The Convention also requires that State Parties criminalize conspiracies and attempts to undertake such financing.

SECTION 201. SHORT TITLE

Section 201 provides that title II may be cited as ''The Suppression of Financing of Terrorism Convention Implementation Act of 2001.''

SECTION 202. TERRORISM FINANCING STATUTE

Section 202(a) adds a new section to the Federal criminal code, to be codified at 18 U.S.C. §2339C and entitled ''Prohibitions against the financing of terrorism,'' which makes financial acts covered by the Convention a crime. New section 2339C supplements and does not supplant existing Federal and State laws, and contains five subsections, which are described below.

Subsection (a) makes it a crime to provide or collect funds with the intention or knowledge that such funds are to be used to carry out certain terrorist acts. Conspiracies and attempts to commit these crimes are also criminalized. This subsection implements Article 2, paragraphs 1, 3, 4 and 5 of the Convention.

Subsection (b) establishes the jurisdictional bases for the covered offenses under section 2339C(a) and includes jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. This provision implements a crucial element of the Convention (Article 10), which requires all State Parties to either extradite or prosecute perpetrators of offenses covered by the Convention who are found within the territory of a State Party. The structure of this provision is designed to accommodate the structure of the Convention, which sets forth both mandatory and permissive bases of jurisdiction, and excludes certain offenses that lack an international nexus. Some portions of this provision go beyond the jurisdictional bases required or expressly permitted under the Convention, however, where expanded jurisdiction is desirable from a policy perspective because a unique Federal interest is implicated and is consistent with the Constitution.

Subsection (c) established the penalties for committing the covered crimes at imprisonment for not more than 20 years, a fine under title 18, United States Code, or both. This penalty is consistent with the current penalties for money laundering offenses. See 18 U.S.C. §1956.

Subsection (d) contains 13 definitions of terms that are used in the new law. Two of those definitions (''government facility,'' and ''proceeds'') are the same definitions used in the Convention. The definition for ''funds'' is identical to that contained in the Convention with the exception that coins and currency are expressly mentioned as money. The definitions for ''provides'' and ''collects'' reflect the broad scope of the Convention. The definition for ''predicate acts'' specifies the activity for which the funds were being provided or collected. These are the acts referred to in subparagraphs (A) and (B) of section 2339C(a)(1). The definition of ''treaty'' sets forth the nine international conventions dealing with counter-terrorism found in the Annex to the Convention. The term ''intergovernmental organization,'' which is used in the Convention, is specifically defined to make clear that it contains within its ambit existing international organizations. The definitions for ''international organization,'' ''serious bodily injury.'' and ''national of the United States'' incorporate definitions for those terms that already exist in other U.S. statues. One of the definitions (''armed conflict'') is defined consistent with international instruments relating to the law of war. The final term (''State'') has the same meaning as that term has under international law.

Subsection (e) creates a civil penalty of at least $10,000 payable to the United States, against any legal entity in the United States, if any person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a) of the new section 2339C. This civil penalty may be imposed regardless of whether there is a conviction of such person under subsection (a), and is in addition to any other criminal, civil, or administrative liability or penalty allowable under United States law. Subsection (e) fulfills Article 5 of the Convention.

SECTION 203. EFFECTIVE DATE

Section 203 provides that those provisions of the Act that may be implemented immediately shall become effective upon enactment. However, two jurisdictional provisions will not become effective until the Financing Convention enters into force for the United States. Those provisions are the new 18 U.S.C. §§2339C(b)(1)(D) and (2)(B). In addition, new 18 U.S.C. §2339C(d)(7)(1), which is a definitional section specifically linked to the Bombing Convention, will not become effective until that Convention enters into effect.

TITLE III. ANCILLARY MEASURES

Title III, which is not required by the International Conventions but will assist in federal enforcement, adds the new 18 U.S.C. §§2332f and 2339C to several existing provisions of law.

SECTION 301. ANCILLARY MEASURES

Sections 2332f and 2339C are made predicates under the wiretap statute (18 U.S.C. §2516(1)(q)) and under the statute relating to the provision of material support to terrorists (18 U.S.C. §2339A). Sections 2332f and 2339C are also added to those offenses defined as a ''Federal crime of terrorism'' under 18 U.S.C. §2332b(g)(5)(B), as amended by the USA PATRIOT Act. P.L. No. 107–56. In addition, a provision is added to the civil asset forfeiture statute that makes this tool available in the case of a violation of 18 U.S.C. §2339C. These provisions are consistent with the treatment of similar Federal crimes already in existence.

TITLE IV. FOREIGN DISCLOSURE OF WIRETAP INTERCEPTS

This provision, which is not required by the International Conventions, clarifies that Federal law enforcement authorities may disclose otherwise confidential wiretap information to their foreign counterparts with appropriate judicial approval. This provision is intended to ensure effective cooperation between domestic and foreign law enforcement in the investigation and prosecution of international criminal organizations.

SECTION 401. SHORT TITLE

Section 401 provides that title IV may be cited as ''The Foreign Law Enforcement Cooperation Act of 2001.''

SECTION 402. AMENDMENT TO WIRETAP STATUTE

Section 402 adds a new subsection to 18 U.S.C. §2517 that governs the disclosure of otherwise confidential information gathered pursuant to a Title III wiretap. This provision clarifies the authority of domestic law enforcement officers to disclose such information as may show a violation of either domestic or foreign criminal law to foreign law enforcement officials. The provision requires a court order prior to making such a disclosure and sets the standards for the issuance of such an order. It is intended to allow foreign disclosure only to enforce the criminal laws of either the United States or the foreign nation. It also requires that an attorney for the government certify that the foreign officials who are to receive the wiretap information have been informed of the Attorney General's guidelines protecting confidentiality. This provision is intended to enhance the ability of domestic law enforcement to work with their foreign counterparts to investigate international criminal activity at the same time as protecting against improper use of such wiretap information.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1773. A bill to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California; to

the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today, I am introducing a bill to honor a California, Richard J. Guadagno, who sadly lost his life on United Flight 93 when it crashed in Western Pennsylvania on September 11. This legislation will designate the Headquarters and Visitors Center of the Humboldt Bay National Wildlife Refuge as the Richard J. Guadagno Headquarters and Visitors Center. Representative THOMPSON introduced this bill in the House.

Mr. Guadagno was the manager of the Humboldt Bay National Wildlife Refuge and devoted his life to the preservation of wildlife. As refuge manager at the Humboldt Bay National Wildlife Refuge, he lead with a vision that his colleagues embraced and admired. He always keep the best interests of the refuge at heart, and he enthusiastically worked to improve the condition of the refuge. Colleagues in the Fish and Wildlife Service consistently commended his courage and dedication to conservation and protecting biological diversity.

Mr. Guadagno began a career in public service as a biologist at the New Jersey Fish and Game Department and the Great Swamp National Wildlife Refuge. Before joining the Humboldt Bay National Wildlife Refuge, he worked at the Prime Hook National Wildlife Refuge in Delaware, Supawna Meadows National Refuge in New Jersey, and the Baskett Slough and Ankeny National Wildlife Refuges in Oregon.

Richard Guadagno worked his entire life to preserve our Nation's wildlife. This legislation will ensure that we have a lasting memory of his work.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1774. A bill to accord honorary citizenship to the alien victims of September 11, 2001, terrorist attacks against the United States and to provide for the granting of citizenship to the alien spouses and children of certain victims of such attacks; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Terrorist Victim Citizenship Relief Act, that would quickly provide citizenship relief to hundreds of families adversely affected by the attacks of September 11, 2001.

Today I am meeting with several of the families of the victims of the September 11 terrorist attacks to discuss crucial legislation that would provide them with tax relief in the wake of a national calamity. They are dealing with a personal anguish that many of us can only imagine. It is critical that the House of Representatives move swiftly to pass the tax relief legislation that has already passed the Senate, by unanimous consent, I might add. But there is more that Congress must do to account for the shocking and unanticipated failure of the existing legal framework in the aftermath of September 11. I believe that the Terrorist Victim Citizenship Relief Act is an important part of this vitally necessary overhaul.

When American citizens, foreign nationals, and immigrants perished in the cowardly terrorist acts of September 11, the immigration status of hundreds of families was thrown into turmoil. The attacks were on American soil on a major American institution and directed at the United States. Yet American citizens were not the only victims. Hundreds of temporary workers and immigrants died shoulder-to-shoulder with thousands of Americans. Their deaths should be acknowledged and their families should be honored.

My legislation would bestow honorary citizenship on legal immigrants and non-immigrants who died in the disaster. This would honor their spirit and their tremendous sacrifice. Perhaps more important, the bill would offer citizenship to surviving spouses and children, subject to a background investigation by the Federal Bureau of Investigation. In the spirit of fairness and unity, it is appropriate and responsible to offer the privilege of citizenship to families who lost so much because of this attack on the United States.

More than 3,000 people lost their lives when four planes crashed on that fateful September morning. Bodies are still being uncovered, and the death count has been revised several times. Nationals from some 86 countries perished in the attack, including visitors, non-immigrant workers, and legal permanent residents.

America was not the only country that suffered losses. There was good reason the complex was called the World Trade Center. In the September 11 attacks, England lost 75 people, with 60 other British nationals unaccounted for. India lost more than 100. Germany has 31 confirmed casualties. Mexico has 19. Colombia has 15. Japan has as many as 21. Canada, Australia, the Philippines, Ireland, South Africa, and Pakistan all suffered tragic losses. And there were many more. It would be wrong to allow the tragic destruction of that fateful day to derail the hopes of hundreds of immigrant families to secure a better life for themselves and their children in the United States. And we must acknowledge the hundreds of families from 86 countries who lost loved ones in the attack.

In New Jersey, there are dozens of poignant stories of immigrant families who experienced tragic losses in the World Trade Center disaster. These innocent people have lost husbands and wives, sons and daughters, sisters and brothers. Their families have been fractured and their livelihoods jeopardized. Immigrant families have been forced to grapple with a bureaucratic nightmare, wading through the myriad of programs available to the families of victims in an effort to keep their heads above water. They are often disheartened to learn that, although their loved ones died in the same attack, non-citizens are ineligible for many of the programs designed to assist the surviving families of victims.

Concerns about immigration status have only added to the tremendous burden immigrant families are already confronting. Take the example of one New Jersey woman who came to my office seeking assistance. Her immigration status was directly dependent on the non-immigrant worker status of her husband who died in the attack. Both of her children were born in the United States. They are full citizens and are enrolled in American schools. She wants to continue to raise her children in the United States. However, under the antiterrorism legislation that Congress passed this month, this mother of two will be allowed just one additional year to sort out her affairs before being forced to uproot her children and return to England.

One year is simply not enough to compensate this innocent woman for the loss of her husband. My legislation would grant her citizenship immediately, helping her to avoid the burden of removing her children from the only country they have ever truly known after having just lost their father. Granting her citizenship is the right thing to do.

But, this woman's story is one of hundreds. My office has received numerous inquiries from immigrant families concerned that their immigration status has been undermined by the death of a loved one. Many families were in the process of preparing the necessary paperwork to apply for a change in status, only to have their potential sponsor die alongside thousands of others in the World Trade Center attack. This legislation would ensure that those families would be allowed to become American citizens and avoid undue paperwork and heartache.

More than two months have passed since the United States was brutally attacked. When perpetrating their horrific crime, the terrorists did not distinguish between immigrants and American citizens or between undocumented workers and legal permanent residents. They were attacking the United States, and, in the process, killed thousands, citizens and non-citizens alike. In death, citizenship was irrelevant. In death, they were all unified.

The thousands who died did not know it when they went to work, but they were at the front lines in the next American war. Their deaths are a tragedy that every civilized human being wishes could be reversed. Unfortunately, we cannot turn back the clock. However, we can acknowledge the tremendous loss of hundreds of immigrant families by allowing them to take on the full rights and responsibilities of American citizenship.

I urge my colleagues to support this important legislation, and 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. 1774

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 ''Terrorist Victim Citizenship Relief Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, the United States suffered a series of attacks which led to the deaths of thousands of people.

(2) Hundreds of foreign nationals perished in the attacks on the American institutions on American soil.

(3) At that time, the Immigration and Naturalization Service was processing applications for adjustment in immigration status for immigrants who perished in the attacks.

(4) The immigrant or nonimmigrant status of many immigrant families depends on the sponsorship of those who perished.

(5) The Immigration and Naturalization Service has publicly stated that it does not intend to take action against foreign nationals whose immigration status is in jeopardy as a direct result of the attack.

(6) Commissioner of the Immigration and Naturalization Service James Ziglar stated that ''the Immigration and Naturalization Service will exercise its discretion toward families of victims during this time of mourning and readjustment''.

(7) Only Congress has the authority to change immigration law to address unanticipated omissions in existing law to account for the unique circumstances surrounding the events of September 11, 2001.

SEC. 3. DECEASED ALIEN VICTIMS OF TERRORIST ATTACKS DEEMED TO BE UNITED STATES CITIZENS.

Notwithstanding title III of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and except as provided in section 5, each alien who died as a result of a September 11, 2001, terrorist attack against the United States, shall, as of that date, be considered to be an honorary citizen of the United States if the alien held lawful status under the immigration laws of the United States as of that date.

SEC. 4. CITIZENSHIP ACCORDED TO ALIEN SPOUSES AND CHILDREN OF CERTAIN VICTIMS OF TERRORIST ATTACKS.

Notwithstanding title III of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and except as provided in section 5, an alien spouse or child of an individual who was lawfully present in the United States and who died as a result of a September 11, 2001, terrorist attack against the United States shall be entitled to naturalization as a citizen of the United States upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act, without regard to the current status of the alien spouse or child under the immigration laws of the United States, if the spouse or child applies to the Attorney General for naturalization not later than two years after the date of enactment of this Act. The Attorney General shall record the date of naturalization of any person granted naturalization under this section as being September 10, 2001.

SEC. 5. EXCEPTIONS.

Notwithstanding any other provision of this Act, an alien may not be naturalized as a citizen of the United States, or afforded honorary citizenship, under this Act if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act, or deportable under paragraph (2) or (4) of section 237(a) of that Act, including any terrorist perpetrator of a September 11, 2001, terrorist attack against the United States; or

(2) a member of the family of a person described in paragraph (1).

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1776. A bill to provide for the naturalization of Deena Gilbey; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, I rise today to introduce private legislation granting citizenship to Deena Gilbey, a woman profoundly affected by the disaster of September 11. Since then, Deena has endured a tremendous hardship, a hardship that has been compounded by mounting paperwork and an unyielding, dispassionate bureaucratic process. Without swift congressional action, Deena, a British national, will be forced to uproot her two children and remove them from the only country they have ever known just one year from the death of their father.

Deena Gilbey first moved to the United States in July 1993 when Paul, her husband was transferred from London to the New York office of Euro Bank. They spent the eight years that followed building a life in the United States in suburban Chatham Township. They began to raise two children, Max, 7, and Mason, 3, both of whom were born in the United States. Although the children are both U.S. citizens, Deena is not and was present in the county as part of her husband's H1–B work visa. Both Deena and Paul were attempting to become citizens when disaster struck.

For all Americans, September 11 will be remembered with a deep sadness. However, that national anguish took on a personal quality for the Gibleys when the family learned that Paul, like so many others, was lost beneath the rubble of the World Trade Center.

With the death of Paul, Deena was forced to face up to the difficult realization that her own lawful status in the United States was in jeopardy. For the first several weeks after he died, it was unclear whether Deena would be allowed to leave the country and spend time with family or even work to support her children. The anti-terrorism bill that passed the Congress earlier this year was a step in the right direction. But it did not go far enough. It did not give Deena and Paul's children the stability they deserve.

The anti-terrorism legislation that passed the Congress earlier this year allowed Deena to remain in the United States just one additional year to sort out her affairs. She had just one year to wrap up the life she and Paul had made together in the United States. She had just one year to prepare her children for the trauma of moving to a foreign country and of leaving the only country that had ever been home. One additional year is simply not enough.

When Paul died in the attack on the World Trade Center, he died with thousands of Americans. Before that, he contributed to the American economy for nearly a decade, paying taxes and lending his expertise in a highly specialized field. On that fateful day, he embodied the American spirit when he assisted coworkers in escaping the fire and destruction of ground zero.

Paul Gilbey was killed in a callous and cowardly attack on America. In the aftermath of this tragic event, we have a responsibility to help ensure that stability returns to the lives of the children he left behind.

Giving citizenship to Deena Gilbey is our patriotic responsibility. I hope this Congress will acknowledge her sacrifice and allow her and her children to remain in the United States.

I urge my colleagues to support this important legislation and 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. 1776

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

SECTION 1. NATURALIZATION OF DEENA GILBEY.

Notwithstanding title III of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) Deena Gilbey shall be entitled to naturalization as a citizen of the United States upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act. Upon naturalization of Deena Gilbey under this Act, the Attorney General shall record the date of naturalization of Deena Gilbey as being September 10, 2001.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 187—COMMENDING THE STAFFS OF MEMBERS OF CONGRESS, THE CAPITOL POLICE, THE OFFICE OF THE ATTENDING PHYSICIAN AND HIS HEALTH CARE STAFF, AND OTHER MEMBERS OF THE CAPITOL HILL COMMUNITY FOR THEIR COURAGE AND PROFESSIONALISM DURING THE DAYS AND WEEKS FOLLOWING THE RELEASE OF ANTHRAX IN SENATOR DASCHLE'S OFFICE

Mr. CLELAND (for himself, Mr. FEINGOLD, Mr. ALLEN, Mr. COCHRAN, Mr. MILLER, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 187

Whereas there are approximately 30,000 legislative branch employees who work on Capitol Hill including approximately 6,200 Senate employees, 11,500 House employees, and 12,800 staff from other entities;

Whereas the Capitol Complex consists of approximately 285 acres comprised of 3 Senate office buildings, 3 House office buildings, 2 House annex buildings, 3 Library of Congress buildings, and several other facilities;

Whereas on October 15, 2001, a letter containing anthrax spores was opened in Senator Daschle's office;

Whereas approximately 6,000 individuals were tested for exposure to anthrax and 28 of those individuals tested positive;

Whereas approximately 1000 individuals received a 60-day supply of antibiotics as a precautionary measure;

Whereas the House of Representatives closed the Rayburn and Cannon House Office Buildings for 7 days and the Longworth House Office building for 19 days;

Whereas the Senate closed the Russell Senate Office Building for 6 days, the Dirksen Senate Office Building for 8 days, and the Hart Senate Office Building remains closed;

Whereas during the closure of the Senate and House Office Buildings, Members and staff were forced to find alternative office space or to work from their homes;

Whereas Members and staff whose offices are located in the Hart Senate Office Building continue to utilize alternative office space, including office space donated by other Members;

Whereas Senate, House, and support staff continued and still continue to perform their duties and serve the public with courage and professionalism in spite of the threat of anthrax exposure;

Whereas Capitol Hill police officers have worked 12 hour shifts in response to the September 11, 2001, attacks and have been working additional overtime due to anthrax contamination in the Capitol Complex to ensure the safety of Members, staff, and visitors within the Capitol Complex; and

Whereas the release of anthrax in Senator Daschle's office, and the contamination of 2 Senate office buildings and 1 House office building, has further disrupted the daily routines of Congressional Members and their staffs and caused frustration due to dislocated offices: Now, therefore, be it

Resolved, That the Senate —

(1) commends the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage, professionalism, and dedication to serving the public in the aftermath of the September 11, 2001, attacks and the release of anthrax in Senator Daschle's office;

(2) recognizes the Congressional leadership, Congressional employees, the Capitol Police, and the Office of the Attending Physician and the health care professionals in his office, in particular, who by their quick actions and early intervention prevented actual cases of anthrax within the Capitol Complex; and

(3) requests that the President recognize the courage and professionalism of Congressional staff, the Capitol Police, and other members of the Capitol Hill community for their public service in continuing to do the public's business in defiance of terrorist attacks.

