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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. SHIMKUS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 17, 2002.

I hereby appoint the Honorable JOHN SHIMKUS to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Norvel Goff, Sr., Pastor, Baber African Methodist Episcopal Church, Rochester, New York, offered the following prayer:

O God, our Heavenly Father, Almighty and Everlasting God, we come this day to thank You for last night's rest and early rising this morning. We come praying on behalf of and for the Members of Congress as they seek to know and to do Thy will for America and in the works of the House of Representatives.

O most gracious God, who knows the secrets of our hearts and the thoughts of our minds, we humbly beseech You as we pray for peace throughout the world.

We pray for our President of these United States of America, and the leaders around the world, that You will guide and direct them, that You would lead this world into a path of peace and happiness, truth and justice.

Direct us, O Lord, in all of our endeavors, that in You we may glorify Your most holy name. These and many other blessings we ask in Jesus' name. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Minnesota (Ms. MCCOLLUM) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCOLLUM led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND NORVEL GOFF, SR., PASTOR, BABER AFRICAN METHODIST EPISCOPAL CHURCH, ROCHESTER, NEW YORK

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

Ms. SLAUGHTER. Mr. Speaker, today we opened this legislative day with a prayer from the Reverend Norvel Goff, Sr. I would like to take a moment to tell my colleagues and the country about Reverend Goff and the significant role he plays in my community.

Reverend Goff has served as pastor of Baber African Methodist Episcopal Church in Rochester since 1991. He has been an outstanding advocate in civil rights, economic justice, and peace issues in the Rochester community.

Reverend Goff is joined here today by his wife, Anna Marie, and his son, Norvel, Jr., who is a law student at Howard University; and they have a younger son, John, who is a student at Morehouse College in Atlanta.

Reverend Goff is a teacher, a lecturer, a writer and an outstanding orator. He has served on numerous community boards and committees in Rochester, including the Monroe County Public Defender's Advisory Board, the Community Energy Board, and Fleet Bank's Community Development Corporation Board.

Reverend Goff currently serves as the president and CEO of the Greater Rochester NAACP and is chairman of the Black Ministers Alliance in Rochester. Under his leadership, the Black Ministers Alliance founded the Footprints Program, which is a partnership with local banks that has provided more than $10 million in mortgages for first-time homeowners. The Rochester chief of police recently appointed Reverend Goff as the chairman of the Faith Community Subcommittee Initiative Against Illegal Drugs in Rochester.

Reverend Goff continuously displays extraordinary commitment to the children of the Baber African Methodist Episcopal community and to all the other children in Rochester. He serves as a mentor and encourages academic achievement among the area youth. Reverend Goff recognizes the children of his church who make the honor roll at a church service and takes the time

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to visit and have lunch with them at school and check on their progress.

Reverend Goff's accomplishments in the area of civil rights, business, community and religious affairs have earned him numerous awards, including the Annual Friends of Education Award from the Rochester City School District and the Winn Newman Pay Equity Award from the National Committee on Pay Equity.

Reverend Goff is truly a modern-day crusader for justice, and I am grateful for his valuable work in our community. I am pleased that the House of Representatives could have him lead us in such a powerful prayer.

CONGRATULATING J.R. UNITED INDUSTRIES AND COMPANY PRESIDENT SALO GROSFELD

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate J.R. United Industries and company president Salo Grosfeld for their involvement in an extraordinary back-to-school project.

Afghan Minister for Women's Affairs, Dr. Sima Samar, asked for help to send girls back to school in Afghanistan, for, you see, school uniforms are considered a luxury that few Afghan families can afford. But J.R. United, located in my congressional district, helped by providing sewing machines and fabrics through their commercial partners in Pakistan.

Salo Grosfeld and his company are giving children thousands of miles away something greater than just uniforms. They are giving them hope for a brighter future and a better life.

Please join me in congratulating Salo Grosfeld and J.R. United for their generosity to the children of Afghanistan. Thank you, Salo.

SPEAKING AGAINST CUT IN PAYMENTS IN LIEU OF TAXES PROGRAM

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to speak out against the administration's 21 percent cut of the Payments in Lieu of Taxes Program.

Many of our western States have substantial Federal land within their borders. On the one hand, these lands provide many opportunities for all Americans. But for local counties who are financially strapped, Federal lands mean the loss of a tax base.

To deal with this issue fairly and so that the Federal Government is a good neighbor, we pay a portion of the lost tax revenue. This is called Payments in Lieu of Taxes. It is a good program that should be fully funded, although it never has been. By cutting this valuable program, the administration is turning its back on many western counties.

I urge my colleagues to reject this unwise and unsound cutback.

MAKE CHILD PORNOGRAPHY ILLEGAL

(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, the United States Supreme Court ruling Tuesday on the Child Pornography Prevention Act drew strong reaction, mostly negative, regarding the High Court. However, the ruling did receive some support from some in the adult movie industry.

''We are extremely disappointed with this decision,'' said the American Center for Law and Justice. The Supreme Court clears the way for pornographers to use the first amendment as a shield and gives them a green light to engage in this kind of Internet activity.''

I say whether in movies or photographs, it does not make a difference whether or not the person engaged in sex is actually a child. If it looks like a child, is said to be a child, pedophiles have found their fix and their search for true child pornography will only be enhanced.

Attorney General Ashcroft said the ruling makes prosecution of child pornographers immeasurably more difficult. He offered to work with Congress on new legislation that could withstand the Court's scrutiny.

Mr. Ashcroft, I join you today in hoping we can craft a bill that meets the fitness test of the Supreme Court so we can rule this to be an illegal activity.

RESTORE FOOD STAMPS FOR LEGAL PERMANENT RESIDENTS

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

Mr. RODRIGUEZ. Mr. Speaker, despite the calls from President Bush for efforts to provide legal permanent residents access to Federal nutrition programs, the House conferees on the farm bill have refused to budge. Now we hear today that the gentleman from Colorado (Mr. TANCREDO) has an amendment to instruct on the farm bill on this particular item.

There are too many cases of legal immigrant children suffering from hunger right here in our own backyards. These are legal residents. Their parents work hard, they pay taxes, they serve our country, they play by the rules; but they are unable to qualify for food stamps if they find themselves in that situation.

The reality is, and I will appeal to the Republicans, that we have over 62,560 military people right now that are legal immigrants; and as we well know, we have a lot of people in the military that also qualify for food stamps. This amendment would disqualify them from being able to have access to food stamps.

So I make the appeal and ask that we look at what the administration has been saying, that we ought to be providing for those services.

CELEBRATING THE PRODUCTION OF NEVADA'S 50 MILLIONTH OUNCE OF GOLD

(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, Nevada's nickname may be the Silver State, but our State is diverse and has a wealth of many minerals, including many precious metals like gold, silver and platinum. In fact, only two countries in the world are ahead of Nevada in total gold production, South Africa and Australia; and only those two locations have ever achieved the same milestone which Nevada celebrated this week, the production of the 50 millionth ounce of gold.

Let me put this achievement in perspective. If 50 million troy ounces of gold were viewed as cube, it would be approximately 14 feet 2 inches square and weigh about 1,714 tons.

This achievement was produced by the Carlin Trend, located about 10 miles south of Carlin, Nevada, which produces nearly 4 million ounces of gold annually, contributing $1.8 billion to America's economy every year.

Congratulations to the hard-working men and women of the Carlin Trend on this accomplishment, and thank you to the mining industry for producing the minerals which allow us to live in and enjoy the 21st century.

DEFENDING LEGAL IMMIGRANTS

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

Ms. SOLIS. Mr. Speaker, I also rise in disappointment at the action that will take place today on the floor, and that is to instruct conferees on the farm bill to remove the provision of food stamps for legal immigrants.

We talk about legal immigrants. Let us really put a face to it. Let us look at who these people are. They serve in our wars; they are serving in the military. Many of them are grandparents, many are children. They are here legally. They are playing by the rules. Their families pay into the tax base.

The President has said he wants to honor them and give them food stamps; but his own party, the Republican Party, wants to take that away. We are sending mixed messages here, and I would hope we could unite around this whole concept of compassionate giving to people who earn their way here in the country.

I would ask that the conferees and everyone please take hold of this situation, address it, and help to feed the

children, the hungry children, in our districts. Right now in my own district there are about 37 percent immigrant families. Of that, those kids do not have enough to have food on their table. They do not have cereal. They did not have a banana. They did not have milk today, like you and I may have had.

Let us make sure we do our best to defend those children.

FREE MARTIN AND GRACIA BURNHAM

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

Mr. TIAHRT. Mr. Speaker, today marks the 326th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

Mr. Speaker, millions of Americans paid their dues on Tax Day this week, but Martin and Gracia have been paying the price for being Americans for over 10 months now. The Nation they love, however, is prevented from rescuing her children.

Martin's parents, Paul and Oreta, are patriotic citizens. They pay their taxes without complaining and trust the government will carry out its responsibility to protect and defend our citizens, all this despite the continued captivity of their son and daughter-in-law.

I must admit, as a patriot, as a taxpayer, as a representative of this government of the United States, I am frustrated. I call upon President Arroyo and the Philippine Congress to allow the American military to rescue our fellow Americans who are being held hostage. I request Secretary Powell, Secretary Rumsfeld, and President Bush, do not take ''no'' for an answer.

Let us rescue these Americans. I believe we have the resources to rescue Martin and Gracia, and it is our government's duty to do so. As always, I ask you to join me in prayer for Martin and Gracia and their loved ones, that this nightmare may soon be over.

PROTECT THE CLEAN AIR ACT

(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, the current administration is proposing a rollback of what has been called the centerpiece of our environmental agenda. Instead of fighting hard to protect the Clean Air Act, this administration wants to eliminate clean air programs that control new sources of pollution and regional haze.

What does this mean? It means that harmful emissions released from these old power plants will continue to cause asthma attacks and increase hospital visits. Haze will continue to blanket our cities and continue to spread out, obscuring views at our national parks and monuments. It also means that companies that own and operate our oldest and dirtiest coal-fired power plants can continue to escape strict pollution controls.

We can do better. Monday is Earth Day, a time to celebrate past progress we have made in cleaning up our environment while leading our Nation to a cleaner tomorrow. It is not the time to eliminate tools that can help us clean our air.

□ 1015

HAPPY 100TH ANNIVERSARY TO J.C. PENNEY

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to celebrate a major milestone in the history of American business. This past Sunday, on April 14, J.C. Penney Company, whose Plano headquarters is located in my district, celebrated 100 years of serving American consumers.

J.C. Penney is a name that Americans know well, and most of us have shopped in a J.C. Penney store at some point. We have learned by experience to expect their superior value for our money. And a century of delivering on that promise has made J.C. Penney a trusted name among American retail institutions and hard-working Americans.

When James Cash Penney opened his first store on the Wyoming frontier 100 years ago, he had but one passion: to serve his customers to their complete satisfaction. That passion has been the enduring reason for his company's growth, survival and success, and also why J.C. Penney has helped millions of Americans raise the quality of their lives.

Trends may come and go; businesses like J.C. Penney, built on timeless values, endure.

I want to extend my sincere congratulations to the company for 100 years of performance.

CONGRESS MUST RESTORE FOOD STAMP BENEFITS TO LEGAL IMMIGRANTS

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

Mr. REYES. Mr. Speaker, later today the House will debate a motion to instruct conferees on the Farm Security Act that seeks to prevent the restoration of benefits to legal residents.

Well, I am appalled that this motion is offered, given the bipartisan support to restore food stamp benefits to legal permanent residents. I am, however, not surprised that there are some still in this House who continue their anti-immigrant, anti-Latino and anti-family campaign.

Let me repeat, Mr. Speaker. We are talking about benefits to legal residents; legal residents who come to this country from all parts of the world.

Earlier this year we welcomed the administration's proposal to extend eligibility to legal residents who have lived in the United States for 5 years. We supported this proposal because it was simple and straightforward. The Senate has included the administration's proposal in its version of the farm bill, but efforts continue in conference discussions to undermine a fair and simple restoration of benefits for legal residents.

These efforts clearly undermine President Bush's own proposal for restoration of food stamps.

I hope that this Congress, Mr. Speaker, does the right thing and restores food stamp benefits to legal residents, and I also today ask President Bush to do more to convince his party that legal permanent residents deserve these benefits. It is long overdue, it is time, and it is the right thing to do.

MURDERERS, NOT MARTYRS

(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, tragically, Israelis and Palestinians are once again in a spiral of violence.

President Bush said recently that when a Palestinian girl kills herself in order to murder an Israeli girl of her own age, the future is dying. No boy or girl should ever have to die in a terrorist attack and no boy or girl should ever be misled by fanatics to go off on a suicide mission.

Mr. Speaker, too many Israelis and Palestinians have died and too many Palestinian kids have been turned into fanatics by the terrorists who have hijacked the Palestinian cause. As the President said, strapping a bomb around your waist and killing people is not an act of martyrdom, it is an act of murder.

Yesterday it was reported that the Saudi ambassador to Britain has written a lavish poem praising a young homicide bomber as ''the bride of loftiness.'' He says, ''The doors of heaven are opened for her.''

Mr. Speaker, this is an outrage. Here is a leader, an ambassador no less, encouraging children to commit murder. There will be no peace in the Middle East until this kind of irresponsible rhetoric stops. The international community should condemn this kind of talk with a loud and united voice.

DEADLY NUCLEAR WASTE SHOULD NOT BE SHIPPED THROUGHOUT AMERICA

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

Ms. BERKLEY. Mr. Speaker, in the near future, the House will vote on

House Joint Resolution 87 to determine if we are going to ship deadly, high-level nuclear waste through America's cities and towns, through our neighborhoods, and past our schools, hospitals and houses of worship. If you vote for this resolution, that is what you will be doing, sending over 100,000 massive shipments of highly radioactive waste through the communities you represent, shipments that would be rolling on our roads and our rails every day for the next 30 years.

A single accident would threaten the health of thousands, cost billions to clean up, and forever ruin property values. If you do not think this can happen and will, think again. Just follow the headlines of transportation disasters we see almost weekly. Someday, instead of gasoline or chemicals, the disasters will involve nuclear waste. Could you look at your constituents and their children and look them in the eye and tell them you voted for a resolution that allowed a massive catastrophe to ruin their lives?

Vote ''no'' on House Joint Resolution 87 for the sake of your families, the sake of your constituents.

MAKE THE BUSH TAX CUTS PERMANENT

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

Mr. RYUN of Kansas. Mr. Speaker, American families have recently completed the dreaded chore of preparing their tax returns, but this year, many found a bonus. The IRS reports that the average income tax refund is over $1,000, significantly higher than last year. What does this mean? Taxpayers are reaping the benefits of the Bush tax cut. Here in Congress, we should be proud of the cut that enables families to keep more of what they earn and for causing the economy to rebound as well.

But there is trouble on the horizon. Unless Congress takes action, this significant tax cut will expire in the year 2010 and our taxes will be raised.

It was over 2 centuries ago that Benjamin Franklin said, ''Nothing is certain but death and taxes.'' While death and taxes may be certain, the death of this tax cut does not have to be.

Mr. Speaker, I urge my colleagues to act now to ensure that President Bush's tax relief is made permanent.

BENEFITS FOR LEGAL IMMIGRANTS AND PEACE IN THE MIDDLE EAST

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me quickly join in with my colleagues from California and Texas and others of goodwill to oppose the amendment that will be on the floor today to deny legal immigrants, individuals who are accessing legalization, accessing citizenship, paying taxes, but, most of all, giving of their lives so that we might be free. What a tragedy. How heinous. I ask my colleagues to vote enthusiastically against denying legal immigrants their rightful benefits.

Let me move very quickly to my disappointment with the media who has now assessed Secretary Powell's trip as a failure. The Washington Post: ''Powell to end trip without a cease-fire. Sides failed to agree to talk.'' Electronic media reported ''Powell's trip unravels.''

Let me just simply say that peace is long-standing. It is not for the impatient. Our lives depend on it. This administration must continue to engage. We must provide a constructive proposal, we must help, in order to have peace in the Mideast.

Secretary Powell must return to the Mideast.

BUILDING ON PAST SUCCESSES TO CONTINUE WELFARE REFORM

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

Mr. WICKER. Mr. Speaker, I want to take my 1 minute to talk about the Welfare Reform Act of 1996, one of the greatest public policy successes in half a century. This body will soon have the opportunity to continue the remarkable progress made over the past 6 years when we reauthorize the law.

Our Nation has seen a dramatic 56 percent drop in welfare caseloads as more families have broken the cycle of poverty and replaced welfare checks with paychecks. Welfare rolls are at their lowest levels since 1965, and more than 2 million children have been rescued from poverty, a remarkable success.

The reauthorization will allow us to build on the principles which have helped more Americans achieve self-reliance. It contains a strong work requirement, continues the focus on protecting children, and strengthening families, and gives more States flexibility.

Mr. Speaker, the emphasis on work and strengthening families in this new initiative represents a winning formula to put more needy Americans on the path toward a brighter future.

ENVIRONMENTAL ROLLBACKS BAD FOR THE ENVIRONMENT

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

Mr. HOLT. Mr. Speaker, despite the fact that a majority of Americans believe that we should do more, not less, to protect our environment, President Bush is pursuing several policies to roll back environmental progress.

Let us look at our national parks. Despite the clear evidence that snowmobile use is not compatible with the preservation and public enjoyment of Yellowstone, our world's oldest national park, the President is pushing to roll back a rule that would prevent snowmobile use there, a rule that the EPA said was among the most thorough and substantial scientifically based rules they had seen.

Right now, the administration and the Republican majority here is also trying to roll back a ban on personal watercraft like jet skis in our national parks, despite the clear indication from rangers that these have a negative effect on the enjoyment and preservation of the parks.

Mr. Speaker, our environment and our national parks belong to all of us, and we cannot let these series of environmental rollbacks ruin them for us.

HOUSE OF REPRESENTATIVES HAS BEEN PRODUCTIVE

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

Mr. STEARNS. Mr. Speaker, what do all these things have in common? Trade promotional authority, the energy bill, the job stimulus bill, the terrorist insurance bill, faith-based initiative; in fact, 51 bills all in common, plus 90 appointments for judges? What they all have in common is they have not been acted upon by the other body.

The American people elected a Republican House and we have been productive over here. Governors, CEOs, coaches, deserve to have their team in place.

We need the other body to act to put the administration's team in place and address the 51-plus bills that are in need of action.

POINT OF ORDER

Mr. FRANK. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman will suspend. The gentleman should not urge action in the other body. The gentleman may proceed.

Mr. STEARNS. Mr. Speaker, we need to expedite and to take the bills that were in the House and get them passed by the other body.

The American people want action by its elected officials here in Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members not to refer to action in the other body.

U.S. SUPREME COURT DECISION IS A CLEAR AND PRESENT DANGER TO OUR CHILDREN

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

Mr. LAMPSON. Mr. Speaker, Ludwig Koons still has not been returned from

Italy where he was abducted by his pornographer mother.

What is in this morning's newspaper headlines? Supreme Court decides to strike down the Child Pornography Protection Act. This is a clear and present danger to children all over the world.

I am concerned that this decision will allow the manufacture, distribution, and possession of virtual child pornography. We will potentially see a rise in the exploitation of children. Child pornographic material, whether virtual or not, is used to lure and to exploit children. I am concerned about the onerous burden that this is going to place on prosecutors. Prosecutors will now have to prove the identity of the children who are being exploited.

Well, this is a difficult task. The Supreme Court sent a terrible message, one that is terrible to send to the pornographic community that this behavior is okay. We can be sure that the Congressional Caucus on Missing and Exploited Children will do everything within its power to right this wrong and to protect our children from exploitation, and we must bring Ludwig Koons home.

BIPARTISAN DENOUNCEMENT OF UNITED STATES SUPREME COURT DECISION INVOLVING CHILD PORNOGRAPHY

(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, it should be obvious on the floor of the House today that the denouncement of yesterday's decision by the United States Supreme Court is truly bipartisan. As a father of three small children, I do rise to denounce this deplorable decision where the court struck down a 1996 Federal ban on computer-generated child pornography.

The court actually wrote that the law was not sufficiently precise and that the law does not make reference to any crime or the creation of any victims. The promotion and the creation of child pornography by definition creates victims, Mr. Speaker.

I call on my colleagues to move forward expeditiously to right this wrong in the law. While the court has given solace to child pornographers, some protection from the law of man, I would close with reflecting on the law of God to those out there who create this material. The Good Book says that if anyone causes one of these little ones to sin, it would be better for him to have a large millstone hung around his neck and that he would be drowned.

□ 1030

PASSAGE OF H.R. 476, CHILD CUSTODY PROTECTION ACT

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

Mr. SHUSTER. Mr. Speaker, I rise today in support of H.R. 476, the Child Custody Protection Act. H.R. 476 has two important functions. First, it works to make sure that valid parental notification laws will not be circumvented. Second, it secures the right of a parent to be involved in medical decisions regarding their minor daughters.

I think it is important to note that even abortion rights advocates, such as Planned Parenthood and the National Abortion Federation, all encourage minors to consult their parents before having an abortion. Not only can a parent provide the emotional and physical support that their daughter will need, but a parent also knows their daughter's medical history.

There is also widespread support for parental notification among the American people. A 1998 CBS New York Times poll found that 78 percent of those polled favored requiring parental notification.

I come from a State that requires parental notification. Yet, out-of-State clinics try to circumvent this law. It is not uncommon practice for clinics in New Jersey, a State without parental notification law, to advertise in Pennsylvania phone books. These clinics often go as far as to highlight the fact that they will perform an abortion without parental notification.

The passage of H.R. 476 effectively puts an end to this despicable practice. I urge my colleagues to support this legislation.

FOOD STAMP RESTORATION

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

Mr. BACA. Mr. Speaker, the Congressional Hispanic Caucus has been working hard to restore food stamp benefits to hard-working, tax-paying legal residents; I state, to hard-working, tax-paying legal residents. Unfortunately, the House amendment 2846 would leave thousands of legal residents, permanent residents, without food stamps. This amendment would discriminate against permanent legal residents.

This is a real problem for LPRs and their families. Thirty-seven percent of all children of immigrants live in families that cannot afford enough nutrition on a regular basis. Most immigrant families include at least one child that is an American citizen. These children go to school hungry because their parents cannot afford to pay for food stamps or apply for food stamps. How can these kids study and learn and concentrate in the classroom if they do not have enough to eat?

We talk about ''leave no child behind.'' Well, we are about to do that, through this amendment. It is time for us to assure that all legal immigrants are eligible for food stamps. These are hardworking, legal permanent residents who currently cannot buy food stamps because they are not eligible for assistance under the basic nutritional program.

I urge the President that he must deliver on his promises to the Latino community. We need his leadership and inclusion, not false promises.

CHILD CUSTODY PROTECTION ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 388

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 476) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

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

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

Mr. Speaker, yesterday the Committee on Rules met and granted a closed rule for H.R. 476, the Child Custody Protection Act. The rule waives all points of order against consideration of the bill. It provides consideration of H.R. 476 in the House with two hours of debate, equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary.

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

Mr. Speaker, the Child Custody Protection Act is important to any parent who has a teenaged daughter. We all hope that our teenaged daughters have the wisdom to avoid pregnancy, but if they make a mistake, a parent is best able to provide advice and counseling. Also, more importantly, the parent knows the child's past medical history.

For these reasons, my home State of North Carolina, along with several other States, requires a parent to know before their child checks into an abortion clinic.

This law is needed because of stories chillingly similar to the story of a Pennsylvania mother and the tragic story of her 13-year-old daughter.

Several years ago, a stranger took Joyce Farley's child out of school, provided her with alcohol, transported her out of State to have an abortion, falsified medical records at the abortion clinic, and abandoned her in a town 30 miles away, frightened and bleeding. Why? Because this stranger's adult son had raped Joyce Farley's teenaged daughter, and she was desperate to cover up her son's tracks.

Even worse, this may all have been legal. It is perfectly legal to avoid parental abortion consent and notification laws by driving children to another State. In fact, many abortion providers in States where there are no parental consent laws actually advertise in the yellow pages in States where consent laws have been passed. It is wrong, and it has to be stopped.

The Child Custody Protection Act would put an end to this child abuse. If passed, the law would make it a crime to transport a minor across State lines to avoid laws that require parental consent or notification before an abortion.

Right now, a parent in Charlotte, North Carolina, must grant permission before the school nurse gives their child an aspirin. They have to call and give permission for their child to have an aspirin, but a parent cannot prevent a stranger from taking their child out of school and up to Maryland, for instance, for an abortion. It is total nonsense.

So let us do something to protect the thousands of children in this country. Let us pass the child custody Protection Act, and put a stop to the absurd notion that there is some sort of constitutional right for an adult stranger to be able to secretly take someone's teenaged child into a different State for an abortion.

I applaud my friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for continuously fighting this fight. I urge my colleagues to support this rule and to support the underlying legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I oppose this closed rule and I oppose the bill that underlies it. The Committee on the Judiciary has handed us yet once again a bill that is blatantly unconstitutional and will never see the light of day because the Senate is not going to touch it.

The attempt here today is to interfere with the rights of American citizens to go from one State line across the other. It is never going to work. In addition, and the most surprising thing to me, is by a vote of 16 to 12, the rapist or person who commits incest has the right of court action if anyone interferes with a pregnancy that he has caused.

I think I need to say that again. A subcommittee of the Committee on the Judiciary voted 12 to 16 to protect the right of a rapist or someone committing incest, and give them the right of court action if anyone interferes with the pregnancy that they have caused, taking away all the rights of the child.

I want to reiterate again that abortion is legal in the country. To prohibit anyone's right to across a State line for a legal purpose in the United States is foolish on the face of it, and flies in the face of the freedom that we enjoy.

Are we going to put border crossings at the State lines? Are we going to stop people and check their cars and make sure that no minor is in there? Are we really willing to put people's grandmother in prison? Are we really willing to allow a rapist or someone who commits incest to go to court to sue if a pregnancy caused by their action ensues? Surely not.

But this bill, again, in addition to it being terribly bad policy and its flagrant unconstitutionality, is closed, so no one could even amend it. But frankly, I do not know why anyone would want to. It is hard to amend an unconstitutional bill in such a way that we could make it constitutional. But we are talking about a fundamental right here, not something superficial. This measure tramples that right by imposing substantial new obstacles and dangers in the path of a minor seeking an abortion.

It violates the rights of States. And this Congress has gone on record time after time after time believing States are far more bright than we are. If they should have the right to pass their own laws, this tramples on the rights of States to enact and enforce their own laws that govern conduct within their own State boundaries.

The assaults on the Constitution do not stop there. One fundamental principle of our Federal system is a State may not project its laws onto other States. Every citizen has a right to cross a border into another State, and it has been so since the founding of this Republic. But we can do it in favor of the laws of the State that we are visiting, as long as we do not infringe upon those laws.

This bill undermines this fundamental principle, saying that young women are bound by the laws of their home States, even as they traverse the Nation. On the face of it, that is absolutely foolish. Because something is legal in New York and illegal in another State, should all New Yorkers be allowed to go there and freely fly in the face of a law of the other State? Absolutely not. The Supreme Court has consistently held that States cannot prohibit the lawful out-of-State conduct of their citizens. That is a simple premise simply put, but it is absolutely one of the basics of our freedoms. Nor may they impose criminal sanctions on that behavior. That has been the law of this land for a long, long time, about 200 years, I suspect. This bill does exactly that, imposing criminal sanctions on what is literally a freedom for a United States citizen.

As Professor Lawrence Tribe of Harvard Law School and Peter Rubin of Georgetown University Center explained, the bill ". . . amounts to a statutory attempt to force the most vulnerable class of young women to carry the restrictive laws of their home States strapped to their backs, bearing the great weight of those laws like the bars of a prison that follows them wherever they go."

□ 1045

Why is this body singling out young women for this treatment? I want to urge my colleagues to stop for a moment and think what are we doing here. We swore an oath to uphold the Constitution, but instead we are abandoning it, and indeed we are trashing it to satisfy some of the most extreme elements of the majority party.

Moreover, I want my colleagues to take a close look at this bill. As noted, it would criminalize the act to bring in the minor across State lines to obtain an abortion without parental consent, but the bill does not stop there. It goes on to provide prison time for grandparents or an adult sibling or members of the clergy who may have tried to help a minor obtain medical care and subjects them to civil action by a parent who may have raped and impregnated the minor. Even a cab driver, even a cab driver who drove this minor is subject to criminal penalty.