Mr. CLELAND. Mr. President, I rise today to submit a resolution that will recognize the courage and professionalism of Congressional Staff, the Capitol Police, and other members of the Capitol Hill Community following the release of anthrax in Senator DASCHLE's office. In the aftermath of the first-ever evacuation of the Capitol and surrounding office buildings due to the terrorist attacks on September 11, 2001, and especially after the bioterrorist attack on the Congress and the Capitol Hill Community it is important to acknowledge the approximately 30,000 legislative branch employees who work on Capitol Hill including, approximately 6,200 Senate employees, 11,500 House employees, and 12,800 additional staff from other entities who have been affected by the release of anthrax in Senator DASCHLE's office. Therefore, in recognition of their outstanding public service in continuing to do the public's business in defiance of the terrorist attacks I am submitting a resolution to commend Congressional employees, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their dedication to public service.

This legislation acknowledges the extensive grounds of the Capitol complex which consists of the Capitol building, three Senate office buildings, three House office buildings, two House annex buildings, three Library of Congress buildings, and several other facilities that comprise the Capitol complex of approximately 285 acres. The Office of the Attending Physician, in response to the release of anthrax in Senator DASCHLE's office, tested approximately 6,000 individuals for exposure to anthrax, 28 of whom were positive. In addition, approximately 1,000 individuals received 60-day supply of antibiotics as a precautionary measure and the Senate and House office buildings were closed while investigators and bioterrorism experts decontaminated the offices exposed to anthrax.

During the closure of the Senate and House office buildings, Members and staff were forced to find alternative office space or work from their homes. Members and staff whose offices are located in the Hart Senate Office Building continue to utilize alternative office space including office space donated by other Members. Senate, House, and support staff continued to perform their duties and serve the public with courage and professionalism in spite of the threat of exposure to anthrax. In addition, Capitol Hill police officers worked 12 hour shifts in response to the September 11, attacks and have been working additional overtime since anthrax contamination in the Capitol Complex to ensure the safety of Members, staff, and visitors within the Capitol Complex. Finally, the release of anthrax and subsequent contamination of Congressional offices disrupted the daily routines of Congressional Members and their staffs and caused frustration due to dislocated offices.

My legislation commends the Congressional leadership, Congressional employees, the Capitol Police, the Office of the Attending Physician and the health care professionals in his office, in particular, for their quick actions and early intervention which prevented actual cases of anthrax within the Capitol Complex. Capitol Hill employees deserve to be commended for their strength, courage, and professionalism since the September 11 attacks and this resolution asks the President to recognize them for their unwavering commitment to public service in continuing to do the public's business in defiance of the terrorist attacks. Thank you to Senators ALLEN, FEINGOLD, COCHRAN, MILLER, and AKAKA who have signed on as cosponsors to this legislation. I encourage other Senators to join us in this worthy recognition of the Capitol Hill community by cosponsoring this resolution.

SENATE CONCURRENT RESOLUTION 88—EXPRESSING SOLIDARITY WITH ISRAEL IN THE FIGHT AGAINST TERRORISM

Mr. BIDEN (for himself, Mr. DASCHLE, Mr. LOTT, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mrs. CARNAHAN, Mr. CARPER, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. GRAHAM, Mr. HATCH, Mr. HUTCHINSON, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LIEBERMAN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. SARBANES, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. TORRICELLI) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 88

Whereas 26 innocent people in Israel were murdered in cold blood and at least 175 wounded by Palestinian terrorists, all within 14 hours, during the weekend of December 1–2, 2001;

Whereas these deaths are the equivalent, on a basis proportional to the United States population, of 1,200 American deaths and 8,000 wounded;

Whereas the President's Middle East envoy General Anthony C. Zinni has labeled the terrorism of this past weekend ''the deepest evil one can imagine'';

Whereas this bloody weekend is part of an ongoing terror campaign often targeted at youth and families and perpetrated by Islamic fundamentalist groups Hamas and Palestinian Islamic Jihad and by some elements of Palestinian Authority Chairman Yasser Arafat's Fatah movement;

Whereas President Bush declared at a joint session of Congress on September 20, 2001, that ''[e]very nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime''; and

Whereas President Bush declared on December 2, 2001, that ''Chairman Arafat must do everything in his power to find those who murdered innocent Israelis and bring them to justice'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the vicious terrorist murders of 26 innocent people in Israel within 14 hours during December 1–2, 2001, and extends its deepest sympathies to the State of Israel and to the families of the victims;

(2) expresses outrage at the ongoing Palestinian terrorist campaign and insists that the Palestinian Authority take all steps necessary to end it;

(3) demands specifically that the Palestinian Authority take action immediately to—

(A) destroy the infrastructure of Palestinian terrorist groups;

(B) pursue and arrest terrorists whose incarceration has been called for by the Government of Israel; and

(C) either—

(i) prosecute such terrorists, provide convicted terrorists with the stiffest possible punishment, and ensure that those convicted remain in custody for the full duration of their sentences; or

(ii) render all arrested terrorists to the Government of Israel for prosecution;

(4) urges the President to suspend all relations with Yasser Arafat and the Palestinian Authority, if Yasser Arafat and the Palestinian Authority fail to take the actions described in paragraphs (2) and (3);

(5) further urges the President to insist that all countries harboring, materially supporting, or acquiescing in the private support of Palestinian terrorist groups should end such support, dismantle the infrastructure of such groups, and bring all terrorists within their borders to justice; and

(6) expresses the solidarity of the United States with Israel in our common struggle against the scourge of terrorism.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2240. Mr. FEINGOLD (for himself, Mr. BAUCUS, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill S. 1731, 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, and for other purposes; which was ordered to lie on the table.

SA 2241. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2242. Mr. CRAPO (for himself, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. BROWNBACK, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2240. Mr. FEINGOLD (for himself, Mr. BAUCUS, and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill S. 1731, 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following sections:

SEC. . COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2002.

SA 2241. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1731, 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . COMMERCIAL FISHERIES FAILURE.

In addition to amounts appropriated or otherwise made available by this Act, there are appropriated to the Department of Agriculture $10,000,000 for fiscal year 2002, which shall be transferred to the Department of Commerce to provide emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to Northeast multispecies fisheries. Amounts made available under this section shall be used to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery that permanently revokes multispecies, limited access fishing permits so as to obtain the maximum sustained reduction in fishing capacity at the least cost and in the minimum period of time and to prevent the replacement of fishing capacity removed by the program.

SA 2242. Mr. CRAPO (for himself, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. BROWNBACK, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 1731, 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, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 132 and insert the following:

SEC. 132. STUDY OF NATIONAL DAIRY POLICY.

(a) STUDY REQUIRED.—Not later than April 30, 2002, the Secretary of Agriculture shall submit to Congress a comprehensive economic evaluation of the potential direct and indirect effects of the various elements of the national dairy policy, including an examination of the effect of the national dairy policy on—

(1) farm price stability, farm profitability and viability, and local rural economies in the United States;

(2) child, senior, and low-income nutrition programs, including impacts on schools and institutions participating in the programs, on program recipients, and other factors; and

(3) the wholesale and retail cost of fluid milk, dairy farms, and milk utilization.

(b) NATIONAL DAIRY POLICY DEFINED.—In this section, the term ''national dairy policy'' means the dairy policy of the United States as evidenced by the following policies and programs:

(1) Federal Milk Marketing Orders.

(2) Interstate dairy compacts (including proposed compacts described in H.R. 1827 and S. 1157, as introduced in the 107th Congress).

(3) Over-order premiums and State pricing programs.

(4) Direct payments to milk producers.

(5) Federal milk price support program.

(6) Export programs regarding milk and dairy products, such as the Dairy Export Incentive Program.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, December 5, at 9:30 a.m., to conduct a hearing. The committee will receive testimony on the nominations of Margaret S.Y. Chu to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy; Beverly Cook to be an Assistant Secretary of Energy (Environment, Safety, and Health), Department of Energy; Jeffrey D. Jarrett to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior; and Rebecca W. Watson to be an Assistant Secretary of the Interior (Lands and Minerals Management), Department of the Interior.

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

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Wednesday, December 5, 2001, at 10 a.m., in Dirksen Room 226.

Witness List

Panel I: Hon. John Warner, Hon. Phil Gramm, Hon. Harry Reid, Hon. Bob Graham, Hon. Ben Nighthorse Campbell, Hon. Kay Bailey Hutchison, Hon. Wayne Allard, Hon. Max Cleland, Hon. Jeff Sessions, Hon. Zell Miller, Hon. John Ensign, Hon. Ileana Ros-Lehtinen, Hon. Carrie Meek, and Hon. Silvestre Reyes.

Panel II: Callie V. Granade to be U.S. District Court Judge for the Southern District of Alabama; Marcia S. Krieger to be U.S. District Court Judge for the District of Colorado; James C. Mahan to be U.S. District Court Judge for the District of Nevada; Philip R. Martinez to be U.S. District Court Judge for the Western District of Texas; and C. Ashley Royal to be U.S. District Court Judge for the Middle District of Georgia.

Panel III: Mauricio J. Tamargo to be Chair of the Foreign Claims Settlement Commission of the United States.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet to hold a closed conference with the House Permanent Select Committee on Intelligence on H.R. 2883, on Wednesday, December 5, 2001, at 2 p.m.

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

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee

on Crime and Drugs be authorized to meet to conduct a hearing on ''Making America's Streets Safer: The Future of the COPS Program,'' on Wednesday, December 5, 2001, at 1:30 p.m., in SD226.

Witness List

Panel I: Viet D. Dinh, Assistant Attorney General, Office of Legal Policy, U.S. Department of Justice.

Panel II: Thomas P. Gordon, County Executive, New Castle County, Delaware; Colonel Lonnie Westphal, Chief, Colorado State Patrol, Vice President, International Association of Chiefs of Police; Steve Young, Lieutenant, Marion City Police Department, National President, Fraternal Order of Police; Mike Brown, Sheriff, Bedford County, Virginia, National Sheriffs' Association; Dr. Jihong Zhao, Professor, Department of Criminal Justice, University of Nebraska at Omaha; and David Muhlhausen, Policy Analyst, Heritage Foundation.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, December 5, 2001, at 9 a.m., on the response of the technology sector in times of crisis.

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

PRIVILEGE OF THE FLOOR

Mr. LUGAR. Mr. President, I ask unanimous consent that Carol Olander, Dave White, and Benjamin Young, detailees to the Agriculture Committee from the Department of Agriculture, be granted privileges of the floor during the pendency of the farm bill.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

CONGRATULATIONS, VASSILI SULICH

Mr. REID. Mr. President, on Saturday evening, December 15, the Las Vegas Philharmonic will be recognizing the work of one of Nevada's true cultural treasures, Vassili Sulich. I am pleased to speak of the vision and the accomplishments of this fine man.

In 1981, Vassili Sulich received the State of Nevada Governor's Arts Award for ''Outstanding Individual Artist,'' an award which recognized his role in establishing the Nevada Dance Theatre and for bringing classical ballet to southern Nevada. This award is only one of many that have been bestowed upon Mr. Sulich, but it represents what he has meant, and still means for the cultural evolution of my home state.

Born on the island of Brac, Yugoslavia, Vassili Sulich began imagining and improvising performances from an early age. As a refugee in Egypt, during World War II, he joined a Yugoslav children's theatre, which continued performing in Europe after the war. He received classical dance training with the Zagreb Opera Ballet, and he remained in the theatre ever since.

In 1952, he received a scholarship to study in London. One year later, he moved to Paris to be a member of the Ballet de France de Janine Charrat. Paris became his home for eleven years, where he rose to the status of Danseur Etoile; first with Ballet des Etoiles de Paris and later with other companies and opera houses.

During this time, he performed as a principal dancer in many ballets, partnering such famous ballerinas as Ludmilla Tcherina, Zizi Jeanmarie, and Colette Marchand. He made many appearances on television and film, and starred in ''Geraldine'' with Geraldine Chaplin.

In 1960, Vassili was named the principal dancer at the Lido de Paris, and he began his choreographic career with ''Suite Lyrique,'' ''The Wall,'' and ''Oedipe-Roi'' with Jean Cocteau and composer Maurice Thiriet. In 1964, he came to New York as a principal dancer with ''Folies Bergere'' on Broadway and to study with Martha Graham.

That same year, he was offered a three-month contract by the producer of the ''Folies Bergere'' at the Tropicana Hotel in Las Vegas. It turned out to be a collaboration that lasted nine years. He was also named as ballet master, rehearsing and employing replacements for dancers and showgirls. The management of the Tropicana was always available to help, and even recreated a studio atmosphere in the theatre for ballet instruction in the afternoons and between shows.

After several years in Las Vegas, Sulich missed the beauty and focus of classical ballet, and he approached the University of Nevada, Las Vegas, offering to teach classical dance. That same year, he organized his first ''Dance Concert'' in the UNLV Judy Bayley Theatre, choreographing three ballets for 26 voluntary dancers from shows on the Las Vegas Strip. The program received such enthusiastic acclaim that in May of 1973, he presented a second Dance Concert. The projects were labors of love: no one was paid, the dancers furnished their own costumes, and the university provided technical support.

In 1974, a board of directors was formed, and the Nevada Dance Theatre came into existence, with Vassili Sulich at the helms as Artistic Director. Within a few years, the Nevada Dance Theatre was home to 23 professional dancers, providing classical ballet at home and touring the United States to critical acclaim. The Company was even recognized by Dance Magazine as one of the 10 best regional ballet companies in America.

Since founding the Nevada Dance Theatre, Sulich has choreographed fifty-one ballets, ranging from classical to contemporary to dramatic works with wide audience appeal. One of his works, ''Mantodea,'' received international acclaim in Bulgaria and Russia and was filmed for Belgrade television. He has staged ''Mantodea'' for ballet companies in Canada, New Zealand, Singapore, Hong Kong, Hungary, and the United States. And just this year, he was again commissioned to stage the ballet in Brazil.

After twenty-five years, Vassili Sulich retired from the Nevada Dance Theatre, but he has not retired from cultural service. He was instrumental in the forming of the Las Vegas Philharmonic, and he has recently penned an autobiography, ''Vision in the Desert: A Dancer's Life.''

I am proud to take this opportunity to congratulate Vassili Sulich for a lifetime of artistic achievement. He is indeed a cultural treasure and an ambassador for the arts in Nevada, our nation and the world.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS

PAYMENT FOR WORK PERFORMED

Mrs. HUTCHISON. Mr. President, regarding this week's Senate passage of the fiscal year 2002 Transportation appropriations conference report, Senator DURBIN and I have recently become aware that several of the major contractors on the Tren Urbano project have substantial disputes outstanding with Puerto Rico concerning payment for work performed on the project. I find this troubling given the extent of oversight we have come to expect of major transit projects like this one.

Mr. DURBIN. I certainly agree with Senator HUTCHISON. It is indeed important that these transit projects be managed efficiently, and preferably without dispute; otherwise, these projects are viewed by the contracting community as more risky, and thus they become more costly to deliver, to the detriment of the taxpayers who ultimately bear the financial burden of these projects.

Mrs. HUTCHISON. I understand that the FTA is currently withholding approximately $165M of funding for the Tren Urbano Project, and has required a more accurate cost estimate and schedule for the Project than has been previously furnished.

Mr. DURBIN. I want to encourage FTA to release only such funds as it considers appropriate in order to resolve outstanding disputes with respect to payment for work performed on the Tren Urbano project, and suspend all further Federal funding for the project.

Mrs. HUTCHISON. I concur with the Senator and, if such disputes have not been resolved by March 1, 2002, would further request that the Inspector General promptly report back to the House and Senate Committees on Appropriations on FTA's assessment of (i) The reasons why such disputes remain unresolved, (ii) the cost impact of such disputes, and (iii) the IG's recommendation, if appropriate, for a more cost effective dispute resolution process.

EXPLANATION OF ABSENCE

Mr. LIEBERMAN. Mr. President, I inform the Senate that due to the funeral in New Haven, Connecticut of a long-time Connecticut aide and close friend, I was unable to be present for the votes scheduled on December 5, 2001.

James ''Jimmy'' O'Connell passed away on Saturday at the age 53. Jimmy, a former New Haven police officer, was like a brother to me. We worked together for over 30 years. I enjoyed his extraordinary intelligence, his warm wit and his wonderful loyalty. I will miss him dearly and believe it was only fitting for me to attend his funeral in New Haven.

Had I been present, I would have voted as set forth below. On none of the votes would my vote have affected the outcome.

On the motion to waive the Budget Act with regard to Daschle amendment No. 2170, I would have voted in favor. On the final passage of H.R. 10, I would have voted in favor of the bill. On cloture on the motion to proceed to S. 1731, I would have voted in favor of cloture.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred November 11, 2001 in Milwaukee, WI. A lesbian woman, Juana Vega, was brutally assaulted and shot five times at point-blank range. Pablo Parrilla, the brother of Vega's then-girlfriend, has been arrested in connection with Vega's murder. Mr. Parilla objected to his sister's relationship with Vega, and reportedly threatened to kill Vega for ''turning his sister gay.''

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.

HOLD ON NOMINATION

Mr. GRASSLEY. Mr. President, I have placed a ''hold'' on the nomination of General Claude Bolton, Jr. for the position of Assistant Secretary of the Army for Research, Development, Acquisition, and Technology as questions asked by the Iowa/Illinois Senate delegation remain unanswered.

MILITARY BUILD-UP IN BURMA

Mr. MCCONNELL. Mr. President, the Senate Appropriations Committee yesterday marked-up H.R. 3338, the FY 2002 Department of Defense Appropriations Bill. I authored language in the report accompanying that bill requiring the Pentagon to report to Congress on Thailand's defense needs in the wake of Burma's recent purchase of 10 MiG–29 fighter aircraft from Russia. I did so because of my grave concerns with regional security and stability—and with the welfare of the people of Burma who endure hardships and indignities under the oppressive misrule of the State Peace and Development Council (SPDC). In terms of oppressive regimes, the SPDC ranks right up there with the Taliban.

My colleagues should take note of the November 28 edition of Jane's Defence Weekly which states that Burma has ''significantly expanded the country's military strength while most other [countries] in the region are pursuing force reductions . . . military modernization since 1988 has been heavily tied to China as the principal source of equipment—variously valued at between $1 billion and $2 billion. [The purchase of the MiGs from Russia] following up its 1996 purchase of Mi-17 helicopters, suggests that a new dimension could dominate the next phase of development . . . [the SPDC] has stated publicly that armed forces strength has been targeted to expand by a further 25 percent, to 500,000.''

Lest my colleagues fail to understand what is happening in Rangoon today, let me sketch a quick outline:

The legitimately elected leader of Burma—Daw Aung San Suu Kyi of the National League for Democracy (NLD)—continues to be under house arrest in Rangoon, with up to 1,800 political prisoners languishing in Burmese prisons. While SPDC thugs and Suu Kyi are engaged in ''talks'', the junta is building up its military strength and purchasing billions of dollars of military hardware from Russia and China. To say that the defense build-up sends conflicting messages to the NLD and the world is a gross understatement.

Meanwhile, the people of Burma suffer from neglect and abuse at the hands of the SPDC who attached absolutely no importance to the welfare of Burmese citizens. None. And to make matters worse, Japan appears to be rewarding the SPDC by providing a grant aid to Burma for the repair of the Baluchaung Hydroelectric Power Plant in Karenni State. The Japanese government must understand that such assistance is not only premature, it is also misguided. Money is certainly the language of the thugs and thieves in Burma, but it cannot buy peace and stability in that mafia state.