We had one amendment trying to remove that in the Committee on Rules and it was not allowed.

Let me put this another way: The bill allows the father who rapes or anybody who is carting this child, rapes or impregnates his minor daughter, to sue, to sue for damages. Can my colleagues imagine that? Do my colleagues want to go back home and tell people that that is what they voted for in the House of Representatives? It locks the victim of incest into requiring consent from an incestuous parent. That is the quality of the legislation we are considering today and the leadership ought to be ashamed.

Several amendments were offered in the Committee on Rules to address some of these egregious provisions, but none were allowed. The closed rule is a final slap in the face of our colleagues, and the victims of these crimes.

Vulnerable young women, deserve better. We all want active and supportive parents involved in their children's major decisions, but many young women have a justifiable fear that they will be physically abused if they are forced to disclose their pregnancy to their parent. Nearly one-third of minors who choose not to consult their parents have experienced violence in the family. Forcing young women in these circumstances to notify the parent of their pregnancies may only exacerbate the dangerous cycle of violence in these families.

This is the cruel lesson of one young Idaho teenager who was shot to death by her father after he learned she was planning to terminate a pregnancy caused by his act of incest. Shot to death by the man who had raped her. Despite our noblest intentions, Congress cannot legislate health and family communications.

The political cynicism this rule embraces today would be comical if young women's lives were not at stake. Congress once again is placing its political agenda ahead of a woman's ability to have access to safe and appropriate medical care.

As a Member of Congress and mother of three daughters and long-time advocate of women's health, I strongly believe that the health of American women matter, and I urge my colleagues to vote no on this rule and on the underlying bill. Please do not go home and say that we put the rights of the rapist or the perpetrator of incest above other citizens of the United States and tried to restrict their right to move across State lines.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART), who also serves on the Committee on Rules.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair would ask the visitors in the gallery to desist from conversations.

Mr. DIAZ-BALART. Mr. Speaker, I want to commend, first of all, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time and my dear colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing and shepherding and leading the effort on this important legislation.

When I was listening to my distinguished friend on the other side of the aisle, I thought that at times she was referring to another piece of legislation. Twenty-seven States require parental notification, recognizing the need for parental involvement when daughters face the confusing and sometimes frightening reality of an unexpected pregnancy. Strangers should not be allowed to deprive parents from the right to at least try to protect their daughters from harm by taking these children to another State in violation precisely of the State laws that have been passed to protect the parents' rights and to try to protect the rights of their daughters.

What this legislation tries to do is to punish those who smuggle children across State lines to, in effect, dodge the home State laws which are designed to protect the health and safety of children and the rights of the parents. In essence, what we are trying to do today with this legislation is to protect as much as possible the States' rights to have their wishes, as made law by their legislatures, enforced. That is, in essence, what we are trying to do.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding the time to me, and I want to commend her on her extraordinary testimony. I think no one could have addressed more carefully and better the issues underlying this bill than she did. I do not want to repeat what she said. I just strongly endorse it and hope that our colleagues are listening and will oppose this bill.

I want to speak personally for just about a minute, Mr. Speaker. I am the mother of a 26-year-old daughter and a 17-year-old daughter. I am also the mother of a 28-year-old son and a 19-year-old son. I work very hard to earn their trust, and I try very hard to provide for them a moral framework in which they will make wise choices for their lives.

When I first learned about this issue some years back, my immediate instinct was to oppose the notion that parents could not or should not be consulted when a daughter makes a decision about an abortion, not just across State lines but in a State. I then consulted my own daughters and they said, Mom, we would talk to you, but think about all the kids who cannot talk to their parents.

Our colleague from New York has spelled out those circumstances. They are dreadful and shameful, and my view after consulting my own children is that for the children of others, we must stop this vicious legislation. For children of others, to make sure that in safety they can seek out their constitutional right to an abortion in an emergency, for the children of others who will seek adult consultation but possibly not from dysfunctional or evil parents.

Mr. Speaker, I urge support of the position of the gentlewoman from New York. I urge us to think about the children of others. I urge a no vote on this legislation.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of H.R. 476, the Child Custody Protection Act.

Unfortunately, we are hearing lots of dramatic stories about young women who may be victims of incest and young women who may be victims of other terrible crimes as a motivator for us to prevent what so many States think is important and what so many people think is important, and that is, that children and their medical care and their guidance be in the hands of their parents.

This bill would simply respect that. It would respect what 43 States have already done in requiring parental consent or notification before a young woman can receive an abortion. So this is not a dramatic change of any kind. In fact, this is something that would respect States' rights.

This bill has nothing to do with consenting adults who have made a decision about what to do with a pregnancy. It solely focuses on young girls who are the most susceptible to confusion and difficulty of making a decision on their own health care and decision about ending a pregnancy.

Most of these young women are not in situations that have been presented dramatically to us. As a State senator, I worked on legislation in Pennsylvania where parental consent requirements gained wide support, and I know that they have obviously gained wide support throughout the Nation because of those 43 States with such laws.

The Child Custody Protection Act would make it a criminal offense to transport a child across a State line to avoid parental consent for the purpose of having an abortion. That means a person who is not the parent is taking a child that is a minor across a State line to violate the law basically. I am not sure why anyone would support that, but unfortunately, many here today are.

It is important for us to stand up for families in the United States. It is important for us to stand up also for the rights of parents to be counselors to their children.

Some of the opponents have argued that our approach is wrong and these young girls who are involved in these tremendous life-altering decisions should be taken away from their parents, transported across State lines for a very serious medical procedure, without their parents notification consent, without any necessarily records of their health in the past. This defies all logic. It usurps parents' vital role, and I think it is playing a dangerous game with the lives of young girls.

These girls should not be whisked away from their problems. We should not be finding more ways for them to avoid getting help from their families. We should be focused on finding ways where we can help them and their families.

This bill would certainly lead us in that direction as 43 of our 50 States have already gone. It is not for the Federal Government to change that.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman from New York (Ms. SLAUGHTER) for yielding me the time, and let me add my appreciation as well for her very eloquent defense and advocacy for issues of choice and particularly her work in the Committee on Rules.

It is interesting that my colleagues speak about States' rights and are very apt to involve themselves in the rights of Oregonites who have supported euthanasia through State law, but yet the Federal Government and Republicans want to intrude upon those State rights.

On the other hand, in this instance, dealing with an individual's probably

necessity to secure assistance somewhere, the child who may happen to be 16 or 17, this legislation that we have today undermines the very sense of privacy and the rights of a child to secure help from a grandparent, an uncle, an aunt or a sibling who is that child's confidante, who is able to take them somewhere to assist them in a choice that is intelligently made.

This has nothing to do with programs that deal with abstinence or deal with the issues of not engaging in premarital sex. This is not what this legislation is about, and I am very disappointed that the Committee on Rules would argue for a closed rule so that those of us who had amendments dealing with others who would give advice to our young people so that we would not have a murderous condition, a child losing their life because of a back room botched circumstance and procedure.

This is absolutely, I believe, without mercy because what it says is that if a child has someone that they are able to confide in and they can assist them in a very troubling time of their life, to make a choice about their body, an intelligent choice, comforted with the counsel of their religious person, and that particular individual that they have confidence in, they cannot do it.

This is a bad rule. I hope my colleagues will support the motion to recommit, and I would hope that we would be a consistent Congress. If we are fighting the Oregonites, and we are overlooking their State laws, then why are we now making a Federal law or insisting that we have to affirm Federal laws or State laws that intrude on the right to privacy?

Mrs. MYRICK. Mr. Speaker, I yield so much time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN). She is the author of this legislation and we thank her for that.

Ms. ROS-LEHTINEN. Mr. Speaker, abortion is perhaps one of the most life altering and life threatening of procedures. It leaves lasting medical, emotional and psychological consequences and is so noted by the Supreme Court, particularly so when the patient is immature.

Although Roe v. Wade legalized abortion in 1973, it did not legalize the right for persons other than the parent or a guardian to decide what is best for our child nor did it legalize the right of strangers to place our children in a dangerous situation that is often described as being potentially fatal.

□ 1100

Mr. Speaker, my legislation, the Child Custody Protection Act, will make it a Federal misdemeanor to transport an underaged child across State lines in circumvention of State local parental notification or consent laws for the purpose of obtaining an abortion. It is very simple.

Last year in the 106th Congress, I introduced this legislation; and it passed the House with a vote of 270 to 159, almost a two-thirds majority.

In the 105th Congress, this legislation also passed with a vote of 276 to only 150 against. Significant support for this legislation is not surprising because according to Zogby International, 66 percent of people surveyed believe that doctors should be legally required to notify the parents of a girl under the legal age who requests an abortion.

In addition, a 1999 fact sheet created by the Planned Parenthood Federation of America, one of the most adamant opponents of my bill entitled, ''Teenagers, Abortion, and Government Intrusion Laws'' cites: ''Few would deny that most teenagers, especially younger ones, would benefit from adult guidance when faced with an unwanted pregnancy.''

Mr. Speaker, few would deny that such guidance ideally should come from the teenagers' parents. Parental consent or parental notification laws may vary from State to State, but they are all made with the same purpose in mind, to protect frightened and confused adolescent girls from harm. This historical legislation will put an end to the abortion clinics and family planning organizations like Planned Parenthood that exploit young, vulnerable, frightened girls by luring them to recklessly disobey State laws with advertisements such as the ones that we will show later today which shout: ''No parental consent, no waiting period.'' The translation: do not worry about your parents. You are a mature 13-year-old, and you know best.

Our society is filled with rules and regulations aimed at ensuring the safety of our Nation's youth through parental guidance. At my alma mater, Southwest Miami High School, and in many of our schools, a child cannot be given an aspirin unless the school has been given consent by at least one parent or guardian. In some States, a minor cannot operate a vehicle until the age of 18. Most schools require permission to take minors on field trips; and in many schools, parents have the ability to decide whether or not to enroll their children in sex education classes.

In fact, a student cannot play football, soccer and even a noncontact sport such as chess without parental consent. Every one of these principles emphasizes that parents should be involved in decisions that can seriously affect our children. And the decision of whether or not to obtain an abortion, a life-altering, potentially fatal and serious medical procedure, should be no exception to these rules. Safety of our Nation's youth is precisely why over 20 States in our Nation have parental consent or notification laws on their books.

Most would agree that the violation or circumventing of any law should be punished. But by making the circumvention of State parental consent and notification laws a Federal misdemeanor, this legislation will do more than just uphold the laws of our country. It will give back to parents the right to be a parent. It will strengthen family bonds; and most importantly, Mr. Speaker, it will ensure that America's youth have a safer, healthier and brighter future.

Mr. Speaker, I thank the gentleman from Ohio (Mr. CHABOT) and the gentleman from Wisconsin (Mr. SENSENBRENNER), as well as the gentlewoman from North Carolina (Mrs. MYRICK), for their hard work on this legislation; and I thank the prolife caucus, the bill's 98 cosponsors, and all of the organizations which have supported H.R. 476 and have worked tirelessly to secure consideration today.

Today, as the House once again votes on this bill, I am hopeful that in reflection of the views of most Americans, the Child Custody Protection Act will pass once again. Passage of this bill will demonstrate our commitment, Congress' commitment to protecting both parents and children, and I ask that my colleagues vote in favor of this rule and later on for the bill itself.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, passage of this bill once again by this House, which we do every Congress, knowing the Senate will not even look at it, will once again demonstrate the conviction of the Republican leadership that this is a good subject to exploit politically; and that is all it will demonstrate.

Mr. Speaker, I will not talk too much about the merits of the bill right now; I will save that for general debate, but let me say a few things.

I am in my 10th year in the House. My first 2 years there was a Democratic majority, and the Republicans used to complain about closed rules. How dare the Democrats refuse to allow Republicans, or anybody else, to bring amendments to the floor.

Well, for the last 8 years, the Republicans have refused to allow amendments of any note to come to the floor on any bills except appropriations bills. Let us take this bill, for example. This bill, which ostensibly is designed to protect young women in situations where they are being lured across State lines by evil people to get them to have abortions without consulting their parents, which is an absurdity, but forget that for a moment, there were a number of amendments introduced in committee but not permitted on the floor, such as an amendment to say this bill should not apply if the person accompanying the minor across State lines was doing so because the reason the minor was pregnant was because she had been impregnated by her father.

Picture a situation where the mother is dead and the father is guilty of incest and rapes the daughter, and now he refuses permission for her to get an abortion, and we are going to prosecute her grandfather or her brother or sister for helping her to go to a State which has a more enlightened law and allows

her to get an abortion that she wants because she is 17 years old, and she wants an abortion lest she bear a child fathered by her father in an act of incestual rape.

Maybe some people can come up with a reason against this amendment; I do not know. There are twisted minds in this world, but not to allow that amendment on the floor because they are afraid it will pass, they are afraid Members in this House will not have twisted minds and the amendment will pass?

The real purpose of this bill is not to protect women, girls 17, 16 years old, not to protect them in situations such as I have just mentioned, the real purpose of this bill is simply to cut away at the right to abortion to the extent possible without falling afoul of Roe v. Wade.

A second amendment not permitted on the floor is the amendment that would exempt clergy and grandparents and aunts and uncles from accompanying a person. I would simply point out also that even in committee the majority refused to allow amendments to be introduced by moving the previous question, an almost unheard of procedure.

Mr. Speaker, what is the Republican majority afraid of?

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

Mr. Speaker, I would remind the House that the minority does have a motion to recommit, as always.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I rise today in support of the resolution and the rule that we have in front of us, and I would like to commend the sponsor of the legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for introducing the legislation. I am also proud to be an original cosponsor of this legislation.

This legislation makes it a Federal offense to knowingly transport a minor across State lines with the intent to obtain an abortion in circumvention of State law and parental consent or parental notification law. This legislation is specifically important in my district, which lies on the border between Illinois and Missouri, and has an abortion clinic nearby that serves people from both sides of the Mississippi River.

The problem is that Missouri has a parental notification law and Illinois currently does not. A young woman can cross the border into Illinois to have an abortion without the knowledge or consent of her parents.

I would like to relay a quick story. This is not a hypothetical story. This is a true incident which recently took place in Illinois because of Illinois' failure to have a parental notification law in place, and reported in the St. Louis Post-Dispatch, and I include the entire article for the RECORD.

In February of this year, a mother from Granite City got a call from her daughter's high school that her daughter had not shown up for school. After checking with friends, she learned her daughter was at a local clinic getting an abortion. The mother quickly ran over to the clinic to try to talk to her daughter. The woman was not allowed in the clinic to be with her daughter. When she contacted the police to help her, they told her there was nothing they could do. Instead, she had to sit outside the clinic and wait while her daughter underwent a major medical procedure.

How many Members here today would like to be sitting outside a hospital while their child underwent a medical procedure, prohibited by law from being next to them, from being able to care for them, from holding their hand to ease the pain? Any other operation, any other treatment, any other reason for a minor to be in a hospital or clinic would require that the parent be present and consulted. But not for an abortion.

We should strengthen and protect the family. We should also protect life, the life of the minor child and the life of her unborn child. In our Declaration of Independence it states we hold these truths to be self-evident that all men are created equal, that they are endowed by our creator with certain unalienable rights, and among these are life.

Mr. Speaker, let us protect life and strengthen families by supporting this rule and this legislation.

ABORTION CLINIC BLOCKS MOTHER FROM DAUGHTER INSIDE; GIRL WAS 16; GRANITE CITY POLICE SAY LAW GIVES NO VOICE TO PARENTS OF MINORS

(By Colleen Carroll)

A woman who tried to enter a Granite City abortion clinic to see her 16-year-old daughter last week was stopped by clinic officials and police.

Granite City Police Chief David Ruebhausen said the woman was seeking entrance to the private Hope Clinic on Thursday morning when she went across the street to the Gateway Regional Medical Center and found one of his officers. Ruebhausen said she asked the officer to help her get inside the clinic. The officer called the station, and he was instructed not to bring the woman into the clinic. ''Parental consent is not necessary,'' Ruebhausen said, explaining that the Illinois abortion law allows minors to undergo abortions without the permission or knowledge of their parents.

Ruebhausen said such incidents—of parents asking police to help them intervene in abortions or speak with their children who are inside abortion clinics—happen occasionally. But, he said, the law does not allow his officers to intervene on behalf of the parents. The woman could not be reached for comment.

A group of abortion protesters who were at the clinic Thursday morning said the woman told them that she had received a call from her daughter's high school alerting her to her daughter's absence. The woman then learned from her daughter's friend that her daughter was at the Hope Clinic, said Angela Michael, one of the protesters. Michael said the woman was not allowed into the clinic until several hours after she first requested to see her daughter. ''I just stood there holding her and praying with her,'' Michael said. Hope Clinic executive director Sally Burgess said she would not comment on the cases of specific patients for legal and privacy reasons. She said uninvited visitors rarely come to the private clinic looking for patients during a procedure, ''but it does happen.'' When it does, she said, ''We're going to tell the patient what's going on.'' ''We always encourage, our patients to talk to their parents,'' Burgess said. ''But if the teenager is adamant, we're going to respect her privacy.''

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume in response to the gentleman.

Mr. Speaker, I know of no Federal law that prohibits a parent from being with a child; but if this law passes, a grandparent could certainly be prohibited from doing this. Fortunately, we know this legislation is not going anywhere.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE), a member of the Committee on the Judiciary.

Ms. DEGETTE. Mr. Speaker, this bill is unconstitutional because it would restrict the movements of citizens across State lines for legal purposes. And I guess the previous speaker said our Constitution says all ''men'' are created; some Members do not think that young women should have those same rights. I think this bill would be struck down by a court for that reason.

But equally importantly and to the underlying bill, it is terrible public policy; and it is an ineffective attempt by Congress to control people's lives. Every parent in this Chamber feels the same way about his or her children. I also have two daughters. One of them is 12 years old, about to be going through the morass of middle school and high school. I love my children unconditionally, just like every other parent in this country; and when it comes to making big decisions, I would hope my children would come to me. I think that they would come to me. But sadly, this is not true for every young adult across this country. For myriad reasons, thousands of adolescents and young adults do not feel that they can turn to their parents with problems like an unplanned pregnancy. Victims of incest, victims of rape, child abuse victims, they have good reasons why they cannot go to a parent. Of course we should encourage teenagers to seek their parents' advice and counsel when facing difficult choices about abortion and other reproductive health issues. But folks, there is a reality in this country, and that reality is sometimes there are desperate kids who we need to help from making a bad situation even worse.

The government cannot mandate open and healthy family communication if it does not exist, and the fact of the matter is most young women considering an abortion do involve one or both parents. Let me say it again. Most young women in this country involve one or both parents when making this decision. But not everybody talks to their parents because not everybody can. It is these young women who most

need the advice of a trusted family friend, a minister, a sympathetic grandmother.

When a young woman cannot involve a parent, public policies and medical professionals should encourage her to involve a trusted adult because the result of laws like this will be deaths from illegal abortions and unsafe abortions, and that is wrong.

Most major medical associations including the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association all have long-standing policies opposing mandatory parental involvement laws for this reason.

□ 1115

Because of the dangers they pose to young women and the need for confidential access to physicians, the American Academy of Pediatrics and Society for Adolescent Medicine oppose this bill. We should, too. Oppose the rule. Oppose the bill.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, America is a wonderful and diverse country. We have people of every kind living here, who belong to different political parties and go to different kinds of churches. Likewise we have many kinds of families. But there is one thing just about every family has in common. Parents love their children. The job of a parent is to raise and nurture his or her child until that child reaches adulthood. The way parents do this is by setting rules and making decisions that will affect their kids for the rest of their lives. They teach values and principles. They teach their kids the difference between right and wrong. They teach them manners and pass on their faith to them. As a child grows and gets older, mom and dad begin to help their teenagers make their own responsible decisions. Eventually, when a person turns 18 or so, we treat them as an adult. Even the law recognizes that when a person turns 18, they can make their own decision about just about everything except perhaps purchasing alcohol. This is the way it is. This is the way it should be.

Mr. Speaker, my wife and I had three wonderful kids who long ago left the nest, who are now full grown and responsible adults. When they were little my wife and I did our very best to teach our kids the values that we had learned, that we had learned from our parents. Our greatest desire was that our own kids by the time they left home would be ready to make their own choices and not get themselves in trouble. I think most parents feel that way. Every parent wants their kids to be able to make good decisions. But until they are full grown, they want to be there to help them make the hard decision. And, if need be, to step in and prevent their son or daughter from making a bad decision they will regret for the rest of their lives.

Sometimes kids get into trouble. That is just the way it is. Parents should be there to help them learn the lessons that will keep them from getting into trouble again.

Mr. Speaker, this is not just a parent's right. It is a parent's duty. This bill was written to protect that right and that duty.

As you can see in this advertisement from the Yellow Pages in my district, abortion clinics go out of their way to advertise to girls that they do not need their parents' permission to have an abortion.

I am pro-life. We are not here today to debate pro-life versus pro-choice. We are here today to protect America's families. We are here today to guarantee the right of mom and dad to act as the legal, moral and ethical guardian of their children.

I served in the Pennsylvania legislature when we passed this parental consent law. In Pennsylvania, we require the consent of one or two parents. And in case there is a breakdown between the partners and child, we have a judicial bypass where the child can go confidentially before a judge to get a decision. This law was designed because of a case that occurred in Pennsylvania in 1995. At that time, a 12-year-old young girl was impregnated by an 18-year-old male. The mother of that boy took the 12-year-old girl to a neighboring State, New York, without her parents' consent or knowledge for an abortion, secretly. It is outrageous that in America, a stranger who does not know the child or her medical history can take that child out of State for a secret abortion.

I urge my colleagues to vote for this important bill and to show the moms and dads of America that Congress still knows what it means to be a loving, caring family.

In closing, if you look at the ads, this is taken from the Yellow Pages in the State capital of Harrisburg. It says, no parental consent, no parental consent. They are doing this in violation of our State law. I urge the adoption of the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this rule because it shuts out an opportunity to offer another side of the issue. The other side would address what is best for young women.

In an ideal world, teens talk to their parents if they find themselves in trouble. In fact, in an ideal world, our teens would not be having sex at all. But let us face it, that is not the world we live in. Many teenagers live in a world that is quite the opposite and they would do anything not to tell their parents about an unintended pregnancy, even if it means putting themselves and their life in jeopardy.

Make no mistake, I strongly support measures that help to foster healthy relationships between parents and their children. I would like to think that I had that kind of relationship with my own four children. But just because I consider myself an approachable parent does not give me the right, or anyone else the right, to assume that all teens find their parents approachable and understanding. Those out there who believe this is a good family-friendly bill are out of touch with reality. This bill is not going to encourage teens to talk to their parents and it is not going to curb abortion. Rather, this bill will encourage young girls who cannot or will not talk to their parents to seek unsafe, illegal abortions. For that reason alone, I cannot support this bill.

I urge my colleagues, vote responsibly. Oppose the Child Custody Protection Act.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from New York for her leadership in opposition to H.R. 476. I associate myself with her remarks.

One of the most moving experiences of my life was when I met with the parents of Becky Bell, a 17-year-old who died from an illegal abortion after the passage in her State of parental notification laws. We have talked a lot about why children, why girls from families where there is violence and it is, according to the AAUW, about a third of the teens that do not involve their parents in the decision to make an abortion have already been victims of family violence and fear it will recur with the news of a pregnancy.

But I want to talk about the Bell family because this was in many ways the ideal family. That is what Karen Bell thought, that they were very close with their children, they were a middle-class family, everything was going great. She favored parental notification laws because she thought certainly Becky, if she had a problem, would come to her as she should, and everyone in this Chamber agrees that that is the way it should be, that children should go to their loving parents.

It did not quite happen that way. Becky, because she was so close to her parents, felt she could not disappoint them. She would not tell them. She ended up having an illegal abortion. As Becky Bell lay dying, holding her mother's hand, her mother said, ''Becky, tell mommy what happened,'' and she would not. She would not. It was not until the death certificate was written, until the doctor said what was the cause of Becky's death. Karen would have done anything, paid the fee for her to go to another State, paid for the abortion, anything for Becky not

to be dead. This is the reality of life in too many situations. Again, most girls tell their parents. Of course they do. And involve them. The vast majority do. We are talking about those who not only cannot because of violence, but often who will not.

The American Medical Association notes that, quote, the desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths. That is what we are talking about, life and death here, that this legislation, as well intended as it may be, is going to cause the death of some young women who feel, for one reason or another, that they cannot tell their parents.

We want them to go to a respected adult, to a relative, a grandparent and hope that they will and that those adults can provide the guidance and the care and take them to a place where legally and safely they can have the abortion that they need.

I urge a ''no'' vote on this bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about the dangerous implications of H.R. 476. While we wish that every family engaged in open communication, we must recognize that the Federal Government is unable to mandate it. Studies show, and several speakers have mentioned this, well over 60 percent of young women do seek their parents' advice when making an abortion decision. But in situations where young women do not have supportive home environments or for whatever reason they are unable to approach their parents, they do often turn to another trusted adult figure, such as a relative or a teacher, for assistance. H.R. 476 would make this illegal.

If enacted, this legislation will require a young woman's State laws to travel with her wherever she goes. These laws would be her only companion during this stressful time. H.R. 476 may actually harm young women by compromising their access to health care services since providers would face the burden of determining their patient's State of residence and associated laws. Instead of ordering parental involvement, we should provide comprehensive reproductive health education to enable young people to make these good decisions.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the committee.

Mr. SCOTT. I appreciate the time from the gentlewoman from New York.

Mr. Speaker, I oppose the rule because it allows no amendments. There are several amendments that ought to be offered, that we ought to be able to consider. The bill prohibits anyone from transporting a minor across the State line for the purpose of obtaining an abortion if in fact the notification and parental consent laws were not complied with.

This obviously includes a taxicab driver who knows where the person is going by virtue of their address and during the conversation on the way before they cross State lines could clearly ascertain that the minor is being transported for the purpose of an abortion. He is not required to know whether or not the parental consent laws are complied with. He would have to ascertain by the fine print in the bill whether or not they have been complied with. Otherwise, he will be exposed to criminal and civil liability.

Even if a prosecutor refused to prosecute a taxicab driver for this fare, there are civil damages. Even the incest situation that the gentlewoman from New York indicated, the parents could sue the taxicab driver for civil damages.

Another is the fact that there is no exception for the health of the minor. The Supreme Court, on a number of occasions for the last 30 years, has said that any antiabortion legislation must have an exception for the health of the mother. This does not include a health exception. Perhaps with an amendment we could debate this situation but because it is a closed rule, we cannot. Because it is a closed rule and we cannot debate many important amendments, I oppose the rule.

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

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

I want to remind my colleagues who are probably in their offices, I know a lot are in markups and doing other things, that what is before us today is a restriction of American citizens to cross State lines, not just the case of what they call the minor child, but we are restricting the right of a grandparent, a clergy person, any adults, brothers, sisters, siblings, even cab drivers the right to carry people across State lines.

□ 1130

It is unheard of. I do not suppose any bill ever passed the House of Representatives saying we are going to restrict travel of American citizens for legal purposes. That is one of the most important issues here. Even when we talk about not being able to amend it, I do not know how you could amend it to make it correct, because, on the face of it, it is certainly most unconstitutional.

The second most egregious part of it personally is the fact, as I pointed out before, the Committee on the Judiciary by a vote of 16 to 12 voted to give a rapist or a person who commits incest the right of action against the minor child or anyone who tries to help the child get an abortion. In other words, protection of his work took precedence over the right of that minor.

There has been a lot of talk about 11- and 12-year-old girls being in that situation. Frankly, no 11- or 12-year-old girl should be giving birth. If this society allows it or even encourages it, there is really some debate we need to have on that.

The health of young people is very important to this House, and we have voted time and time again to try to talk about what we want to do for our children. But believe me, if the House of Representatives goes on record today saying that rapists and people who perpetrate incest have rights of action against anyone trying to help a minor child, and if it goes on record today saying that we have the right to restrict American travel of American citizens across State lines for legal purposes, we will be talked about for years to come as to whether or not we are really up to the job that we took when we raised our right hand and swore to uphold the Constitution of the United States.

Mr. Speaker, I urge a ''no'' vote on this bill today. I will not call a vote on the rule, but this underlying bill is something that is really quite remarkable in its unintelligence, and I really urge Members to vote ''no'' on it today.

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

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 388, I call up the bill (H.R. 476) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 476 is as follows:

H.R. 476

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 ''Child Custody Protection Act''.

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

''CHAPTER 117A—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION

''Sec.
''2431. Transportation of minors in circumvention of certain laws relating to abortion.

''§ 2431. Transportation of minors in circumvention of certain laws relating to abortion

''(a) OFFENSE.—

''(1) GENERALLY.—Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the

age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

''(2) DEFINITION.—For the purposes of this subsection, an abridgement of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law had the abortion been performed in the State where the individual resides.

''(b) EXCEPTIONS.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

''(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate this section, or an offense under section 2 or 3 based on a violation of this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to a prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization took place that would have been required by the law requiring parental involvement in a minor's abortion decision, had the abortion been performed in the State where the individual resides.

''(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

''(e) DEFINITIONS.—For the purposes of this section—

''(1) a law requiring parental involvement in a minor's abortion decision is a law—

''(A) requiring, before an abortion is performed on a minor, either—

''(i) the notification to, or consent of, a parent of that minor; or

''(ii) proceedings in a State court; and

''(B) that does not provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph;

''(2) the term 'parent' means—

''(A) a parent or guardian;

''(B) a legal custodian; or

''(C) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides,

who is designated by the law requiring parental involvement in the minor's abortion decision as a person to whom notification, or from whom consent, is required;

''(3) the term 'minor' means an individual who is not older than the maximum age requiring parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor's abortion decision; and

''(4) the term 'State' includes the District of Columbia and any commonwealth, possession, or other territory of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

''117A. Transportation of minors in circumvention of certain laws relating to abortion ..... 2431''.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 388, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 1 hour.

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

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 476.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, H.R. 476, the Child Custody Protection Act, would make it a Federal offense to knowingly transport a minor across a State line with the intent that she obtain an abortion, in circumvention of a State's parental consent or notification law. Violation of the law would be a Class One misdemeanor, carrying a fine of up to $100,000 and incarceration for up to 1 year.

H.R. 476 has two primary purposes: the first is to protect the health and safety of young girls by preventing valid constitutional State parental involvement laws from being circumvented. The second is to protect the rights of parents to be involved in the medical decisions of their minor daughters.

There is widespread agreement that it is the parents of a pregnant minor who are best suited to provide her counsel, guidance and support as she decides whether to continue her pregnancy or undergo an abortion. A total of 43 States have enacted some form of a parental involvement statute. Twenty-seven of these States currently enforce statutes that require a pregnant minor to either notify her parents of her intent to obtain an abortion or to obtain the consent of her parents prior to obtaining an abortion. As these numbers indicate, parental involvement laws enjoy widespread public support as they help to ensure the health and safety of pregnant young girls and support parents in the exercise of their most fundamental right, that is, of raising their children.

Despite this widespread support, the transportation of minors across State lines in order to obtain abortions is, unfortunately, a widespread and frequent practice. Even groups opposed to this bill acknowledge that large numbers of minors are transported across State lines to obtain abortions, in many cases by adults other than their parents.

Following the 1994 enactment of Pennsylvania's parental consent law, abortion clinics in New Jersey and New York saw an increase in Pennsylvania teenagers seeking to obtain abortions. This is not a surprise, because just prior to Pennsylvania's law going into effect, counselors and activists in Pennsylvania met to plot a strategy to make it easier for teenagers to travel to neighboring States for abortions.

In one disturbing case, the operator for the National Abortion Federation's toll-free national abortion hotline went so far as to talk a Richmond, Virginia, area teenage girl through a travel route so that the girl could obtain an abortion in the District of Columbia.

This conduct is only aided by the dubious practices of many abortion clinics located in States lacking parental involvement laws. To gin up business, some clinics even advertise in the Yellow Pages directories distributed in nearby States that require parental involvement, advising young girls that they can obtain an abortion without parental consent or notification. Such ads only serve to lure young girls residing in States with parental involvement laws to these clinics, thus denying parents the opportunity to provide love, support and advice to their daughter as she makes one of the most important decisions of her life.

When confused and frightened young girls are assisted in and encouraged to circumvent parental notice and consent laws by crossing State lines, they are led into what will likely be a hasty and potentially ill-advised decision. Often, these girls are being guided by those who do not share the love and affection that most parents have for their children. In the worst of circumstances, these individuals have a great incentive to avoid criminal liability for their conduct given the fact that almost two-thirds of adolescent mothers have partners older than 20 years of age.

Parental notice and consent laws reflect the State's reasoned and constitutional conclusion that the best interests of a pregnant minor are served when her parents are consulted and involved in the process. States are free to craft their own parental notice and consent laws to allow a minor to consult a grandmother or other family member in lieu of parents, and a few States have in fact made such a choice. Most, however, have chosen not to allow close relatives to serve as surrogates for parents in the abortion context. If a young girl's circumstances are such that parental involvement is not in her best interests, grandparents and close relatives are free to assist the girl in pursuing a judicial bypass. Indeed, the United States Supreme Court has required judicial bypass procedures to be included in the State's parental consent statute.

As the U.S. Supreme Court has stated: ''The natural bonds of affection lead parents to act in the best interests of their children.'' The decision to obtain an abortion is, as the Court also stated, ''a grave decision, and a girl of tender years under emotional stress

may be ill-equipped to make it without mature advice and emotional support.''

In light of the widespread practice of circumventing validly enacted parental involvement laws by the transportation of minors across State lines, it is entirely appropriate for Congress, with its exclusive constitutional authority to regulate interstate commerce, to enact the Child Custody Protection Act.

This Chamber has twice approved this legislation, each time by an overwhelming majority. I encourage my fellow Members to again provide parents with this much-needed support and approve this important legislation.

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

Mr. Speaker, I rise in opposition to a bill which will have a catastrophic and cruel impact on young women and on the adults who care for them.

I think every Member of this House believes that a young woman with an unintended pregnancy should make any decision about what to do in that very difficult situation with her parents in the warm, loving environment of her family. In fact, in the majority of cases, that is precisely what happens.

Ideally, young women would not get pregnant at all. Ideally, they would not get raped by their fathers or step-fathers or boyfriends or mothers' boyfriends. Ideally, they would make mature and thoughtful decisions about when to become sexually active and to practice safe sex all the time, if they must practice sex at all. Ideally, all methods of birth control would be 100 percent effective. Ideally, when contemplating an abortion, young women would be able to confide in a loving parent who would assist them in making the right decision.

Unfortunately, we do not live in an ideal world; and Congress cannot legislate ideal circumstances where they do not exist.

Because we do not live in an ideal world, young women do get raped. Young women are the victims of incest. Young women often lack the maturity to make sensible judgments about sexuality. Young women often do not know how to avoid pregnancy, thanks in large part to the mindless resistance on the part of many of their elders to sex and contraception education. And sometimes they get pregnant, and they fear they cannot go to their parents without fear of violence.

This bill is not about strangers, as its supporters argue. This bill would make a criminal out of any caring adult who tried to help a young woman: a grandparent, an adult brother or sister, a clergy member, an aunt or an uncle. It would also allow a father who had raped his daughter to sue in law anyone who helped her deal with the consequences of his crime, because, in the words of this bill, his rights had been violated. Never mind that he raped the daughter and created the problem in the first place.

There are times when, in wishing for an ideal world, the murderous angels of our better nature do more harm than good. This legislation is a perfect example of that human failing. It does not make the problem go away. It does not provide assistance to these young women. It only makes it more likely that a 15- or 16- or 17-year-old girl will have to face the consequences of her elders' wrongdoing alone. There is no moral or reasonable justification for doing that.

We are told that States are required to have a judicial bypass available to a young woman who feels she cannot go to her parent, that a judge in those circumstances will exercise the judgment and permit her to have an abortion if the circumstances so indicate. The Supreme Court has required such a provision in State parental consent laws.

But the fact is, and this is no secret, in many communities the so-called judicial bypass is a sham. Judges with a strong ideological or religious opposition to the constitutional right to choose often simply will not grant that permission. In some small communities, the judge may know the parents, may know the young woman, or may even be her teacher or some other authority figure in her life.

To say that the judicial bypass will cure any ill parental consent laws may create is to ignore the realities of life; it is to pretend we live in an ideal world and to let these young women suffer the consequences when reality turns out to be more unpleasant.

We are also told that by going to court the police will become involved in any case of rape or incest. The reality is not nearly so simple. Seeking a judicial bypass does not mean the court will believe the young woman or involve the authorities. Sometimes knowing the authorities will become involved is enough to scare the young woman away from going to court in the first place. Of course, a counselor at a clinic may be better able to involve the authorities in a manner that is helpful and non-threatening to the young woman than is a judge who may suspect that a teenager is lying in order to get the abortion that she wants. Judicial bypass procedures neither guarantee, nor does its absence preclude, the involvement of the authorities.

As in the past two Congresses, we had hoped to offer amendments to make this unyielding legislation just a little more humane. We wanted to exempt grandparents, for example, so that if dad rapes the daughter and the mother is not coping with reality or is perhaps not alive, mom's mother can step in and take care of her granddaughter without facing a stretch in the Federal penitentiary and the threat of getting sued by the rapist. Unfortunately, even that modest effort to provide some ability for some adult close to the young woman to help her proved too much for the Republican majority, which will go to any lengths, no matter who gets hurt, no matter whose life is ruined, no matter who has to die, to pander to the extreme fringe of the anti-choice radicals.

Well, being pro-life and pro-family should mean caring about what happens to real people facing real and tragic crises. This bill is evidence, if such evidence is needed, that there are Members of this House who do not care if a young woman must face the most difficult moment of her life alone, even, as has been the case in the past, she must die to prove the majority's political bona fides.

□ 1145

She must die to prove the majority's political bona fides.

I would note one other thing. Quite a few States, my own State of New York included, have refused to enact, to enact parental consent laws. I was a member of the State legislature when we considered such legislation, and I can tell my colleagues that we rejected that law, that bill, because the realities of these situations convinced us that it would do more harm than good.

Now comes the party of States' rights in Federalism to tell us that they do not care what the people of our State think, they do not care what the legislature of New York and other States think, they are going to subject people who come to New York to the laws of their own States. They want to enact the 21st century version of the Fugitive Slave Act. They want to tell young women that they are the property, the property of their home States, and that they carry the laws of their home States on their backs if they go to another State which has a different view, and that they may not engage in perfectly legal activity if the law of the State from which they came makes it illegal there. This is unprecedented in any real way in American law, except for the Fugitive Slave Act.

In the Fugitive Slave Act, we told South Carolina that she could reach out her hand to people, to slaves who had fled from North Carolina and gone to New York or Pennsylvania where freedom prevailed and said no, you are not free under the laws of Pennsylvania and New York, you must carry the law of South Carolina with you and the people up in New York must drag you back to slavery. This bill says if a young woman, with the help of some friend or adult who wants to help her goes to another State, she is not free to have an abortion if she wants, if the law of that State permits it, because we will permit the law of the other State from which she came to follow her, to reach out the long hand of the other State and say, wherever you go, you are the property of this State.

We say, you cannot get the liberty to have the abortion you want in the other State that says you can, because we are going to drag you back and punish anyone who helped you go to that other State.

What kind of liberty is this? What kind of Federalism is this?

This is not only unconstitutional, it is an affront to the dignity and decency of every citizen of this country. It is an affront to the people of every State who have chosen not to enact the law that the majority wants to impose on them. If this Congress succeeds in doing this, it means that any State in the future will be able to reach across the country and control the lives of people in other States whom they own because they came from those States. It means that if you live in one State, even if you leave it and engage in a perfectly legal activity in another State, that first State can still punish you in that State.

There is nothing more offensive to the idea that we are a free people who can go wherever we want without the permission of the government, and help our neighbors, and follow the law than this bill. This is the third time we have considered this bill. Thankfully, it has never gotten close to passage by the other body. Despite the iron fist that rules this House and suppresses free debate and free ideas by not allowing amendments on the floor, I trust that this is the third time that the Congress disposes of this issue without sending it to the President.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from New York, my friend, has gotten carried away in referring to this bill as the 21st century version of the Fugitive Slave Act. First of all, let it be plain. This bill only involves a minor crossing State lines in order to evade a parental involvement statute. Nobody over the age of 18 is caught in by this bill whatsoever.

Secondly, since Roe v. Wade, abortion has been legal in every State in the country, so it is not a way to shut off access to abortions in any State. That has been settled law since Roe v. Wade. But the Supreme Court has also said that as long as there is a judicial bypass, parental involvement statutes are legal. So what is wrong with keeping the parents involved when a decision is made to give an abortion to a minor when the parents, by law, have to be involved when a doctor treats that minor for a hang-nail?

Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. CHABOT).

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

As chairman of the Subcommittee on the Constitution, I will address some of the Constitution issues and the legal issues relative to H.R. 476.

Mr. Speaker, H.R. 476, The Child Custody Protection Act, is a regulation of interstate commerce that seeks to protect the health and safety of young girls, as well as the rights of parents, to be involved in the medical decisions of their minor daughters, by preventing valid and constitutional State parental involvement laws from being circumvented. As such, it falls well within Congress's constitutional authority to regulate the transportation of individuals in interstate commerce.

There is a solid body of case law which confirms that the authority of Congress to regulate the transportation of individuals in interstate commerce is no longer in question. Particularly instructive is the Mann Act, which flatly prohibited the interstate transportation of women for ''prostitution'' or for ''any other immoral purpose.'' Upholding the Act, the Supreme Court held that under the commerce clause, ''Congress has power over transportation 'among the several States,' '' and characterized this power as being ''complete in itself,'' and further held that incident to this power, Congress ''may adopt not only means necessary,'' but also means ''convenient to its exercise,'' which ''may have the quality of police regulations.''

Congress's commerce clause authority to enact H.R. 476 is not placed in question by the fact that it seeks to prohibit interstate activities that might be legal in the State to which the activity is directed. Application of the Mann Act has been upheld in the transportation of a person, for example, to Nevada, even though prostitution in Nevada is legal. And Federal prohibitions on the transportation of lottery tickets in interstate commerce as well as placing letters or circulars concerning lotteries in the mail, regardless of whether lotteries are legal in the State to which the tickets are transported, have also been upheld by the United States Supreme Court.

Rather than exercising its full authority under the commerce clause by simply prohibiting the interstate transportation of minors for abortions without obtaining parental notice or consent, H.R. 476 respects the rights of the various States to make these often controversial policy decisions for themselves, and ensures that each State's policy aims regarding this issue are not frustrated. Nothing in H.R. 476 affects the ability of minors residing in States that have chosen not to enact a parental involvement law, or where a parental involvement law is currently not in force, from obtaining an abortion without the knowledge of their parents. Thus, it will not supersede, override, or in any way alter existing State parental involvement laws.

Opponents argue that H.R. 476 violates the rights of residents of each of the United States and the District of Columbia to travel to or from any State of the Union for lawful purposes. First, it does not appear that the Supreme Court has ever held that Congress's power to regulate interstate commerce is limited by the right to travel. Even assuming, however, that Congress's authority under the Interstate Commerce Clause is limited by the right to travel doctrine, the Supreme Court recognized in Saenz v. Roe that the right to travel is ''not absolute,'' and is not violated, so long as there is a ''substantial reason for the discrimination beyond the mere fact that they are citizens of other States.''

Congress obviously has a substantial interest in protecting the health and well-being of minor girls and in protecting the rights of parents to raise their children.

In upholding the constitutionality of parental notice and consent statutes, the United States Supreme Court has consistently recognized that ''during the formative years of childhood and adolescence, minors often lack the experience, perspective and judgment to recognize and avoid choices that could be detrimental to them.'' Based upon this reasoning, the court has allowed the States to enact laws that ''account for children's vulnerability'' and to protect the unique role of parents. Thus, ''legal restrictions on minors, especially those supportive of the parental role, may be important to the child's chances for the full growth and maturity that make eventual participation in a free society meaningful and rewarding.''

Opponents of H.R. 476 also contend that its criminal intent requirement renders it unconstitutional. However, the bill's requirement that defendants ''knowingly'' transport a minor with the intent that the minor obtain an abortion prevents H.R. 476 from acting as a strict liability law. Although H.R. 476 does not require defendants to be aware that the conduct is criminal, a mens rea requirements still exists, since the defendant must intend or know what he or she is doing in a physical sense, apart from any knowledge as to its legality.

Furthermore, as the court has stated, ''The State may, in the maintenance of a public policy, provide that he who shall do particular acts shall do them at his peril and will not be heard to plead in defense good faith or ignorance.''

A stranger that secretly takes a minor across State lines for a dangerous medical procedure without ascertaining her parents' consent is certainly aware that he or she has acted, in some measure, wrongly. By finding the transporter liable when he ''in fact'' abridges a State law, H.R. 476 puts the transporter under a duty to ascertain parental permission before action is taken in order to guard against a possible violation.

At the heart of the debate surrounding the Child Custody Protection Act is a disagreement about whether common sense legislation should be enacted in order to preserve the health of pregnant young girls and support parents in the exercise of their most basic right. This debate has already been held in almost all of the Nation's State legislatures, 43 of which have reasonably concluded that parents should be involved in these decisions by their minor daughters. These laws have been validly enacted and Congress is well within its authority to ensure that the channels of interstate commerce are

not used to frustrate the policy goals of these laws.

Thus, I urge my colleagues to support American families and vote in favor of this important bill.

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

Mr. Speaker, this debate is not really about the parental consent, parental notification laws; those debates occur in State legislatures. This debate is whether Congress should attempt to give the power to one's State to export its law to another State by criminalizing crossing the State line to do something that is legal in that State with respect to abortion, and that, that is what makes this the 21 century Fugitive Slave Law, because the philosophy of the bill is we can control what our young people do wherever they do it, not in this State, but elsewhere. We can criminalize anyone helping to do something elsewhere.

The gentleman from Ohio (Mr. CHABOT) says criminal intent can be inferred, we know that. Well, the fact is, in some cases, it can. But let us assume that someone crosses the New York-Pennsylvania border, not necessarily because they want to cross a border, but simply because the nearest town with a clinic happens to be across the State border. The lines on the map are not lines on the street in front of you. You go to the nearest town, you help your young friend, your niece, your granddaughter, and it will be criminal, even if you had no intent to cross the State line, you were not even thinking about the States; it just happens that the nearest town is across the State line.

I would also like to ask the gentleman from Ohio to yield for a question, if he would, on my time. I will ask the gentleman from Ohio (Mr. CHABOT) a question, and then I will yield. The bill said, except as provided in subsection B, whoever knowingly transports an individual, et cetera, et cetera. What does the bill mean by transport? I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, could the gentleman from New York (Mr. NADLER) repeat the question?

Mr. NADLER. What does the bill mean by the word ''transport''? Whoever knowingly transports an individual under 18, et cetera.

Mr. CHABOT. Mr. Speaker, will the gentleman yield on his time?

Mr. NADLER. I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, ''transport'' would be to take a person across a State line for the purpose of an abortion. It would not include a taxi cab driver, for example, if the taxi cab driver was not involved in a conspiracy to transport that person across the State line.

Mr. NADLER. Mr. Speaker, reclaiming my time, I did not ask what ''knowingly'' means, I asked what ''transport'' means. So in other words, if you take this person across State lines; now, what if she is 17 years old and she is driving, you are just accompanying her and holding her hand. Are you transporting her? I yield to the gentleman.

Mr. CHABOT. Will the gentleman yield on his own time?

Mr. NADLER. Yes.

Mr. CHABOT. Mr. Speaker, if the person has knowledge and conspires to transport a minor across the State line——

Mr. NADLER. Mr. Speaker, reclaiming my time, the gentleman from Ohio is not answering the question. Forget the knowledge question. Let us assume he has the knowledge. Transport. If the young 17-year-old woman who has a driver's license who wants to get an abortion asks her friend or her uncle or her aunt or her grandparent to accompany her, and she is driving, are they ''transporting'' her, under the meaning of this bill?

□ 1200

Mr. CHABOT. Mr. Speaker, if the gentleman will continue to yield, the gentleman says ''she is driving.'' Who is he referring to?

Mr. NADLER. The 17-year-old who wants the abortion.

Mr. CHABOT. The gentleman is saying if the person who is going to get the abortion is driving the vehicle, would they themselves be responsible?

Mr. NADLER. No, would the person sitting in the seat next to them holding their hand be responsible?

Mr. CHABOT. If the gentleman will yield further, if a person is involved in a conspiracy to transport a person across State lines for the purpose of obtaining an abortion, and is doing that in violation of a parental notification law and is not the parent, then they would be involved and they would be responsible.

Whether it is a person accompanying, in my opinion, a person just accompanying would not be criminally responsible.

Mr. NADLER. So, in other words, the person, if a 17-year-old minor who wants to get an abortion asks her grandfather or her uncle or her brother or her friend who is 18 to accompany her across the State line to get the abortion, but she is driving, nobody has committed a crime? Is that what the gentleman is saying?

Mr. CHABOT. If the gentleman will continue to yield, the gentleman needs to read the language that is in the statute.

Mr. NADLER. I have read the language.

Mr. CHABOT. The language indicates if a person transports a person across the State line, then that person is responsible. It depends upon the level of their involvement.

Mr. NADLER. Mr. Speaker, I would tell the gentleman, I am not asking the level of their involvement. But reclaiming my time, the bill seems to indicate the opposite. Normally, when we say ''transport,'' if I transport a box, I am driving the car and the box is on the seat or in the trunk. If I transport a person, I am driving the car, the person is in the car with me.

My question is, if the person who wants to get the abortion, who is 17 years old and has a driver's license, is driving the car across the State line and she has asked someone to go along with her and he knows the purpose, is that person guilty of transporting? Is that person guilty of knowingly transporting her?

The plain language of English would seem to indicate he is not transporting; she is.

Mr. CHABOT. Mr. Speaker, if the gentleman would yield again, since I have answered it four times, I would like to read the bill. The bill clearly says, ''Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor's abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than 1 year, or both.''

Mr. NADLER. Reclaiming my time, I can read the bill, too.

Mr. CHABOT. I would suggest that the gentleman do that.

Mr. NADLER. Mr. Speaker, reclaiming my time, my point is, whoever knowingly transports. If the person who is getting the abortion is doing the driving, she is transporting. She is not subject to this bill. The person sitting next to her is not transporting her, under the plain English language.

I have read the definitions in the bill. There are definitions in this bill of other terms, but not of the term ''transport.'' The plain English meaning is that if she is driving, no one is transporting her. She is transporting herself. So what this bill does is criminalize someone going with her, depending on who is at the steering wheel.

Now, I do not think that was the intent of the law, of the bill, but I think it is the clear meaning of the bill. I think it is just one more instance of how sloppily drafted, of necessity, this bill has to be because of the nature of it.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the principal author of the bill.

Ms. ROS-LEHTINEN. Mr. Speaker, when asked, should a person be able to take a minor girl across State lines to obtain an abortion without her parents' knowledge, 85 percent of Americans answered no in a recent poll conducted by Baselice and Associates. Whether pro-choice or pro-life, Americans agree that an abortion can leave

behind physical, emotional, spiritual, and psychological consequences.

Yet, advocates of the abortion industry continue to think that in the name of Roe v. Wade, parents need not be involved in a female's decisions, regardless of the fact that she may be a 12- or 13-year-old vulnerable, frightened, and confused young girl.

Where is the outrage on mass-marketed Yellow Pages advertisements such as the one right here to my side, which clearly solicits business from young, confused girls, shouting out ''no parental consent''? These are from the Yellow Pages.

Why is it that some of our opponents are instead outraged by cigarette ads which some say target minors? Do opponents of this bill not believe that a child is not mature enough to choose not to smoke, but is mature enough to choose to have a potentially fatal, invasive surgical procedure?

The ads cry out, ''Come over here. No parental consent.'' And it is a procedure, as we know, that has been linked to breast cancer, medical complications, and that has left many women barren for the rest of their lives. I call this hypocrisy.

It is parents who are aware of their daughter's medical history. They know the ways in which she may react to stressful situations, and they are best equipped to provide the necessary counseling and guidance. My bill, the Child Custody Protection Act, protects the inherent rights of parents, and upholds and enforces existing State laws without creating a parental Federal consent or notification mandate.

If parents have the right to decide a child's curfew and the right to grant permission for a date, they should certainly be enabled to exercise their inherent rights when making a life-impacting decision about a serious, complicated, and potentially life-threatening procedure. It defies common sense to remove parents from any medical decisions concerning their children, but especially one that has lifelong consequences, such as an abortion.

I urge my colleagues to give parents the right to protect and care for their own children. Let us enable children to receive the guidance they need and deserve. I urge my colleagues to vote for passage of H.R. 476, the Child Custody Protection Act.

I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this issue.

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

Mr. Speaker, the previous speaker, the gentlewoman from Florida, showed us the horrible example of a perfectly legal ad in the Yellow Pages offering perfectly legal services in a State where it is legal to do so, as if there were something terrible about that.

I do not think it is terrible, I think it is praiseworthy. The fact is, there are many young women under the age of 18, maybe 17, maybe 16, who cannot go to their parents; who desperately need an abortion and cannot go to their parents for fear of violence or whatever. This ad says, ''You can have help here.'' Nothing wrong with that.

Many young women justifiably feel they would be physically or emotionally abused if forced to disclose their pregnancies to their parents, unfortunately. Nearly one-third of minors who choose not to consult with their parents when contemplating an abortion have experienced violence in their family, or feared violence, or feared being forced to live at home.

We know of the case of Spring Adams, an Idaho teenager who was shot to death by her father, shot to death after he learned she was planning to terminate a pregnancy caused by his acts of incest with her. Do Members think she could have gone to him?

And we know that judges often will not grant permission to have an abortion because of their own personal opinions. One study found that a number of judges in Massachusetts either refused to handle abortion petitions, or focus inappropriately, inappropriately under the law, on the morality of abortion, which is none of their business to determine, except for themselves, because their duty is to exercise the judicial bypass guaranteed by the law of that State.

The American Medical Association has noted that because the need for privacy may be compelling, minors may be driven to desperate measures to maintain the confidentiality of their pregnancies. The desire to maintain secrecy against the parental notification and consent laws has been one of the leading reasons for illegal abortion deaths, deaths, since 1973. That is what we are dealing with here, young women who are so fearful of telling their parents, for whatever reason, that they would rather have a coat hanger abortion and have died as a result.

When the Subcommittee on the Constitution held hearings on this bill, we heard from an Episcopal priest, the Reverend Katherine Ragsdale, the vicar of St. David's Episcopal Church, who discussed the actual case of a 15-year-old girl who had been raped and had become pregnant. She could not go to her father, who would throw her out of the house, and she had no other family to turn to. Of course, if she did, this legislation would place those other relatives in legal jeopardy if they helped her.

Though they did not cross State lines, the Reverend Ragsdale drove the young woman to an abortion clinic, rather than allowing her to travel several hours alone by bus to and from the procedure. This is an act of kindness, not a criminal act. Reverend Ragsdale movingly described the pastoral counseling she provided to the young woman during the drive. This bill would make criminals of clergy providing this sort of pastoral care and guidance.

Reverend Ragsdale's observations at the subcommittee are worth repeating: ''Mr. Chairman, you talked about all the reasons it is important for a girl to have parental involvement before a medical procedure, and you are absolutely right. If I thought that this bill would accomplish parental involvement, if I thought it would eliminate the kind of pain Ms. Roberts spoke about, this panel would be even more unbalanced than it is, because I would be on the other side.

''But it won't do that. This bill is not about resolving problems, this bill is about punishing people. While I understand that even the best of us have punitive impulses from time to time, we have no business codifying them in law. They are venal. They are beneath the dignity of any member of the human family.''

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the Child Custody Protection Act is such a needed and necessary step because it closes a destructive loophole in parents' rights to protect their children from that lasting physical, psychological, and spiritual consequence that is caused from abortion.

As things stand today, the abortion industry actually uses ''No parental consent required'' as a marketing tool within neighboring States that empower parents to protect their children from abortions by requiring their prior approval. That is not just wrong, it is immoral.