I encourage my colleagues to read Fred Hiatt's excellent op-ed in Monday's edition of the Washington Post, and ask that it appear in the RECORD following my remarks.

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

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

EYES WIDE OPEN

(By Fred Hiatt)

One inevitable reaction, as we hear now of the depredations of the Taliban regime, is: Where were we all while this was going on?

Oh, some feminists and human rights activists tried to call our attention to Afghanistan's gender apartheid. Journalists, including The Post's Pam Constable, reported from Kabul. We took note briefly when religious minorities were ordered to wear identifying marks and when those ancient statues were destroyed.

But for most of us, the recent revelations of Taliban brutality—of forced conscription, point-blank murder, scorched-earth destruction and merciless impoverishment of widows and children—have been just that, revelations. As the Bush administration rails righteously against a regime it barely seemed to notice before Sept. 11, we have to ask: Where were they—where were we—these five long years? How could we have let it happen?

One way to answer the question is to look at places where it is happening still.

This week past Nobel Peace Prize winners will gather in Oslo to honor one missing laureate Aung San Suu Kyi, the rightful leader of the Southeast Asian nation of Burma, wasn't allowed to pick up her prize in 1991, and a decade later she remains under house arrest and cut off from the world. Her countrymen—some 48 million of them, more or less double Afghanistan's population—are preyed upon by their leaders much as Afghans were by theirs.

The facts are depressingly familiar to the relatively few who follow events in Burma (renamed Myanmar by the junta). A promising, resource-rich nation with a well-educated and peaceable population has been ground gradually toward poverty and ignorance by a succession of malevolent and misguided rulers.

In 1990 the ruling junta, apparently deluded about its popularity, as dictators frequently are, staged elections. The National League for Democracy, led by Aung San Suu Kyi, won four out of every five parliamentary seats, even though she was already under house arrest. Instead of letting the parliament meet, the generals put many of the winners in jail, where some remain to this day.

Among juntas, Burma's is particularly famous for its use of forced unpaid labor. As many as 1 million Burmese, by the estimate of the International Confederation of Free Trade Unions, have been press-ganged into building roads, railroads and military installations. Many of the conscripted are children. Many are forced to act as porters for the army, often in dangerous circumstances.

The generals, fearing the people they rule, maintain an army of 400,000. They have shuttered the country's universities for most of the past decade. People are jailed for possession of unlicensed fax machines. Media are controlled by the state. Some 1,500 people

are in prison for political crimes, mostly for having sought to peacefully express opinions of which the regime did not approve. In a country where one in three children is malnourished, the generals recently agreed to buy from Russia a dozen advanced MiG–29 fighter jets.

The combined effect of repression and the military's incompetence is ever-worsening poverty. In the past year, the local currency has lost half its value. The only export on an upward curve is heroin. Vast acreages of rain forest have been destroyed to feed the generals' corruption. Just in the past two months, the BBC recently reported, food prices have doubled, and power outages have become routine. HIV–AIDS is spreading fast.

Despite democracy's advances around the world in recent years, the Burmese assuredly are not the only people still enchained. North Koreans, Chinese, Belarusians, Iraqis, Cubans—all are denied their freedoms, yet none is about to be liberated by U.S. bombing. There's a limit to what we can do, and what we should do.

Yet in all of those places the United States can and should press for freedom. In Burma, economic sanctions are beginning to have some effect. Concerned about their image and the economy, the generals have released some 200 political prisoners and at least entertained the efforts of a U.N. envoy, now on his sixth trip to the nation. If other countries remain steadfast in supporting Aung San Suu Kyi—refusing to provide aid, for example, except in consultation with her—there's some hope for more progress.

Burma, after all, would require no nation-building, no Bonn conferences, no search for a viable opposition. A qualified and democratically elected leader waits quietly in her lakefront Rangoon house, still committed after a decade to human rights and nonviolent change. When she finally moves to the prime minister's office that belongs to her, and the Burmese people cheer their liberation as many Afghans have been cheering theirs, it would be nice if we could say at least: We're not surprised. We knew that terrible things were happening. We were with you all along.

ANDEAN TRADE PREFERENCE ACT

Mr. MCCAIN. Mr. President, the Andean Trade Preference Act (ATPA) expired yesterday. Signed into law in 1991 by the former President Bush, this Act established a unique approach to combating the War on Drugs in Latin America. Rather than assisting Bolivia, Colombia, Ecuador, and Peru solely through military assistance or direct financial aid, the supporters of ATPA sought to reduce drug trafficking through economic expansion. It was believed that increased trade would promote healthy economies, diversify export bases, and create jobs outside of the drug trade. Unlike other forms of aid, the expansion of free trade benefits everyone. American consumers benefit from a wider variety of lower-priced goods, while the citizens of Andean nations benefit from the creation of legitimate jobs outside of the drug trade.

Since the enactment of ATPA, positive changes have occurred within the region. Two-way trade between the United States and the Andean nations has doubled. Bolivia succeeded in eradicating 95% of its coca plantations. Recently, Peru experienced a peaceful democratic transition from autocratic rule. In Colombia alone, ATPA helped to create over 140,000 new jobs. Today, farmers in the region are choosing to plant coffee beans, asparagus, and flowers instead of coca. With the expiration of ATPA, these successes are now in jeopardy.

While our nation remains engaged in a battle against terrorism, we must not lose sight of the critical security risks that remain not far beyond our borders. The Andean region is not only the world's primary source of coca, it is also a haven for terrorism and terrorist groups that thrive on funding derived from the drug trade. I am a staunch supporter of our war efforts, but I am also fearful of the consequences of neglecting this troubled region within our own hemisphere.

We are now at a critical juncture. Failing to extend ATPA sends a message to terrorist groups, drug traffickers, and counter-revolutionaries, that the United States is no longer committed to the region, and this inaction could impact our national security. Terrorism lurks in abandoned and hopeless regions, where good people resort to such measures out of desperation. As our nation's attention focuses on the war effort, we must not allow ourselves to neglect regions that still need our support and attention.

In March, Senator GRAHAM introduced S. 525, the Andean Trade Preference Expansion Act, of which I am a proud co-sponsor. That bill would expand and extend the current act, with the hope of furthering economic development and stability in the region. Unfortunately, that bill has yet to be debated on the Senate floor. While the Senate remains mired in partisan squabbling, the House of Representatives successfully passed a good bill on November 16 to extend and to expand ATPA. The expiration of ATPA should be a concern of all of us. I hope that the Majority leader will expeditiously move to schedule floor time for the consideration of an expansion of this important legislation before the fragile economies of the Andean region are left to falter.

EXECUTIVE SESSION

INTERNATIONAL CONVENTION FOR SUPPRESSION OF FINANCING TERRORISM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed in Executive Session to the consideration of Executive Calendar No. 2, International Convention for Suppression of Financing Terrorism; that the treaty be considered as having advanced to its parliamentary status up to and including the presentation of resolution of ratification, and that the reservation, understandings, and conditions be agreed to.

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

The resolution of ratification is as follows:

INTERNATIONAL CONVENTION FOR SUPPRESSION OF FINANCING TERRORISM (TREATY DOC. 106–49)

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000 (Treaty Document 106–49; in this resolution referred to as the ''Convention''), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that

(a) pursuant to Article 24(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 24(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 24(1) of the Convention or any other procedure for arbitration.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION OF LEGITIMATE ACTIVITIES AGAINST LAWFUL TARGETS.—The United States of America understands that nothing in the Convention precludes any State Party to the Convention from conducting any legitimate activity against any lawful target in accordance with the law of armed conflict.

(2) MEANING OF THE TERM ''ARMED CONFLICT''.—The United States of America understands that the term ''armed conflict'' in Article 2(1)(b) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998 unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes the enactment of legislation or the

taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. REID. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. A division is requested.

Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. REID. Mr. President, in that division vote, did the Chair call those opposed to the ratification? I failed to hear that. Will the Chair do that again, please.

The PRESIDING OFFICER. A division is requested.

Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting, having voted in the affirmative, the resolution of ratification is agreed to.

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 3, the International Convention for the Suppression of Terrorist Bombings; that the treaty be considered as having advanced through its parliamentary stages up to and including the presentation of the resolution of ratification and that the reservation, understandings and conditions be agreed to.

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

The resolution of ratification is as follows:

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS (TREATY DOC. 106–6)

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1997, and signed on behalf of the United States of America on January 12, 1998 (Treaty Document 106–6; in this resolution referred to as the ''Convention''), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that:

(a) pursuant to Article 20(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 20(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the procedure in Article 20(1) of the Convention or any other procedure for arbitration.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION FROM COVERAGE OF TERM ''ARMED CONFLICT''.—The United States of America understands that the term ''armed conflict'' in Article 19(2) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) MEANING OF TERM ''INTERNATIONAL HUMANITARIAN LAW''.—The United States of America understands that the term ''international humanitarian law'' in Article 19 of the Convention has the same substantive meaning as the law of war.

(3) EXCLUSION FROM COVERAGE OF ACTIVITIES BY MILITARY FORCES.—The United States understands that, under Article 19 and Article 1(4), the Convention does not apply to—

(A) the military forces of a state in the exercise of their official duties;

(B) civilians who direct or organize the official activities of military forces of a state; or

(C) civilians acting in support of the official activities of the military forces of a state, if the civilians are under the formal command, control, and responsibility of those forces.

SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION.—The Senate re-affirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998, unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. REID. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. A division is requested.

Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting, having voted in the affirmative, the resolution of ratification is agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the motions to reconsider be laid upon the table, that any statements thereon be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

Mr. BIDEN. Mr. President, I am pleased to present to the Senate two multilateral conventions, negotiated within the UN system, to combat two specific aspects of international terrorism. The treaties, the International Convention for the Suppression of Terrorist Bombings, and the International Convention for the Suppression of the Financing of Terrorism, will provide important tools to the President in the global campaign against terrorism.

The two treaties are similar in approach: they require parties to criminalize the proscribed behavior—engaging in international terrorist bombings and fund raising for international terrorism—and to either extradite an alleged offender to another nation that has jurisdiction to prosecute or to submit the case for prosecution.

The conventions have received increasing support from the nations of the world. In the last several weeks, many nations have signed or ratified the treaties. For example, when the Committee on Foreign Relations held a hearing on the treaties in late October, 58 countries had signed the International Convention for the Suppression of the Financing of Terrorism, but just four had become parties to it. As of today, according to the web page of the United Nations, 125 countries have signed the Convention, and 15 have become party to it. It will enter into force when 22 nations become party to it, so the Senate's action today will be an important step in helping bring the Convention closer to entry into force.

I applaud and support the global campaign against terrorism that President Bush has waged to date. If we have learned anything about foreign policy since September 11, it is the global leadership and multilateral cooperation are essential to combating the terrorist networks. If we want to use air power in Afghanistan, we need over-flight rights from countries around the region. If we want Al-Qaeda cells to be investigated and arrested, we need our foreign partners to join us in the effort. If we want bank accounts of Osama bin Laden and his cohorts frozen, we need the assistance of foreign governments and foreign bankers. In short, we cannot wage this campaign by ourselves.

I am pleased that the administration strongly supports these conventions. They will provide additional weapons in the terrorism campaign. They set international standards—which we will expect foreign nations to embrace and enforce. The International Convention

on the Suppression of the Financing of Terrorism will be of particular importance in our continuing effort to squeeze the financial lifeblood out of the international terrorism networks.

Despite this support for multilateral approaches, I find puzzling the Administration's failure to seize the initiative in other contexts, especially at this time when so many countries are lining up on our side in the present conflict. The vicissitudes of the war on terrorism also present opportunities to the United States, if only we will seize them.

For example, we all know that rogue states and terrorists are trying to obtain biological weapons. In response to this challenge, the Administration—which earlier scuttled a draft compliance protocol to the Biological Weapons Convention—proposes that countries enact national legislation criminalizng violations of the BWC, improve bilateral extradition agreements, and adopt strict standards for access to dangerous pathogens. But as recently as earlier this week, at the BWC Review Conference held every five years, the U.S. delegation was resisting the idea of a protocol calling on countries to take those actions. It is a mystery to me why the Administration cannot see the virtue of global adherence to a set of standards in the fight to prevent biological terrorism.

Mr. President, the Committee on Foreign Relations recommended, by a unanimous voice vote, that the Senate advise and consent to the two treaties now before the body. I am pleased that my colleagues have given their strong support to these conventions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MAKING FURTHER CONTINUING APPROPRIATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.J. Res. 76, the continuing resolution, just received from the House and now at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 76) making further continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The joint resolution (H.J. Res. 76) was read the third time and passed.

EXPRESSING SOLIDARITY WITH ISRAEL IN THE FIGHT AGAINST TERRORISM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 88, introduced earlier today by Senators BIDEN and HELMS.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 88) expressing solidarity with Israel in the fight against terrorism.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 88) was agreed to.

The preamble was agreed to.

(The text of the concurrent resolution, with its preamble, is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 96–114, as amended, announces the appointment of Kevin B. Lefton, of Virginia, to the Congressional Award Board.

MEASURE READ THE FIRST TIME—S. 1766

Mr. REID. Mr. President, I understand S. 1766, introduced earlier today by Senators DASCHLE and BINGAMAN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1766) to provide for the energy security of the Nation, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request on behalf of the minority.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

THE DEMOCRATIC ENERGY BILL

Mr. DASCHLE. Mr. President, after months of hard work by the chairman of nine committees, we are today introducing legislation to establish a national energy policy. The bill we are introducing provides a blueprint for solving many of the nation's energy problems, and will provide the American people with clean, reliable, and affordable energy for generations to come.

This bill recognizes that the use of energy has profound consequences for economic health, environmental quality and national security. The energy policy we choose to adopt will have long-lasting consequences in each of these areas.

Today, we have an opportunity to dramatically reshape America's energy future, and it is an opportunity we cannot afford to lose.

The strength of our economy depends, in large measure, in the abundant and inexpensive supply of energy.

The periodic price shocks experienced by American drivers since the mid-1970s underscores the vulnerability associated with our growing dependence on foreign oil. At the same time, the rolling blackouts experienced by California last summer serves as a cautionary tale of the failure to guarantee reliable and abundant supplies of electricity.

One of the greatest environmental challenges that our nation—and the world—will face in the coming years is the rising tide of global climate change. The way we generate and use energy in the future will determine whether we effectively face this challenge and prevent the catastrophic impacts of global warming, and whether we can make the air we breathe cleaner and more healthy.

And finally, the success of our foreign policy and the security of our nation are inextricably linked to our future patterns of energy use.

In the last 12 years we have spent billions of dollars fighting two wars in the Middle East, both of which involved oil. When Iraq invaded Kuwait it endangered the oil fields that supplied a significant percentage of the world's energy. The U.S., in cooperation with much of the rest of the world, was forced to respond to that threat.

More recently, we have learned that much of Osama bin Laden's financial support came from supporters made rich by the oil-based economy of the Middle-East.

It is long past time when we take whatever steps we can toward freeing ourselves from our dependence on foreign oil, and the volatility associated with it.

The bill we are introducing today is intended to address these challenges by pursuing a thoughtful, progressive, and realistic energy policies.

I thank Chairman BINGAMAN for the job he has done in working with nine committees to produce this bill. In addition to his Energy and Natural Resources Committee, he also coordinated with: the Environment and Public Works Committee; the Commerce Committee; the Banking Committee; the Indian Affairs Committee; the Foreign Relations Committee; the Governmental Affairs Committee; the Agriculture Committee; and the Finance Committee.

The events of September 11 have dictated that committees which have jurisdiction over key elements of energy

policy deal with the issues that demand our immediate attention. Those committees are now turning to their energy-related work, and will have their provisions complete prior to floor debate.

For Example, the Commerce Committee has worked tirelessly to address aviation security and now is turning its attention to fuel economy. It will develop provisions designed to improve fuel efficiency of vehicles over the next 2 months and add them to this package.

The Finance Committee, which has spent so much time working on the economic stimulus legislation, will develop and add an energy tax component designed to spur investment in new, efficient energy technologies.

And the Environment and Public Works Committee will add provisions related to the protection and insurance of commercial nuclear facilities.

While those elements will continue to fall into place, the pieces of the bill already in place outline a balanced energy plan that will strengthen our economy, protect our environment, and provide energy security for our nation for decades to come.

The bill Senator BINGAMAN and I are introducing today includes provisions promoting renewable energy, clean coal use, oil and gas exploration, as well as greater efforts to improve the efficiency with which we use that energy. It will create hundreds of thousands of new jobs, while reducing our dependence on foreign oil.

Under our legislation, the federal government will lead by exemple—reducing consumption of energy by 20 percent by 2011 and purchasing 7.5 percent of its energy from renewable sources by 2010.

Our proposal requires utilities to generate and sell 10 percent of their electricity from renewable energy sources by 2020. It requires that five billion gallons per year of renewable fuels, such as ethanol and biodiesel, must be used in the nation's transportation fuels marked by 2012.

We increase funding for LIHEAP and state energy weatherization grants.

Our bill establishes permanent authority for the President to operate the Strategic Petroleum Reserves and request that it be filled. The bill overturns the air conditioner efficiency standard recently adopted by DOE and replaces it with a more aggressive standard.

We authorize up to $10 billion in loan guarantees to encourage timely development of a pipeline to bring 35 trillion cubic feet of natural gas from Alaska to the lower 48 states. Construction of this pipeline is expected to generate 400,000 new jobs.

To keep our nation moving forward, our plan authorizes billions of dollars of additional funding for research and development of energy-efficient and renewable energy technologies, and more efficient use of fossil fuels.

By reducing emissions of carbon dioxide, our bill is designed to help restore American's tattered credibility with the international community on the issue of climate change.

This bill includes climate change provisions developed by the Committees on Energy, Environment, Agriculture, Governmental Affairs, Foreign Relations and Commerce.

I am pleased that Senator BINGAMAN has included the Byrd-Stevens climate change legislation. This is a bipartisan and voluntary proposal that was passed unanimously by the Government Affairs Committee earlier this year.

It requires the establishment of comprehensive national plan, including a renewed commitment to develop the next generation energy technologies. We have complemented the Byrd-Stevens proposal with other climate change proposals from members on both sides of the aisle.

I know many of my colleagues are eager to debate our energy policy, and I look forward to giving this issue the substantive debate it deserves shortly after the new year.

I look forward to working with the White House, Senate Republicans, and our colleagues in the House to shape a national energy policy that can be signed into law.

ORDERS FOR THURSDAY, DECEMBER 6, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m. on Thursday, December 6; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. REID. For the information of all Senators, we expect to go into executive session at approximately 11 a.m. tomorrow to consider executive nominations, with as many as three rollcall votes on judicial nominations. This will be prior to consideration of the Defense appropriations bill which will begin at or about noon tomorrow.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order. I appreciate the patience of the Presiding Officer.