The CCPA simply makes the act of transporting a minor across the State line for the purpose of performing an abortion a Federal offense. It places parents back in charge of their children, and it issues a warning to those who would actually insert themselves between parents and their daughters to encourage the single most horrendous and emotionally devastating mistake that young women are tragically permitted to make.

We know well that parents are in the best position as observers to counsel and advise their own daughters. The CCPA places those parents back in charge by closing a secret loophole. That loophole facilitates the anonymous destruction of innocent life, and it creates the lasting trauma that haunts every young girl who ends her baby's life.

I just beg the Members to vote yes on this bill.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding time to me. I thank him for his voice, and I am saddened that we have this debate. The reason is because I believe my colleagues on both sides of the aisle are

concerned about family and children and relationships.

I know, Mr. Speaker, that it is difficult for me to convince many of my colleagues on my view of the ninth amendment of the Constitution and the right to privacy and choice. I am an advocate of choice, but as I say that, I am an advocate of life. I encourage, in instances of the private decisions of a woman, that that woman has the right to make a choice with respect to her body between herself, her family members, and her spiritual leader.

This is a somewhat different debate. This legislation is called ''the Child Custody Protection Act.'' It is a constitutional debate, because privacy is still an element, it is still an element of States' rights. It is interesting that my colleagues can come to the floor in one instance and promote up the value and the high virtues of States' rights, but at the very same time, we had a debate some few years ago in the same subcommittee on attacking various desegregation busing orders in various States, where we were trying as a Congress, the Republican majority, to eliminate those busing plans.

We have over and over again gone over legislation to deal with the rights of Oregon citizens who have themselves voted over and over again that they wish to make a decision, a personal decision, on their right to die.

I call that, if you will, the conflict of values and the conflict of standards in this House: What is good for the goose is not good for the gander. My way or the highway is the mentality of those who would ask us to not have legislation like this that would be sufficiently and openly bipartisan.

□ 1215

How do I say that? Many amendments were offered to suggest that teenagers who have come upon difficult times might find the need to consult with others other than a parent who would have been accused of incest or rape or that there might be instances of health issues that would be necessary for this particular teenager, possibly 16 or 17 years old, to consult with someone else.

The Republican majority had a closed rule and then again we come to the floor without giving this legislation a chance that it could have had with a bipartisan approach.

Let me cite for my colleagues, Mr. Speaker, possibly a startling number. More than 75 percent of minors under 16 years old already involved one or both parents in their decision to have an abortion.

It is really the obligation of Congress to confront a crisis. I know that we have differences on this question of choice. I will never get some of my good friends and colleagues to agree with me on this issue, and let me make it clear that I know that they fall on both sides of the aisle, but if we had worked on this legislation for the good of the child, to protect the child against rape and the incest that comes from a parental situation sometimes, if we had looked at the numbers and noted that more than 75 percent of a child already goes to that comforting parent but yet there are a percentage of those who do not. There are a percentage of those who do not know how to travel through the judicial system so they cannot use judicial bypass.

This legislation unfortunately, with all of its good intentions, will cause some damage, some danger and God forbid, loss of life to some young person who needs to have the guidance other than those parents, maybe a drug-addicted parent, maybe a parent suffering from their own ills and devils.

I would ask my colleagues to send this bill back ultimately so that we can reach a bipartisan approach. I would ask them to assess this on constitutional grounds and to realize that we cannot have a double standard. Today's State rights, tomorrow my rights.

Mr. Speaker, I stand in strong opposition to H.R. 476, the ''Child Custody Protection Act'' (CCPA) because it criminalizes any good faith attempt by a caring adult to assist a young woman in obtaining abortion services across state lines.

CCPA is simply another effort to undermine the right of choice for a young woman by imposing dangerous and unnecessary restrictions to abortion services.

This bill punishes adolescents by making it more difficult for them to safely access constitutionally protected abortion services. CCPA does not protect young women nor will it strengthen family ties. Rather, it will punish and endanger those women who cannot discuss unwanted pregnancy with parents by forcing them to travel to another state alone, seek an unsafe illegal abortion, attempt to self-abort, or carry an unwanted pregnancy to term.

This bill would make it more difficult for minors living in states with parental notification or consent laws to obtain an abortion by making it a federal crime to transport minors across state lines. More than 75 percent of minors under 16 years old already involve one or both parents in their decision to have an abortion.

In those cases where a young woman cannot involve her parents in the decision, there are others who would help by offering physical and emotional support during a time of crisis, confusion and emotional pain. A minor should be able to turn to a relative, close friend, and even clergy members for assistance.

Supporters of this bill claim that judicial bypass, a procedure which permits teenagers to appear before a judge to request a waiver of the parental involvement requirement, is a preferred alternative. However, many teens do not make use of it because they do not know how to navigate the legal system.

Many teens are embarrassed and are afraid that an unsympathetic or hostile judge might refuse to grant the waiver. Also, the confidentiality of the teen is compromised if the bypass hearing requires use of the parents' names. In small towns, confidentiality may be further compromised if the judge knows the teen or her family.

There are various reasons why a young woman could not go to her parents for guidance. Some family situations are not conducive to open communication and some situations are violent. For young women who need to turn to someone other than a parent, this law creates severe hardships.

The need to travel across state lines may be necessary in states where abortion services are not readily available. This bill would unduly burden access to abortion for young women who travel across state lines to obtain such services and who choose not to involve their parents.

In 1973, the U.S. Supreme Court, in Roe v. Wade, recognized a constitutional right to choose whether or not to have an abortion. The Court reaffirmed the right to choose in Planned Parenthood of Southeastern Pennsylvania v. Casey, holding that restrictions on this right are unconstitutional if they impose an ''undue burden'' on a woman's access to abortion. The right extends to both minors and adults, but the Court has permitted individual states to restrict the ability of young women to obtain abortions within that states' borders. Allowing a state's laws to extend beyond its borders runs completely contrary to the state sovereignty principles on which this country is founded.

It is unfortunate because family members such as grandparents and siblings should not be jailed for assisting a scared grandchild or younger sister in a time of need. Young women should be encouraged to involve an adult in any decision to terminate a pregnancy.

This bill would isolate young women from trusted adults by placing criminal sanctions on providing basic comfort and advice. Abortion is a highly personal and private decision that should be made by a woman and her doctor, without interference from the government. I urge my colleagues to please vote against this dangerous bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me the time.

Mr. Speaker, imagine a father who loves his daughter, pretty little 15-year-old girl, all the boys are crazy about her and so is daddy, but she has got a special boyfriend and daddy knows those two little ones are going to get into trouble. So in order to make sure that his daughter is safe, daddy piles the little 15-year-old boy that lives down the block about four blocks and piles him in a car and takes him to Arkansas to get a vasectomy. That way they could have safe sex, they could be politically correct, and they could be as active as they wanted to, and we would not have to bother their parents with any restraint or teaching or instruction or whatever. Daddy would just take care of it with a simple little harmless surgical procedure.

Who in this body would not be outraged? How far would that father get before the cops would nab him after that deal? How much crying and moaning before the hardship inflicted on that poor child boy would we hear from this body here?

I have got another friend who is a daddy. I love daddies. Daddies love their kids so much. I have got a friend who has got a 15-year-old son and he has got a 14-year-old girl for a beautiful little girl, but she has got bad need of dental work. Her parents do not get her dental work.

This papa loads that little girl up in the car and drives her to Oklahoma and see an orthodontist, pulls out her wisdom teeth, does other surgeries on her mouth. Who in this room is going to condone that? Is that acceptable? What right does that father have to take somebody else's child from Texas to Oklahoma to have her teeth pulled?

My colleagues would be outraged. My colleagues would bring the force of law on that person, but here we have people in this body, people in this body, so-called enlightened people, who believe in safe sex. Safe sex being a child does not get a serious disease or does not get pregnant. How about all the emotional stress, how about all the emotional trauma and so forth?

People in this body say, hey, here is the deal, we have got a 14-year-old son. He has got a 13-year-old girlfriend, they get reckless, they get careless, they get pregnant, just take that little girl, pile her in a car, take her to Arkansas for an abortion, and we will protect a person's right to take somebody else's child across the State line for a medical procedure that endangers her life and steals the life of an innocent baby. We will protect the person who does it. What kind of heinous law would we have? This is no, as we say in Texas, this is no thinkin' thing.

The most precious moment in any family's life, you get married and fall in love, you love one another and you get married and you some day come back from the hospital and you have got this very precious little bundle of joy in your hands and you look down on that little darling baby and you say this is my baby. All my life it will be me. I will pour my tears over this child. I will pour my heart into this child. I will say my prayers over this child. I will teach this child. I will hold this child. I will console this child. I will protect this child. If something goes wrong, my heart will break.

We would dare to leave any avenue in law that would allow somebody else to take that child across a State line for a life threatening surgical procedure that even if it inflicts no physical harm on the child will leave that child emotionally scarred for a lifetime? We would dare to leave that avenue for exploitation open?

I must say this, if my colleagues would vote no on this bill, then they are either without heart or without children.

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

I have heart, I have children, or at least one child, and I will almost certainly vote no on this bill, and the gentleman has no right to cast aspersions on my motives or anybody else.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, this bill prohibits anyone from transporting a minor across State lines in order to obtain an abortion if the notification and parental consent laws have not been complied with.

There is nothing in the bill that prohibits a minor from crossing State lines herself to get the abortion. Nothing in the bill that would prohibit a parent to cross State lines with the minor and evade a State requirement that both parents be notified or consent. There is no prohibition so long as they go themselves and no one else transports them. This prohibits someone from accompanying the minor.

One of the things that we mentioned before was the amendment about taxicab drivers. If a taxicab driver knows that the minor is going to get an abortion and has not ascertained that the parental consent laws have been complied with, that taxicab driver is exposed to liability, both civil and criminal. So if the prosecutor is not going to prosecute the cab driver, the parent can sue the cab driver for damages.

This bill does not have a health exception and, therefore, has constitutional problems. The Supreme Court has frequently said that there has to be a health exception in any abortion legislation.

Finally, Mr. Speaker, I think we ought to strongly consider the precedents that we are setting. The possibility that we are prohibiting crossing State lines to do something which is legal in the State someone is going to.

Virginia prohibits casino gambling. We could, under this idea, prohibit people from crossing the State line, leaving Virginia to go to Las Vegas or Atlantic City to participate in something that is illegal in Virginia. Some States have lottery tickets. Others do not. Are we going to prohibit people leaving the State to go buy a lottery ticket in another State? Virginia used to prohibit shopping on Sunday. I suppose under this legislation we prohibit taking somebody across State lines to go shopping on Sunday if we still had those laws.

The idea that we are going to prohibit someone crossing State lines to do something that is legal in that State is a situation that I think we ought to seriously consider and reject. This bill will do nothing to limit minors crossing State lines to obtain an abortion. The minor can go by herself to obtain the abortion. All this bill does is prohibits anyone from accompanying them.

This bill does nothing to advance public safety, does nothing to reduce the abortions, and I think was counterproductive in that if the child is going to get an abortion and will get the abortion, it makes sense for them to be accompanied.

I would hope that we would reject the legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. HOSTETTLER), a member of the committee.

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

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from Wisconsin, the distinguished chairman of the committee, for yielding me the time.

Mr. Speaker, I rise today to urge passage of this common sense legislation. I am disappointed that we even need to debate a bill that is designed to prevent people from circumventing State laws in order to abort a baby carried by a minor.

I do not think most of our constituents consider parental involvement in their children's lives a radical notion. I do not think most Americans consider parents to be the enemy of their children. I do think most parents desire to support and love their children through the most difficult circumstances they may face.

Under current law, any person in the world can take a pregnant girl into his car, drive her to another State and coerce her to get an abortion, all without her parents' knowledge or consent. That is a frightening and unacceptable scenario.

Why do we treat abortion differently than we do any other medical procedure? If, for example, a minor was taken across State lines to receive an appendectomy without parental consent, she would be turned back, and for the purpose of the gentleman from New York, the Fugitive Slave Act already applies to appendectomies.

If a school counselor or second cousin took a minor in for a tonsillectomy without the permission of the child's parents, they would be turned away. Once again, the Fugitive Slave Act, using as an analogy, already applies to tonsillectomies.

A schoolteacher cannot even take children to the local museum without their parents' permission, and yes, the Fugitive Slave Act already applies to museum field trips.

Opponents of this bill argue that an adult, even if he is a rapist or a child molester, should be allowed to transport a girl miles from her home, across State lines for the invasive surgical operation known as abortion. Since the Supreme Court created a right to an abortion out of thin air 29 years ago, our children have been susceptible to ideological predators who care more about their proabortion agenda than they do about frightened vulnerable girls.

The gentleman brought up the testimony of the vicar from Massachusetts, and I would like to return to that testimony. It has been discussed here that the people that are involved in this procedure are confidantes of the individual. According to the testimony of the one witness supplied by the minority, in her own words, she said this:

''I didn't know the girl. I knew her school nurse. The nurse had called me a few days earlier to see if I knew

where she might mind find money to give the girl for bus fare to and cab fare home from the hospital. I was stunned. A 15-year-old girl was going to have to get up at the crack of dawn and take multiple buses to the hospital alone. The nurse shared my concern but explained that the girl had no one to turn to. She feared for her safety if her father found out, and there was no other relative close enough to help.''

The vicar never testified that the father would have run her out of the house as the gentleman from New York earlier spoke. It was up to the nurse and the child who was under duress at this time to come up with this excuse, and the vicar used that opportunity to pray on the child's weakness and to move ahead with this.

Mr. Speaker, I ask my colleagues to remember that parents should ultimately be given this opportunity to have a decision in their child's most critical time in her life, should that ever happen.

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

Mr. Speaker, the gentleman makes a nonsensical point. In that case, if the vicar had not traveled with the young woman, she would have traveled alone and gotten the abortion. That would have been preferable? In this case, the school nurse called in the vicar because the young woman had told her that she feared for her life or that she would run away from home if she had, that she could not under any circumstances, would not under any circumstances tell her parents but she would get the abortion.

So she called in the vicar, the vicar spoke with her, counseled her, and rather than let her go alone, helped her. This is not praying on the young woman. This is giving pastoral guidance and helping her.

Mr. Speaker, we are told that this bill is somehow constitutional, but the Supreme Court has clearly and consistently held that States cannot prohibit the lawful out of State conduct of their citizens if its lawful out of State nor may they impose criminal sanctions on this behavior as this bill does.

The court reaffirmed its principles in its landmark right to travel decision Saenz versus Roe. In its decision, the court held that even with congressional approval, California's attempt to impose on recently arrived residents the welfare laws of their former States of residence was an unconstitutional penalty upon their rights to interstate travel.

□ 1230

The decision also reaffirmed that the constitutional right to travel under the privileges and immunity clause of Article IV of the Constitution provides a similar type of protection to a nonresident who enters a State with the intent eventually to return to her home State. This principle applies to minor's rights to seek an abortion on nondiscriminatory terms as well as through welfare benefits.

In Saenz, the court specifically referred to Doe v. Bolton, the companion case to Roe v. Wade, which established the right to abortion which held that under Article IV of the Constitution, a State may not restrict the ability of visiting nonresidents to obtain abortions on the same terms and conditions under which they are made available to lawful State residents. ''The Privileges and Immunities Clause, Constitutional Article IV, section 2, protects persons who enter a State seeking the medical services that are available there.'' It is also clear that such protections will flow to minors given that Planned Parenthood v. Danforth, a 1976 decision, held that pregnant minors have a constitutional right to choose whether to terminate a pregnancy.

Mr. Speaker, it is clear this bill is unconstitutional as well as unwarranted as well as cruel.

SEPTEMBER 5, 2001.

To: United States House of Representatives Committee on the Judiciary, Subcommittee on the Constitution

From: Laurence H. Tribe, Tyler Professor of Constitutional Law, Harvard University
Peter J. Rubin, Associate Professor of Law, Georgetown University

Re: H.R. 476 and Constitutional Principles of Federalism

INTRODUCTION

We have been asked to submit our assessment of whether H.R. 476, now pending before the House, is consistent with constitutional principles of federalism. It is our considered view that the proposed statute violates those principles, principles that are fundamental to our constitutional order. That statute violates the rights of states to enact and enforce their own laws governing conduct within their territorial boundaries, and the rights of the residents of each of the United States and of the District of Columbia to travel to and from any state of the Union for lawful purposes, a right strongly reaffirmed by the Supreme Court in its recent landmark decision in Saenz v. Roe, 526 U.S. 489 (1999). We have therefore concluded that the proposed law would, if enacted, violate the Constitution of the United States.

H.R. 476 would provide criminal and civil penalties, including imprisonment for up to one year, for any person who knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion. . . [if] an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by that law in the State where the individual resides.

H.R. 476, §2 (a) (proposed 18 U.S.C. §2431(a)(1) and (2)). In other words, this law makes it a federal crime to assist a pregnant minor to obtain a lawful abortion. The criminal penalties kick in if the abortion the young woman seeks would be performed in a state other than her state of residence, and in accord with the less restrictive laws of that state, unless she complies with the more severe restrictions her home state imposes upon abortions performed upon minors within its territorial limits. The law contains no exceptions for situations where the young woman's home state purports to disclaim any such extraterritorial effect for its parental consultation rules, or where it is a pregnant young woman's close friend, or her aunt or grandmother, or a member of the clergy, who accompanies her ''across a State line'' on this frightening journey, even where she would have obtained the abortion anyway, whether lawfully in another state after a more perilous trip alone, or illegally (and less safely) in her home state because she is too frightened to seek a judicial bypass or too terrified of physical abuse to notify a parent or legal guardian who may, indeed, be the cause of her pregnancy. It does not exempt health care providers, including doctors, from possible criminal or civil penalties. Nor does it uniformly apply home-state laws on pregnant minors who obtain out-of-state abortions. The law applies only where the young woman seeks to go from a state with a more restrictive regime into a state with a less restrictive one.

This amounts to a statutory attempt to force this most vulnerable class of young women to carry the restrictive laws of their home states strapped to their backs, bearing the great weight of those laws like the bars of a prison that follows them wherever they go (unless they are willing to go alone). Such a law violates the basic premises upon which our federal system is constructed, and therefore violates the Constitution of the United States.

ANALYSIS

The essence of federalism is that the several states have not only different physical territories and different topographies but also different political and legal regimes. Crossing the border into another state, which every citizen has a right to do, may perhaps not permit the traveler to escape all tax or other fiscal or recordkeeping duties owed to the state as a condition of remaining a resident and thus a citizen of that state, but necessarily permits the traveler temporarily to shed her home state's regime of laws regulating primary conduct in favor of the legal regime of the state she has chosen to visit. Whether cast in terms of the destination state's authority to enact laws effective throughout its domain without having to make exceptions for travelers from other states, or cast in terms of the individual's right to travel—which would almost certainly be deterred and would in any event be rendered virtually meaningless if the traveler could not shake the conduct-constraining laws of her home state—the proposition that a state may not project its laws into other states by following its citizens there is bedrock in our federal system.

One need reflect only briefly on what rejecting that proposition would mean in order to understand how axiomatic it is to the structure of federalism. Suppose that your home state or Congress could lock you into the legal regime of your home state as you travel across the country. This would mean that the speed limits, marriage regulations, restrictions on adoption, rules about assisted suicide, firearms regulations, and all other controls over behavior enacted by the state you sought to leave behind, either temporarily or permanently, would in fact follow you into all 49 of the other states as you traveled the length and breadth of the nation in search of more hospitable ''rules of the road.'' If your search was for a more favorable legal environment in which to make your home, you might as well just look up the laws of distant states on the internet rather than roaming about in a futile effort at sampling them, since you will not actually experience those laws by traveling there. And if your search was for a less hostile legal environment in which to attend college or spend a summer vacation or obtain a medical procedure, you might as well skip even the internet, since the theoretically less hostile laws of other jurisdictions will mean nothing to you so long as your state of residence remains unchanged.

Unless the right to travel interstate means nothing more than the right to change the scenery, opting for the open fields of Kansas or the mountains of Colorado or the beaches of Florida but all the while living under the legal regime of whichever state you call home, telling you that the laws governing your behavior will remain constant as you cross from one state into another and then another is tantamount to telling you that you may in truth be compelled to remain at home—although you may, of course, engage in a simulacrum of interstate travel, with an experience much like that of the visitor to a virtual reality arcade who is strapped into special equipment that provides the look and feel of alternative physical environments—from sea to shining sea—but that does not alter the political and legal environment one iota. And, of course, if home-state legislation, or congressional legislation, may saddle the home state's citizens with that state's abortion regulation regime, then it may saddle them with their home state's adoption and marriage regimes as well, and with piece after piece of the home state's legal fabric until the home state's citizens are all safely and tightly wrapped in the straitjacket of the home state's entire legal regime. There are no constitutional scissors that can cut this process short, no principled metric that can supply a stopping point. The principle underlying H.R. 476 is nothing less, therefore, than the principle that individuals may indeed be tightly bound by the legal regimes of their home states even as they traverse the nation by traveling to other states with very different regimes of law. It follows, therefore, that—unless the right to engage in interstate travel that is so central to our federal system is indeed only a right to change the surrounding scenery—H.R. 476 rests on a principle that obliterates that right completely.

It is irrelevant to the federalism analysis that the proposed federal statute does not literally prohibit the minor herself from obtaining an out-of-state abortion without complying with the parental consent or notification laws of her home state, criminalizing instead only the conduct of assisting such a young woman by transporting her across state lines. The manifest and indeed avowed purpose of the statute is to prevent the pregnant minor from crossing state lines to obtain an abortion that is lawful in her state of destination whenever it would have violated her home state's law to obtain an abortion there because the pregnant woman has not fully complied with her home state's requirements for parental consent or notification. The means used to achieve this end do not alter the constitutional calculus. Prohibiting assistance in crossing state lines in the manner of this proposed statute suffers the same infirmity with respect to our federal structure as would a direct ban on traveling across state lines to obtain an abortion that complies with all the laws of the state where it is performed without first complying also with the laws that would apply to obtaining an abortion in one's home state.

The federalism principle we have described operates routinely in our national life. Indeed, it is so commonplace it is taken for granted. Thus, for example, neither Virginia nor Congress could prohibit residents of Virginia, where casino gambling is illegal, from traveling interstate to gamble in a casino in Nevada. (Indeed, the economy of Nevada essentially depends upon this aspect of federalism for its continued vitality.) People who like to hunt cannot be prohibited from traveling to states where hunting is legal in order to avail themselves of those pro-hunting laws just because such hunting may be illegal in their home state. And citizens of every state must be free, for example, to read and watch material, even constitutionally unprotected material, in New York City the distribution of which might be unlawful in their own states, but which New York has chosen not to forbid. To call interstate travel for such purposes an ''evasion'' or ''circumvention'' of one's home-state laws—as H.R. 476 purports to do, see H.R. 476, §2(a) (heading of the proposed 18 U.S.C. §2431) (''Transportation of minors in circumvention of certain laws relating to abortion'')—is to misunderstand the basic premise of federalism: one is entitled to avoid those laws by traveling interstate. Doing so amounts to neither evasion nor circumvention.

Put simply, you may not be compelled to abandon your citizenship in your home state as a condition of voting with your feet for the legal and political regime of whatever other state you wish to visit. The fact that you intend to return home cannot undercut your right, while in another state, to be governed by its rules of primary conduct rather than by the rules of primary conduct of the state from which you came and to which you will return. When in Rome, perhaps you will not do as the Romans do, but you are entitled—if this figurative Rome is within the United States—to be governed as the Romans are. If something is lawful for one of them to do, it must be lawful for you as well. The fact that each state is free, notwithstanding Article IV, to make certain benefits available on a preferential basis to its own citizens does not mean that a state's criminal laws may be replaced with stricter ones for the visiting citizen from another state, whether by that state's own choice or by virtue of the law of the visitor's state or by virtue of a congressional enactment. To be sure, a state need not treat the travels of its citizens to other states as suddenly lifting otherwise applicable restrictions when they return home. Thus, a state that bans the possession of gambling equipment, of specific kinds of weapons, of liquor, or of obscene material may certainly enforce such bans against anyone who would bring the contraband items into the jurisdiction, including its own residents returning from a gambling state, a hunting state, a drinking state, or a state that chooses not to outlaw obscenity. But that is a far cry from projecting one state's restrictive gambling, firearms, alcohol, or obscenity laws into another state whenever citizens of the first state venture there.

Thus states cannot prohibit the lawful out-of-state conduct of their citizens, nor may they impose criminal-law-backed burdens—as H.R. 476 would do—upon those lawfully engaged in business or other activity within their sister states. Indeed, this principle is so fundamental that it runs through the Supreme Court's jurisprudence in cases that are nominally about provisions and rights as diverse as the Commerce Clause, the Due Process Clause, and the right to travel, which is itself derived from several distinct constitutional sources. See, e.g., Healy v. Beer Institute, 491 U.S. 324, 336 n. 13 (1989) (Commerce Clause decision quoting Edgar v. Mite Corp. 457 U.S. 624, 643 (1982) (plurality opinion), which in turn quoted the Court's Due Process decision in Shaffer v. Heitner, 433, U.S. 186, (1977)) (''The limits on a State's power to enact substantive legislation are similar to the limits on the jurisdiction of state courts. In either case, 'any attempt ''directly'' to assert extraterritorial jurisdiction over persons or property would offend sister States and exceed the inherent limit of the State's power.' '').

The Supreme Court recently reaffirmed this fundamental principle in its landmark right to travel decision, Saenz v. Roe, 526 U.S. 489 (1999). There the Court held that, even with congressional approval, the State of California was powerless to carve out an exception to its otherwise-applicable legal regime by providing recently-arrived residents with only the welfare benefits that they would have been entitled to receive under the laws of their former states of residence. This attempt to saddle these interstate travelers with the laws of their former home states—even if only the welfare laws, laws that would operate far less directly and less powerfully than would a special criminal-law restriction on primary conduct—was held to impose an unconstitutional penalty upon their right to interstate travel, which, the Court held, is guaranteed them by the Privileges or Immunities Clause of the Fourteenth Amendment. See Saenz, 526 U.S. at 503–504.

Although Saenz concerned new residents of a state, the decision also reaffirmed that the constitutional right to travel under the Privileges and Immunities Clause of Article IV, Section 2, provides a similar type of protection to a non-resident who enters a state not to settle, but with an intent eventually to return to her home state:

[B]y virtue of a person's state citizenship, a citizen of one State who travels in other States, intending to return home at the end of his journey, is entitled to enjoy the ''Privileges and Immunities of Citizens in the several States'' that he visits. This provision removes ''from the citizens of each State the disabilities of alienage in the other States.'' Paul v. Virginia, 8 Wall. 168, 180 (1869). It provides important protections for nonresidents who enter a State whether to obtain employment Hicklin v. Orbeck, 437 U.S. 518 (1978), to procure medical services, Doe v. Bolton, 410 U.S. 179, 200 (1973), or even to engage in commercial shrimp fishing, Toomer v. Witsell, 334 U.S. 385 (1948).

Sanez, 526 U.S. at 501–502 (footnotes and parenthetical omitted).

Indeed, Doe v. Bolton, 410 U.S. 179 (1973), which was decided over a quarter century ago, and to which the Saenz court referred, specifically held that, under Article IV of the Constitution, a state may not restrict the ability of visiting non-residents to obtain abortions on the same terms and conditions under which they are made available by law to state residents. ''[T]he Privileges and Immunities Clause, Const. Art. IV, §2, protects persons . . . who enter [a state] seeking the medical services that are available there.'' Id. at 200.

Thus, in terms of protection from being hobbled by the laws of one's home state wherever one travels, nothing turns on whether the interstate traveler intends to remain permanently in her destination state, or to return to her state of origin. Combined with the Court's holding that, like the states, Congress may not contravene the principles of federalism that are sometimes described under the ''right to travel'' label, Saenz reinforces the conclusion, if it were not clear before, that even if enacted by Congress, a law like H.R. 476 that attempts by reference to state's own laws to control that state's resident's out-of-state conduct on pains of criminal punishment, whether of that resident or of whoever might assist her to travel interstate, would violate the federal Constitution. See also Shapiro v. Thompson, 394 U.S. 618, 629–630 (1969) (invalidating an Act of Congress mandating a durational residency requirement for recently-arrived District of Columbia residents seeking to obtain welfare assistance).

In 1999, this Committee heard testimony from Professor Lino Graglia of the University of Texas School of Law. An opponent of constitutional abortion rights, he candidly conceded that the proposed law would ''make

it . . . more dangerous for young women to exercise their constitutional right to obtain a safe and legal abortion.'' Testimony of Lino A. Graglia on H.R. 1218 before the Constitution Subcommittee of the Committee on the Judiciary, U.S. House of Representatives, May 27, 1999 at 1. He also concluded, however, that ''the Act furthers the principle of federalism to the extent that it reinforces or makes effective the very small amount of policymaking authority on the abortion issue that the Supreme Court, an arm of the national government, has permitted to remain with the States,'' Id. at 2. He testified that he suppor6ted the bill because he would support ''anything Congress can do to move control of the issue back into the hands of the States.'' Id. at 1.

Of course, as the description of H.R. 476 we have given above demonstrates, that proposed statute would do nothing to move ''back'' into the hands of the states any of the control over abortion that was precluded by Roe v. Wade, 410 U.S. 113 (1973), and its progeny. The several states already have their own distinctive regimes for regulating the provision of abortion services to pregnant minors, regimes that are permitted under the Supreme Court's abortion rulings. That, indeed, is the very premise of this proposed law. But, rather than respecting federalism by permitting each state's law to operate within its own sphere, the proposed federal statute would contravene that essential principle of federalism by saddling the abortion-seeking young woman with the restrictive law of her home state wherever she may travel within the United States unless she travels unaided. Indeed, it would add insult to this federalism injury by imposing its regime regardless of the wishes of her home state, whose legislature might recoil from the prospect of transforming its parental notification laws, enacted ostensibly to encourage the provision of loving support and advice to distraught young women, into an obstacle to the most desperate of these young women, compelling them in the moment of their greatest despair to choose between, on the one hand, telling someone close to them of their situation and perhaps exposing this loved one to criminal punishment, and, on the other, going to the back alleys or on an unaccompanied trip to another, possibly distant state. This federal statute would therefore violate rather than reinforce basic constitutional principles of federalism.

The fact that the proposed law applies only to those assisting the interstate travel of minors seeking abortions may make the federalism-based constitutional infirmity somewhat less obvious—while at the same time rendering the law more vulnerable to constitutional challenge because of the danger in which it will place the class of frightened, perhaps desperate young women least able to travel safely on their own. The importance of protecting the relationship between parents and their minor children cannot be gainsaid. But in the end, the fact that the proposed statute involves the interstate travel only of minors does not alter our conclusion.

No less than the right to end a pregnancy, the constitutional right to travel interstate and to take advantage of the laws of other states exists even for those citizens who are not yet eighteen. ''Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority. Minors, as well as adults, are protected by the Constitution and possess constitutional rights.'' Planned Parenthood of Central Missouri v. Danforth, 428 U.S. 52, 74 (1976). Nonetheless, the Court has held that, in furtherance of the minors' best interests, government may in some circumstances have more leeway to regulate where minors are concerned. Thus, whereas a law that sought, for example, to burden adult women with their home state's constitutionally acceptable waiting periods for abortion (or with their home state's constitutionally permissible medical regulations that may make abortion more costly) even when they traveled out of state to avoid those waiting periods (or other regulations) would obviously be unconstitutional, it might be argued that a law like the proposed one, which seeks to force a young woman to comply with her home state's parental consent laws regardless of her circumstances, is, because of its focus on minors, somehow saved from constitutional invalidity.

It is not, for at least two reasons. First, the importance of the constitutional right in question for the pregnant minor too desperate even to seek judicial approval for abortion in her home state—either because of its futility there, or because of her terror at a judicial proceeding held to discuss her pregnancy and personal circumstances—means that government's power to burden that choice is severely restricted. As Justice Powell wrote over two decades ago:

The pregnant minor's options are much different from those facing a minor in other situations, such as deciding whether to marry . . . A pregnant adolescent . . . cannot preserve for long the possibility of aborting, which effectively expires in a matter of weeks from the onset of pregnancy.

Moreover, the potentially severe detriment facing a pregnant woman is not mitigated by her minority. Indeed, considering her probable education, employment skills, financial resources, and emotional maturity, unwanted motherhood may be exceptionally burdensome for a minor. In addition, the fact of having a child brings with it adult legal responsibility, for parenthood, like attainment of the age of majority, is one of the traditional criteria for the termination of the legal disabilities of minority. In sum, there are few situations in which denying a minor the right to make an important decision will have consequences so grave and indelible.

Bellotti v. Baird (Bellotti II), 443 U.S. 622, 642 (1979) (plurality opinion) (citations omitted).

Second, the fact that the penalties on travel out of state by minors who do not first seek parental consent or judicial bypass are triggered only by intent to obtain a lawful abortion and only if the minor's home state has more stringent ''minor protection'' provisions in the form of parental involvement rules than the state of destination, renders any protection-of-minors exception to the basic rule of federalism unavailable.

To begin with, the proposed law, unlike one that evenhandedly defers to each state's determination of what will best protect the emotional health and physical safety of its pregnant minors who seek to terminate their pregnancies, simply defers to states with strict parental control laws and subordinates the interests of states that have decided that legally-mandated consent or notification is not a sound means of protecting pregnant minors. The law does not purport to impose a uniform nationwide requirement that all pregnant young women should be subject to the abortion laws of their home states and only those abortion laws wherever they may travel. Thus, under H.R. 476, a pregnant minor whose parents believe that it would be both destructive and profoundly disrespectful to their mature, sexually active daughter to require her by law to obtain their consent before having an abortion, and who live in a state whose laws reflect that view, would, despite the judgment expressed in the laws of her home state, still be required to obtain parental consent should she seek an abortion in a neighboring state with a stricter parental involvement law—something she might do, for example, because that is where the nearest abortion provider is located. This substantively slanted way in which H.R. 476 would operate fatally undermines any argument that might otherwise be available that principles of federalism must give way because this law seeks to ensure that the health and safety of pregnant minors are protected in the way their home states have decided would be best.

In addition, the proposed law, again unlike one protecting parental involvement generally, selectively targets one form of control: control with respect to the constitutionally protected procedure of terminating a pregnancy before viability. The proposed law does not do a thing for parental control if the minor is being assisted into another state (or, where the relevant regulation is local, into another city or county) for the purpose of obtaining a tattoo, or endoscopic surgery to correct a foot problem, or laser surgery for an eye defect. The law is activated only when the medical procedure being obtained in another state is the termination of a pregnancy. It is as though Congress proposed to assist parents in controlling their children when, and only when, those children wish to buy constitutionally protected but sexually explicit books about methods of birth control and abortion in states where the sale of such books to these minors is entirely lawful.

The basic constitutional principle that such laws overlook is that the greater power does not necessarily include the lesser. Thus, for example, even though so-called ''fighting words'' may be banned altogether despite the First Amendment, it is unconstitutional, the Supreme Court held in 1992, for government selectively to ban those fighting words that are racist or anti-semitic in character. See R.A.V. v. City of St. Paul, 505 U.S. 377, 391–392 (1992). To take another example, Congress could not make it a crime to assist a minor who has had an abortion in the past to cross a state line in order to obtain a lawful form of cosmetic surgery elsewhere if that minor has not complied with her state's valid parental involvement law for such surgery. Even though Congress might enact a broader law that would cover all the minors in the class described, it could not enact a law aimed only at those who have had abortions. Such a law would impermissibly single out abortion for special burdens. The proposed law does so as well. Thus, even if a law that were properly drawn to protect minors could constitutionally displace one of the basic rules of federalism, the proposed statute can not.

Lastly, in oral testimony given in 1999 before the Subcommittee on the Constitution, Professor John Harrison of the University of Virginia, while conceding that ordinarily a law such as this, which purported to impose upon an individual her home state's laws in order to prevent her from engaging in lawful conduct in one of the other states, would be constitutionally ''doubtful,'' argued that the constitutionality of this law is resolved by the fact that it relates to ''domestic relations,'' a sphere in which, according to Professor Harrison, ''the state with the primary jurisdiction over the rights and responsibilities of parties to the domestic relations is the state of residence . . . and not the state where the conduct'' at issue occurs. See transcript of the Hearing of the Constitution Subcommittee of the House Judiciary Committee on the Child Custody Protection Act, May 27, 1999.

This ''domestic relations exception'' to principles of federalism described by Professor Harrison, however, does not exist, at least not in any context relevant to the constitutionality of H.R. 476. To be sure, acting

pursuant to Article IV, §1, Congress has prescribed special state obligations to accord full faith and credit to judgments in the domestic relations context—for example, to child custody determinations and child support orders. 28 U.S.C. §§1738A, 1738B. These provisions also establish choice of law principles governing modification of domestic relations orders. In addition, in a controversial provision whose constitutionality is open to question, Congress has said that states are not required to accord full faith and credit to same-sex marriages. Id. at §1738C.

But the special measures adopted by Congress in the domestic relations context can provide no justification for H.R. 476. There is a world of difference between provisions like §§1738A and 1738B, which prescribe the full faith and credit to which state judicial decrees and judgments are entitled, and proposed H.R. 476, which in effect gives states statutes extraterritorial operation—by purporting to impose criminal liability for interstate travel undertaken to engage in conduct lawful within the territorial jurisdiction of the state in which the conduct is to occur, based solely upon the laws in effect in the state of residence of the individual who seeks to travel to a state where she can engage in that conduct lawfully.

The Supreme Court has always differentiated ''the credit owed to laws (legislative measures and common laws) and to judgments.'' Baker v. General Motors Corp., 522 U.S. 222, 232 (1998). For example, while a state may not decline on public policy grounds to give full faith and credit to a judicial judgment from another state, see, e.g., Fauntleroy v. Lum, 210 U.S. 230, 237 (1908), a forum state has always been free to consider its own public policies in declining to follow the legislative enactments of other states. See Nevada v. Hall, 440 U.S. 410, 421–24 (1979). In short, under the Full Faith and Credit Clause, a state has never been compelled ''to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate.'' Pacific Employers Ins. Co. v. Industrial Accident Comm'n, 306 U.S. 493, 501 (1939). In fact, the Full Faith and Credit Clause was meant to prevent ''parochial entrenchment on the interests of other States.'' Thomas v. Washington Gas Light Co., 448 U.S. 261, 272 (1980) (plurality opinion). A state is under no obligation to enforce another state's statute with which it disagrees.

But H.R. 476 would run afoul of that principle. It imposes the restrictive laws of a woman's home state wherever she travels, in derogation of the usual rules regarding choice of law and full faith and credit.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, imagine as a parent the shock and profound sorrow upon learning after the fact that some adult stranger deliberately kept the parents out of the decision-making process and took an underaged girl for a secret abortion in another State. Imagine the feelings of helplessness, hopelessness, and violation that you would feel when your extremely vulnerable daughter, perhaps confused, frightened and even numb, was whisked away to an abortion mill by a stranger to pursue the violent death of her baby.

Her baby, your grandchild, dead in a sneaky scheme deliberately contrived to deceive the parent about what was really going on, perhaps scarred for life by the unpardonable intervention of the adult stranger who acted as a parental surrogate. If there are complications, severe bleeding, perforated uterus, emotional or psychological aftermath, do not expect any help from the stranger; but of course a parent would be there to help, to love and to nurture and to heal. It is both a parental moral duty and legal duty, but it is really out of deep love. A parent would sacrifice thier own life for their daughter and be there; the stranger would not.

It would not take very long to ask, Mr. Speaker, did the meddling stranger tell her that abortion has significant physical and emotional consequences? Did the stranger inform her that it might increase her risk of breast cancer?

A 1994 study by cancer researcher Janet Daling of the Fred Hutchinson Cancer Research Center indicated if a girl under the age of 18 has an abortion, the risk of breast cancer increases by 150 percent. If she or any member of her family has any history of breast cancer, that first abortion means that her risk of breast cancer skyrockets to 270 percent. Dr. Daling's National Cancer Institute-funded study comports with more than two dozen similar studies showing the abortion-breast cancer link.

Mr. Speaker, we can take it to the bank: neither the stranger nor the abortionist himself informed her of this long-term, deleterious consequence.

Mr. Speaker, it is tragic beyond words that the abortion rights movement not only promotes mutilations, dismemberment and chemical poisoning of children by abortions, they further destroy the family by invading the sacred space between parents and their teenage daughters. The so-called choice to mutilate, dismember and chemically poison little children is unconscionable. Currently even a 14-year-old, often with the assist from a stranger, has an unfettered and secret right in many States to have her baby destroyed in a horrific procedure. I urge my colleagues to wake up. Abortion is violence against children. Enabling a stranger to facilitate a minor's secret abortion only adds abuse to abuse.

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

Mr. Speaker, the gentleman states his views of abortion. There are clearly differing views. We are not going to settle them in this debate today. He thinks it is a cruel procedure. Some of us think it is a procedure which in many cases is unavoidable. But in any event, the Supreme Court of the United States says it is the right of a woman to choose if she wishes, and she should be counseled as to the consequences and so forth; but it is her choice.

But this bill before us has nothing to do with that, except for the fact it is simply another step in the attempt to in any way possible reduce abortions in any way possible to hamstring the exercise of the constitutional right of women to choose within the limits of what the Supreme Court has said.

The real interest in this bill is not to protect young women who may be helped by a grandfather or a brother or a sister or a clergy person in doing something which she is determined to do. In the case we talked about before, she would have done it anyway; but at least she had someone to help her along and give her counseling and hold her hand. The intent of this bill is to try to stop her from having an abortion because the people in this House have determined that they are right and she is wrong and she should not be able to have an abortion.

Forgetting that question, the real question in this bill is: Can the Congress of the United States say to a young woman, she is the property of the State in which she lives, and she must carry around on her back the law which it enacted which tells her that she cannot do something even if she goes to another State where she can do it?

The plain meaning of the Constitution, and the Supreme Court has reaffirmed that, is that Congress cannot do that. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. That was enacted after the Civil War because of the Fugitive Slave Act, because South Carolina should not be entitled to tell an escaped slave in New York, although New York does not permanent slavery, South Carolina's laws do, and we are going to extend our law here and drag the slave back and force the slave into our laws of slavery.

Mr. Speaker, Congress cannot do the same thing. Congress cannot say to a young woman that we are going to force her to obey the law of her own State, we are going to criminalize someone who attempts to help do something that is perfectly legal in New York or some other State because it is not legal where she came from; and I cited the Supreme Court decisions before, which are recent Supreme Court decisions.

We cannot look at the interstate commerce clause. Women are not objects of commerce. I hope the majority is not telling us that women are objects of commerce under the meaning of the interstate commerce clause, that Congress can regulate interstate commerce. Women are citizens of the United States and people, not subjects of commerce. We said in the Norris-LaGuardia Act that labor is not to be considered a commodity in Congress, nor should women be, nor will the Supreme Court support that, nor is this bill constitutional.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise of course in support of H.R. 476, the Child

Custody Protection Act. Unfortunately, in May of 2000, Florida's parental notification laws were challenged in circuit court and a permanent injunction was granted. So we in Florida are very much involved with this debate. To give amnesty to those who manipulate State laws by crossing into States without parental notification laws, in my opinion the people who support this bill, it is irresponsible and a misguided use of the law.

When we talk about this law, we are talking about safety here. To leave parents out of such a serious decision for the child with potentially long-term medical, emotional and psychological consequences is to jeopardize the health of the child. So when we talk about the Fugitive Slave Act or we talk about commerce, we are missing the point. We are talking about safety.

To leave parents out of this decision for minors, in my opinion, is irresponsible. Some seem to suggest that most parents are not being reasonable but their primary concern is their teenaged daughter. One study has shown that up to two-thirds of the school-aged mothers were impregnated by adult males. These men could be prosecuted under State statutory rape laws, giving them a strong incentive to pressure the young woman to agree to an abortion without involving her parents.

Let us put this into perspective. A child must have parental consent to be given an aspirin. Should the child want to go on a field trip, parental consent is required. Play in the school band, parental consent. Cosmetic ear piercing, that requires parental consent. Why? Because they are concerned about safety for fear that the girl may contract dangerous infections.

Here we have advertising to minors that they can cross State lines, but surely the gentleman from New York would not support advertising of cigarettes to minors to allow them to smoke, so this kind of advertising should be prohibited; and obviously we should prohibit allowing young minors to go across State lines.

Parents know what is best for their daughters' medical condition and can best help their daughters in times of need. I ask my colleagues to support this bill and pass it.

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

Mr. Speaker, cigarettes are harmful to one's health and may kill one. They are certainly much more harmful than marijuana or some of the other drugs which are prohibited by law; and maybe cigarettes ought to be prohibited by law, and certainly that kind of advertising should be prohibited by law.

Abortions are not in the same category. Abortions will not kill the woman. They are not generally harmful to her health. In fact, the statistics are that it is more dangerous to carry a pregnancy to term than it is to have an abortion because a larger percentage of women die from complications of child birth than from complications from abortion. I am certainly not arguing for abortions for that reason, but I am saying that we cannot say that abortions are life threatening, although demagogues do say that.

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Florida.

Mr. STEARNS. But the gentleman would agree that advertising to minors to allow them to go across State lines for an abortion is wrong?

Mr. NADLER. Mr. Speaker, I would not agree that it is wrong. An abortion is a legal medical service, and in some States it is legal to do without parental consent. And there are some young women, some young women, who fear for their lives if they have to tell their parents, and cannot tell their parents, and desperately need an abortion, and will get the abortion by coat hanger at this risk to their life. It is better in that case to know that they can get a safe abortion in a safe medical procedure across State lines rather than resorting to the coat hangers.

Mr. Speaker, many speakers on the other side have talked about people who prey on young women, who have an ideological desire to promote abortions. I do not know of anybody who has an ideological desire to promote abortions. I know of people who have ideological desires to let women have abortions if they want to. I do not know of anybody who desires to promote abortions as a good thing, in and of themselves.

Putting aside, we are talking about evil people who will prey upon young women and take them across State lines for the reason of getting an abortion for some nefarious motive.

□ 1245

If that is the true purpose of this bill, I would want to know, on their time, why the majority would not permit amendments on the floor to exempt the grandparent or the sibling, the brother or sister. What are they afraid of? Are they afraid that the logic of that amendment is so strong even for people who might support this bill that it might pass? Why would they not even permit amendments in committee? Why was it so necessary to call a halt by moving the previous question before Members had returned to the committee from a vote on the floor? What are they afraid of, a little logic and common sense?

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise in support of the Child Custody Protection Act, a commonsense piece of legislation that would prohibit unscrupulous third parties from taking minors across State lines for abortions to circumvent parental consent and parent notification laws. Mothers have previously testified before State legislatures and Congress about the horror of finding out that their young daughters had obtained secret abortions and of having to pick up the pieces of the emotional and physical consequences. As a mother of two, it is very disconcerting to me to know that the parent-child relationship could be undermined in such a manner.

As pointed out earlier, studies have shown that most school-age mothers are impregnated by adult men, with the median age of the father being 22 years old. Thus, many of the third parties taking minors across State lines are older boyfriends who obviously have a very personal interest in the young girl obtaining an abortion and in keeping it secret from her parents.

Congress must ensure that State laws designed to protect the integrity and sanctity of the parent-child relationship are not undermined. I consequently urge my colleagues to support passage of this legislation.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume. I would simply point out that in such cases, those people, those males, can be prosecuted for statutory rape, and probably should be. This bill does not add or detract anything from them.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding.

I would like to expand on his point, just to reinforce a point that I think is being lost in this debate. I indicated that Congress usually rises to the occasion to respond when there is a crisis, when we find that the law is being violated and being ignored, the laws of particular States who may have these laws regarding parental consent.

I also noted that we probably will not get our friends and colleagues all to agree with us on the question of choice, but I have already said that more than 75 percent of minors under 16 already involve one or both parents in the decision to have an abortion. What about the individual, however, that is living on their own, that has been raped by a close family member, whose parent may be in some condition that they are not able to give counsel?

And we now are intruding upon the right to travel, the constitutional right of choice on this particular minor who cannot consult with a loving grandmother, a loving spiritual leader, a loving sibling who can provide such assistance to them. It is clear in Planned Parenthood of Southeastern Pennsylvania v. Casey, holding that restrictions on this right are unconstitutional if they impose an undue burden on a woman's access to abortion. And the right extends to both minors and adults.

It is also clear in the constitutional decisions of the Supreme Court that there are rights that minors have and

though we recognize the validity and the stand of parents, I too am a parent and would hope that I am always in a position to counsel with my two children, encourage that. But we are also trying to save lives and avoid the very example that my colleagues were speaking to, boyfriends taking them across State lines if that is the case, when these amendments dealing with special friends, special relatives in a relative position were not allowed.

And so we have a situation where, as I said, it is a double standard on States rights. We now want to intrude our Federal process on States that do not have these laws and, therefore, we are violating constitutional rights of minors which do exist. I think we are going too far with this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, one of my commitments as a Member of Congress is to protect the rights of the traditional family. The family is the building block of society and parents must have the ability to know where their children are going and be able to protect them.

I am a proud cosponsor of this bill. It prohibits transporting an individual under the age of 18 across State lines to obtain an abortion. It is wrong that a child can legally be taken across State lines without parents' or guardian's knowledge for an abortion. A medical procedure of this magnitude with such serious implications for physical health of the girl and moral and emotional fabric of the entire family must be a family decision. Young girls today are exposed to many forces but the forces that should have the most strength in their lives, both morally and legally, should be their parents, not the government and not strangers.

I have seen the phone book ads marketing out-of-state abortions and safe abortions to minors. It is truly sickening to think that my daughters may grow up to one day be told by the abortion industry that abortions are as easy to receive and as safe as taking candy. I have heard the doomsday tales of children afraid to tell their parents they are pregnant but nothing could possibly be scarier for these young girls than having someone they barely know escort them to a place they have never been to have major surgery that ends a life.

Opponents of this bill are saying a parent can know where their child is except when she is receiving an abortion. That makes no sense whatsoever. Whose child is it, anyway?

By passing the Child Custody Protection Act, Congress will take a clear stand against the notion that the U.S. Constitution confers a right upon strangers to take one's minor daughter across State lines for a secret abortion even when State law specifically requires the involvement of a parent or judge in the daughter's abortion decision.

I strongly urge my colleagues to support this bill.

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

Mr. Speaker, the imagery used by speakers in favor of this bill, indeed the language of the bill itself prohibiting someone from transporting a minor across State lines, evokes the image of a helpless young child being dragged against her will or being taken to another State. The fact is that a young woman old enough to get pregnant is in her teens, with a very few exceptions, and in this situation, one would hope that she would ask her parents' permission, and I am sure the daughter of the previous speaker would, and that the decision would be made between the two of them. But I do not think a woman of 16 or 17 years old, who is pregnant, who for whatever reason, because she was made pregnant by her father or her stepfather, because she is terrified, for whatever reason cannot, refuses to tell them, and gets her, even a boyfriend or a clergy person or her brother or sister, a grandmother, that is not an exploitative thing. They are helping her. She would probably or might very well do it herself, alone. Even the wording of the bill ''transport.'' Someone sitting and holding her hand as she drives the car is not transporting her. They are giving her moral help in a difficult procedure.

People may not like abortions. They may think it is a terrible thing. They are entitled to their opinions. But a young woman may be terrified of giving birth. She may be terrified of the responsibility of a child. She may have her reasons and the Supreme Court says the Constitution gives her the absolute right to choose. This bill simply tries to make that right to choose impractical insofar as possible and therefore it is not only unconstitutional, it is wrong. This bill would criminalize the acts of persons who might be exploitative, but it would also criminalize the acts of people who are simply trying to be helpful and supportive of a young woman in distress, and that is wrong.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, by passing the Child Custody Protection Act today, Congress will take a clear stand against the bizarre notion that somehow the United States Constitution confers a right upon strangers to take one's minor daughter across State lines for a secret abortion, even when a State law specifically requires the involvement of a parent or judge in the daughter's abortion decision.

It is amazing to me that a child cannot get aspirin from a school nurse without parental consent but can cross State lines to get an abortion without the consent of their parents. There are school counselors who set up out-of-state abortions for minor students to hide this life-changing decision from the girls' parents. There are even sexual predators who would take their victims across State lines to destroy evidence through an abortion in a State without parental notice laws.

Mr. Speaker, as the father of two young daughters, I cannot understand how anyone can defend the right of an adult to take a child across State lines to have an abortion without the parents knowing. To me when that happens, both of the victims are children. When governments undermine families, it tears at the very fabric of our culture and supports a culture of death rather than a culture of life.

This bill closes a loophole that skirts State laws requiring parental notification. Twenty-seven States, including South Dakota, recognize the value and need for parental consent when a minor is seeking to obtain an abortion, and another 16 States require parental notification.

Mr. Speaker, there are many injustices in the world, but can you put yourself in the position of a parent who sends her young daughter to school and later in the day finds that a stranger has taken your 13-year-old daughter into another State to have an abortion? This is currently legal in the United States and that is why we need to pass the Child Custody Protection Act to stop it.

Mr. Speaker, as a strong supporter of the sanctity of human life and parental rights, I am proud to vote for this legislation and I urge my colleagues to do the same.

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

The protestations of people on the other side about strangers transporting minors across State lines would be somewhat better heard if they had not refused amendments to exempt nonstrangers.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. I want to thank the gentleman from New York for yielding this time even though we happen to be viewing this legislation differently.

Mr. Speaker, I rise in support of H.R. 476, the Child Custody Protection Act, and would like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her tireless efforts to bring this important legislative effort to the floor for consideration.

In light of all that has happened recently, our Nation has had a growing concern about the moral fabric of our society. We have felt an increasing need to do everything that we can to protect our children as they are our most precious resource. We must provide them with a safe environment so they can thrive as they move into adulthood.

One of life's harsh realities is that some young women become pregnant

at too early an age. H.R. 476 does not terminate a person's right to an abortion but does provide important protections for young children who become pregnant. H.R. 476 will make it illegal for any person to transport a minor across State lines in order to circumvent State laws to obtain an abortion without first consulting a parent or judge. It will make it a Federal crime if an individual knowingly evades the laws of their State to seek an abortion for any mother 17 years of age or younger. It is most often an older male who preys on a young girl, impregnates her, and then takes her illegally across State lines to have an abortion without the knowledge and consent of her parents.

We should all find this manipulative behavior disgusting and disheartening. Not only is this a crime for an older male to be sexually active with a young girl, but it can be dangerous for that child to receive an abortion. Only a parent knows their child's health history, including allergies to medication. A parent should be informed and the older male should be prosecuted.

Laws in an increasing number of States, now numbering more than 23, including my home State of Michigan, require parental notification or consent by at least one parent or authorization by a judge before an abortion can be performed. This legislation will not mandate parental consent in the States which do not currently have parental consent laws but will protect those in States which do require parental consent.

Many of my colleagues are concerned that this bill will prohibit young girls from confiding in a close family member or friend if they feel they cannot talk to their parents. That is absolutely wrong. There is a provision in H.R. 476 which will allow a judge to relieve the parental notification requirement in certain circumstances.

I urge my colleagues to support H.R. 476, which will support the rights of States to protect the relationship between parents and children and ensure the safety of young girls who are in unfortunate circumstances.

□ 1300

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a member of the committee.

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding me time and commend his leadership and that of the gentlewoman from Florida for her visionary leadership on this legislation. I do rise today in support of the Child Custody Protection Act.

Today, Mr. Speaker, the House will determine who it serves. I am a pro-life Member of this institution, but I would offer respectfully today that this is not a debate about the right to have an abortion. It is about the right to be a parent. And we will decide today in the Congress whether or not we will serve the beleaguered parents of the United States of America, of whom I am proudly one, or whether we will serve the interests of the abortion lobby.

As a father of two daughters I can tell you, we live in a society today where parents are expected to be actively involved in the lives of our children. When a child commits a crime, the first question we hear is, why were the parents not aware? We are bombarded with antidrug advertisements commanding parents to ask their children questions, no matter how intrusive, to know where they were and when they were there. But for some inexplicable reason today we are debating whether parents should have the right to know if their daughter is considering an abortion, a decision that even pro-life and pro-abortion opponents agree will have lifelong consequences.