There being no objection, the Senate, at 8:05 p.m., adjourned until Thursday, December 6, 2001, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 5, 2001:

DEPARTMENT OF THE TREASURY

RANDAL QUARLES, OF UTAH, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE EDWIN M. TRUMAN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL DONNA F. BARBISCH, 0000
BRIGADIER GENERAL JAMIE S. BARKIN, 0000
BRIGADIER GENERAL ROBERT W. CHESNUT, 0000
BRIGADIER GENERAL RICHARD S. COLT, 0000
BRIGADIER GENERAL LOWELL C. DETAMORE, 0000
BRIGADIER GENERAL DOUGLAS O. DOLLAR, 0000
BRIGADIER GENERAL KENNETH D. HERBST, 0000
BRIGADIER GENERAL KAROL A. KENNEDY, 0000
BRIGADIER GENERAL RODNEY M. KOBAYASHI, 0000
BRIGADIER GENERAL ROBERT B. OSTENBERG, 0000
BRIGADIER GENERAL MICHAEL W. SYMANSKI, 0000
BRIGADIER GENERAL WILLIAM B. WATSON JR., 0000

To be brigadier general

COLONEL JAMES E. ARCHER, 0000
COLONEL THOMAS M. BRYSON, 0000
COLONEL PETER S. COOKE, 0000
COLONEL DONNA L. DACIER, 0000
COLONEL CHARLES H. DAVIDSON IV, 0000
COLONEL MICHAEL R. EYRE, 0000
COLONEL DONALD L. JACKA JR., 0000
COLONEL WILLIAM H. JOHNSON, 0000
COLONEL ROBERT J. KASULKE, 0000
COLONEL JACK L. KILLEN JR., 0000
COLONEL JOHN C. LEVASSEUR, 0000
COLONEL JAMES A. MOBLEY, 0000
COLONEL MARK A. MONTJAR, 0000
COLONEL CARRIE L. NERO, 0000
COLONEL ARTHUR C. NUTTALL, 0000
COLONEL PAULETTE M. RISHER, 0000
COLONEL KENNETH B. ROSS, 0000
COLONEL WILLIAM TERPELUK, 0000
COLONEL MICHAEL H. WALTER, 0000
COLONEL ROGER L. WARD, 0000
COLONEL DAVID ZALIS, 0000
COLONEL BRUCE E. ZUKAUSKAS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT W. SIEGERT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CATHERINE M. BANFIELD, 0000
MICHELLE C. ROSS, 0000
JAMES R. SWEARENGEN, 0000
CLIFFORD L. WALKER, 0000
JACK M. WEDAM, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MARY CARSTENSEN, 0000
LAURA H. KOSTNER, 0000
MARY S. LOPEZ, 0000
DEBORAH M. STETTS, 0000
WILLIAM L. TOZIER, 0000

CONFIRMATION

Executive nomination confirmed by the Senate December 5, 2001:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN P. WALTERS, OF MICHIGAN, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

EXTENSIONS OF REMARKS

ENERGY POLICY CRITICALLY IMPORTANT TO FARMERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following opinion piece written by Mr. Bryce Neidig, president of the Nebraska Farm Bureau Federation, which appeared in the November 27, 2001, York News-Times. Mr. Neidig makes a convincing case for passing legislation which would implement a national energy policy. As Mr. Neidig stresses, farmers are heavily reliant on petroleum products and could suffer great hardship if Congress fails to develop a meaningful energy policy

On August 2, 2001, the House approved an energy bill which would diversify our energy sources and create greater energy reliability and independence for the United States. Now is the time to enact a long-term energy policy. Congress must help assure farmers and all Americans of the increased development of diverse, reliable, and affordable energy sources.

NATIONAL ENERGY POLICY NEEDS FARMERS' SUPPORT

American agriculture is intensely dependent on petroleum. In fact, it's the lifeblood of farming. Our nation is facing an energy crisis, and farmers stand to suffer as a result—unless federal legislation is passed soon to end the crisis.

The House of Representatives adopted a comprehensive energy package in August—the National Energy Security Act 2001—that holds many keys to solving the nation's energy dilemma. It includes fuel alternatives, incentives to reduce consumption, aid to low-income fuel programs, and a provision for oil exploration and production in a tiny portion of the Coastal Plain in the Arctic National Wildlife Refuge (ANWR). The Senate needs to pass the act this year.

Farmers could be among the hardest hit if we fail to enact a national energy policy. Oil or gas shortages, scarcity, or worse, embargoes, could send the price of energy soaring. Higher input costs and low commodity prices are squeezing many producers at this time.

Petroleum products and natural gas provide heating oil and diesel to run equipment and they are a key ingredient in virtually all fertilizers and many other production inputs. Increases in energy prices ripple through the entire farm economy, spiking the costs to run farms and ranches.

Conservation and development of alternative fuels are important components of the legislation and are critical to agriculture's support for a national energy policy. However, exploration and production of domestic oil and gas are a critical part of this proposed act as well. As our nation grows and as the economy expands, so grows the need for more oil and gas. More oil and gas production is a must in order to stabilize energy prices for farmers and consumers, which is why many producers support the environmentally safe development of domestic and off-shore oil production.

It is my understanding that there could be upwards of 16 billion barrels of recoverable oil under Alaska's Coastal Plain. At full production, some estimates indicate that Coastal Plain oil could contribute about 25 percent of our energy needs. What Coastal Plain oil provides as well is a secure source of domestic energy. Farmers who lived through the Arab oil embargo of the early 1970s and the energy supply problems of the last two years can testify to the disruption and economic pain caused by an unstable oil supply. Coastal Plain oil could serve as a buffer against Iraqi or Iranian led embargoes, for example.

Farmers and ranchers work long, hand hours to keep their operations successful. The hard reality is that for most farmers, the line between success and failure is thin. Sudden spikes in energy prices because of shortages or embargoes could spell doom for many of America's farmers.

The National Energy Security Act 2001 is our nation's best opportunity to chart a course out of a crisis that was many years in the making. Farmers and all of us who make our living through agriculture need to encourage our members of Congress to back this legislation, for the sake of our families and farms.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES THAT VETERANS DAY CONTINUE TO BE OBSERVED ON NOVEMBER 11

SPEECH OF

HON. BRIAN D. KERNS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2001

Mr. KERNS. Madam Speaker, I rise today in strong support of H. Res. 298, a resolution to preserve the spirit and true intention of Veterans' Day. Throughout the course of our Nation's history, courageous men and women have stepped forward in times of war and peace to serve in our Armed Forces. They have done so to protect the freedoms that we, as Americans, are blessed with each day.

Their service has often taken them far away from their homes, their family, and their friends, and has placed them in harms way. Whenever and wherever called upon they answered that call to duty, and their blood has been shed in defense of our liberty.

Now, as our Nation is leading the war on terrorism, the heroic acts of our American service men and women overseas and the 48 million who came before them to defend our country, deserve nothing less than a commitment by the Congress to preserve the sanctity and true mission of Veterans' Day.

While we can never adequately repay our men and women in uniform for the sacrifices they have made to keep America free, we can honor and thank them for their service. With our way of life, our freedoms, under attack at home and abroad, now more than ever, it is imperative that we guarantee that our veterans are honored. I urge my colleagues to support this resolution and maintain November 11 as Veterans' Day—a special day of national observance that we, as a nation, set aside to remember our veterans and the sacrifices they made to uphold our freedoms.

MEDICATIONS FOR DIABETES

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. GRAHAM. Mr. Speaker, for years too many Americans have suffered the ravaging effects of Diabetes. While there have been many promising advancements in the diabetes research field, there have also been many disappointing setbacks.

One key to proper treatment of Diabetes has been the development and the use of new medications. However, the Congress, questions have been raised about the safety of Rezulin and other medications approved by the Food and Drug Administration (FDA) for this use.

In my home state of South Carolina, Mrs. Francis Geddings took Rezulin as a treatment from April 1997 to January 1998. She was hospitalized in 1999 and tragically passed away from liver failure last year. She left behind her husband, Eugene, and many questions about the safety of this drug.

Rezulin was eventually removed from the market, but many questions remain. To avoid future tragedies like the one that visited the Geddings family, we must continually review how medication is made available for public use. Attached are documents that show only a small part of the Rezulin story. It is up to Congress to continue doing everything we can to make the FDA approval process as safe and open as possible.

Americans need to know that according to an FDA document created by several of the FDAs premier scientists, 1 in 1,000 patients who took Rezulin for more than one year will die of fatal liver disease. Pharmaceuticals companies everywhere can learn from the tragic history of Rezulin.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE, FOOD AND DRUG ADMINISTRATION, CENTER FOR DRUG EVALUATION AND RESEARCH.

December 19, 2000.

From: David J. Graham, MD, MPH, Associate Director for Science, Office of Postmarketing Drug Risk Assessment (HFD–400), Lanh Green, RPh. MPH, Safety Evaluator, Division of Drug Risk Evaluation II (HFD–400).

Through: Martin Himmel, MD, MPH, Deputy Director, Office of Postmarketing Drug Risk Assessment (HFD–400).

To: David G. Orloff, MD, Director, Division of Metabolic and Endocrine Drug Products (HFD–510).

Subject: Final Report: Liver Failure Risk with Troglitazone (Rezulin®), NDA: 20–720.

EXECUTIVE SUMMARY

The following report summarizes the activities of the Office of Postmarketing Drug Risk Assessment and its evaluation of the

risk of acute liver failure (ALF) with the use of troglitazone for the treatment of diabetes. The report is divided into topical areas related to varying aspects of the issue.

We estimated the background rate of acute liver failure in the general population to the about 1 case per million persons per year (person-years). Using case reports data supplemented by usage data from a large multislate managed care organization, we estimated the rate of ALF with troglitazone to be about 1 case per 1000 person-years (accounting for underreporting). From three postmarketing clinical studies, the incidence of ALF ranged from about 1,200 to 17,000 per million person-years. Survival analysis suggested that the cumulative risk of ALF with troglitazone increased with continuing use of the drug. The implications of this for a product intended to bee used for decades should not be overlooked.

Based on a number of different analyses, underreporting of ALF with troglitazone was extensive. This highlights the limitations of voluntary (spontaneous) reporting systems. It also illustrates the danger of using changes in reporting over time as a message of success of an intervention. Reporting naturally decreases quickly after the start of marketing so that one cannot cite a decline in number of case reports as evidence that a safety problem has been successfully managed.

Multiple labeling revisions and ''Dear Healthcare Professional'' letters recommending monthly liver enzyme monitoring did not improve the safety profile of troglitazone. Enzyme monitoring was not performed regularly or reliably even after the July 1998 relabeling. Analysis of case reports suggested that even had monitoring been performed, it probably would not have prevented many, or perhaps any, cases of troglitazone-induced ALF. The ''point of no return,'' that is, of irreversibility and inevitable progression to liver failure appeared to be reached within about a month or less of a time when liver enzymes were normal.

Troglitazone appeared to confer a substantially greater risk of ALF than rosiglitazone. However, the risk of ALF with rosiglitazone appeared to be higher than the expected background rate.

BACKGROUND ON ACUTE LIVER FAILURE

Acute liver failure is a rapidly progressive disorder characterized by hepatic encephalopathy, and frequently, coagulopathy (both platelets and clotting factors), methobilic derangements (lactic acidosis, hypoglycemia, electrolyte abnormalities), high output hypovolemic heart failure, renal failure and sepsis. Survival without transplant is below 25%.

Drug-induced ALF is usually more aggressive than viral forms, with survival rates around 10% without transplant. There are several competing classification systems for ALF, each relying on the length of time it takes for a patient to progress from initial symptoms (US) or jaundice (UK, France) to hepatic encephalopathy. The U.S. definition classifies ALF as progressive from initial symptoms of liver dysfunction to encephalopathy within 6 months. In Europe, progression from jaundice to encephalopathy within 12 weeks is classified as ALF. In subsequent work, we used the European criteria. We choose the latter criteria because their shorter time-window more closely reflected the fulminant nature of the cases we were receiving. Also, the onset of jaundice is a clearer and more definite time-point from which to begin counting compared with initial symptoms, the onset of which might be vague and hence unlikely to be reported accurately in case reports.

The etiology of ALF varies somewhat by country (slide 2). Until recently, about 70% of ALF in the U.S. was due to viral hepatitis (primarily hepatitis B), with 15% due to acetaminophen and about 10% due to other drugs and toxins.

* * * * *

The Diabetes Prevention Program (DPP) was a NIH-sponsored clinical trial performed on patients with impaired glucose tolerance (IGT), but not diabetes. Its purpose was to study whether treatment of IGT with oral hypoglycemic agents could prevent or delay the onset of diabetes. One arm of the trial included 585 patients treated with troglitazone on average for one year. From this group, one patient died of fulminant ALF, for an incidence rate of 1,724 per 10^6 person-years (95% confidence interval 44–9,569).

The REACH study was a Warner-Lambert/Parke-Davis sponsored postmarketing study to collect additional information on efficacy and safety of troglitazone. At the time when 2,433 patients were enrolled in the study, with an average duration of treatment <4 months, one patient died of fulminant ALF, for an incidence rate of 1,274 per 10^6 person-years (95% CI 32–7,077).

Another Warner-Lambert/Parke-Davis postmarketing study, Protocol II, was conducted to study the effect of troglitazone use on the insulin does required by diabetic patients enrolled in the study. There were 233 patients enrolled in this randomized double-blind placebo-controlled trial, each treated for a maximum of 6 months. Of this group, one died of liver failure. Of note, this patient developed liver enzyme abnormalities in November 1998 and was withdrawn from the study. His liver enzymes did not normalize and in early March 1999, the blind was broken for this patient to see whether he had received troglitazone or placebo. He had been treated with troglitazone. He was in hospital for evaluation of his liver disease on the day of the March 1999 advisory meeting, and died of liver failure three days after the meeting. Assuming that 50% of randomized patients were treated with troglitazone for a maximum of 6 months, the incidence rate in this study was about 16,949 per 10^6 person-years (95% CI 429–90,855).

In each of these three studies, fatal liver failure was observed at an extremely high rate, ranging from 1,274 to 16,949 per 10^6 person-years. Based on data from the published literature discussed above, we would expect about 1 case of ALF per 10^6 person-years meaning that the occurrence of liver failure in these studies was from about 1,300/ to 17,000/times greater than would be expected by chance.

In the original troglitazone NDA, there were 2 cases of jaundice/hepatitis (one of which was hospitalized) and 1 other patient hospitalized with drug-induced hepatitis, but no cases meeting our definition of ALF. This finding is still compatible with an ALF incidence rate of 2,584 per 10^6 person-years.

These studies demonstrate that liver enzyme monitoring on a monthly basis does not prevent the occurrence of ALF with troglitazone. Furthermore, they collectively support the conclusion that the underlying incidence rate of ALF due to troglitazone is extremely high, probably in the range of 1,000 to 2,000 per 10^6 person-years, representing about a 1,000- to 2,000-fold increase in liver failure risk. Another way of stating this is that 1–2 out of every 1,000 patients (1/500=–1/1,000) who use troglitazone for one year will die of ALF.

* * * * *

DISCUSSION

The data presented here provide a comprehensive picture of liver failure risk with troglitazone. Premarketing clinical trial data from the company's NDA for troglitazone showed that ALT elevation above 3 ULN occurred in 1.9% of treated patients. More importantly, it provided an estimate of the incidence of hospitalized drug-induced hepatitis that was more than 50-fold greater than the background rate suggested by the literature.

Soon after US marketing began, FDA began receiving case reports of ALF in patients who were using troglitazone. A series of labeling revisions and ''Dear Healthcare Professional'' letters followed, recommending increasing performance of liver enzyme monitoring as a means of reducing or eliminating risk of ALF. Despite those interventions, cases continued to be steadily reported to FDA.

Our analyses of the original 43 US cases found that there were no apparent risk factors by which to identify patients who might be at increased risk of developing ALF while using troglitazone. Furthermore, the onset of liver disease was usually heralded by the appearance of jaundice, by which time, irreversibility had been passed in these cases who usually progressed quickly to encephalopathy: Examination of 12 cases with adequate liver enzyme monitoring prior to onset of liver disease showed that in 75%, patients went from having normal liver enzymes to irreversible progression towards liver failure within the recommended monitoring interval. In the three other cases, the patients remained on troglitazone after the first recorded enzyme abnormally so that it was not possible to identify when the point of irreversibility was passed. Of note, there were no differences between the 12 ''rapid risers'' and the remaining 31 cases for whom we lacked data on the time-course of their liver enzyme elevations. From these data, we concluded that it was not possible to prevent ALF by patient selection or to predict who was at risk. Also, monthly liver enzyme monitoring would probably fail to prevent at least 75% and perhaps 100% of cases.

The cases reported to FDA were also used to estimate the pattern of ALF risk over time of continued use of troglitazone. This too was presented at the March 1999 advisory meeting. Analysis showed a marked rise in risk beginning with the first month of troglitazone use. With continued follow-up after the advisory meeting, our expectation was confirmed that heightened ALF risk continued for as long as troglitazone was used. In other words, the risk of ALF did not disappear after the first few months or even first 18 months of use. The pattern suggested that cumulative risk of ALF would continue to rise for as long as troglitazone was used, having important implications for a drug intended to be used for 20, 30 or 40 years or longer.

Against this backdrop of case reports, epidemiologic data suggested that the expected incidence rate of ALF in the general population was about 1 case per million per year. The data from case reports were markedly higher than this. At the March 1999 advisory meeting, we presented data showing that if we assumed there was no underreporting, the cumulative risk of ALF was about 1 case per 15,000 patients who used troglitazone for at least 8 months. If we factored into the analysis that only 10% of cases had been reported, the cumulative risk became 1 case per 1,500 at 8 months (about 1 case per 1,000 per year). With an additional year's worth of case reports (through December 1999), the cumulative risk was 1 case per 7,000 patients after 18 months of troglitazone use, assuming no underreporting. With 10% reporting, this would be 1 case per 700 patients at 18 months (about 1 case per 1000 per year). The first analysis through 8 months of use led us to conclude prior to the March 1999 advisory meeting that the risk of ALF with

troglitazone was probably increased at least 1000-fold over the expected background rate.

Independent population-based data prior to the March 1999 advisory meeting supported this. In two separate postmarketing clinical studies, one conducted by the National Institutes of Health and one conducted by the company, a case of fatal ALF occurred among small numbers of patients treated with troglitazone. This was highly statistically significant, and suggested that the incidence rate of ALF with troglitazone could range from 1,200 to 1,700 per million per year, with upper bounds approaching 10,000 cases per million per year. These data, in combination with case reports data, formed the basis for this medical officer's recommendation prior to the March 1999 advisory meeting that troglitazone be removed from the market. Subsequent to the advisory meeting, FDA learned of a third postmarketing study, this one randomized and double blinded, in which a patient treated with troglitazone died of ALF just three days after the advisory meeting. The incidence rate of ALF in this study was over 17,000 per million per year.

An important component in the troglitazone analysis was an assessment of the effect of FDA interventions in the form of labeling changes recommending periodic liver enzyme monitoring as a means of managing the ALF risk of troglitazone. The FDA study from UnitedHealth Group found that monitoring was not regularly or reliably performed and that repeated labeling revisions had not meaningfully improved the performance of monthly liver enzyme testing. Based on the data at hand prior to the March 1999 advisory meeting, we concluded that FDA labeling had not had a clinically important effect on medical practice and that monthly enzyme testing was largely not being performed. From our case analysis, we concluded that monitoring, were it performed, would fail to prevent most or all cases of troglitazone ALF.

* * * * *

CHARITABLE LANDMARK: ON VERGE OF EXTINCTION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. STEARNS. Mr. Speaker, today I rise in recognition of a Washington institution. In this city of lawmakers and policy, Sholl's Cafeteria has adopted a policy of its own: for over 70 years, the downtown landmark has never turned away a hungry soul. This cafeteria, this ''triumph of charity,'' has fed thousands with warm, free meals. In recent months, however, Sholl's has faced dire straits with the recent economic downturn. Declining tourism and rising rent have forced Sholl's Cafeteria to consider closing its doors to the thousands of devoted patrons who have frequented the famed eatery. With all that Scholl's Cafeteria has done for our community, it is time for us to give back and maintain what has become a 70-year tradition. With that said, Mr. Speaker, I submit to the CONGRESSIONAL RECORD a letter written by Sholl's Chairman Jim McGrath to the Washington Post on October 14, 2001.

[From the Washington Post, Oct. 14, 2001]

ON THE EDGE OF EXTINCTION

As the nation mobilizes to combat the insidious foe of terrorism, another drama of a far different kind and scope is playing itself out in downtown Washington—the struggle for survival of Sholl's Cafeteria. Despite heroic sacrifice and Herculean labors by many—most notably its beloved proprietors, George and Van Fleishell—absent a substantial financial remedy, Sholls will be forced to close its doors as soon as Oct. 31.

The Sholl's story could easily get lost amid the tumult of our national preoccupation and suffering in the wake of Sept. 11, but that would be a profound shame, because the cafeteria's story has been one of special triumphs: of old-fashioned, all-American food, wonderfully prepared and wonderfully served; of humane pricing, so that nearly anyone can afford to eat there, of multiculturalism, with terrific employees, many there for generations, reflecting every spectrum of the human family; of kindness, with an atmosphere that welcomes everyone. It is a story of the triumph of charity—Sholl's has given away enough free food to feed an army 100 times over.

During the past several years, however, Sholl's has suffered from the decline in downtown dining. Its tour-bus trade has eroded because of the weak economy. It has endured bus-unfriendly parking restrictions. It has had to deal with prolonged building renovation and reconstruction while paying a huge rent. It has been put through the economic wringer.

Now another mobilization is needed to save this beloved institution. I am not alone in expressing those sentiments. They have been voiced by many, from the high and the mighty to the mighty humble. They have come from legions of senior citizens, bus loads of squealing kids and homeless people.

On Aug. 10, 1999, for example, the World Bank wrote to the cafeteria's owner: ''You are correct characterize Sholl's as a charitable landmark. It would be a significant loss to our neighborhood if you were to close your doors, particularly for the large number of senior citizens, young kids, disabled and homeless people whom you serve.''

On July 8, 1998, U.S. Sen. Max Cleland of Georgia read into the Congressional Record, ''Patrons of Sholl's have described members of the Sholl family, who have owned and operated Sholl's over the last 70 years, as having the biggest hearts in Washington.''

On March 7, 1999, Mike Kirwan, the late, great apostle to the homeless, said, ''The stories I've heard from people on the streets, their quiet moments of dignity, respect, warmth and a full and nourishing meal at the hands of this wonderful cafeteria could fill a book of essays.''

Possibly, the one who said it best, though, was a child who, on arrival from Pennsylvania on a school bus, told a WTOP reporter. ''If it weren't for Sholl's Cafeteria, we couldn't afford to come to Washington.''

The hour is late, and the odds are long. Although some say the time for Sholl's has passed, I profoundly disagree, and I hope others do too. Long live Sholl's Cafeteria.

JIM MCGRATH,
Chairman of the Save Our Sholl's Cafeteria Committee.

THE 150TH BIRTHDAY OF SEATTLE, WASHINGTON

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. INSLEE. As our country recently prepared for its annual commemoration of the first Thanksgiving, my state was also honoring those who founded the city of Seattle 150 years ago. On November 13, 1851, the Denny Party, composed of 22 men, women, and children arrived at Alki Point in the pouring rain. They arrived only to find the cabin which the leader's brother, David Denny was supposed to prepare, unfinished and without a roof. David Denny himself lay sick and feverish.

Like those who survived the first tough winter in Plymouth, the Denny Party persevered. Their dreams of a city would not have survived, however, without the help of Native Americans. As the sopping wet and nearly helpless Denny Party struggled to survive, the Duwamish tribe, led by Chief Sealth, chose to camp around the party in order to protect them.

While Seattle celebrates the landing of the Denny Party, we must also remember those who lived here before- and continue to live here today. Without the assistance of Chief Sealth, the Duwamish tribe, and other tribes, the Denny Party could not have achieved their dreams of a city; a city named for the Chief who protected and helped those early settlers in their quest for a new home.

HONORING THE 40TH ANNIVERSARY OF WEST SPRINGFIELD CIVIC ASSOCIATION

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the West Springfield Civic Association for forty years of exceptional service to the Northern Virginia community. Its dedication throughout our region has been, and will continue to be, an asset to the residents of the West Springfield area.

The West Springfield Civic Association was formed in 1961 by residents of West Springfield, Westview, and Keene Mill Manor neighborhoods. The motto of the association is Utile Dulci, Latin for ''the useful with the pleasant.'' This civic association, together with many other area civic associations, formed the Greater Springfield Community Council.

With the growth of the community, a need for a new high school became evident. The civic association was influential in naming West Springfield High School after its community, rather than being named for a famous Virginian like most other Northern Virginia high schools are.

Within the community, the West Springfield Civic Association worked hard to keep the area filled with trees. It was also instrumental in the creation of bike paths and sidewalks along main roadways, and replaced a plank bridge covering the railroad tracks.

Since its inception in 1961, the members of the West Springfield Civic Association has always been a positive force for the development, progress and recognition of the Greater Springfield area. Not only has this organization held many meritorious events, but has also served in informing the residents of current issues affecting the community. In addition, the members of the Association have created a website which provides news, information, and events in the area, in addition to previous newsletters and minutes from past.

Mr. Speaker, in closing, I want to thank the West Springfield Civic Association for their hard work and dedication throughout the past forty years. I ask my colleagues to join me in congratulating an extraordinary group of devoted men and women.

150TH ANNIVERSARY OF THE IMMACULATE CONCEPTION CHURCH IN MORRIS, ILLINOIS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. WELLER. Mr. Speaker, I rise today in recognition of the 150th anniversary of the establishment of the Immaculate Conception Church in Morris, Illinois.

In the fall of 1852, John McNellis, a local grain dealer, deeded two and a half acres of land to people who were interested in forming a Roman Catholic Church. Mr. McNellis also provided land for a parsonage and two schools, and he built a three story brick school because he felt that education was very important and believed that every child deserved to have an education. The church became the Immaculate Conception Church in Morris, Illinois.

On December 8, the church will start a year long celebration in commemoration of the establishment of the parish. The past 150 years have been full of progress and history. A fire almost destroyed the church in 1903, and in 1988, lightning struck the bell tower, causing an estimated $90,000 worth of damage, but the church prevailed. Throughout adversity the church keeps growing due to the hard work of the parishioners and the community of Morris. Many additions have kept the grounds looking fresh. A new parish center was dedicated in 1988. A group of parishioners transformed the lawn between the church and the parish hall into a beautiful prayer garden in 1991. Another major project was the restoration of the rectory in the Father Poff Center, which houses the meeting rooms and offices.

Mr. Speaker, I would like to commend the parishioners for all of their hard work and dedication to the church and to the city of Morris.

TRIBUTE TO LODGE FIGLI DELLA SICILIA NO. 227, COLUMBIAN FEDERATION AND VITO MANZELLA, 2001 MAN OF THE YEAR

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. BONIOR. Mr. Speaker, the Lodge Figli Della Sicilia No. 227 ''Sons of Sicily'' is a lodge of the Columbian Federation of Italian-American societies, and is one of the largest Italian-American organizations in the State of Michigan. Serving the tri-county area of metropolitan Detroit, Lodge 227 includes over 250 families whose purpose is to promote and preserve the Italian-American heritage through language, culture, music, and social events. Each year the Lodge 227 holds its annual banquet, honoring distinguished Italian-Americans in the community who have shown outstanding support and activism in their local community. On Saturday, September 29, as the Lodge Figli Della Sicilia celebrated its 65th Annual Banquet, they recognized Vito Manzella as their ''2001 Man of the Year''.

Faithfully committed to the preservation of Italian heritage, the Lodge Figli Della Sicilia No. 227 has been a cornerstone of the Italian American community since its founding in Detroit on February 10, 1936. As a dedicated member of over 30 years, President Salvatore Previti's outstanding leadership has motivated families to reach out to surrounding communities in friendship and charity. From preparations for the Columbus Day Parade and festivities to annual can and clothing drives for the Capuchin Food Kitchen during the holidays, the Lodge has truly become a part of the Metro Detroit family. The tireless efforts of Lodge 227 are outstanding, and will continue to be appreciated for years to come.

The Lodge Figli Della Sicilia's ''2001 Man of the Year'', Vito Manzella has demonstrated dedication and commitment to his family, his work, and his community for so many years. Born to Salvatore and Rosa Manzella in Detroit in 1967, who had just emigrated from Sicily 5 years before, Vito grew up in St. Clair Shores as a hard worker for the family business, Manzella's Fruit Market, and an athlete and leader in his community. Upon the untimely death of his father in 1995, Vito took over the store and has since continued the traditions of warmth and generosity Manzella's Fruit Market has always brought to the community. As a sponsor of churches and charities across Macomb County, Manzella's is a drop off site for ''Toys for Tots'', and after the September 11 tragedies, Vito donated 10 percent of profits from sales on September 19th, 2001. Vito's hard work and innovative ideas have been the driving force in the success of Manzella's, and his generous contributions and active involvement as a distinguished business owner and friend to all truly makes him this year's ''2001 Man of the Year.''

I applaud the Lodge Figli Della Sicilia No. 227 Columbian Federation and Vito Manzella for their leadership, commitment, and service, and I urge my colleagues to join me in saluting them for their exemplary years of leadership and service.

EDUCATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. ISAKSON. Mr. Speaker, within days, the Conference Committee on House Bill 1 will complete its work and President Bush's campaign commitment to ''leave no child behind'' will be before Congress for final approval.

As a member of the Conference Committee, I am very proud of the months of work, and the tireless efforts of Chairman JOHN BOEHNER. As a result of JOHN's leadership, America's public schools will have the resources, the tools, the flexibility, and the accountability to close the achievement gap between our best and our poorest performing children.

Since its inception thirty-five years ago, Title One of the Elementary and Secondary Education Act was designed to improve the performance of America's poorest and most at risk students. One Hundred and Twenty Five Billion Dollars later the performance of these children has not improved and the gap between our poorest and our best has actually increased. America's children and America's taxpayers deserve better, and this Conference Report demands better.

In my home district in Atlanta, Georgia, there is a talented and nationally syndicated talk show host named Neal Boortz. Neal is a conservative libertarian whose favorite target for criticism is often public schools or as he calls them, government schools. While Neal sometimes carries his criticism to the extreme, he is often on target. Neal will be happy that this Education Reform requires exactly what he has sought: accountability, competition, and results.

There is another reason Neal Boortz should be very happy. His able and talented assistant, Belinda Skelton, is expecting her first child in May, and when that child reaches six years of age America's schools will have improved dramatically because of five major provisions of this reform.

1. President Bush's Early Reading First initiative will ensure that every child reaching third grade will be able to read and comprehend at that level.

2. Every child in third through eighth grade will be annually tested in reading and math to measure the progress of their improvement, identify any problems and provide remediation where necessary.

3. Test results will be disaggregated so that every teacher, every school and every parent knows exactly how each student is performing and progressing. There will be no more hiding poor performers by averaging scores by grade.

4. Schools that fail to improve student performance will be held accountable, and parents of children in failing schools will be given choices including public school choice and parental direction of federal Title 1 funds to public or private supplemental educational services to address their child's needs.

5. Local School Boards of Education will be given flexibility in federal funds to address the educational needs of their children and their community. Federal control and federal mandates are reduced, so schools are held responsible for results in the performance of children and not satisfying bureaucratic red tape.

Mr. Speaker, President Bush's pledge to ''leave no child behind'' is a promise to Belinda Skelton's child and every child. It is a commitment to America's future, and an acknowledgement of past failures. I urge each member of Congress to join with me and with the President in our commitment to ''Leave No Child Behind.'' Vote yes for real reform, local control, accountability, and parental involvement in public education.

CELEBRATING MADAWASKA ELEMENTARY SCHOOL

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. BALDACCI. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating

Madawaska Elementary School in Madawaska, Maine, for being named a Blue Ribbon School. This is an incredible achievement, and one which the students and staff in Madawaska are celebrating this week.

The Department of Education's Blue Ribbon Schools Award recognizes schools that are models of excellence and equity, schools that demonstrate a strong commitment to educational excellence for all students, and that achieve high academic standards or have shown significant academic improvement over five years. Madawaska Elementary School had met these high standards, earning a Blue Ribbon School Award.

Madawaska Elementary School is truly a model to which others may look for inspiration. Principal Mary Lunney and the entire staff strive to create an environment where everyone is a learner—students, teachers, staff and the community. The school's mission statement says it all: ''Our goal is to create a school system where student learning is optimized; where students achieve clearly stated and understood Learning Results; where we continually ask ourselves what will students know and be able to do and how will they demonstrate their knowledge and skills; and where the focus is on what the student is learning and success for all.'' The school strives to serve the whole child, paying careful attention to academics, physical fitness, co-curricular activities, and supportive services.

Education is the foundation for our future. Quality education in Maine means a higher quality of life for all the people of the state. I am pleased that the Madawaska Elementary School has been recognized for its dedication to excellence and high standards. I know that they are extremely proud of their achievements, and I am pleased to have the opportunity to bring them to your attention.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 466, H.R. 3323, the Administrative Simplification Compliance Act. Had I been present I would have voted ''yea.''

I was unavoidably detained for rollcall No. 467, H.R. 3391, the Medicare Regulatory and Contracting Reform Act of 2001. Had I been present I would have voted ''yea.''

I was unavoidably detained for rollcall No. 468, S. 494, the Zimbabwe Democracy and Economic Recovery Act of 2001. Had I been present I would have voted ''yea.''

INTRODUCTION OF H.R. 3381

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. LEVIN. Mr. Speaker, last week, I introduced a bill, H.R. 3381, for Mr. CAMP, other members of the Michigan delegation, and myself, that would clarify that certain bonds issued by local governments should be treated as tax-exempt. This issue has particular importance to local governments in Michigan.

In Michigan, counties collect real property taxes to fund their school systems. To facilitate the collection of delinquent real property taxes levied for local school districts, the counties issue bonds (General Obligation Limited Tax Notes). The counties have been doing this since 1973. Until 1987, interest on the bonds was treated as tax exempt.

In 1987, a cloud was cast upon the tax exempt status of these bonds due to issues unrelated to the bonds. Michigan counties have continued to issue bonds under the delinquent property tax program, but since 1987 the bonds have effectively not been treated as tax-exempt, costing the counties millions of dollars per year.

This bill would restore the valuable General Obligation Limited Tax Notes program to a tax-exempt status, reducing borrowing costs, and providing badly needed support for education in the State of Michigan. While it would be highly beneficial to local schools, the Federal revenue cost of this bill would be negligible.

I urge all of my colleagues to join me in cosponsoring this bipartisan bill.

TRIBUTE TO ANN FLETCHER CELEBRATING HER 90TH BIRTHDAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. BONIOR. Mr. Speaker, today I rise to recognize Ann Fletcher, who is celebrating her 90th birthday on Sunday, October 14, 2001. Truly a milestone occasion, 2001 marks 90 years of hard work and is celebration for a unique and endearing individual. Happy Birthday!

A pioneering woman in the fields of engineering and public service, Ann Fletcher has set an excellent example of hard work and dedication throughout her lifetime. Born in Latrobe, Pennsylvania in 1911, Ms. Fletcher was raised and educated in Detroit, attending Cass Technical High School until 1929 and the Wayne State University College of Engineering from 1942–1944. During school she worked as a patent illustrator for Bendix Aviation Corporation Research Laboratories in Detroit, continuing on until 1947. From there her career took her to the Ford Motor Company patent section and the Shatterproof Glass Corporation. Ms. Ann Fletcher became a self-employed technical consultant until her retirement in 1980. Her unfailing commitment allowed Ms. Fletcher to break through the barrier to women that existed in a male-dominated profession.

Married to Stanley Ostaszewski in 1932, they soon celebrated the birth of her son, Carl Ostaszewski, whom she raised while her husband was serving in the military and while she attended Wayne State University. Widowed in 1948, Ms. Ostaszewski married Mr. Cicero Fletcher in 1953. Her commitment to her family is as strong as her commitment to public service and the field of engineering.

Today we can all look up to Ms. Fletcher as a pioneer for working women in America and praise her contributions to Southeast Michigan and the Polish-American community. A former board member of the Engineering Society of Detroit, Ms. Fletcher was given the Distinguished Service Award, an award which now bears her name. Other awards throughout her notable career include the ''Top Ten Working Women in Detroit'' in 1966 and the ''Distinguished Pioneer'' of the Society of Women Engineers in 1994.

Today Ann Fletcher celebrates 90 years of life on this earth. I ask that all my colleagues join me in celebrating Ms. Fletcher's 90th birthday and celebrating all of the hard work she has accomplished as a woman pioneer and Polish-American.

ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY ACT OF 2001

SPEECH OF

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2001

Ms. McKINNEY. Mr. Speaker, at the international Relations Committee meeting of November 28, 2001, which considered the Zimbabwe Democracy and Economic Recovery Act of 2001, I asked a question of my colleagues who were vociferously supporting this misdirected piece of legislation: ''Can anyone explain how the people in question who now have the land in question in Zimbabwe got title to the land?''

My query was met with a deafening silence. Those who knew did not want to admit the truth and those who didn't know should have known—that the land was stolen from its indigenous peoples through the British South Africa Company and any ''titles'' to it were illegal and invalid. Whatever the reason for their silence, the answer to this question is the unspoken but real reason for why the United States Congress is now concentrating its time and resources on squeezing an economically-devastated African state under the hypocritical guise of providing a ''transition to democracy.''

Zimbabwe is Africa's second-longest stable democracy. It is multi-party. It had elections last year where the opposition, Movement for Democratic Change, won over 50 seats in the parliament. It has an opposition press which vigorously criticizes the government and governing party. It has an independent judiciary which issues decisions contrary to the wishes of the governing party. Zimbabwe is not without troubles, but neither is the United States. I have not heard anyone proposing a United States Democracy Act following last year's Presidential electoral debacle. And if a foreign country were to pass legislation calling for a United States Democracy Act which provided funding for United States opposition parties under the fig leaf of ''Voter Education,'' this body and this country would not stand for it.

There are many de jure and de facto one-party states in the world which are the recipients of support of the United States government. They are not the subject of Congressional legislative sanctions. To any honest observer, Zimbabwe's sin is that it has taken the position to right a wrong, whose resolution has been too long overdue—to return its land to its people. The Zimbabwean government has said that a situation where 2 percent of the population owns 85 percent of the best land is untenable. Those who presently own more than one farm will no longer be able to do so.

When we get right down to it, this legislation is nothing more than a formal declaration of United States complicity in a program to maintain white-skin privilege. We can call it an ''incentives'' bill, but that does not change its essential ''sanctions'' nature. It is racist and against the interests of the masses of Zimbabweans. In the long-run the Zimbabwe Democracy Act will work against the United States having a mutually beneficial relationship with Africa.

NEED FOR REESTABLISHING THE OFFICE OF TECHNOLOGY ASSESSMENT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. HOLT. Mr. Speaker, complex issues are facing Congress, many in the realm of science and technology. Current events are challenging our traditional understanding of medicine, engineering, science, environment, and telecommunications. Mail decontamination is just one issue where Congress needs better science advice.

Thousands of people have been affected by anthrax in our mail—millions more by the uncertainty and fear it has caused. Congress still has not received mail, severing a vital link to our constituents. Part of the reason for this delay is that there is no precedent for killing anthrax spores.

If the Office of Technology Assessment (OTA) existed today, we could expect to have already received information about rapid ways to decontaminate our mail. During its 23 years of existence, OTA provided Congress with well-respected, impartial analysis and advice, including valuable reports on terrorism, national security, and communication. If OTA existed today, they would have already completed reports useful to us in making decisions about the current war on terrorism.