Mr. Speaker, this is even more outrageous when you consider that my children cannot even attend a field trip at school or even take an aspirin without my or my wife's consent. Are we willing to stand here today and say that the life and death decision that we debate pales in comparison to taking an aspirin?

Last week, Mr. Speaker, I took my children, two of them, one daughter and one son, to get braces. In addition to the extraordinary ordeal and the wires and the pain and the anxiety, we spent about an hour filling out consent forms for this 5- and 6-year procedure. Why in the world would we not have parental consent for even a more extraordinary procedure, invasive, that is an abortion?

Mr. Speaker, I urge all of my colleagues to choose life, cast a vote in favor of parental rights, and support the Child Custody Protection Act.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume to close for our side.

Mr. Speaker, there really are, I suppose, in summation, two things to say about this bill: one is that parental consent bills in general, although the providence of the States, in our opinion, are very ill-advised, because although we all would wish that young women who are pregnant and are contemplating an abortion would consult with their parents, and certainly most do and should, there are those situations where a young woman feels she cannot, where she is afraid of the violent reaction the parent might have, where a parent may have been abusive to her, where the pregnancy may be the result of rape or incest on the part of the parent, and we should recognize reality and understand that a parental consent and notification bill in no circumstances makes no sense, and it is certainly not in the best interests of the young woman; but that is a matter for the State legislatures.

The second thing to say about this bill is that none of that, none of the question of the validity or the intelligence or the desirability of a parental consent and notification bill, is before us. Those are State legislative decisions, and quite a few legislatures have passed those decisions, have passed such bills; and others have refused to do so.

The bill before us has nothing to do with that. The bill before us has to do with trying to criminalize someone who accompanies a young woman from one State to another, knowing that she is going to get an abortion legally in that State.

The proponents of this bill are trying to use the power of the Federal Government to impose the laws of one State in the jurisdiction of the other State.

The proponents of this bill are trying to place on the back of a young woman from one State the burden of the law of that State, to carry it around wherever she goes, to another State where the law is different. We do not have the constitutional power to do that. In a Federal system we do not have the right to do that.

I referred earlier to the Fugitive Slave Act because it was the last major attempt in this country to do that, where some of the Southern States said if a slave flees or goes to a State which does not recognize slavery, that person still is a slave, despite the laws of that State, and the Federal Government will enable the State to exercise its long arm and bring him back to bondage in the State that allows slavery.

Here this bill says that the Federal Government will use its jurisdiction to try to prevent a young woman from doing a perfectly legal act, because the State she came from does not regard it as a legal act; to force that young woman to carry the burden of the law she disagrees with from her home State to another State. This bill is unconstitutional for that reason and obnoxious for that reason.

This bill also would send grandmothers and ministers to jail, grandmothers and ministers who know the situation, who judge that the young woman cannot, as she judges, go to the parent, because they know there has been a rape, they know there has been incest, or they know there is family violence involved, they know the situation of the family.

In plenty of families it is perfectly fine to have parental consent. But by drawing a bill that says all families, no matter what, you are plainly putting many young women at risk of injury or death. But, again, that is a State legislative matter. What this bill says is that ministers and grandmothers and brothers and sisters of a young woman whose life would be at risk perhaps, they cannot help her when she needs help on penalty of going to jail. This bill will not bring families together; but it may, in such circumstances, tear them apart.

On all these grounds, Mr. Speaker, I say, let the States make these decisions, as they are allowed to do under the Constitution. Let us not butt in the Federal Government, as we are not permitted to do under the Constitution,

and as good judgment should indicate we should not do in any event.

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

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

Mr. Speaker, listening to the gentleman from New York the last hour and a half, he seems to be making two points. One is that this bill requires that the parental involvement laws of a minor's State of residence carry along with the minor if they are brought across the State line into a jurisdiction that does not have a parental involvement law, and that this is some new notion in American jurisprudence and in our history of Federalism.

Well, the gentleman from New York, he and I carry the burden of our respective State income taxes with us to the work that we do here; and as most people know, New York and Wisconsin's State income taxes are quite high, and we have to pay those State income taxes as residents and as representatives of the States for the work that we do at our Nation's Capital.

The other thing is that it is somehow cruel and unconstitutional to force the involvement of parents where the parental involvement acts have been held constitutional by the Federal courts.

Now, a constitutional parental involvement act is not cruel; it is loving. It is not unconstitutional, because the courts have already said it is not unconstitutional. So to merely cross the State line for the purpose of evading a constitutional parental involvement act is not unconstitutional in and of itself, because Congress has got the exclusive right to regulate interstate commerce under the United States Constitution.

For all these reasons, this is a good bill. The House should pass this bill today, like it has done in the two previous Congresses.

Mr. BALDWIN. Mr. Speaker, this bill would make the tragic situation of teen pregnancy even worse.

I believe that adolescents should be encouraged to seek their parent's advice when facing difficult circumstances. And when young people do go to their parents in trying times, most often their parents offer love, support, direction and compassion. Most young women do turn to their parents—even when faced with something as emotional and private as pregnancy. Even in States without ''parental consent'' laws, the majority of pregnant teenagers do tell their parents.

Unfortunately, though, there are times when a pregnant teenager cannot go to her parents. This is precisely the time when they most need the involvement of a trusted adult. But, under this bill, if an adult assists a young woman by traveling with her across states lines to seek an abortion, the adult becomes a criminal. It does not matter if the adult is her sister, brother, grandmother, or minister—they would still be criminals in the eyes of federal prosecutors. In my home State of Wisconsin, we take into account the fact that young people sometimes cannot turn to a parent and must turn to other trusted adults in trying times—in Wisconsin young women may obtain consent from grandparents, adult siblings, or another ''trusted adult.''

Crossing State lines to obtain an abortion is not uncommon. Women usually seek care in the medical facility that is closest to their home, but, due to lack of facilities in many areas, the closest facility may be across a State border. In Wisconsin, 93 percent of counties do not have an abortion provider, so the nearest facility for women in these counties may be in Minnesota or Illinois. Congress has not made it illegal to cross state lines to buy guns, or gamble, or participate in any other legal activity, why should we make an exception here?

What if the teenager has been subject to physical or sexual abuse by one of her parents? What if the pregnancy is the result of incest? There is no exception in this bill for minors who have experienced physical or sexual abuse in their home. Nor is there an exception for a young women who might be subject to grave physical abuse if she confided to her parent or parents.

Mr. Speaker, we all want children to confide in their parents, we all want a society with strong families. But let us not forget those children in our society who are victims of incest or physical abuse. Let us encourage them to reach out to an adult rather than deal with a crisis pregnancy alone.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 476, the Child Custody Protection Act. This bill would make it a federal crime for a person, other than a parent, to transport a minor across state lines for an abortion unless the minor had already fulfilled the requirements of her home state's parental involvement law. This bill would deny teenagers facing unintended pregnancies the assistance of trusted adults, endanger their health, and violate their constitutional rights. This flawed legislation is dangerous to young women and should in fact be called the ''Teen Endangerment Act.''

Minor women who seek abortions come from a wide variety of religious, cultural, socioeconomic, geographic, and family backgrounds, and seek abortions for an equally wide variety of reasons. In 86 percent of counties nationwide for example, the closest abortion provider is across state lines.

Data shows that the majority, 61 percent, of minors willingly involve their parents in their decision to have an abortion. Many that do not wish to involve their parents make that decision because of a history of physical abuse, incest, or the lack of support from their parents. Parental involvement laws cannot and do not open lines for healthy, open family communication where none exist, and they can put a minor in danger of physical violence. When a young woman does not have the ability to involve a parent, public policies and medical professionals should encourage her to involve a trusted adult, such as a grandparent. Instead of giving young women this alternative, this bill does the exact opposite. If passed into law, it would create havoc by potentially allowing grandma to be prosecuted and jailed for traveling across state lines to obtain needed reproductive health services for her granddaughter.

While proponents of this bill will argue the alternative to parental consent is a judicial bypass, this simply is not an option for many teenagers. Many judges never grant bypass petitions, and many teenagers have well-grounded fears of being recognized in a local courthouse and/or of revealing their personal intimate details in a potentially intimidating legal process. Moreover, many states with parental involvement laws do not provide a procedure for ruling on a minor's right to an out-of-state abortion. Besides, in many states judicial bypasses are available only in theory and not in practice.

Rather than tell their parents, some teenagers resort to unsafe, illegal, ''back alley'' abortions or try to perform the abortion themselves. In doing so, they risk serious injury and death, or in some cases, criminal charges.

In my home state of California, a minor who wishes to obtain an abortion may do so without any legal requirements that she involve her parents or that she seek a court order exempting her from forced parental involvement requirements. This bill will override California's law for some minors obtaining abortions in California by requiring enforcement of other states' laws within California's borders. States such as California are most likely to be visited by minors in need of abortions. These states will bear the burden of having their medical personnel and clinic staff subject to potential liability from a number of complex provisions regarding conspiracy, accomplice and accessory liability.

While this bill raises many obvious concerns, it also tramples on some of the most basic principles of federalism and state sovereignty. A core principle of American federalism is that laws of a state apply only within the state's boundaries. This bill would require some people to carry their own state's laws with them when traveling within the United States. Allowing a state's law to extend beyond its borders runs completely contrary to the state sovereignty principles on which this country is founded. Gambling for example is allowed in Nevada, but not California. If Congress enacts this legislation, it would be similar to making it a federal crime to spend a vacation in Las Vegas.

Abortion should be made less necessary, not more difficult and dangerous. A comprehensive approach to promoting adolescent reproductive health and reducing teen pregnancy should require comprehensive sexuality and abstinence education as well as access to contraception and family planning services. I urge my colleagues to oppose this legislation.

Ms. WATERS. Mr. Speaker, I rise in opposition to this closed rule on H.R. 476, the misnamed Child Custody Protection Act. By rejecting all amendments, the Rules Committee has shut out Members from debate on important amendments.

I had offered an amendment in Judiciary Committee, and again to the Rules Committee, that would carve out an exception to the prohibitions of H.R. 476. Under my amendment, those prohibitions would not apply in cases where the minor child's pregnancy was caused by sexual contact with a parent, step-parent, custodian, or household or family member. This closed rule, however, makes it impossible for any Member to vote on this valuable amendment.

Sadly, some pregnancies result from unwanted sexual contact. Adding to that horror is the fact that many families are unable or unwilling to deal with the realities of the situation. A mother may choose not to believe that the

child's father or step-father could have done such a horrible thing. She may even share the child's confidences with the very person who committed the deed—thus potentially putting the child at greater risk.

Let me tell you about the tragic case of Spring Adams, a 13-year old sixth grader from Idaho. She was impregnated by her father's acts of incest. When he learned that she was planning to terminate a pregnancy caused by those acts, he shot her to death.

My amendment to H.R. 476 addresses this problem. When the child in such a situation turns instead to a grandparent, adult sibling, boyfriend, or religious leader, we should let her do so. And we should let them help her. Otherwise, we will find young girls, impregnated by relatives on household members, seeking to deal with it in any way they can—whether they do so by traveling alone to another state for the procedure, or take care of it through a self-induced or illegal, back-alley abortion.

Unfortunately, the closed rule we have before us means that none of my colleagues can address this problem with H.R. 476. Instead, these children, who have been victims of incest or nonconsensual sex with a household member, will be forced to confide their pregnancy to the person who violated them. We should not demand that of the child.

I urge a rejection of this rule that blocks valuable amendments from an overly harsh bill. Vote ''no'' on the rule.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 476, the Child Custody Protection Act.

Twenty-seven states, including my home state of Nebraska, have laws requiring that a parent receive notification or give consent before their young daughter can have an abortion. These laws are designed to honor the rights of parents and protect young girls from being sexually exploited or injured. Unfortunately, they are often circumvented by the widespread practice of taking young girls across state lines to receive an abortion, a practice which is utilized by sexual predators.

In one example, a 12 year-old girl was taken to an out-of-state abortion clinic by the mother of the man who had raped and impregnated her. This young girl's mother learned what had happened only when her daughter returned home with severe pain and bleeding that required medical attention. H.R. 476 would help prevent such terrible situations by making it a Federal crime to dodge a parental involvement law by transporting a minor to an out-of-state abortion provider.

If a teenage girl needs permission to take an aspirin at school, her parents should certainly be notified about her receiving a potentially-harmful medical procedure. Loving guidance and support from parents is also crucial for young women facing the difficult situation of having a child out of wedlock. Even the abortion provider Planned Parenthood acknowledges on its website that, and I quote, ''Few would deny that most teenagers, especially younger ones, would benefit from adult guidance when faced with an unwanted pregnancy. Few would deny that such guidance ideally should come from the teenager's parents.''

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 476 to protect the rights of parents, to protect the rights of states, and most importantly, to protect young girls from sexual predators.

Mr. WELDON of Florida. Mr. Speaker, I rise today to give my support to H.R. 476, the Child Custody Protection Act, of which I am a cosponsor. This important legislation protects our daughters from being transported across state lines to be subjected to abortion, an invasive medical procedures, without the consent of their parents. Thirty-six states have parental consent laws in place to ensure that young teenaged girls do not undergo an abortion without their parent's consent. As a medical doctor I understand the physical and emotional ramifications of abortion. If parental consent is required for a child to receive an aspirin in school or to take a field trip, how much more critical is parental consent for an abortion?

Moms and Dads should play a critical role in these kinds of decisions. It is simply not acceptable for third parties with their own agenda and interests to circumvent the role of parents, particularly when the state of residence has reinforced these rights for parents. All to often third parties such as sexual predators and abortion providers take advantage of these girls for their own purposes, and the parents are left to deal with the consequences. When the long-term repercussions such as medical complications and depression set in, old boyfriends and abortion companies are not there for the child, instead the parents are left to suffer as they watch their daughters suffer.

Last September Eileen Roberts whose daughter was a victim of a non-parent assisted abortion, testified before the House Judiciary Committee about the horrors of this practice. She stated:

> I am horrified that our daughters are being dumped on our driveways after they are seized from our care, made to skip school, lie and deceive their parents to be transported across State lines whether that distance be two miles or 100 miles. Where are these strangers when the emotional and physical repercussions occur? They are kidnapping another young adolescent girl and transporting her for another secret abortion, and thus the malicious activity occurs over and over. When will this activity stop? When will those responsible for these secret abortions be held accountable for the financial costs of emotional and physical follow-up care from a disastrous legal abortion?
>
> I am reminded of the many young adolescent teens, especially Dawn from New York, whose parents were notified in time to make funeral arrangements after their daughter's legal abortion. Mrs. Ruth Ravenell and her husband were awarded $1.3 million dollars by the State of New York for the wrongful death of their 13-year-old daughter. Mrs. Ravenell, shared with me and the Senate Education and Health Committee in Richmond, VA that she sat in the hospital before her daughter died, with her hand over her mouth to help keep herself from screaming.

Eileen Roberts, whose daughter was encouraged by her boyfriend, with the assistance of an adult friend, to obtain a secret abortion without telling her parents. Eileen's daughter suffered from depression, medical complications, and sever pelvic inflammatory disease which caused the family terrible pain and suffering and cost $27,000 in medical bills.

Mr. Speaker, we must take action to protect our children from these attacks on the family. We must protect girls from being coerced to have an abortion without even their parents' knowledge. Children should not be transported across state lines for major medical procedures with the express intent to circumvent the laws and parental involvement. H.R. 476 will preserve the right of parents and will protect our children.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to the bill.

The legislation we are considering today would prohibit anyone—including a step-parent, grandparent, or religious counselor—from accompanying a young woman across State lines for an abortion.

This is a dangerous, misguided bill that isolates our daughters and puts them at grave risk. Under this legislation, young women who feel they cannot turn to their parents when facing an unintended pregnancy will be forced to fend for themselves without help from any responsible adult. Some will seek dangerous back-alley abortions close to home. Others will travel to unfamiliar places seeking abortions by themselves.

Thankfully, most young women—more than 75 percent of minors under age 16—involve their parents in the decision to seek an abortion. That's the good news. And as a mother and a grandmother, I hope—as we all hope—that every child can go to her parents for advice and support.

But not every child is so lucky. Not every child has loving parents. Some have parents who are abusive or simply absent. Now, I believe that those young women who cannot go to their parents should be encouraged to involve another responsible adult—a grandmother, an aunt, a rabbi or minister—in what can be a very difficult decision.

Already, more than half of all young women who do not involve a parent in the decision to terminate a pregnancy choose to involve another adult, including 15 percent who involve another adult relative. That's a good thing. We should encourage the involvement of responsible adults in this decision—be it a step-parent, aunt or uncle, religious minister or counselor—not criminalize that involvement. Unfortunately, this bill will impose criminal penalties on adults—like grandmothers who come to the aid of their granddaughters.

I am a grandmother of six—and I believe grandparents should be able to help their grandchildren without getting thrown in jail. As much as we might wish otherwise, family communication and open and honest parent-child relationships cannot be legislated. When a young woman cannot turn to her parents, she should certainly be able to turn to her grandmother or a favorite aunt for help. Unfortunately, this legislation tells young women who cannot tell their parents: don't tell anyone else.

Parental consent law do not force young women to involve their parents in an hour of need. We know that it can do just the opposite. Indiana's parental consent law drove Becky Bell away from the arms of her parents and straight into the back alley. Parental consent laws don't protect our daughters—but they can kill them. They don't bring families together—but they can tear them apart. And so I ask, why can't we do more to bring families together, and to keep our people safe?

I firmly believe that we should make abortion less necessary for teenagers, not more dangerous and difficult. We need to teach teenagers to be abstinent and responsible. And we need a comprehensive approach to keeping teenagers safe and healthy. We do not need a bill that isolates teenagers and puts them at risk. I urge my colleagues to vote no on this legislation.

Mr. PAUL. Mr. Speaker, in the name of a truly laudable cause (preventing abortion and protecting parental rights), today the Congress could potentially move our nation one step closer to a national police state by further expanding the list of federal crimes and usurping power from the states to adequately address the issue of parental rights and family law. Of course, it is much easier to ride the current wave of criminally federalizing all human malfeasance in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism carried out by a centralized government. Who, after all, wants to be amongst those members of Congress who are portrayed as trampling parental rights or supporting the transportation of minor females across state lines for ignoble purposes.

As an obstetrician of more than thirty years, I have personally delivered more than 4,000 children. During such time, I have not performed a single abortion. On the contrary, I have spoken and written extensively and publicly condemning this ''medical'' procedure. At the same time, I have remained committed to upholding the constitutional procedural protections which leave the police power decentralized and in control of the states. In the name of protecting states' rights, this bill usurps states' rights by creating yet another federal crime.

Our federal government is, constitutionally, a government of limited powers, Article one, Section eight, enumerates the legislative area for which the U.S. Congress is allowed to act or enact legislation. For every other issues, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H.R. 476. H.R. 476 amends title 18, Untied States Code, to prohibit taking minors across State line to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents rights to not have their children taken across state lines for contemptible purposes? Absolutely. Can a state pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists constitutional authority for the federal criminalizing of just such an action the answer is absolutely not.

This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some states. To the extent the federal and state laws could co-exist, the necessity for a federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no ''person be subject for the same offense to be twice put in jeopardy of life or limb . . .'' In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. One danger of the unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that ''The trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system.'' Meese stated that Congress' tendency in recent decades to make federal crimes out of offenses that have historically been state matters has dangerous implications both for the fair administration of justice and for the principle that states are something more than mere administrative districts of a nation governed mainly from Washington.

The argument which springs from the criticism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to state autonomy and individual liberty from centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate federal law, or an ''adequate'' federal law improperly interpreted by the Supreme Court, preempts states' rights to adequately address public health concerns. Roe v. Wade should serve as a sad reminder of the danger of making matters worse in all states by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the federal government. There was a time when a popular bumper sticker read ''It's ten o'clock; do you know where your children are?'' I suppose we have devolved to the point where it reads ''It's ten o'clock; does the federal government know where your children are.'' Further socializing and burden-shifting of the responsibilities of parenthood upon the federal government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police powers in the national government and, accordingly, H.R. 476.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to support a common-sense bill to empower parents and protect children. The Child Custody Protection Act is first, last and always about the youngest and most vulnerable members of our society.

Girls under the age of eighteen should be protected from people who set out to break a state's law—especially when the decision is one that can never be reversed.

States have wisely enacted parental consent and notification laws to ensure mothers and fathers are fully involved in their children's lives. Just as they have control whether or not to permit an aspirin to be dispensed to their son or daughter in school, the parent-child relationship must not be undermined on the subject of abortion.

There is an abundance of evidence from the Yellow Pages to prove abortion clinics advertise to minor girls. ''No parental consent needed'' caters to the out-of-state girl who is often scared and confused. Children should not have their parents' counsel replaced by the phone book.

I commend the sponsors and supporters of this legislation—both Democrat and Republican—and urge passage of the bill.

Ms. BROWN of Florida. Mr. Speaker, I rise today in strong opposition to this bill. While the other side likes to call this bill the Child Custody Protection Act, I have named it the Rapist and Incest Perpetrator Protection Act. This bill does not protect girls and their families. This bill protects the rights of those who rape and molest young girls by forcing these vulnerable girls to gain permission from the very person who has committed this awful crime to exercise her constitutionally protected right.

The fact is that over 60 percent of parents now are already involved in this important decision of their daughters' lives. But if a parent is the perpetrator of a crime against these girls, and she turns to a grandparent or a teacher or a religious leader for help, that grandparent or religious leader can be dragged off to jail for doing what is right.

Under this bill, if a man from my state of Florida helped his younger sister across state lines to Georgia because she feared telling her abusive parents or because the clinic in Georgia was actually closer and more convenient, this older brother could be charged with a felony. Not only that, but anyone who knew that he helped her could be charged as a co-conspirator. The receptionist at the clinic who gave directions from Florida could be charged. The person performing the intake interview or counseling who knew of her Florida address would be charged. If they spent the night at an aunt's house in Georgia, that aunt could also be thrown in jail.

This is wrong. This bill is wrong. The government cannot mandate healthy and open family communications where it does not already exist. If passed into law, this bill will cause many young women to face very important decisions alone, without any help. I urge Members to vote overwhelmingly against this bill.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the Child Custody Protection Act. This parental rights legislation prohibits the transportation of a minor across state lines to obtain an abortion if the requirements of a law in the state where the individual resides requiring parental involvement in a minor's abortion decision are not met before the abortion is performed. Twenty-seven states require parental consent or notification of minors seeking to abort their babies. It is a shame that as we are working to promote parental involvement, their rights are being activity circumvented.

News reports and published studies reveal that large numbers of minors are crossing state lines to obtain abortions, and many of these cases involve adults rather than parents transporting the minors. This is especially worrisome when the pregnancy is a result of statutory rape. Not only are our daughters being preyed upon by older men, but they are further psychologically damaged by having to obtain an abortion without even the support of their parents. A California study found that two-thirds of the girls were impregnated by adult, postschool fathers with a median age of 22. It is estimated that 58 percent of the time girls seek an abortion without parental knowledge, they are accompanied by their boyfriend. Even those of you who support the supposed ''choice'' to abort babies cannot be in favor of the intimidation of teenage girls by older males.

The Child Custody Protection Act is not a federally parental involvement law; it merely ensures that state laws are not evaded through interstate activity. It does not encroach upon state powers, but reinforces them. Pennsylvania is one of the states with parental notification requirements. The Pennsylvania appeals court noted, ''although a parent's right to make decisions for her child is tempered in the instance of abortion, at least in Pennsylvania that parent has the legitimate expectation that procedural safeguards designed to protect the minor will be observed.'' Parents in Pennsylvania and 27 other states need our help to guaranteeing that these laws are upheld.

Parental rights protect not only parents but minors as well. We have all read numerous studies indicating the benefits of parental involvement in a child's education. Parental involvement and guidance in life is even more critical. Pregnancy is a life changing experience, especially for teenagers, and we should not further distance them from their parents at a time when they need as much support and love as they can get. We cannot allow parental rights to be bypassed. I encourage my colleagues to join me in support of the Child Custody Protection Act.

Mr. BLUMENAUER. Mr. Speaker, I am disappointed that today we will vote on H.R. 476, the so-called ''Child Custody Protection Act.'' This anti-choice bill would dangerously criminalize help from relatives and close friends who assist young women struggling with the most difficult personal challenges.

I wish that every child was in a loving family that they could turn to first. The facts are, however, that many young women do not have that type of relationship with their parents and in too many cases we have seen the actual problem caused by abusive close family members.

People who would deny women reproductive choice have altered their tactics to chip away at women's reproductive freedoms; this is one of the most insidious examples. This bill would limit the choices for the most desperate women and is part of an overall anti-choice strategy that I reject.

Draconian measures like H.R. 476 often have unintended consequences that can lead to desperate actions with dire consequences for the mental health and physical well-being of our nation's young women.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to H.R. 476, the Child Custody Protection Act because the bill is unconstitutional, dangerous, anti-family, and incredibly broad.

1. The bill is blatantly unconstitutional in at least three respects:

First, the bill violates minors' due process rights by increasing their risk of physical harm. This violates the principles of Carey v. Population Services, where the Supreme Court held that a state may not seek to deter sexual activity by ''increasing the hazards attendant on it.''

Second, H.R. 476 contains an inadequate exception to protect women's lives, and it does not have any exception to protect a woman's health—in clear violation of Planned Parenthood v. Casey.

Finally, the bill violates the Privileges and Immunities Clause by denying citizens the right to travel freely and enjoy the legal rights of citizens of other states. In violation of these principles of federalism, the bill saddles a young woman with the laws of her home state no matter where she travels in the country.

2. The bill is also dangerous because it takes away from young women safe alternatives to parental involvement—such as turning to close relatives, close family friends, and religious counselors—and replaces them with life-endangering ones, such as hitchhiking, self-induced, or back-alley abortions. If you don't believe me, ask Becky Bell's family. She died from a back alley abortion as a result of Indiana's parental consent law when she was afraid of confiding in her family.

The bill will inevitably lead to increased family violence. We know that one-third of teenagers who do not tell their parents about a pregnancy have already been the victim of family violence. We also know that the incidence of family violence only escalates when a teenage daughter becomes pregnant. This bill will only exacerbate those problems.

3. In addition, the bill is anti-family because it will turn family members into criminals. In a state that requires the consent of both parents, a single parent who takes a child across state lines would be subject to criminal charges, even if the other parent was estranged or their whereabouts were unknown. Grandparents would also be subject to prosecution, even if they were the child's primary caregiver.

4. Finally, the legislation is incredibly broad. Supporters of this bill claim to be targeting predatory individuals that force and coerce a minor into obtaining an abortion. However, the net cast by this bill is far broader and far more problematic. Under the legislation, anyone simply transporting minor could be jailed for up to a year or fined or both. Any bus driver or taxi driver unaware that the young woman has not engaged a formal parental involvement process could conceivably be sent to jail under this prohibition. The same applies to emergency medical personnel who may be aware they are taking a minor across state lines to obtain an abortion, but would have no choice if a medical emergency were occurring.

What we have is yet another shortsighted effort to politicize a tragic family dilemma that does nothing to respond to the underlying problem of teen pregnancies or dysfunctional families.

I urge the Members of vote ''no'' on this simple-minded, dangerous, and misguided legislation.

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

The SPEAKER pro tempore (Mr. LINDER). All time for debate has expired.

Pursuant to House Resolution 388, the bill is considered read for amendment, and the previous question is ordered on the bill.

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

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

MOTION TO RECOMMIT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. JACKSON-LEE of Texas. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves to recommit the bill H.R. 476 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 4, after line 7, insert the following:

''(3) The prohibitions of this section do not apply with respect to conduct by an adult sibling, a grandparent, or a minister, rabbi, pastor, priest, or other religious leader of the minor.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes in support of her motion.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was just listening to a discussion that reminded me that we have come repeatedly to the floor to discuss this issue, and I do not intend by this motion to recommit any of the debate that has preceded us to diminish the consciousness and the sense of dedication and commitment that our colleagues have when they come to the floor of the House; but I believe that it is extremely important that this Congress, this House, reach to their higher angels, and understand that there are people who suffer every day, whose lives may be different from those of us who have spoken today.

I have heard women in this debate mention their family members, their children and the relationships they have. I have a 22-year-old daughter and 16-year-old son, and we work very hard to keep the lines of communication open, being there for them. If they were talked to by someone else, they might say on some things I want to not speak to parents who are loving and nurturing, of which my husband and myself believe that we try to be. I could not give you a response. I know what we try to do as a family.