Congress needs better scientific information. We need unbiased analysis and advice on the impact and use of technologies. We need to understand how technology can be used to hurt us and how we can use it to strengthen and defend our nation.

When OTA's funding was eliminated due to government downsizing in 1995, Congress lost a valuable and unique resource. Please join me, along with 55 of my colleagues, in cosponsoring H.R. 2148, bipartisan legislation to reestablish the Office of Technology Assessment (OTA).

TERRORISM RISK PROTECTION ACT

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2001

Mr. MOORE. Mr. Speaker, I rise in opposition to H.R. 3210, the Terrorism Risk Protection Act.

In the last two months, the Financial Services Committee, on which I serve, has held two hearings plus a roundtable on the state of the insurance industry after the September 11 terrorist attack. From these meetings, a consensus on several facts emerged. First, the lack of available terrorism reinsurance may cause significant disruption in the primary commercial insurance markets.

Second, without assurances that commercial firms can receive terrorism coverage, lenders (such as banks or other institutional investors) will not underwrite new loans for construction projects necessary to grow our economy.

Finally, and most importantly, is the fact that prompt congressional action on this issue is essential, since most reinsurance contracts will be renewed on January 1. Absent some form of terrorism coverage, the economic effects to our country will be devastating.

On November 7, a proposed bipartisan solution to this problem was reported by the House Financial Services Committee (H.R. 3210) by a voice vote. Our committee reported legislation that provided immediate assistance in the case of a terrorist disaster; it spread the risk across the industry, helping the industry to essentially act as its own reinsurer; it spread the costs out over time, to minimize the impact of an event in any given year; and it provided limited liability relief to protect insurers and taxpayers against litigation in the event of an attack.

Mr. Speaker, this bill was considered under regular order—the deliberative congressional process—as all legislation should. Our committee held hearings and markups; we took testimony from all interested parties; we vigorously debated all of the relevant issues; and we reported a well-thought out, well-designed, bipartisan product that met the needs of the marketplace.

Unfortunately, the majority leadership decided yesterday that their pre-September 11 agenda was more important than the deliberative legislative process and the will of the Financial Services Committee, which includes almost one-fifth of this House. At 2:30 p.m., yesterday afternoon, the majority leader introduced an entirely new product that did little to address the real needs of the insurance markets, but rather addressed the majority's desire to change long-standing and well established legal procedure in this country. Adding insult to injury, the majority party designed a rule that eviscerated the will of the Financial Services Committee by automatically making in order the leader's bill without allowing the full House the courtesy of a vote on our bipartisan product.

Mr. Speaker, I cannot support disregard for the expertise of committees, the erosion of our legislative process, and abuse of minority rights. I can no longer support business as usual.

The real injustice in the majority's actions is the fact that we must pass responsible legislation to provide terrorism coverage for primary insurers and policyholders. I hope the other body quickly enacts legislation to address the real needs of the marketplace, while eliminating the extraneous provisions attached to the product we are considering today. Our country needs that legislation. I want to vote for that legislation. I look forward to soon being able to vote for a conference report that reflects the priorities of the Financial Services Committee and respects the processes of our institutions.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mrs. JONES of Ohio. Mr. Speaker on December 4, 2001, I had official business in my Congressional District and I missed rollcall votes 466, 467 and 468. Had I been present, I would have voted ''aye'' on the aforementioned rollcall votes.

HONORING THE 2001 RIVERDALE HIGH SCHOOL FOOTBALL TEAM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. GORDON. Mr. Speaker, I rise today to acknowledge the accomplishment of a dedicated group of young men who worked together in the true spirit of sportsmanship to achieve a distinguished goal.

The Riverdale High School football team of Murfreesboro, Tennessee, won the state 5–A football championship this past season, the school's third state football title in 7 years. The Warriors ended the 2001 season with a perfect 15–0 record by beating Mid-state rival Hendersonville High School 35–7 in the Blue Cross Bowl.

The Riverdale Warriors trained vigorously and played tirelessly the entire season. They deserve recognition for a job well done. I congratulate each player, manager, trainer, and coach for an outstanding season. The Warriors are led by head coach Gary Rankin and assistant coaches Steve Britton, Ron Crawford, Ricky Field, Matt Gardner, Tracy Malone, Thomas McDaniel, Jason Scharsch, Matt Snow, Jeremy Stansbury, Nick Patterson and Greg Wyant. Managers Cody Dittfurth, Markey Burke, Cheryelle Ayers and Jennifer Headly contributed much time and effort to the team, as well, as did trainers Jennifer Snell, Lindsey Robinson and Celcka Akins.

The 2001 Class 5–A state champion Warriors are Corey Hathaway, Ward Poston, Tre' Dalton, Taron Henry, Marcus King, Jamaal Price, Grant Kolka, C.J. Powell, Terrell Coleman, LaBrian Lyons, Kevin Murray, Jervell Ford, Jay Carter, Stephen Britton, Ryan Hallman, Brian Campbell, Keith Bridges, Tron Baker, Alex Watson, Anton Bates, Don Mitchell, Devin Young, Ralph King, Edgar Martin, Jean Paul Gadie, Jeremy Jackson, Spike McDaniel, Edrell Smith, Emanuel Oglesby, Will Bullock, Andrew Morris, Jeremy Hurd, Kevin Davis, David Peterson, Tyler Campbell, A.J. Alexander, John Goodwin, Matthew Pedigo, John Batey, Albert Miles, Brandon Faulkner, Clay Richardson, Daniel Gammon, Brian Sawyer, Kris Kirby, Leon Alexander, Roger Winterbauer, Daniel Puckett, Charles Bigford, Michael Grove, Joe James, Brad Rainer, Ben Brazzell, Matthew Parton, John Awokoya, Ronnie Johns, ndrew Bigford, Wes Hall, William Lee, Marvin Richardson, Edward Belcher, Charles Todd, Kenyon Buford, Travis Livingston, Aubrey McCrary, Cortez Lawrence, Dustin Davis, Daniel Jones, David Varl, David Nickens, Glen Suggs, Curtis Smith, Heath Evans, Chad Neese, Jason Kidd, Jeremy Anderson and Rhyan Maupin.

TRIBUTE TO THE ISLAMIC ASSOCIATION OF GREATER DETROIT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. BONIOR. Mr. Speaker, today I would like to recognize a community whose outstanding dedication and commitment has led to a great accomplishment. On Saturday, November 10, 2001, the Islamic Association of Greater Detroit will celebrate the completion of its beautiful Mosque expansion, a project that has been the heart and driving force of this entire community.

Located in Rochester Hills, the Islamic Association of Greater Detroit (IAGD) has always been a flourishing center of religious and social activity. Joyfully celebrating Ramadan and the Eid holidays, while lending a helping hand to those suffering and working for charitable causes, the IAGD has been a welcoming home to all who have walked through its doors.

However as the community began to grow and expand, its ideas and vision for the future began to grow with it. Dedicating over fifteen years of their time and talents to expansion efforts, this community envisioned a center that would continue to cultivate its community roots as well as reach out to younger generations. With new constructions including a large banquet and social hall, classrooms, library, gymnasium, and so much more, the completion of this Mosque expansion has truly become an example to all communities. Donating their time, money and efforts to a vision that is shared by Muslim Americans across the nation, this community's hard work and dedication to the completion of this beautiful new Mosque will assuredly become an inspiration for the next generations of Muslims in America.

I applaud the Islamic Association of Greater Detroit for reaching this historic milestone, and I urge my colleagues to join me in congratulating them on this landmark occasion.

TRIBUTE TO THE 70TH ANNIVERSARY OF GARDEN VILLAS ELEMENTARY MUSIC MAGNET SCHOOL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. BENTSEN. Mr. Speaker, I rise today in recognition of the 70th Anniversary of Garden Villas Elementary Music Magnet School, a campus of the Houston Independent School District. The anniversary celebration will be held the week of December 3–7, 2001.

Garden Villas Music Academy was established in 1931 to accommodate those students in grade levels 1–10 residing in the Garden Villas region of southwest Houston. This community has a rich history that dates back to World War II. In the early 1950s the neighborhood was annexed into Houston incorporating Garden Villas Elementary into Houston Independent School District. Located on an acre of land, the school provides a comfortable and peaceful atmosphere, an ideal location for the cultivation of music skills. Currently, Garden Villas Elementary serves 920 students ranging from pre-kindergarten through fifth grade.

The mission of Garden Villas Elementary is to provide a safe environment in which students enhance their academic growth and enrich their education by participating in an exceptional music and fine arts curriculum. Students receive specialized instruction in a variety of areas, including strings, band, piano, art, dance, creative writing, and gymnastics. The faculty encourages young artists to work together to prepare performances and create exhibitions that display their appreciation of the arts, develop creativity and build self-esteem. Excellence in the arts is a natural, integrated extension of the academic program at Garden Villas Elementary Magnet School.

In addition to exemplary curriculum, Garden Villas Elementary, participates in programs designed to develop socially conscious, well-rounded students, such as United Way Kids, Red Ribbon Week, St. Jude's Mathathon and D.A.R.E. I applaud the faculty of Garden Villas Elementary for their creativity and leadership.

Again, I would like to recognize the 70th Anniversary of Garden Villas Elementary Music Magnet School and congratulate the students and faculty on 70 years of success.

PERSONAL EXPLANATIONS

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. OSE. Mr. Speaker, on November 8, 2001 I was unavoidably absent during rollcall votes 433, 434 and 435.

Had I been present, I would have voted ''yes'' on vote 433, approving the Journal, ''yes'' on vote 434, agreeing to the conference report on the Department of Veterans Affairs and Housing and Urban Development Appropriations for FY 2002, and ''yes'' on vote 435, the motion to instruct conferees on the Labor-HHS-Education Appropriations for FY 2002.

I ask unanimous consent that these remarks be placed in the CONGRESSIONAL RECORD immediately following these votes.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

November 29, 2001, rollcall vote 459, on approving the Journal, I would have voted ''yea''.

November 30, 2001, rollcall vote 465, on agreeing to the conference report for H.R. 2299, I would have voted ''yea''.

RECOGNIZING IMPORTANT CONTRIBUTIONS OF HISPANIC CHAMBER OF COMMERCE

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2001

Mr. RANGEL. Mr. Speaker, I rise today to recognize the dedication of the United States Hispanic Chamber of Commerce to the success of Hispanic businesses in the United States and Latin America and to offer my strong support of H. Con. Res. 277.

The Hispanic community has become the fastest growing minority group in the United States. The Hispanic community plays an essential role in sustaining the viability of the nation's economy and the number of Hispanic-owned firms is growing rapidly. According to the Census Survey of minority-owned business enterprises, Hispanic-owned business in the United States totaled 1.2 million firms in 1997 and employed over one million people. These businesses generated nearly $200 billion in revenues.

At the center of the growth is the United States Hispanic Chamber of Commerce. Over the years, the chamber has worked closely with the concerns and issues that affect Hispanic firms, developing business relationships, promoting international trade, and advocating to the Congress and Administration on behalf of these businesses. The Chamber's commitment to the Hispanic business community is a contribution to the economic empowerment of the Latino population as a whole and its impact has been felt throughout the Nation.

Promoting Latino-owned businesses is particularly important in my congressional district of Upper Manhattan. The Hispanic influence in this community is significant and the Chambers' continuing efforts to promote such ownership, particularly in the small business arena is critical to the economic viability of my community and its future. For the Chamber's initiatives, I commend them.

THE DEPARTURE OF PRESIDENT LEE BOLLINGER FROM THE UNIVERSITY OF MICHIGAN

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Ms. RIVERS. Mr. Speaker, I rise today to pay tribute to Lee C. Bollinger, who will be leaving as president of the University of Michigan at the end of this month to become president of Columbia University in July.

For nearly 5 years, Mr. Bollinger has been a transforming leader at the University of Michigan, whose Ann Arbor campus is in my congressional district. During that time he has achieved a number of major accomplishments.

One of those efforts is the Life Sciences Initiative, which was launched in 1999. With a commitment of $100 million in campus funds, a $130 million endowment and additional revenues, the University will become a major source of research on human genomics, chemical and structural biology, and bioinformatics. A new six-story Life Sciences

Institute is now under construction on the Ann Arbor campus. The university will also benefit from the state's Life Science Corridor, a 20-year program to develop new technologies in the life sciences statewide.

Mr. Bollinger has also overseen the most successful fund-raising campaign in history, raising nearly $1 billion since 1997. In three of those four years, Michigan raised more money from alumni than any other public university. Research expenditures also reached record levels under his stewardship to stand among the highest in the nation.

By far, one of his most significant contributions has been his ardent and effective defense of affirmative action in admissions. Mr. Bollinger has been a strong supporter of the need for diversity in higher education, and his willingness to fight several lawsuits on that issue underscore his strong commitment to that principle. I know of no president who has been so closely tied to students and who has related as well to the thousands of young men and women at the university.

From bringing the Royal Shakespeare Company to Ann Arbor to dedicating the new Gerald R. Ford School of Public Policy, Lee Bollinger has been a man of vision—a leader of compassion—and a strong advocate for the principles that he and the University embody.

I know he has mixed feelings about leaving behind the Michigan family as he moves on to Columbia next year. But those of us who have seen the progress and growth of the university under his tutelage can only say ''thank you'' to Lee for his outstanding service to the University, to the people of Michigan and to the nation.

I call upon all my colleagues to thank him for his legacy of service, and to join me in wishing him and his wife Jean well in their future endeavors.

TRIBUTE TO STEPHAN WICHAR, SR.

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. BONIOR. Mr. Speaker, today I rise to pay tribute to Stephan Wichar, whose achievements span the decades and have touched the lives of so many in the city of Warren and beyond. As family, friends, and community members gathered together on Sunday, November 18, 2001, they honored Steve Wichar for his years of service, as a distinguished Ukrainian-American who has shown outstanding leadership and support in his community and beyond.

President of the Ukrainian Village Board of Directors and distinguished community activist, Steve Wichar has demonstrated outstanding dedication and commitment to both the Ukrainian and American communities. President of the Board of Directors at Wingate Management, Steve has been providing leadership and expertise for over 14 years. He has worked hard to improve safety in Detroit Public Schools and lent countless hours to the Boy's Club of America. His efforts to help prenaturalized students overcome the challenges they face in public schools has been remarkable, and he has raised tens of thousands of dollars for the Children of Chernobyl Fund.

Faithfully committed to his Ukrainian heritage as well, his unparalleled devotion to Ukrainian senior citizens is reflected in his 13-year tenure as president of the Ukrainian Village Corporation. Steve served in World War II, and his leadership on behalf of Ukrainian American Veterans has been extraordinary. But Steve's efforts and achievements do not stop at veterans' affairs. Steve is the longest serving president of the Ukrainian American Center. He has successfully lobbied for continued aid to Ukraine, has kept an unwavering focus on human rights, and continues to work hard to bring Ukraine into the international community.

Steve has devoted his life to his community, and his efforts have brought great accomplishments for schools, seniors, veterans, and foreign policy. He is a respected scholar, teacher, and friend. It gives me great pleasure to honor Steve, for his leadership and commitment, and I urge my colleagues to join me in saluting him for his exemplary years of dedication and service.

PROMOTING TOLERANCE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Ms. SOLIS. Mr. Speaker, today I rise again to urge this chamber to bring the Hate Crime Legislation H.R. 1342 to the floor for a vote.

This Nation has seen a sharp rise in hate crimes against individuals perceived to be of Middle Eastern decent or Muslim.

I stood right here 3 weeks ago and said there had been over 1,100 reported complaints since September 11th. That number has now jumped to almost 1,500.

What is it going to take to get people to realize that hate crimes aren't like other crimes?

People are attacked and intimidated because of how they look or where they pray.

Assault, harassment, discrimination, death threats, hate mail, and even death are occurring in schools, workplaces, airports, and homes.

My own family received a threat. My sister received a call about an anthrax letter being sent to her.

Hate crimes terrorize their victims. When a group is targeted no member of the group can feel completely safe.

There have been stories of Muslim men shaving their beards and removing their turbans just to feel safe.

Our Nation has the will to fight for the freedom of others in Afghanistan. We should make sure we have the will to fight for the freedom from hate crimes in our own country.

California has seen one of the largest increases in hate crimes of all the states.

Since September 11th in Los Angeles county alone, there have been 156 reported incidents against those perceived to be Arabs or Muslim. This includes 2 homicides.

This is a huge increase over last year, when there were just 12 reported incidents in Los Angeles County.

I am alarmed at these shameless acts.

Our diversity is our strength and we must remain united.

Our children learn prejudice and intolerance from us.

If we ignore acts of discrimination or make derogatory comments about other cultures, religions or ethnic groups what are we teaching our children?

Haven't we had enough? The violence, discrimination and intimidation against our Arab and Muslim neighbors must stop now.

Our children must be taught that it's not okay to use derogatory words against people of another race, religion or ethnic group.

A hate crime does not have to involve an actual act of violence to start the cycle of tension and deterioration of civil society that leads to violence.

Juveniles represent about half of hate crime offenders.

Our children need our help to understand hate crimes and to stop the cycle of senseless acts of hate.

It's time for Congress to take action against hate and intolerance and bring H.R. 1343, the Hate Crimes bill, to the floor for a vote.

HONORING CHARLES WHITE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Charles White a longtime United Automobile Workers activist. Charles will be honored by the UAW Region 1C Retirees Legislative Committee on December 7, 2001 in my hometown of Flint.

Born in 1916, Charlie grew up in Missouri. During the 1920s he lived with an uncle who worked at Fisher Body in St. Louis. He moved to Flint and was hired in 1935 by General Motors to work at the Fisher Body 1 Plant. When General Motors attempted to remove the dies from the plant on December 30, 1936 the workers at Fisher Body Plant 1 joined the workers at Fisher Body Plant 2 to begin the historic sit-down strike. Charlie became a Flint Sit-Down Striker at that time.

Over the next weeks, Charlie worked tirelessly at the strike headquarters. He made banners, signs and drew editorial cartoons. When John L. Lewis came to Flint to work with the fledgling United Automobile Workers and help negotiate the settlement with General Motors, Charlie served as his bodyguard.

Continuing a tradition that had started during the strike, Charlie drew editorial cartoons for the union papers during the next forty years. Joining with his fellow UAW members, Charlie has fought for safety laws and improved conditions in the factories. He served as a union president and eventually retired in 1966 from UAW Local 581. In 1971 he became the Chairperson of the Local 581 Retiree Chapter and has continued in that capacity until the present time. He has been supported in his work by his wife, Barbara, and his three daughters.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Charles White as he is honored by the retiree chapters in UAW Region 1C. His contributions have brought more humane working conditions in the our factories and a better life to workers everywhere.

TRIBUTE TO JAMIE ROCHELLE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. RODRIGUEZ. Mr. Speaker, I rise to pay tribute to a woman of extraordinary ability, Jamie Rochelle, who this month ends an illustrious career at San Antonio's municipally-owned utility, City Public Service (CPS), and concludes her year-long service as chairman of the board for the Greater San Antonio Chamber of Commerce. She has proven herself not only a capable leader and chief executive, but also an important member of our community. Her efforts have made San Antonio a better place to work and live.

Jamie Rochelle is a true success story. What began as a computer programming job at CPS started her on a 31-year path that led her to become in 1998 the first female general manager and chief executive officer at CPS, now the second largest municipally-owned utility in the United States with more than $6 billion in assets. What's best, her leadership has helped keep CPS rates among the very lowest in the country. During her time at CPS, she handled a large debt refinancing yielding $20 million in interest savings, streamlined company management, managed supply crises well, and struck beneficial deals that helped the company save money and improve service. These experiences made her a successful manager and an astute chief executive.

CPS enjoys a diverse array of energy sources, protecting customers from market fluctuations and supply interruptions. Ms. Rochelle saw to it that CPS expanded its generating capacity while working to protect the environment. Last year, she took pride in bringing on-line a new state of the art gas-fired power plant. Under her leadership, the company was quick to respond last year to surging gas prices in an effort to soften the impact on the many vulnerable families it serves. Even in the absence of crisis, CPS a Project WARM fund to provide financial assistance to help needy families pay their utility bills.

CPS also takes pride in the success of its small and disadvantaged business outreach program. This past year CPS received the coveted Dwight D. Eisenhower Award for Excellence from the United States Small Business Administration. Competing against 2,500 utilities nationwide, CPS won this honor for its proven record of reaching out to and including small business in its contracting operation. Similarly, CPS has proven to be a good corporate neighbor. Whether through its Share the Warmth program to provide warm clothes in the winter, or its Weatherization Program to better insulate older, inner city homes in the summer, CPS and its employees reach out with a helping hand.

Jamie Rochelle has helped make CPS a pro-active leader in renewable energy research and development. In April 2000, CPS began to offer wind-generated electricity to its customers. With a financial investment, CPS supports solar energy projects in San Antonio. One project, in cooperation with Solar San Antonio, will assist local government in reducing energy consumption and researching the feasibility of renewable energy sources. One of its new service centers will become a working showcase in the possibilities of solar energy.

Jamie Rochelle has worked closely with me and my staff on projects important to our community and the Nation. Among other things, she has supported our efforts to transform Brooks AFB into a more efficient entity, known as a city-base, by partnering with the Air Force and academia on innovative energy projects. CPS partners with the Southwest Research Institute, Brooks AFB, St. Philips College and DCH Technology, and the U.S. Army Corps of Engineers on a year-long fuel cell research project at Brooks AFB, to find ways to make fuel cell technology feasible for residential uses. CPS has supported the Brooks Energy and Sustainability Laboratory, an effort coordinated by the Texas Engineering Experimental Station of Texas A&M University to make energy consumption in buildings operate at peak efficiency, cutting waste and conserving valuable resources. Most recently, Ms. Rochelle signed off on a partnership with the Department of Energy to develop at Brooks AFB a building cooling and heating plant as a model for efficient energy generation and use.

Jamie Rochelle is more than just a series of accomplishments, though she has had many and will likely have many more in the future. Quiet, confident and sure, she exemplifies good leadership. Knowing of the challenges facing not only CPS but San Antonio, she has provided a positive and inclusive vision for the company. She reaches out to others and has participated in numerous civic organizations, culminating in her past year as the head of the Greater Chamber. It has been my honor to work with her on behalf of the people of San Antonio.

PERMITTING LEGAL IMMIGRANTS WHO HAVE FILED FOR NATURALIZATION PRIOR TO SEPTEMBER 11, 2001, TO KEEP THEIR JOBS AT OUR NATION'S AIRPORTS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce H.R. 3416 to amend PL107–71, the recently passed Aviation Security Act.

PL107–71 prohibits the hiring of non-citizens in airport security programs no matter how well qualified. This prohibition is an egregious, unfair provision.

It forgets that 34,200 legal residents are active in the U.S. Armed Forces and that 12,600 serve in our Reserves and are willing to give their lives in defense of our freedom.

If legal residents can fight for us in war, they should be able to protect us in airports.

If legal residents are otherwise qualified to serve as our airport security officers, they ought not to be denied employment just because they are not citizens.

My bill, H.R. 3416, does not totally fix the basic problem. But it protects employment rights to legal residents who have filed for naturalization prior to September 11, 2001.

If a legal resident is otherwise cleared for employment and qualified for hire, lack of citizenship should not be a bar to hire if the legal resident has filed for naturalization prior to September 11, 2001.

This bill is fair. It opens the doors to continued employment in security jobs operated by the federal government under PL107–71. Under H.R. 3416, intent to become a U.S. citizen clears the way to being hired. Filing for naturalization should be recognized as giving the employee the bona fides needed to qualify.

There are many places where it still takes 18 months to 2 years to become a citizen after filing for naturalization.

These persons should not be prejudiced for the failure to process the papers in a more timely manner.

I urge my colleagues to support this fair and equitable compromise.

IN MEMORY OF TED GREGORY, A CINCINNATI LEGEND

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to honor the memory of Ted Gregory, a friend and constituent who passed away on Sunday, December 2. Ted Gregory was a wonderful person who built a legacy based on his landmark restaurants, his generosity and community service.

Born in Windsor, Ontario, he grew up in Detroit. He moved to Montgomery, Ohio when it was still a rural area, bought the former McCabe's Inn and renamed it Montgomery Inn. Six years later, his wife Matula developed a secret barbecue sauce recipe that made the Inn a legend.

The restaurants, combined with Ted's warm personality and business acumen, made him a legend. Eventually, Ted's operation expanded, with the addition of three other dining venues in Cincinnati and Northern Kentucky. According to Restaurants and Institutions magazine, the industry's leading trade publication, Montgomery Inn is the leading rib restaurant chain in the U.S.—over 15 tons are sold each week. His employees were devoted to him—many were with him twenty years or more.

Although Ted was a good businessman, he was also a lot of fun. Wherever he went, he always brought a smile and his endless good humor with him. When Bob Hope visited Cincinnati to support the Bob Hope House, he and Ted became good friends. Many other former Presidents and celebrities visited Ted's restaurants to enjoy the famed ribs, including Presidents Gerald Ford and Ronald Reagan, Vice President Dick Cheney, Tom Selleck, and Don Rickles.

His warmth extended to helping others. He generously supported the Cincinnati FreeStore/FoodBank, St. Rita's School for the Deaf, Sycamore High School, Bob Hope House, and Riding for the Handicapped.

All of us in Cincinnati will miss Ted Gregory's warmth, humor and love for life, and we extend our deepest sympathies to Matula and their children, Dean, Tom, Vickie and Terry.

THE CONTRIBUTIONS OF THE LATE JOHN T. O'CONNOR

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. CAPUANO. Mr. Speaker, I rise today to remember John T. O'Connor, a community activist and environmental advocate who passed away on November 30, 2001. A longtime resident of Cambridge, Massachusetts, John O'Connor fought for many important causes, from ending poverty to protecting our environment.

He graduated from Clark University in 1978, beginning a career of public service and advocacy. After graduation, he joined the ''Volunteers in Service to America'', an organization focused on eliminating poverty. He went on to found the National Toxics Campaign in 1983 and fought tirelessly for passage of the Superfund law.

Mr. O'Connor never lost his commitment to preserving our environment and demonstrated this in a number of ways over the years. He served as Chairman of Gravestar, Inc—a development company that focused on environmentally sensitive real estate projects. In 1991, he founded Greenworks, a company that provides a wide range of services from office space, financial support and advice to environmental start-up companies.

Mr. O'Connor paid tribute to his Irish roots by serving on the Irish Famine Memorial Committee. The Committee successfully raised the funds to construct a memorial in Cambridge and dedicated it in the presence of Mary Robinson, then President of Ireland.

Many people have stories to tell about Mr. O'Connor's generosity and his spirit. He helped local young people by providing guidance, advice and even money for college tuition. By these actions, he no doubt changed the course of many young lives for the better.

Mr. O'Connor made the world a better place in so many ways. He was generous with his time and his considerable talents, helping to further so many different causes, both large and small. He dedicated a significant amount of time and money to charitable organizations, making a tangible difference in the lives of so many.

I came to know John O'Connor first as a local businessman, then as an opponent in the 1998 congressional race, and later as a friend. He touched many lives in his 46 years, including mine, and I am saddened by his passage. My thoughts and prayers are with John's wife, Carolyn Mugar, his family and his many friends during this difficult time.

HONORING THE IDAHO PEARL HARBOR SURVIVOR'S ASSOCIATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. SIMPSON. Mr. Speaker, I rise today to honor a generation of American patriots. They were the men and women at Pearl Harbor, Hawaii that day of infamy, December 7, 1941. The men and women who served and died at Pearl Harbor paid a great price to our nation.

Today as we commemorate the 60th anniversary of the Pearl Harbor attack, I would like to honor the men and women who make up the Idaho Pearl Harbor Survivor's Association. This group of 50 active members helps keep the memory of those who served so bravely alive. To be a member you must be a military survivor of the December 7th attack, have been within a three-mile radius of the Island of Oahu between 7:55 a.m. and 9:45 a.m.

The nation-wide group has approximately 10,000 members and started with just 11 people in 1958. The Magic Valley Chapter started on Feb. 17, 1979 with five members. Over the years, the members have given back to each Idaho community—buying flags, talking with youth groups, and performing countless hours of community service. They have sounded their motto, ''Remember Pearl Harbor—Keep America Alert'' in all their activities. How poignant this statement is considering the events of September 11, 2001.

Today, I would like to honor this group by naming each survivor who currently lives in Idaho. This list is according to the Idaho Pearl Harbor Association. The members are:

Harold F. Beebe, Pocatello, Kaneohe NAS; Ralph Eaton, Twin Falls, USS Henley; Richard Hansing, Twin Falls, USS Nevada; C.H. Harame, Pocatello, USS Detroit; William Harten, Idaho Falls, USS West Virginia; Pershing Hill, Idaho Falls, USS Nevada; Leroy J. Kohntopp, Filer, USS Maryland; Gale D. Mohlenbrink, Buhl, USS Northampton; Patrick C. O'Connor, Pocatello, Receiving Station, Pearl Harbor; Robert R. Olsen, Chubbuck, Naval Hospital; Steve F. Phillips, Challis, Ford Island NAS; David R. Roessler, Gooding, 24 SIG.; Tony Sabala, Jerome, 21st INF.; Irvin A. Satterfield, American Falls, USS Argonne; Nicholaus Gaynos, Post Falls, 407th SIG; Miles R. Gillespie, Nampa, 27th INF.; Roy Hayter, Athol, USS Honolulu; Munith F. Higbee, Meridian, USS Phelps; Don A. Irby, Boise, USS Maryland; Wallace R. Jacobs, Lewiston, USS California; Dale E. Magnuss, Pinehurst, USS Cummings; James R. Mallory, Boise, USS St. Louis; Ernest R. Mangrum, Boise, USS West Virginia; Eugene N. McDonough, Boise, 24th INF.; Dallas F. Pohlmann, Boise, Pack Train; Glenn R. Rosenberry, Caldwell, HQ 18th Bomb EG.; Carrol V. Rowell, Boise, 2d Marie Air WG; Robert W. Arent, Nampa, USS Maryland; Richard L. Artley, Lewiston, USS Oklahoma; Ray Aznavoorian, Post Falls, USS Ontario; Conway B. Benson, Boise, USS Tennessee; Thomas A. Brown, Boise, USS Phoenix; Frank A. Cannon, Orofino, USS Wasmuth; Robert A. Coates, Nampa, USS Nevada; James R. Critchett, Silverton, Kaneohe, NAS; Frank R. Dallas, Meridian, HQ 18th Bomb WG.

USS Ogalala; Harold M. Sr. Erland, Boise, HQ HAW.; Dan C. Fry, Banks, Kaneohe; Horace E. Dresser, Caldwell, USS San Francisco; Raymond W. Garland, Couer D'Alene; USS Tennessee; John R. Sandell, Kamiah, HQ 5th Bomb GP; James K. Thomas, Boise; Franklin Elliott, Eagle.

HQ Hawaiian AF; Kenneth F. Walters, Lewiston, USS Pennsylvania.

On behalf of all Idahoans and Americans everywhere, ''thank you'' for your sacrifice and service to your country. You've reminded Americans that we can never become complacent and must keep our defenses strong. We will remember Pearl Harbor and always be on alert.

TRIBUTE TO ROLLIN ''RUFFY'' JOHNSON ON THE OCCASION OF HIS RETIREMENT AS A VFW ASSISTANT DEPARTMENT SERVICE OFFICER

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to a U.S. military veteran—a special veteran, one who after completing his own tour of duty has spent a career providing assistance to other veterans. Mr. Speaker, I rise to honor Rollin ''Ruffy'' Johnson on the occasion of his retirement as a Veterans of Foreign Wars assistant state service officer for the Upper Peninsula of Michigan.

It is conventional wisdom that no person in any organization—and that includes you and I, Mr. Speaker—is truly irreplaceable, but Michigan veterans may look long and hard before they come up with an individual who has worked and battled so hard for the rights for our former military men and women as Ruffy Johnson has. I guess that, in Ruffy's case, his work on behalf of veterans blends innate Yooper cussedness with the personal style of a person who has claimed that his nickname ''Ruffy'' comes from his early days of enjoying a good fight. If you combine those characteristics with the important task of fighting for veterans' benefits, you know you have a mixture that can make people at the Department of Veterans Affairs sit up and listen.

After graduating in 1951 from Negaunee High School in Michigan's U.P., Ruffy enlisted in the U.S. Navy, serving the first two years on the destroyer U.S.S. Beale and two more years at a base in the Mediterranean. His four-year hitch completed, he returned to the U.P. and was one of the first dozen civilians hired at K.I. Sawyer, a Strategic Air Command Base near Marquette, which is now closed. Following his Sawyer job he worked for a number of years for the U.S. Post office, but he took the job that really concerns us here in 1988, when he accepted a position with the Department of Michigan Veterans of Foreign Wars as an assistant state service officer in Detroit.

At least one Detroit colleague remembers Ruffy arriving from the U.P. with his wife Doreen in their pickup truck, and that colleague recalls checking to see if there was a hunting rifle in the rear window. Doreen remembers there was no gun, but she believes the rack was probably there.

Mr. Speaker, I said that Rolling Johnson was a fighter for veterans. An example of his tenacity is what occurred after Ruffy learned that veterans were being pressed for the copayments of their prescription drugs. He inquired about the appeal process and was told by the VA the there was no appeal. Well, Mr. Speaker, the VA had tangled with the wrong guy, and through the tenacity of Ruffy Johnson a national appeal process was established.

Ruffy was transferred from Detroit back to the U.P. in 1992. His initial veterans' service area was the eastern U.P. but by the end of the decade he was assisting across the Upper Peninsula. I know what's involved in that effort, Mr. Speaker, because I have put more

than five hundred thousand miles in driving around my congressional district. Ruffy has clearly been up to the task, serving above and beyond the call of duty by going to every convention and every meeting that involved veterans. He was instrumental in creating a program to name a U.P. Veteran of the Year, and he has been active as a judge in those great VFW programs, Voice of Democracy and National Youth Essay.

Ruffy has held numerous positions at his own local post, Negaunee's Post 3165, including serving as post commander in 1980–81. He is currently 14th District Junior Vice Commander.

Ruffy has counseled widows of veterans on the benefits they are due, fought to keep veterans in nursing homes, and helped process myriad claims for deserving former military individuals. All his great attributes aside, however, Ruffy has one blind spot. Maybe it was those years in Detroit, but despite the advice of friends, despite the wishes of his own children, he remains a Detroit Lions fan in the heart of Green Bay Packer country. We'll forgive him this flaw.

Mr. Speaker, on Dec. 8, Ruffy Johnson will be honored by friends, peers, his wife of 45 years, his career-Army son, and two of his three daughters who are able to make it, at a gathering in Ishpeming, Michigan, I ask you and my House colleagues to join me in saluting Rollin ''Ruffy'' Johnson, a true friend of veterans in northern Michigan.

TRIBUTE TO MS. DEBBIE TAMLIN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 2001

Mr. SCHAFFER. Mr. Speaker, I rise today on the floor of the House to congratulate and call attention to one of Colorado's truly outstanding citizens. Ms. Debbie Tamlin of Fort Collins, Colorado, this week, has been named Realtor of the Year by her peers and colleagues of the Fort Collins Board of Realtors, a commendation she richly deserves for a variety of reasons. Debbie is a true professional who never lets up until her clients are well served. Her standard is excellence, and her dedication to her profession is legendary.

Debbie is proprietor and president of her own firm ZTI Group. She has been a real estate broker in Colorado for over twenty years, and president ZTI Group since 1989. Recently she was awarded for her work receiving the Distinguished Service Award twice from the Colorado Association of Realtors (CAR), and the 2001 Political Service Award from CAR.

Debbie is a familiar face at the Colorado State Capitol, at the County Courthouse, at City Hall, and even here in the nation's Capitol. She is clearly my community's most forceful and most competent advocate for the improvement of laws to benefit consumers and to build a stronger, healthier community. As one who for thirteen years has been on the receiving end of Debbie's lobbying, I can tell you, she's not to twist arms, make threats, or mislead. She's a skilled negotiator, a brilliant intellectual, and an honorable decent woman whose word is her bond, and whose integrity precedes her. Of course she's persuasive. Many of the best laws related to property rights and housing at the federal, state, and local level have only been accomplished because of Debbie Tamlin's devotion to her community and her profession.

Debbie Tamlin is a political activist. She's backed me in each of my efforts to represent Colorado, and I humbly warrant I would not have succeeded were if not for her assistance. In fact, there are many leaders in office today who owe their election victories to Debbie. Conversely, there are many aspirants whose political ambitions have been dashed because of Debbie * * * well, let's just say because Debbie didn't see things exactly their way.

Mr. Speaker, Coloradans know and appreciate Debbie Tamlin's numerous achievements, but to me, Debbie is a close friend, one I've known since I first arrived in Colorado. She's a devoted mother, a pious believer, and one of the most honorable people I've ever met. Whenever there is a cause. Debbie is there to be its champion. Whenever there is a need, Debbie is there to help. Whenever there is a challenge, Debbie is there to face it. She's a profile in courage, a heroine of endless generosity, and a loyal friend to many.

Debbie Tamlin is an authentic American and an enthusiastic patriot. She loves the West and all its traditions. She embodies the spirit of freedom and the hope of a brighter tomorrow; and she inspires all around her to achieve great things that once seemed only distant dreams. She's a leader—one whose mark on her community is unmistakable and always positive—the kind of leader who makes her friends and neighbors proud, sets the bar high, and leaves us in awe. She is respected across the country and beyond even that. Her passion for excellence in her professional life and personal life make her extraordinary. She is a splendid woman.

Mr. Speaker, it's difficult for any of us to describe the essence of a particular State. Colorado, for example, is known for many things—a rich history, rugged mountains, wild majestic skies and hard-working people. Debbie Tamlin is the face of Colorado. Her life's work embodies the qualities we all admire. She's a loving wife, a caring mother, and gentle soul and impressive figure in Colorado's bright future.

I am grateful for our colleagues from throughout the nation who join us tonight in expressing our warmest commendations and congratulations to Debbie. She's more than the Realtor of the Year, she's Debbie Tamlin. May God continue to richly bless her and her family.

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, December 6, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 7

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Sean O'Keefe, of New York, to be Administrator of the National Aeronautics and Space Administration.
SR–253

Joint Economic Committee
To hold hearings to examine the employment-unemployment situation for November, focusing on payroll employment figures.
1334 Longworth Building

DECEMBER 10

10 a.m.
Judiciary
To hold hearings on the nomination of David L. Bunning, to be United States District Judge for the Eastern District of Kentucky.
SD–226

DECEMBER 11

9:30 a.m.
Governmental Affairs
To hold hearings to examine the local role in homeland security.
SD–342

10 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine homeland defense issues, focusing on sharing information with local law enforcement.
SD–226

DECEMBER 12

10 a.m.
Judiciary
To hold hearings to examine the future of the Microsoft settlement.
SD–226

2 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the state of human rights, democracy and security concerns in Kyrgyzstan, focusing on human rights and democracy in the Central Asian region.
334 Cannon Building

DECEMBER 13

9:30 a.m.
Governmental Affairs
To hold hearings to examine security of the passenger and transit rail infrastructure.
SD–342

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine housing and community development needs in America.
SD–538

Judiciary
Business meeting to consider pending calendar business.
SD–226

DECEMBER 18

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the limits of existing laws with respect to protecting against genetic discrimination.
SD–106

Daily Digest

HIGHLIGHTS

The House and Senate passed H.J. Res. 76, making further continuing appropriations through December 15—clearing the measure for the President.