But even in the instance where we try, what about the reality of life? What the majority is doing today, Mr. Speaker, is ignoring their own proposition, which says we have a responsibility to protect a child from someone who may be putting his interest ahead of the child's at a most vulnerable time. Those are words by the majority leadership. Yet this bill does that. It takes the political and moral views of the majority and imposes them on young women who may not feel the same way.

This motion to recommit says this. This is a motion to recommit that no one should oppose, and that is that the prohibitions of this section do not apply with respect to the conduct by an adult sibling, a loving sister or brother, a loving grandparent, a minister, rabbi, pastor, priest or other religious leader of a minor.

Mr. Speaker, life is real; and I do not know if many of you are aware of lives that young people live. Thirteen-year-old Anita lives with her grandmother, Joy, who she calls Momma. After noticing that Anita had become withdrawn and observing changes in her sleeping and eating patterns, Grandma Joy, Momma, suspected that Anita was pregnant.

At first Anita denied she could be pregnant. Joy finally got Anita to open up, and Anita revealed, Mr. Speaker, that she had been raped. Anita could not stop crying, shaking and vomiting as she told Joy the story; and she told Joy that she did not want to have a baby, because Anita was 13 years old.

Anita was raped. Anita was not engaging in frivolous sex. She was raped. Fortunately, Joy and Anita do not live in a State with parental consent, because Anita's mother is a drug addict, Mr. Speaker. She is part of America's society, but she is not a mother who is able to counsel with this young girl.

Had Joy and this mother lived in another State, this young girl, who had already been so traumatized by rape, would have further been harmed by parental involvement, but even more so harmed by this Federal law that would keep Momma, Momma, who this little girl lives with, from taking her to a place of safe haven, where they might have consulted with their religious leader, and little Anita to be able to rebuild this young girl's life. Raped.

This bill does not answer the health of the child. This bill does not confront the reality of American life, where children live in homes where there is no parent. This bill does not confront the constitutional rights of children and choice and the right to privacy.

This motion to recommit, Mr. Speaker, is a fair motion. How can anyone in this body vote against a grandparent, a loving adult sibling, a minister, a rabbi or pastor or priest or religious leader who would guide and consult with the family? These are the very same rights and privileges that we give to all who claim to live in the bounty of this land.

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This is tragic. It is well known that young people live alone as well, like the one I mentioned, April, the single mother, 16 years old, of a 2-year-old child and whose stepfather abused her and, therefore, no relationship with the natural mother.

We are denying the privileges of a familial situation, and I would ask my colleagues who value this legislation as family values, where is your heart to match the family values? Where is it reasoned that you would deny that grandmother and that adult sibling and that ministerial or that religious leader from helping to protect the constitutional rights that exist?

Mr. Speaker, I ask my colleagues to instruct by a motion to recommit this bill to go back and be able to emphasize family values for real, with a heart.

Mr. Speaker, I am very disappointed. Here we are, adult legislators who raise families and promote family unity. But yet this bill before us alienates young adolescents from their families and people that care about them.

H.R. 476, the Child Custody Protection Act, would criminalize anyone transporting a minor across state lines if this circumvents the state's parental involvement laws.

While I strongly oppose this bill, I offered amendments in Committee that would have at least given a young woman the support of a family member or clergy person during this time. Except that the Democrats were not allowed to offer any amendments to soften the effects of this family-destructing bill. Amendments were the only chance for this bill to assure that the young woman who decides to get an abortion, for whatever reason, has the support of a loving family member or respected member of the clergy. She should not do it alone when she can't. The Majority said that "very often, parents are the only ones that know their child's psychological and medical history. Not consulting with parents can lead to health and safety risks." On the contrary, this bill is detrimental to young women's health.

First of all, legal abortions, particularly early in pregnancy, are very safe—safer than carrying a pregnancy to term. Secondly, studies demonstrate that minors are capable of making competent medical decisions without parental involvement. Further, states that do not permit minors to consent to abortion do permit them to consent to childbirth. If the true purpose of this bill is to protect children rather than to impose another obstacle on young women's right to choose, this anomalous result would be resolved here today.

The Majority continues by saying, "We have a responsibility to protect a child from someone who may be putting his interest ahead of the child's, at a most vulnerable time." This is what this bill does. It takes the political and moral views of the Majority and imposes them on young women who may not feel the same way. If we are concerned about promoting healthy family communication and family values, we will not accomplish that with this bill. Many young women who feel they cannot seek the counsel of their parents turn to other trusted family members when they face a crisis pregnancy. As a matter of fact, one study found that 93% of minors who did not involve a parent were accompanied by someone else in the reproductive health facility.

This bill would criminalize the conduct of a grandmother who helps her granddaughter in time of need. Aunts, uncles, and other trusted family members would face imprisonment if they accompany a young relative across state lines without complying with her home state's parental involvement law. This bill would isolate young women from supportive and protective family members rather than uniting families.

If my colleagues on the other side of the aisle really believe in family unity and cared about their health, then they would have been amenable to the amendments that we attempted to make in order.

That is why I am offering this motion to recommit. Our ultimate goal is to provide access to health care that is in the best interest of the adolescent. This bill prohibits that. My motion is to send this back to the House Judiciary Committee and report back exempting adult siblings, a grandparent, or a religious leader who helps a young woman in this situation. These are adults who care for adolescents and would offer assistance when confiding in their parents is not feasible. My colleagues on the other side say that this bill protects minors who cannot tell their parents because minors can appear before judges and bypass any parental involvement law. Judicial bypass procedures often pose formidable obstacles to young women facing crisis pregnancies. Some anti-choice judges routinely deny minors' petitions.

For example, a judge in Toledo, Ohio, denied permission to a 17-year-old woman—an 'A' student who planned to attend college and who testified that she was not financially or emotionally prepared for motherhood at the same time. The judge stated that the young woman had "not had enough hard knocks in her life."

Mr. Speaker, if we really care about the health and well-being of our young citizens, then we must send this bill back.

Mr. CHABOT. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, these individuals that are referred to in this motion to recommit, siblings and grandparents and religious leaders, ministers, that sort of thing, do not have the authority now to authorize any medical procedures for a minor child or to council or guide that child as she makes important medical decisions. So why should the fundamental rights of parents to consult and advise their pregnant daughters be thrown aside, only in the context of abortion?

The purpose of this bill is to ensure that the rights of parents to be involved in their daughter's abortion decision is not interfered with. Judicial bypass procedures contained in all parental notice and consent statutes allow a pregnant minor in some circumstances to obtain an abortion without having notified or gained the consent of her parent or legal guardian in cases of sexual abuse or incest and those types of things, for example. Those who want to add these exemptions have a fundamental problem with the underlying State laws that only provide parents a right to consent to or receive notice of this procedure. The inclusion of these individuals is a matter for each individual legislature to decide, not Congress.

The purpose of H.R. 476 is to enforce State laws as they are. If extended family members or religious leaders are truly interested in the best interests of the pregnant young girl, they will encourage and support her as she takes the difficult step to either inform her parents or guardian about her pregnancy, or to pursue a judicial bypass. It is certainly not in the best interests of a pregnant young girl for anyone, including a religious leader or extended family member, to assist her in evading the laws of her home State and secretly transporting her miles away from those who love her most in order to undergo a potentially dangerous procedure that carries with it serious medical consequences, serious long-term consequences.

Parents are in the best position to make decisions about their minor children. Parents have their children, they love their children, they nurture their children, they care for them. They are in the best position, not anybody else.

For these reasons and others, I urge my colleagues to vote against this motion to recommit.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong opposition to this motion.

I would remind my colleagues that this motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) is essentially the same as the one that was offered back in 1999, and it was defeated by this body 164 to 268. This motion again seeks to cut out the parent. And the parent, as the gentleman from Ohio (Mr. CHABOT) just pointed out—not the religious leader, not some grandparent, not a sibling that happens to be an adult—is the legal guardian. If there is a problem, if there is some kind of injury that results as a result of that abortion, who is responsible? It is not going to be the brother or the sister. It is certainly not going to be the grandparent. It will be the parent. We should not cut the parent out of parental involvement by refusing them consent or knowledge about an abortion.

Mr. Speaker, this legislation has been very carefully crafted by the gentlewoman from Florida (Ms. ROS-LEHTINEN) and members of the Committee on the Judiciary. This is a killer motion, and I hope it will be defeated.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support of the motion to instruct conferees on the issue of payment limitations which the distinguished gentleman from Michigan (Mr. SMITH) has offered.

It is clear that strong payment limitation language would improve the integrity of the farm program payments and help to retain public support for these programs essential to rural areas. Making this change will also help prevent the overwhelming consolidation of farms that has resulted in a decrease in small- and medium-sized family farm operations. The savings achieved from this provision could then be directed to other worthwhile agricultural programs.

A survey conducted by 27 land grant universities found that 81 percent of the agricultural producers across the country supported placing limits on support payments thereby directing dollars to where they are actually intended. Furthermore, a 2001 General Accounting Office report found that in recent years, more than 80 percent of farm payments were made to large- and medium-size farms. In 1999, for instance, 7 percent of the nation's farms—those with gross agricultural sales of $250,000 or more—received about 45 percent of the payments. With Congress facing so many spending priorities, we must demonstrate to our constituents that we are using taxpayers' money more efficiently.

It is important to note that this motion to instruct expresses support for redirecting these funds to agricultural research and conservation. Our choice is clear—we can continue to funnel millions of dollars to some of the wealthiest farms or we can make an investment in the future of agriculture which will benefit all producers and all Americans.

Mr. Speaker, this Member strongly supports the motion to instruct and encourages his colleagues to vote for it.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage, followed by a 5-minute vote, if ordered, on approving the Journal.

The vote was taken by electronic device, and there were—yeas 173, nays 246, not voting 15, as follows:

[Roll No. 96]

YEAS—173

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Harman
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—246

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barton
Bereuter
Berry
Bilirakis
Blunt
Boehner
Bonilla
Bono
Boozman
Borski
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox

Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauzin
Terry
Thomas
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Bartlett
Clement
Clyburn
Dingell
Hastings (FL)
Jones (OH)
LaTourette
Miller, George
Pryce (OH)
Ryan (WI)
Taylor (MS)
Taylor (NC)
Thornberry
Traficant
Watt (NC)

□ 1344

Messrs. KILDEE, RAHALL, ORTIZ, MCNULTY, BILIRAKIS and STUPAK changed their vote from ''yea'' to ''nay.''

Mr. GILMAN, Ms. SANCHEZ, and Messrs. GREENWOOD, SHAYS, and FORD changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. LANGEVIN. Mr. Speaker, my vote was recorded incorrectly on the motion to recommit on H.R. 476. My vote would be a ''no'' on the motion to recommit.

The SPEAKER pro tempore (Mr. LINDER). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 161, not voting 13, as follows:

[Roll No. 97]

AYES—260

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

NOES—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Foley
Frank
Frost
Gephardt
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Harman
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kaptur
Kennedy (RI)
Kind (WI)
Kirk
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Barcia
Callahan
Clement
Clyburn
Dingell
Dunn
Hastings (FL)
Jones (OH)
LaTourette
Pryce (OH)
Thornberry
Traficant
Watts (OK)

□ 1354

So the bill was passed.

The result of the vote was announced as above recorded.

Stated for:

Mr. CALLAHAN. Mr. Speaker, on rollcall No. 97, I was unavoidably detained. Had I been present, I would have voted ''aye.''

Mr. WATTS of Oklahoma. Mr. Speaker, my vote was not recorded on the Child Custody Protection Act, vote No. 97. I ask that the RECORD reflect that had my vote been recorded, I would have voted ''aye.''

Mr. BARCIA, Mr. Speaker, due to an unavoidable conflict I was unable to cast a vote on rollcall No. 97, question: on passage of H.R. 476, the Child Custody Protection Act. I ask that the RECORD reflect that if I were able to cast my vote it would have been ''aye.''

Ms. KILPATRICK. Mr. Speaker, I inadvertently voted ''yea'' on final passage of the Child Custody Protection Act (rollcall vote 97) when I meant to vote ''no.'' Please let the RECORD reflect my true intention and note this statement in the appropriate place in the CONGRESSIONAL RECORD.

THE JOURNAL

The SPEAKER pro tempore (Mr. LINDER). Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal.

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

RECORDED VOTE

Mr. KENNEDY of Minnesota. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 51, not voting 22, as follows:

[Roll No. 98]

AYES—361

Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—51

Aderholt
Baird
Blagojevich
Bonior
Borski
Brady (PA)
Brown (FL)
Capuano
Condit
Costello
Crane
DeFazio
Delahunt
English
Filner
Fossella
Green (TX)
Gutknecht
Hefley
Hilliard
Jackson-Lee (TX)
Kennedy (MN)
Kucinich
Larsen (WA)
Lewis (GA)
LoBiondo
McDermott
McNulty
Meek (FL)
Menendez
Miller, George
Moore
Oberstar
Olver
Pallone
Peterson (MN)
Sabo
Schaffer
Schakowsky
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Weller
Wicker
Wu

NOT VOTING—22

Abercrombie
Ballenger
Carson (OK)
Clayton
Clement
Clyburn
DeLay
Dingell
Doggett
Frelinghuysen
Greenwood
Hastings (FL)
Jones (OH)
LaTourette
Nethercutt
Pryce (OH)
Rush
Smith (MI)
Solis
Thomas
Thornberry
Traficant

□ 1402

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1403

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. DOOLEY of California. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2646 tomorrow.

The form of the motion is as follows:

Mr. DOOLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed:

(1) to agree to the provisions contained in section 335 of the Senate amendment, relating to agricultural trade with Cuba.

PERMISSION FOR SPEAKER TO POSTPONE FURTHER CONSIDERATION OF MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that during consideration of the motion to instruct offered by the gentleman from Michigan (Mr. SMITH), the Chair may postpone further consideration of the motion to a time designated by the Speaker.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. SMITH of Michigan. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed—

(1) to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and

(2) to insist upon an increase in funding for—

(A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and

(B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentleman from Arkansas (Mr. BERRY) will be recognized for 30 minutes each.

The Chair will also announce that at 2:45 we will conclude temporarily the business of the House. So if we are not finished, we will come back to it.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to yield

half of my time to the gentleman from Michigan (Mr. BONIOR) for purposes of control.

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

There was no objection.

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

Mr. Speaker, what we are talking about this afternoon is should we have payment limitations on farm subsidy programs. We have a situation in law now that allows a loophole so there are no payment limitations in terms of price support programs. Just to be somewhat specific, we have loan deficiency payments, we have marketing loans, and there are limits on those marketing loans and those LDPs, loan deficiency payments.

However, once that maximum is reached, there is a loophole. There is an end run that can be achieved by farmers, and that is through the nonrecourse loan where they can either forfeit the nonrecourse loan where they give the government possession of that particular crop and they keep the money. The money they keep is exactly the same subsidy benefit as they would have achieved through a marketing loan or a loan deficiency payment.

So what we have ended up with is many farmers getting millions of dollars in payments, and let me say why I think this is so important that we have some limit on these payments. This is doing farmers ill-will throughout the United States. We have had a lot of publicity on these millionaire farmers getting all of this money from government subsidy programs. We have had all of this publicity on landowners getting subsidy payments, sometimes in the millions of dollars; and not only does that affect what happens to farm programs here at the Federal level, but it also affects the reaction of local municipalities when they are discussing property tax and State laws that might help farmers. There is a negative image because of the publicity and because of the fact that a lot of these huge landowners and megafarms are getting megabucks.

With that, Mr. Speaker, I would strongly suggest that we move ahead and unanimously support this motion to instruct that says we should go ahead with the Senate version of payment limitations in their part A of the bill, and that we should use some of that money for expanding agricultural research programs and increasing conservation programs.

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

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

Mr. Speaker, I particularly appreciate one more opportunity to come before this House and talk about the fabulous job that the American farm does every day and has done since the beginning of this great Nation. I am always amazed and surprised at the people that some way or other have gotten the idea that the best way to keep the American farmer down on the farm is to starve him to death.

I hear people come to the floor and talk about millionaire farmers. I see these stories in the paper that talk about all of the payments that these farmers get, and I am intimately familiar with some of these situations. These stories are simply not true. They have payment limits imposed on them, and they comply with the payment limits. In the end what happens is under the current system the American farmer is the most productive, the most incredible production machine that there has ever been in the history of the world.

At the same time, for good reasons I am sure that the Members that are proposing that this amendment be accepted and that this instruction be made, they have good intentions. They mean well. They think that they are doing the right thing. They just simply do not understand what it takes to produce the food and fiber for this country, and a good portion of the rest of the world.

If our farmers are taking advantage of the farm programs as they exist today and as they have been proposed by the House of Representatives in the bill that we passed, if they are doing such a terrible job of taking advantage of the U.S. Government, why are they going broke every day? Why does every farmer in the First Congressional District feel like they are just about to lose everything they have? Why does no one want to get into the business? Why do the children not want to get into the business? The list of things that indicate that American agriculture is threatened and our ability to feed this Nation and to clothe this Nation without importing monstrous amounts of food and fiber, why is that threatened if things are going so well and these farmers are being so well taken care of by the government?

Another problem that I have with this motion to instruct, Mr. Speaker, is that it is an obvious attack on women. It would provide that a woman could only draw a small fraction of what a payment limit is, but a man can draw a lot more. Over four times as much. That is just simply unfair.

I cannot imagine that this House or this Congress would be willing to promote such an idea and take advantage of the great women that have worked right along with their husbands to build American agriculture into what it is today. That is something that I find absolutely offensive, and I cannot believe that we would disenfranchise one more time in this country the American woman that has worked so hard on the family farm.

It creates a situation where a family would be better off if a man and wife were divorced. It would put people in a position where they would have to make that decision. All of these things are part of what is bad about this bill. I urge this House to think about it very carefully.

Mr. Speaker, we talk a lot today about national security. Over and over, every day we hear about national security on this House floor, in the Senate, from the White House. All of the media is full of national security issues. We all are very aware of the problem we have because we have to import too much oil from offshore.

We are in danger of creating that same situation if we allow this motion to instruct to become part of the farm bill. We are creating a situation where the American farmer simply could not have the safety net they need to stay in production in times like this when prices are low, the value of the dollar is so high that they are almost held out of the export market.

Mr. Speaker, I urge Members to vote ''no'' on this motion to instruct.

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

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

Mr. Speaker, I thank the gentleman from Michigan (Mr. SMITH) for raising this important issue today. I appreciate his leadership on this, as well as those who worked very hard on this last fall: the gentleman from Wisconsin (Mr. KIND), the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Maryland (Mr. GILCHREST).

The problem with this farm bill is that it would reward the largest corporate farmers with $120 billion in Federal handouts; yet it will provide less than a third of that for conservation.

Now, back in 1930, 70 percent of Federal support for agriculture went to conservation because we realized we were losing our topsoil and our prime agricultural land. Today's threats are no less real than when there were dust storms. The threats today of overdevelopment and sprawl are real. In Michigan, we continue to lose 68 square miles of prime agricultural land every year. That is the size of two townships in our State. We are going to lose our agricultural base at this rate. Large unchecked combine animal feeding operations in the southwestern part of our State are raising serious environmental health and safety concerns. Sediment from agriculture is a major source of pathogens and other contaminants in our drinking water.

All we have to do is remember what happened a few years ago in Milwaukee, Wisconsin, where pathogens got into the drinking water; 104 people died in Milwaukee, Wisconsin, as a result of that. The system that we live in in the Great Lakes cannot take it; but it is not too late to turn this around.

We can keep our family farmers in business and protect our water and our wildlife habitat and our environment. Voting for this motion to instruct will begin shifting our priorities and getting us moving in the right direction

again. Our motion will take some of the funds from commodity payments and funnel them into conservation programs and research.

If we take this simple step, we could help smaller family farmers keep their land in farming, and we can protect our environment at the same time. We need to put more money into farm land preservation programs. This will help States protect farm lands from overdevelopment. We need to provide financial incentives to finance purchasing development rights so that farmers can afford to keep their lands in agricultural production and not sell off to developers. We need to put funding into the wetlands reserve program to protect wildlife habitat, and ensure that wetlands are there to filter bacteria and pollutants long before they enter our lakes and rivers.

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Mr. Speaker, they are the natural barriers of filtration. They are the filtration. We cannot build anything better than what nature gives us. It is in our own economic interest to encourage farmers to set aside these wetlands.

We need to put funding into the environmental quality incentive programs that help us protect our water quality from nitrates and pathogens. In our State, we use 250,000 tons of nitrate a year that run off our farms, into our waters, and cause algae and seaweeds to grow at such a rapid rate that it chokes off our canals, our lakes and our streams. And then we have the problem of pollution and trapping of sewage in our lakes and streams causing closings of businesses. We know the cycle there. Pathogens like cryptosporidium pose a human health risk and even can cause death, as I have mentioned in Milwaukee. So this is very serious stuff.

Providing farmers incentives to reduce their use of nitrates and use alternatives to pesticides are commonsense steps that we can take to protect our water quality and to protect our health. If we do not take these steps, Mr. Speaker, we are going to pay for them later. We will not have enough farmland to grow enough food to feed our population. We will have to increase costs for roads and sewers and police and fire protection in areas where growth and development occur. Our urban cores will continue to lose population and the tax base leading to an inability to fund adequate services.

You can see all of this happening and all of this coming. All you have got to do is open your eyes and look around and see all the big box department stores, the strip malls and the golf courses in our part of the State.

My wife and I did a walk around our district a few years ago. We were out in the country. I have a lot of agriculture in my district, Mr. Speaker, as does the gentleman from Michigan (Mr. SMITH). We stopped by a farmer working in the field just to chat with him. He was eating his lunch. He had an orange in his hand. He took that orange, he had his hand around it, and he said, ''See where my thumbnail is around this orange? That's what's left of our prime agricultural land on the planet today.'' We are losing it an alarming rate. We have got to get back to the conservation, to deal with the basic levels of conservation in order to preserve it for tomorrow.

I want to thank my colleague the gentleman from Michigan (Mr. SMITH) for introducing this motion to instruct. It is a very important motion. The Senate has acted, I think, quite well and honestly in moving in this direction. The House needs to do the same.

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

Mr. SMITH of Michigan. Mr. Speaker, I yield myself 35 seconds.

Let me react to the agricultural leader from Arkansas, that the people that are offering this amendment do not understand farm programs, and I would just suggest, I have been a farmer all my life, a director of the Michigan Farm Bureau. I understand farm programs. To respond to your question why are farmers going broke, it is because Federal agricultural programs encourage more production, and that more production comes from the largest farmers. This amendment helps the smaller farmer. It limits the amount of subsidies that can go to those huge megafarms.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

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

Mr. GANSKE. Mr. Speaker, I speak on behalf of the motion to instruct conferees on the section of the farm bill dealing with payment limitations. I commend the objectives of the Grassley amendment in the Senate and I believe we should encourage Members of the House serving on the farm bill conference to accept the language as it was adopted in the Senate version.

The Grassley amendment would place a cap of $275,000 on the amount that could be received in Federal farm support payments in a year. This is in contrast to the House bill and the Senate bill as it was introduced. Both pieces of legislation would have actually increased the cap from the current level of $460,000.

During the previous House debate on the farm bill, I did not support an amendment which dealt with only one aspect of the problem and which would have left the increase in the cap to $550,000 intact. I believe, however, that the comprehensive approach of the Grassley amendment is a more balanced and fair way to address the growing problem.

I have on many occasions commended Chairman COMBEST and Ranking Member STENHOLM for the civil and nonpartisan fashion in which they have conducted their approach to the House farm bill. That has been in sharp contrast to the sometimes bitter process in the other body. However, in this instance, the Grassley amendment was passed with a bipartisan coalition of 66 Senators. I believe the provision would be a positive addition to the final farm bill product and in the best interests of Iowa farmers.

Mr. BERRY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I agree wholeheartedly with the gentleman from Michigan that there should be some reform of payment limitations. I do not think anyone disagrees with that. However, I do rise to oppose the motion.

I would like to point out to the gentleman from Michigan that the House version of the farm bill does increase conservation payments by 80 percent. EQIP, which addresses primarily clean water, clean air standards, is increased by 600 percent, from $200 million to $1.2 billion. Also, research is substantially increased, both versions, the House and the Senate. So I believe that those issues are being addressed.

What I would like to point out is that the House Committee on Agriculture went through a 2-year process in formulating this farm bill. They had 47 hearings all around the country. It was a bipartisan bill. It was passed by a large majority on the House floor, 291–120. The other body, I think, has worked hard but primarily has done a bill within the last couple of months. It has been somewhat of a rushed process, I think most people would agree, and so therefore I am a little bit reluctant to accept the other body's version without careful thought, without making sure we have really understood fully what the circumstances are and what the repercussions might be.

Currently the conferees are working hard. It is a complex issue. I am confident they will reform the payment limitation process. I would like to see them given the opportunity to work through the process. I think this is very important.

The Environmental Working Group and their Web site that oppose the payments that farmers have received I think has led to a great deal of misunderstanding throughout the country. We have seen editorials, we see public opinion and all of these things that seem to be very much against commodity payments. However, I would like to point out that the payments that are posted on those websites do not constitute profit. People see a $500,000 payment and they assume that the person receives a $500,000 profit. Many people that I know who are receiving fairly large payments are still operating in the red. In my area of the country, almost every farmer will tell you that without farm payments, they would go under very quickly. Bankers will tell you that. It is not just farmers. So it is important that this is something that we understand the nature of it. The Web site has been very

divisive. We lost 1,000 farmers in the State of Nebraska last year. So if it was such a windfall, it certainly would not reflect in that type of a figure, of 1,000 farmers in a relatively small State populationwise.

I would like to just amplify what the gentleman from Arkansas mentioned earlier, which I think a lot of people do not think about. In the European Union, the average payment to farmers is $300 per acre. I have been to Brazil recently. Many people have who are interested in agriculture. You can buy very good agricultural land, equivalent to what we would pay $3,000 an acre for, for $100 to $500 an acre. The labor cost over there is 50 cents an hour on the average. And so we are asking our farmers to compete with the European Union where the subsidy is $300 per acre, we are asking them to compete with Brazil where the cost of land is very low, they can produce two crops, the topsoil is 50 feet deep and they have no labor cost and no environmental cost. So I am saying that the $38 an acre that we have been paying our farmers is not badly spent.

The last thing I would mention was, I think, in some congruence with what the gentleman from Arkansas was mentioning. That is, that about 15 or 20 years ago, we found that we could buy petroleum from OPEC for $10 a barrel. And so we were glad to oblige them. As a result, we have shipped our petroleum industry overseas. We quit exploring, we shut down much of our production, many of our refineries, and so now we find ourselves all of a sudden almost 60 percent dependent on foreign oil. We are in a situation where everyone realizes that all we have to do is light the tinderbox in the Middle East and we have got a real problem. We can do the same thing to agriculture. We can do it very easily. We can say we are going to just forget about these commodity payments, they are evil, they are large, only rich guys get them. Most of the people that I know are not rich people that are receiving these.

And so I am not arguing that we do not need reform. I agree totally that we do. I am just saying, let us take this thing and think it through. Let it go through the process and let us not just automatically accept the other body's view of what needs to happen because I have great confidence in the conferees that we have working at it right now.

Mr. SMITH of Michigan. Mr. Speaker, I would like to welcome to our Chamber Senator GRASSLEY. He is the sponsor of the Grassley-Dorgan amendment.

Mr. Speaker, I ask unanimous consent that his statement be inserted into the RECORD at this point in the testimony.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman should not refer to the presence of a Senator. House rules do not provide for a Senator's statement to be inserted in the RECORD except as authorized by clause 1 of rule XVII.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the statement be inserted under my name.

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

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, with us is Senator CHUCK GRASSLEY of Iowa, one of the sponsors of the Senate payment limitation amendment. These are his comments during debate on the Senate bill amendments for payment limits to the largest farms.

Mr. President, I stand before you today to offer one the most important amendments for the family farmer we have ever considered. There have been a number of important amendments already considered during the farm bill debate, and a couple have been adopted, but if we are truly sincere about improving this farm bill for the family farmer we have a golden opportunity in front of us right now.