Senate

Chamber Action

Routine Proceedings, pages S12389–S12464

Measures Introduced: Twelve bills and two resolutions were introduced, as follows: S. 1766–1777, S. Res. 187, and S. Con. Res. 88. **Page S12447**

Measures Reported:

S. 1382, to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, with an amendment in the nature of a substitute. (S. Rept. No. 107–107)

H.R. 2657, to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, with an amendment in the nature of a substitute. (S. Rept. No. 107–108)

Report to accompany H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002. (S. Rept. No. 107–109) **Page S12447**

Measures Passed:

Railroad Retirement and Survivors' Improvement Act: By 90 yeas to 9 nays (Vote No. 351), Senate passed H.R. 10, to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries, after taking action on the following amendment proposed thereto: **Pages S12390–94**

Adopted:

Daschle (for Hatch/Baucus) Amendment No. 2170, in the nature of a substitute. **Pages S12390–93**

During consideration of this measure, Senate also took the following action:

By 80 yeas to 19 nays (Vote No. 350), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to the motion to waive section 302(f) of the Congressional Budget Act of 1974 with respect to consideration of Daschle (for Hatch/Baucus) Amendment No. 2170 (listed above). Subsequently, a point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974 was rejected. **Page S12393**

Continuing Appropriations: Senate passed H.J. Res. 76, making further continuing appropriations for the fiscal year 2002, clearing the measure for the President. **Page S12463**

U.S.-Israel Solidarity: Senate agreed to S. Con. Res. 88, expressing solidarity with Israel in the fight against terrorism. **Page S12463**

Federal Farm Bill: Senate resumed consideration of the motion to proceed to consideration of S. 1731, 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. **Pages S12400–39**

During consideration of this measure today, Senate also took the following action:

By 73 yeas to 26 nays (Vote No. 352), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S12406**

A unanimous-consent agreement was reached providing that at 12 noon, on Thursday, December 6, 2001, Senate agree to the motion to proceed to the consideration of S. 1731 (listed above), and then proceed to consideration of H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, provided further that no amendments be in order to S. 1731 prior to Tuesday, December 11, 2001. **Page S12439**

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolutions of ratification were agreed to:

International Convention for Suppression of Financing Terrorism (Treaty Doc. 106–49) with one reservation, two understandings, and three conditions.

International Convention for the Suppression of Terrorist Bombings (Treaty Doc. 106–6) with one reservation, three understandings, and three conditions. **Pages S12461–63**

Appointment:

Congressional Award Board: The Chair, on behalf of the Majority Leader, pursuant to Public Law 96–114, as amended, announced the appointment of Kevin B. Lefton, of Virginia, to the Congressional Award Board, vice John Falk. **Page S12463**

Nominations Confirmed: Senate confirmed the following nomination:

John P. Walters, of Michigan, to be Director of National Drug Control Policy.

Pages S12439–43, S12464

Nominations Received: Senate received the following nominations:

Randal Quarles, of Utah, to be a Deputy Under Secretary of the Treasury.

34 Army nominations in the rank of general.

Routine lists in the Army. **Page S12464**

Messages From the House: **Pages S12445–46**

Measures Referred: **Page S12446**

Measures Placed on Calendar: **Page S12446**

Executive Communications: **Pages S12446–47**

Additional Cosponsors: **Pages S12447–48**

Statements on Introduced Bills/Resolutions: **Pages S12448–58**

Additional Statements: **Pages S12443–45**

Amendments Submitted: **Page S12458**

Authority for Committees to Meet: **Pages S12458–59**

Privilege of the Floor: **Page S12459**

Record Votes: Three record votes were taken today. (Total—352) **Pages S12393, S12394, S12406**

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:05 p.m., until 10:30 a.m., on Thursday, December 6, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12464.)

Committee Meetings

(Committees not listed did not meet)

NORTHERN BORDER SECURITY

Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings to examine United States northern border security policy, focusing on ports of entry, security personnel, and compatible communication equipment for American and Canadian law-enforcement authorities, after receiving testimony from Senators Schumer, Clinton, and Stabenow; North Dakota Governor John Hoeven, Bismarck; Vermont Governor Howard Dean, Montpelier; and Michigan Lieutenant Governor Dick Posthumus, Lansing.

TECHNOLOGY SECTOR

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine the response of the technology sector in times of crisis, focusing on the successes and failures in the aftermath of the events of September 11, 2001, after receiving testimony from John H. Marburger III, Director, Office of Science and Technology Policy; Joe M. Allbaugh, Director, and Ron Miller, Chief Information Officer, both of the Federal Emergency Management Agency; Will Pelgrin, State of New York Governor's Office of Technology, Albany; Craig O. McCaw, Eagle River, Inc., Kirkland, Washington; Roger Cochetti, Jr., Verisign, Inc., and Stephen J. Rohleder, Accenture, both of Washington, D.C.; Julie Coppernoll, Intel Corporation, Santa Clara, California; and Sarah Roche, UPOC, and Joe Sandri, WinStar, both of New York, New York.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded hearings on the nominations of Margaret S.Y. Chu, of New Mexico, to be Director of the Office of Civilian Radioactive Waste Management, and Beverly Cook, of Idaho, to be Assistant Secretary for Environment, Safety and Health, both of the Department of Energy, and Jeffrey D. Jarrett, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Rebecca W.

Watson, of Montana, to be Assistant Secretary for Land and Minerals Management, both of the Department of the Interior, after the nominees testified and answered questions in their own behalf. Ms. Chu was introduced by Senator Domenici, Ms. Cook was introduced by Senator Craig, and Ms. Watson was introduced by Senator Watson.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Callie V. Granade, to be United States District Judge for the Southern District of Alabama, Marcia S. Krieger, to be United States District Judge for the District of Colorado, James C. Mahan, to be United States District Judge for the District of Nevada, Philip R. Martinez, to be United States District Judge for the Western District of Texas, C. Ashley Royal, to be United States District Judge for the Middle District of Georgia, and Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice, after the nominees testified and answered questions in their own behalf. Ms. Granade was introduced by Senator Sessions, Ms. Krieger was introduced by Senators Campbell and Allard, Mr. Mahan was introduced by Senators Reid and Ensign, Mr. Martinez was introduced by Senators Gramm and Hutchison, Mr. Royal was introduced by Senators Cleland and Miller, and Mr. Tamargo was introduced by Senators Graham and Warner, and Representatives Ros-Lehtinen and Meek.

COPS PROGRAM

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded hearings to examine the future of the Community Oriented Policing Services (COPS) program of the Department of Justice, focusing on a comprehensive study chronicling its relationship to local and national crime rates, after receiving testimony from Viet D. Dinh, Assistant Attorney General, Office of Legal Policy, Department of Justice; Lonnie Westphal, Colorado State Patrol, Denver, on behalf of the International Association of Chiefs of Police; Steve Young, Marion City Police Department, Marion, Delaware, on behalf of the Fraternal Order of Police; Jihong Zhao, University of Nebraska Department of Criminal Justice, Omaha; Mike Brown, Bedford County Sheriffs' Office, Bedford, Virginia, on behalf of the National Sheriffs' Association; David B. Muhlhausen, Heritage Foundation, Washington, D.C.; and Thomas P. Gordon, New Castle County, Delaware.

House of Representatives

Chamber Action

Measures Introduced: 16 public bills, H.R. 3296, 3404–3418; 1 private bill, H.R. 3419; and 5 resolutions, H.J. Res. 76–77, and H. Res. 302–304, were introduced. **Pages H8948–49**

Reports Filed: Reports were filed today as follows:

H.R. 1576, to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, amended (H. Rept. 107–316);

H.R. 1925, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System, amended (H. Rept. 107–317);

H.R. 1963, to amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System (H. Rept. 107–318);

H.R. 3334, to designate the Richard J. Guadagno Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California (H. Rept. 107–319);

H.R. 3129, to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, amended (H. Rept. 107–320);

Conference report on 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 (H. Rept. 107–321);

H. Res. 305, providing for consideration of motions to suspend the rules (H. Rept. 107–322);

H. Res. 306, providing for consideration of H.R. 3005, to extend trade authorities procedures with respect to reciprocal trade agreements (H. Rept. 107–323); and

H. Res. 307, waiving points of order against the conference report to accompany 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 (H. Rept. 107–324). **Pages H8914–45, H8947–48**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Gillmor to act as Speaker pro tempore for today. **Page H8845**

Intelligence Authorization—Go to Conference: The House disagreed with the Senate amendment to H.R. 2883, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and agreed to a conference. **Page H8849**

Appointed as conferees from the Permanent Select Committee on Intelligence, for the consideration of the House bill and the Senate amendment, and modifications committed to conference: Chairman Goss and Representatives Bereuter, Castle, Boehlert, Gibbons, LaHood, Cunningham, Hoekstra, Burr, Chambliss, Pelosi, Bishop, Harman, Condit, Roemer, Hastings of Florida, Reyes, Boswell, and Peterson of Minnesota. And, appointed as conferees from the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Chairman Stump and Representatives Hunter, and Skelton. **Page H8849**

Making Further Continuing Appropriations Through December 15: The House passed H.J. Res. 76, making further continuing appropriations for the fiscal year 2002. The joint resolution was considered by unanimous consent. **Pages H8849–50**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing Radio Free Europe/Radio Liberty's Successes: H. Con. Res. 242, recognizing Radio Free Europe/Radio Liberty's success in promoting democracy and its continuing contribution to United States national interests (debated on Dec. 4; agreed to by a yea-and-nay vote of 404 yeas to 1 nay, Roll No. 469); **Pages H8850–51**

George P. Shultz National Foreign Affairs Training Center: H.R. 3348, to designate the George P. Shultz National Foreign Affairs Training Center (debated on Dec. 4; agreed to by a yea-and-nay vote of 407 yeas with none voting "nay" and 2 voting "present," Roll No. 470); **Page H8851**

Hunger to Harvest Resolution: A Decade of Concern for Africa: H. Con. Res. 102, amended, relating to efforts to reduce hunger in sub-Saharan Africa (debated on Dec. 4; agreed to by a yea-and-nay vote of 400 yeas to 9 nays, Roll No. 471); and **Pages H8851–52**

Bear River Migratory Bird Refuge Visitor Center, Box Elder County, Utah: H.R. 3322, to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah; **Pages H8852–53**

Fern Lake Conservation and Recreation Act in Kentucky and Tennessee: H.R. 2238, amended, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park; **Pages H8853–55**

Lakehaven Utility District, Washington Wastewater Project: H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington; **Pages H8855–56**

Native American Small Business Development: H.R. 2538, amended, to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Alaska Natives, and Native Hawaiians. Agreed to amend the title; **Pages H8856–60**

Veterans Day Observance on November 11: H. Res. 298, expressing the sense of the House of Representatives that Veterans Day should continue to be observed on November 11 and separate from any other Federal holiday or day for Federal elections or national observances (debated on Dec. 4, agreed to by a yea-and-nay vote of 415 yeas with none voting "nay", Roll No. 472); **Pages H8880–81**

Honoring the Crew and Passengers of United Airlines Flight 93: H. Con. Res. 232, amended, expressing the sense of the Congress in honoring the crew and passengers of United Airlines Flight 93 (agreed to by a yea-and-nay vote of 415 yeas with none voting "nay," Roll No. 473); **Pages H8860–64, H8881–82**

Todd Beamer Post Office Building, Cranbury, New Jersey: H.R. 3248, 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"; **Pages H8864–66**

Solidarity with Israel in the Fight Against Terrorism: H. Con. Res. 280, expressing solidarity with Israel in the fight against terrorism (agreed to by a yea-and-nay vote of 384 yeas to 11 nays with 21 members voting "present," Roll No. 474).

Pages H8866–80, H8882–83

Meeting Hour—Thursday, Dec. 6: Agreed to by a recorded vote of 322 noes to 82 ayes, Roll No. 475, that when the House adjourns today, it adjourn to meet at 9 a.m. on Thursday, Dec. 6. **Page H8883**

Recess: The House recessed at 9:02 p.m. and reconvened at 11:02 p.m. **Page H8946**

Quorum Calls—Votes: Seven yea-and-nay votes developed during the proceedings of the House today and appear on pages H8850–51, H8851, H8852, H8880–81, H8881–82, H8882, and H8883. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:03 p.m.

Committee Meetings

HOMELAND SECURITY: NUCLEAR/BIOLOGICAL/CHEMICAL THREATS

Committee on the Budget: Held a hearing on Re-Structuring Government for Homeland Security: Nuclear/Biological/Chemical Threats. Testimony was heard from Scott R. Lillibridge, M.D., Special Assistant to the Secretary, Bioterrorism, Department of Health and Human Services; and the following officials of the Department of Energy: Joseph S. Mahaley, Director, Office of Security Affairs; and Kenneth E. Baker, Principal Deputy Administrator, Defense Nuclear Nonproliferation, National Nuclear Security Administration.

NUCLEAR POWER PLANTS—SECURITY ISSUES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing titled "A Review of Security Issues at Nuclear Power Plants." Testimony was heard from Richard A. Meserve, Chairman, NRC; and public witnesses.

FEDERAL LAW ENFORCEMENT

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on "Federal Law Enforcement: Long Term Implications of Homeland Security Need." Testimony was heard from Adm. James M. Loy, USCG, Commandant, U.S. Coast Guard, Department of Transportation; and the following officials of the Department of Justice: Robert Bonner, Commissioner, INS; Asa Hutchinson, Administrator, DEA; and Frank Gallagher, Deputy Assistant Director, Criminal Investigative Division, FBI.

DEBT COLLECTION IMPROVEMENT ACT

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs held a hearing on "The Debt Collection Improvement Act of 1996: How Well is it Working?" Testimony was heard from James Moseley, Deputy Secretary, USDA; Gary T. Engel, Director, Financial Management and Assurance, GAO; and Richard L. Gregg, Commissioner, Financial Management Service, Department of the Treasury.

ANTHRAX—POTENTIAL SOURCES

Committee on International Relations: Held a hearing on Russia, Iraq, and Other Potential Sources of Anthrax, Smallpox and Other Bioterrorist Weapons. Testimony was heard from Richard Spertzel, former Head, Biological Weapons Inspections, United Nations Special Commission on Iraq; and public witnesses.

HELP AMERICA VOTE ACT

Committee on the Judiciary: Held a hearing on H.R. 3295, Help America Vote Act of 2001. Testimony was heard from public witnesses.

BIPARTISAN TRADE PROMOTION ACT

Committee on Rules: Granted, by a record vote of 7 to 3, a closed rule providing one hour of debate in the House on H.R. 3005, Bipartisan Trade Promotion Authority Act of 2001, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying the resolution, shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Thomas and Representatives Rangel, Levin, Waters, and Wu.

CONFERENCE REPORT—DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on 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 against its consideration.

The rule provides that the conference report shall be considered as read.

CONSIDERATION OF SUSPENSIONS

Committee on Rules: Granted by voice vote, a resolution providing that certain suspensions will be in order at any time on the legislative day of Thursday, December 6, 2001.

SCIENCE OF BIOTERRORISM

Committee on Science: Held a hearing on Science of Bioterrorism: Is the Federal Government Prepared?'' Testimony was heard from John H. Marburger III, Director, Office of Science and Technology; Linda Fisher, Deputy Administrator, EPA; Anna Johnson-Winegar, Deputy Assistant to the Secretary, Chemical and Biological Defense, Department of Defense; and Donald A. Henderson, M.D., Director, Office of Public Health Preparedness, Department of Health and Human Services.

Joint Meetings

APPROPRIATIONS—DISTRICT OF COLUMBIA

Conferees on Tuesday, December 4, agreed to file a conference report on the differences between the Senate and House passed versions of 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.

AUTHORIZATION—INTELLIGENCE

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2883, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 6, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nomination of J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors of the Export-Import Bank of the United States; and the nomination of Kenneth M. Donohue, Sr., of Virginia, to be Inspector General, Department of Housing and Urban Development, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the corporate average fuel economy, 9:30 a.m., SR–253.

Full Committee, to hold hearings on the nomination of Jeffrey Shane, of the District of Columbia, to be Associate Deputy Secretary, and the nomination of Emil H. Frankel, of Connecticut, to be Assistant Secretary of Transportation Policy, both of the Department of Transportation, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine negotiations for renewing the Compact of Free Association, 9:30 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine the political future of Afghanistan, 10:30 a.m., SD–419.

Committee on Governmental Affairs: to hold hearings to assess the vulnerability of United States seaports and whether the Federal Government is adequately structured to safeguard them, 9 a.m., SD–342.

Committee on the Judiciary: to resume oversight hearings to examine the Department of the Judiciary, focusing on how to preserve freedoms while defending against terrorism, 10 a.m., SD–106.

House

Committee on the Judiciary, hearing on H.R. 3288, Fairness in Antitrust in National Sports (FANS) Act of 2001, 1 p.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law and the Subcommittee on Courts, the Internet, and Intellectual Property, joint hearing on the Settlement Agreement by and among the United States of America, the FCC, NextWave Telecom, Inc., and certain affiliates, and Participating Auction 35 Winning Bidders, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up the following measures: H. Con. Res. 275, to amend the National Wildlife Refuge System Administration Act of 1966 to authorize the Secretary of the Interior to provide for maintenance and repair of buildings and properties located on lands in the National Wildlife Refuge System of lessees of such facilities; and H.R. 3389, to reauthorize the National Sea Grant College Program Act, 11 a.m., 1324 Longworth.

Committee on Science, to mark up the following bills: H.R. 3394, Cyber Security Research and Development Act; and H.R. 3400, Networking and Information Technology Research Act, 11 a.m., 2318 Rayburn.

Committee on Small Business, hearing on the SBA's efforts to provide assistance to those directly and indirectly impacted by the terrorist attacks of September 11, 2001, upon the World Trade Center in New York City and the Pentagon in Arlington, Virginia, 2 p.m., 2360 Rayburn.

Subcommittee on Tax, Finance, and Exports, hearing on a number of economic stimulus proposals, and their possible impacts on the nation's economy, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Port Security, 10 a.m., 2167 Rayburn.

Next Meeting of the SENATE

10:30 a.m., Thursday, December 6

Senate Chamber

Program for Thursday: Senate will begin a period of morning business. At approximately 11 a.m., Senate expects to go into executive session to consider certain judicial nominations, with votes to occur thereon.

At 12 noon, Senate will agree to the motion to proceed to consideration of S. 1731, Federal Farm Bill; following which, Senate expects to begin consideration of H.R. 3338, Department of Defense appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, December 6

House Chamber

Program for Thursday: Consideration of Suspensions (subject to a rule):

(1) H.R. 3129, Customs Border Security Act of 2001; and

(2) H.R. 3008, Trade Adjustment Assistance Program Reauthorization.

Consideration of H.R. 3005, Bipartisan Trade Promotion Authority Act (closed rule, one hour of debate); and

Consideration of the conference report on H.R. 2944, District of Columbia Appropriations (rule waiving points of order).

Extensions of Remarks, as inserted in this issue

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