The farm bill reported by the Senate Agriculture Committee fails to adequately target assistance to family farmers and will disproportionately benefit our nation's largest farms. In fact, this farm bill unnecessarily increases the payment limitations established in the Freedom to Farm Act which allowed an individual to receive nearly a half million dollars through subsidy payments.

Moreover, the Committee bill fails to address the use of generic commodity certificates which allow farmers to circumvent payment limitations. In recent years, we have heard news reports about large corporate farms receiving millions of dollars in payments through the use of generic certificates. Generic certificates do not benefit family farmers but allow the largest farmers to receive unlimited payments.

I am pleased to join my colleagues, Senators Dorgan, Johnson, Hagel, Lugar, Fitzgerald, Ensign, Durbin, and Wellstone in support of this amendment to establish reasonable payment limitations. Our amendment would more effectively target the assistance provided by this legislation to small and medium-sized family farms.

Senator Dorgan and I have worked together to make this amendment what it is right now. Without Senator Dorgan's efforts we would not have the broad, bi-partisan coalition supporting this amendment we currently enjoy. I know how hard Senator Dorgan has worked in his own caucus to generate support for this vital issue and how crucial his input was in the drafting process and I appreciate his efforts.

With that said, let's talk about the specifics of the amendment. Our amendment would limit direct and counter-cyclical payments to $75,000. It would limit gains from marketing loans and LDPs to $150,000, and generic certificates would be included in this limit. The amendment would also establish a combined payment limitation of $275,000 for a husband and wife.

Americans recognize the importance of the family farmer to our nation and the need to provide an adequate safety net for family farmers. In recent years however, assistance to farmers has come under increasing scrutiny. Critics of farm payments have argued that large corporate farms reap most of the benefits of these payments. This amendment will fix that problem.

In addition, we will apply the savings provided by this limitation against other significant problems our producers currently face plus agriculture research, crop insurance, Beginning Farmer Loans, and food stamps. In fact, we put a large share of the savings in the Food Stamp Program.

This amendment would increase Food Stamp spending by $810 million over ten years. The amendment would improve the current proposal to increase and improve the standard deduction, help provide more assistance to families that pay large portions of their income on rent and utilities and make it easier for more people to participate in food stamp employment and training program by lifting the cap on transportation reimbursements.

Senator Dorgan and I have chosen to spend a significant portion of the savings in this amendment on Food Stamp programs. We feel strongly that these dollars are well spent. For instance, we are trying to help low-income families by not making them choose between eating or paying the heat bill.

I know that this issue is very important for my colleagues from the Northeast, but this is an issue that all senators from seasonally cold weather areas should be concerned. Many low-income families spend large portions of their income on shelter expenses. As families struggle to pay for their housing, they will face problems paying for food, which can have an adverse effect on family members, health and children's development.

My amendment would eventually eliminate the arbitrary cap set on the shelter deduction which currently has the effect of treating some money that a family must spend on housing costs as available to meet its food needs. There isn't anyone that can say that we are not doing the right thing by fixing this problem. Even if the rest of this amendment wasn't as popular as it is, my colleagues should support it because of the inclusion of this provision.

We will also extend eligibility for Loan Deficiency Payments (LDP) to farmers who produce a contract commodity on a farm not covered by a Production Flexibility Contract (PFCC). The Agricultural Risk Protection Act of 2000, which we passed into law last year, furnished LDPs to farmers who produced a 2000 crop contract commodity on a farm not covered by a PFC.

In Iowa there are 6200 farms that do not participate in the farm program. Non-participating farms are classified as farms not enrolled in 1996 at the beginning of the program, or farms that changed hands during the farm bill that were not properly re-enrolled.

Not all of the 6200 non-participating farms will choose to use and benefit from an LDP,but for the family farmers in Iowa who are not in the program, guaranteeing close to $1.78 on corn and $5.26 on soybeans is significant assistance.

With the record low prices Iowa producers have experienced recently, I think that the federal government should do everything it can to keep producers on the farm. This by no means solves all their problems, but it helps and it's something we should have done for these individuals on a permanent basis when we provided a one-year opportunity for participation in the LDP program last year.

In addition, we extend eligibility for LDPs to farmers who have lost beneficial interest in their commodity. We previously passed a similar one-year extension in the Agricultural Risk Protection Act. This is only meant to extend this opportunity until the 1996 farm bill comes to an end.

I would like to commend Senate Roberts for his leadership on this issue. In June, he introduced stand-alone legislation to address this issue and has clearly been the leading advocate on this issue in the Congress.

Mr. President, I will conclude my remarks by stating again that I feel strongly the Agriculture Committee bill fails to effectively address the issue of payment limitations. Therefore, I urge my colleagues to support this amendment which will help to restore

public respectability for federal farm assistance by targeting this assistance to those who need it the most.

This amendment has been endorsed by 35 groups. That list includes the California Institute for Rural Studies, California Sustainable Agriculture Working Group, Center for Rural Affairs, Church Women United (NYS), Community Alliance with Family Farmers (CA), Community Food Security Coalition, Environmental Working Group, Evangelical Lutheran Church in America, Illinois Stewardship Alliance and the Kansas Rural Center.

Land Stewardship Project (based in Minnesota), Michael Fields Agricultural Institute (WI), Michigan Agricultural Stewardship Association, Michigan Integrated Food and Farming Systems, Minnesota Project, National Family Farm Coalition, National Farmers Union, National Grange, National Campaign for Sustainable Agriculture and the National Catholic Rural Life Conference.

NOFA—NY, North Dakota Council of Churches (Rural Life Committee), Northern Plains Sustainable Agriculture Society, Ohio Citizen Action, Ohio Ecological Farm and Food Association, Rural Advancement Foundation International (USA), Rural Coalition, Rural Roots (ID), Sustainable Agriculture Coalition and the Union of Concerned Scientists.

United Methodist Church (General Board of Church and Society), Washington Sustainable Food and Farming Network, Washington Tilth Producers, Western Sustainable Agriculture Working Group, Center on Budget and Policy Priorities, America's Second Harvest, Food Research and Action Center and Bread for the World.

This is no time to be making backroom deals or playing games. This is going to be our one shot at this issue and we all know it. Look at what we have already accomplished on the Feingold/Grassley amendment limiting mandatory arbitration and the Johnson/Grassley amendment banning packer ownership. Senators Feingold and Johnson knew those were important issues to family farmers and helped me to offer amendments in a bipartisan fashion.

It's time to do the right thing again, support payment limitations and support the family farmer. Help Senator Dorgan and I restore integrity to the programs, reduce pressure on rents and land prices, dampen overproduction, raise farm income, and help maintain family farms and the culture that surrounds our rural communities. In addition, we will be funding additional nutrition crop insurance research and development, and ag.

Mr. BONIOR. Mr. Speaker, I also would like to welcome the distinguished gentleman from Iowa whom I had occasion to serve with in this body and appreciate all his good works.

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

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in allowing me to speak on this motion.

Mr. Speaker, it is hard to imagine anyplace outside of the Beltway where having a subsidy of $275,000 limit is starving people to death. Yes, it is possible that people in this current system are involved with slowly spiraling down into greater and greater debt. Overproduction, my colleague from Michigan talked about that, where we are encouraging people to plant crops, overproduce, driving down the cost and leaving the problem either for the individual to bear the burden or for the taxpayer. There is a better way.

There is the opportunity here with this motion to instruct for us to be able to deal with how we spend the money more wisely. There is no reason that we cannot help producers around the country do things that will make a difference to help them stay in business. It is expensive to be able to comply with water quality, to be able to change some agricultural practices. There are people that are being driven around the country into subdividing farms because of market pressures. We can have money for conservation payments, for purchase of development rights, to be able to help them stay in business.

The current system, with its lavish spending, is not stopping the loss of farms. We just heard in Nebraska, a thousand farms went out of the hands of family farmers. We are having a system now without the limitation that it drives the incentives toward larger and larger activities, more and more overproduction for a few commodities, and then in my State where there are row crops, where there are specialty crops that do not get the help, there are people that are literally bulldozing orchards because they cannot afford to maintain it. This is goofy.

We should go along with this motion to instruct to be able to have the support for the Senate efforts for conservation. Remember, on this floor earlier, my colleague from Wisconsin, there was a broad cross-section, the gentleman from Maryland (Mr. GILCHREST) and others, had a strong showing, there is a strong basis of support for increasing conservation payments, limiting commodity. It narrowly was defeated here. It was passed in the Senate. That is no justification for the conferees to dramatically cut back on conservation payments.

What we are going to face here as we continue to have celebrity farmers from Beverly Hills to Houston to Denver in the last 5 years got over a half billion dollars, we can crank down on that. We have the wherewithal to be able to limit payments to families. We do not have to be discriminating against one sex or the other. We can make sure that we are going to be able to have the help to the people who need it the most. But $17.1 billion for conservation programs means that people are going to be lining up, they are not going to get the money that they want, we are still going to lose family farms, and the taxpayer will pay the bill.

Mr. SMITH of Michigan. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding time. It is interesting to hear this debate, to hear the other side say, ''Well, nobody's getting payments over $275,000. That's just a myth. That's just something we hear out there that's in the press. Nobody really does that.''

If that is the case, then why oppose this motion? I commend the gentleman for bringing it forward. In my view, we ought to get back to the Freedom to Farm Act of 1996. We ought to be moving in the other direction. That is my position. But this motion makes what I believe is an obscene farm bill just a little more palatable. I would urge support of it and encourage the other side, hey, if it is true that nobody is receiving these payments, that if Scottie Pippen who makes $18 million a year posting up for the Portland Trail Blazers is not making another $150,000 digging postholes apparently around his Arkansas farm, if that is not the case, then, hey, support the motion.

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It is not going to hurt anybody. But if it is the case, then, by golly, we ought to put a stop to it. With that, I urge support for the motion.

Mr. BERRY. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Arizona.

This particular motion to instruct would actually help the Scottie Pippens of the world. It would add more money to that program.

I would also add at this particular time, I stand by my statement that the people that support this motion to instruct do not understand agriculture and the high-technology business that it is today. It will be a long time before anybody can positively change my mind on that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman from Arkansas for yielding me time.

Mr. Speaker, I rise today to oppose this motion to instruct. This same motion, as a resolution, was voted down by a vote of 238 to 187 simply under a different name. Here we go again.

Our farm families need a new farm bill. I am a member of the Committee on Agriculture. I come from a district in south Arkansas where agriculture is a huge part of our economy, and I can tell you that our farmers need a new farm bill. They do not need it today, they do not need it tomorrow, they needed it last year. And this body in this very Chamber approved a good farm bill last year. Now it is stuck in conference, gutted with amendments that will totally destroy farming in America and farming in Arkansas as we know it today.

We already have payment limits. And for the gentleman that mentioned we need to go back to the days of the Freedom to Farm bill, that is what we are living under now; and we have fewer farm families today than ever before.

It is pretty obvious to me that the majority of those who passed Freedom to Farm simply did not get it; they did not understand farming in rural America. In fact, it should have been renamed, Freedom to Fail, because that is exactly what has happened. We have lost many good farm families because

of that so-called Freedom to Farm bill passed back in 1996. It was so horrible, that is why we are here 1 year early trying to pass a new farm bill.

We already have payment limits. Our farm families are also small business owners, and they make decisions based on land, crops, equipment, loans, employees, based on the current payment limits, based on the farm bill. To change those rules for them will require many of them to file bankruptcy, laying off 10 or 12 employees.

I recently was at the annual Watson Fish Fry in Watson, Arkansas; and a gentleman came up to me, a grown man, with tears in his eyes, as he talked to me about how, just that morning, he had filed bankruptcy and laid off 10 employees, eight of whom had been working for him for over 20 years.

Mr. Speaker, we have a farm crisis in America.

I recently called another farm family to tell them I was sorry to learn that they were forced to sell; and when I reached the gentleman, guess where he was? He was at another farm family's auction, and that was the morning after the Senate amendment was put on the farm bill reducing payment limits. And guess what? Overnight the price of farm equipment at auctions dropped 35 percent.

I was not real good at math, and you do not have to be to understand this: our farm families used to get $8.50 a bushel for rice. Today they are getting $1.50. Cotton, it costs them 60 cents to grow it. If they are getting 30 cents today, they are doing good.

Our farmers do not want to be welfare farmers. They do not want to be insurance farmers. They simply need a basic safety net to help them survive when market prices are down and when our government does crazy things like imposing sanctions and embargoes on them.

The sanctions and embargoes against Cuba, that happened the year I was born, 40 years ago. Cuba is still getting rice. They are just not getting it from Arkansas farmers; they are not getting it from American farmers. They are getting it from China. They want to buy our rice. They can get it in 4 days as opposed to a month.

Our government does have a duty and an obligation and a responsibility to these farm families to assist them when market prices are down, when we are using them as a weapon. We have a strong defense in this country, and we need to make it stronger. We have watched what the military might of this country can do in Afghanistan and around the world. When we want to punish someone, let us help them using our military, but let us stop turning our farm families and their crops into a weapon.

The issue of payment limits, let me tell you that if you take a look it and you hear the talk that, well, we need to reduce payment limits so we will quit overproducing, I cannot believe that anyone would think that we are overproducing in a world where people go to bed every single night hungry. People are starving to death.

We need fair trade. We need to remove sanctions and embargoes. We need to open up these markets. If we do that, we will not be overproducing; and if we do that, the prices will go back up at the market, and these farm families will not need our help. But as long as we stand in their way of doing what they do best, and that is feed America and feed much of the world, then, yes, they need our help, they need a new farm bill. They do not need this motion to instruct.

Mr. BONIOR. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Wisconsin (Mr. KIND), who has been a great leader on this issue.

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

Mr. KIND. Mr. Speaker, I thank my friend from Michigan for yielding me this time and the leadership he has shown on this issue, as well as my friend, the gentleman from Michigan (Mr. SMITH), for the courage to bring this motion forward.

I along with Representatives BOEHLERT, DINGELL and GILCHREST, helped assemble a coalition last fall, Mr. Speaker, a bipartisan coalition, an urban-suburban-rural coalition, offering to do basically what this motion to instruct suggests, and that is taking a look at the current subsidy program, the income support program that exists in this country, and seeing if there was a way of moving some of the subsidy payments from the biggest of the big producers in this country, the upper 2 percent, over 97 percent of the farmers in this country would not have been affected by the conservation title amendment that many of us offered last fall, and see if we can move some of these limited, precious resources into other areas to benefit all family farmers in all regions of the country.

It did pull up a little bit short. We had 200 votes. Nevertheless, I think it was a strong showing of the need for this type of new approach in agriculture policy.

This motion today is about developing a sensible and sustainable farm policy for all of our family farmers, but also for our communities. This motion is not about attacking family farmers. This motion is not about attacking the women in this country. It is about good economic policy, because right now we are operating under a perverse economic farm policy, one that pays more money to big producers based on how many acres they plant and how much they produce in a certain category of crops.

This distorts the marketplace. This encourages production, not based on market price and what the market can bear, but, rather, based on the government paycheck. And we are seeing this across the country throughout all of our districts.

I still have roughly 10,500 family farms in my congressional district alone in the State of Wisconsin. We have roughly 60,000 family farms in Wisconsin. This motion to instruct would affect 14 farms in my State; and yet, because of the way the farm bills in the past have been produced, where 90 percent of farm bill funding goes to a few producers, producing the, quote-unquote, ''right commodity crop,'' it distorts the marketplace. It encourages overproduction and oversupply, and then a plummeting of commodity prices as we have seen over the last few years, and then either farmers having to file bankruptcy and forced out of business, or for there to be farm relief bills, multi-billion farm relief bills coming before Congress every year to do something about it.

I would submit that a farm policy that only provides income support payment to just 30 percent of the farmers and misses 70 percent of the rest of the producers we have in this country is no safety net at all.

This motion really gets to the fairness issue of what we can do with the limited resources we can devote to help our farmers in this country, but in a fair and equitable manner, so all of our family farms in all regions of the country can participate.

A great State like California, the largest agriculture-producing State in the Nation, and if it was a separate country would be one of the top producing countries in the world in agriculture, gets 3 cents on the dollar because they are not producing the right crop in California.

What would this motion to instruct do? It would take the savings between the 275,000 cap, as we are recommending, from the $550,000 that passed out of the House, and apply those resources in voluntary and incentive-based conservation programs so we can not only provide economic assistance to family farmers who want to participate, but also encourage better watershed management, quality drinking supplies and the protection of wildlife and fish habitat.

Anyone who does not think that sound, sustainable conservation practices should not be a major part of farm policy in the 21st century has not been looking at the type of issues I have seen in regards to quality water issues, which is going to be one of the predominant issues facing this Nation in the next 100 years. There is a way for us to be able to assist in that great endeavor, in that great challenge that we all face.

The other part of the motion would devote resources to important agriculture research programs so we can talk about value added and creating wealth within the agriculture industry, rather than the proposed 40 percent cut in agriculture research spending that is currently being proposed in the conference committee.

So, again, I commend my friend, the gentleman from Michigan (Mr. SMITH);

my friend, the gentleman from Michigan (Mr. BONIOR), for offering this motion to instruct; and I would recommend to my colleagues to support this motion and send a message to the conferees that this is the direction we need to move in in farm policy in our Nation.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would announce that the gentleman from Michigan (Mr. SMITH) has 9½ minutes remaining, the gentleman from Michigan (Mr. BONIOR) has 2 minutes remaining, and the gentleman from Arkansas (Mr. BERRY) has 14½ minutes remaining; and that pursuant to the previous order of the House of today, further proceedings on this motion are postponed.

RECESS

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

Accordingly (at 2 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1711

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. HART) at 5 o'clock and 11 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 580, FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–412) on the resolution (H. Res. 390) providing for consideration of the Senate amendment to the bill (H.R. 586) to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. BACA. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct the conferees on H.R. 2646. The form of the motion is as follows:

Mr. BACA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2646, an Act to provide for continuation of agricultural programs through fiscal year 2011, be instructed to agree to provisions contained in section 452 of the Senate amendment, relating to restoration of benefits to children, legal immigrants who work, refugees, and the disabled.

MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

The SPEAKER pro tempore. The pending business is the further consideration of the motion to instruct conferees on the bill, H.R. 2646, offered by the gentleman from Michigan (Mr. SMITH).

The Clerk will rereport the motion.

The Clerk read as follows:

Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed—

(1) to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and

(2) to insist upon an increase in funding for—

(A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and

(B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

The SPEAKER pro tempore. When proceedings were postponed earlier today, the gentleman from Michigan (Mr. SMITH) had 9½ minutes remaining; the gentleman from Arkansas (Mr. BERRY) had 14½ minutes remaining; and the gentleman from Michigan (Mr. BONIOR) had 2 minutes remaining.

Mr. SMITH of Michigan. Madam Speaker, I ask unanimous consent that the time of the gentleman from Michigan (Mr. BONIOR) be returned to my time to be yielded to the gentleman from New York (Mr. HINCHEY) upon his arrival.

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

There was no objection.

□ 1715

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

Just to review from where we were an hour ago, I think it should be made clear to all of our colleagues and the American public that the purpose of subsidies since the beginning, since back in the 1930s when we tried to make sure that the agricultural industry was going to survive, the purpose has been to protect family farmers. Unfortunately, over the years, we have had programs that made it tough for any farmer to survive, because part of the farm policy in this country has been to encourage a little more production than what we need.

The effect of that increased production a little over and above the current market demand meant that prices tended to stay down. So there was an attempt, of course, to keep those prices somewhat low for consumers and what happened in the evolution and the pressures that were put on farms in the United States over these years was that the small farmer was backed up against the wall, the medium-sized farmer felt like if he added a few more acres, then he might be able to send his kids to the same music lessons and schools and have the same benefits as their country cousins, so that medium-sized farmer said, ''Look, well, I'll buy some more land, I'll spend a couple of hours extra a day and try to make it.''

What we have done is had programs that encouraged larger and larger farms. That is part of the reason that we have this motion to instruct today, is to give a little greater relative advantage to the smaller farms by, in effect, saying all of your production is going to be eligible for the price support payments that we have in farm programs.

Where the big, larger farms, the very big farms, we are saying, there is going to be a limit to how much of your commodity that you produce that is going to be eligible for this price protection. Therefore, it is going to have the effect on these larger farmers to think twice about what the market price is going to be if there is no support subsidy price.

The gentleman from Arkansas (Mr. BERRY) and I, we both want to have a situation where we expand markets, where we have better farm prices and hopefully the kind of farm prices that the support payments that are guaranteed in this farm bill will not even be applicable because that is what we are looking at, is better farm commodity prices to keep more farmers in business.

Unfortunately, today about 82 percent of all of our farm subsidies go to just 17 percent of the farms. By providing unlimited subsidies, we have encouraged huge corporate farm operations to get bigger and bigger, squeezing out family farmers. With this we have encouraged excess production that has tended to reduce prices paid to farmers.

That is why I think it is so important that we have some kind of price limit, that somehow, someway, someplace, whether it is a limit of $275,000 as suggested by the Senate or maybe a half a million, but it is bad for farmers, it is bad for the support they get from the American people to have these exorbitant millions of dollars given to some of these megafarm operations.

Madam Speaker, I reserve the balance of my time.

Mr. BERRY. Madam Speaker, I yield myself such time as I may consume. Once again, I want to say how much I appreciate the opportunity to stand before this House and proclaim what a wonderful job and what an extraordinary thing the American farmer is. I know the gentleman from Michigan is a good fellow. I know he means well. He does not intend to hurt anyone. And I have great respect for him. Unfortunately, I would have to say that he just

simply does not understand the food production system in this country and as hard as I have tried to explain it, we still seem to be hung up on this issue.

Let me just tell you what would happen if this motion to instruct were honored by the conferees. We would resurrect the marriage penalty, something we did away with last year. A divorced couple would be eligible for $175,000 more in government subsidies than a married couple. It discriminates against women. It disenfranchises women. Women would get one-fifth of what a man gets when they qualify for farm programs. There is nothing right about that. But one of the worst things it would do, and I cannot imagine that the people that wrote this really knew what they were doing when they wrote it, it would basically impose the death tax.

POINT OF ORDER

Mr. SMITH of Michigan. Point of order, Madam Speaker.

The SPEAKER pro tempore (Ms. HART). The gentleman will state his point of order.

Mr. SMITH of Michigan. Was that a derogatory remark towards the Senators that wrote this language in the farm bill and is that appropriate in the Chamber?

The SPEAKER pro tempore. Members are reminded not to make improper references to the Senate.

Mr. BERRY. Madam Speaker, if I may reclaim my time, I do not remember saying anything about the Senate.

But having dealt with that issue, it resurrects the death tax. In the First Congressional District of Arkansas, people work hard. They save their money. They try to accumulate a small farm. They are able to do that in some cases, and they have been able to do it in the past 60 to 70 years because we had a good, strong farm program. And they pass it on to their widow. That land takes care of that widow until she is gone from this earth. If this motion to instruct were honored by the conferees, we would lose that ability for the widow to benefit from farm programs, because they would not be eligible anymore the way this is written. That is the reason I question the way it was written.

It has been said over and over today that these farm programs cause overproduction. I would try to explain one more time the only reason we need to have farm programs and a safety net for our farmers in this country is to ensure the adequate production of food and fiber so that the American people do not have to depend on production offshore to get enough to eat. If this program is so bad, why do we not have a great accumulation?

We do not have overproduction today. I would also make the point to have enough to eat, you have to have too much, because there is no way to gauge accurately how much crop to plant so that you produce exactly so much that the American people have enough and that they have a reasonably priced food supply and a safe food supply.

What the people that support this motion to instruct do not understand is, if this were allowed to stand, if the conferees accepted this, it would be a dramatic move toward bad conservation, it would cause even more consolidation. The consolidation of American agriculture has not been driven by farm programs. It has been driven by technology. It just simply does not take as many people to produce a pound of food anymore than it did 50 years ago. That has changed. It takes a lot more equipment. It takes more expensive equipment. That is what is driving the consolidation of American agriculture.

We have heard people talk today about how bad conservation needs to be dealt with, and I agree with that. But the fact is poor folks have poor ways. When our farmers are nearly broke, they cannot take the necessary conservation measures that they would like to take and that they know they need to take in some cases.

They are forced to take bad shortcuts. They are forced to do things that they do not even want to do in an attempt to be an efficient producer. Over and over again, we have heard that these payment limits that have been talked about so much, and the fact is we have payment limits today. We have had payment limits since 1985. This is not something new. We have complied with those laws all along.

We will comply with whatever law is written and whatever the House and Senate come out with for a farm bill, out of the conference committee with. But the fact is, that has nothing to do with the size of the farms. What we are talking about here is penalizing the most efficient producers in the world, the people that are really, really good at what they do, we are talking about making it much more difficult for them.

We have to have a safety net, as I said, because it is a national security issue to have enough food supply within our own country. If we do not have a safety net in times like this when the value of the dollar is so high that it takes American producers out of the market through no fault of their own, it is not because of overproduction. It is because the value of the dollar is so high that you can go to Argentina or Brazil and buy half, again, as much product as you can in the U.S. for the same amount of money.

When our farmers are caught in that situation, they have to be protected. This is the only way we have of doing that. That is why we need a farm bill. That is why you have to have payment limits set at least high enough so that you can have an economically viable unit and so that that producer can be economically efficient enough to be the provider of the cheapest food and fiber supply in the history of the world.

I would also point out that if this motion to instruct conferees were passed, it would ignore that there is a lot more to farming and to being a successful farmer and a successful producer than just sitting on a tractor. It would be denying benefits to farmers who may not labor but handle finances and risk management. It would create a situation where it would be very difficult for some of our producers because they do not spend all their time in the field. It would put in question almost any producer. I think one thing that has been missed by the upper Midwest is that the rules that this would put in place for many producers of corn and soybeans in the Midwest, especially the ones that use no-till technology, would not even qualify themselves if they were required to put in a thousand hours before they were eligible.

Many of those producers that this bill is intended to help very likely would not qualify under these rules. I think that they need to be studied much more carefully before we even think about adopting these.

There are many things that have been said that just simply are inaccurate. I would go back to my original statement. The people that support this motion to instruct simply do not understand the food and fiber production system in this country, and they certainly do not appreciate the incredible productivity of the American farmer.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume. Let me just say that a Senate that quite often is partisan in trying to come to agreement overwhelmingly supported this idea of some kind of a payment limitation. The gentleman from the other side of the aisle suggests that this kind of a limitation hurts a lot of the hard-working family farmers. Let me just report to you the following information that comes from the Congressional Research Service, prepared by Jasper Womach, Agricultural Policy Specialist. The report calculates how many acres of the different commodity crops would have to have been grown to reach the $150,000 limit that we put in this suggestion of instructing conferees.

Allow me to go down through them. Wheat based on the price of wheat last year, you would have to exceed 60,000 acres of wheat. Corn, it would take over 27,000 acres of corn to get close to the $150,000 limit. Soybeans, it would take over 5,000 acres of soybeans to get close to the $150,000 limit.

□ 1730

Cotton, it would take 11,000 acres of cotton to reach the $150,000 limit. Rice, it would take over 2,600 acres of rice to reach the $150,000 limit.

Let me stress this: whether it is 27,000 acres of corn or whether it is 2,600 acres of rice, we are dealing with an average commercial farm operation in the United States of 460 acres. So I

think suggesting that this measure has a limit or cap on anyone except the very, very large farmer is not being fair in terms of communicating what this legislation does.

Let me just suggest that you may have heard from some of the big international commodity traders or farm groups in opposition to this idea; but make no mistake about it, they do not speak for the majority of farmers and ranchers in the United States. Here is how I would back up that statement.

Last year, 27 of the Nation's land grant colleges from all of the Nation's regions came together to poll their farmers and ranchers on their opinion of the farm bill. On the issue of farm payment caps there was enormous consensus, and that was, nationwide, 81 percent of the farmers and ranchers agreed that farm income support payments should be limited and targeted more to the small farms.

With that, Madam Speaker, I will reserve the balance of my time for a comment or reaction from the gentleman from Arkansas.

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

Madam Speaker, as I have already said repeatedly this afternoon, we already have limits. No one disagrees with that. I guess what we are having a problem agreeing on is what defines a small farmer.

I can tell you that when combines cost $250,000 to farmers, when tractors cost anywhere from $100,000 to $250,000, when everything else that we use is in the same price range, it does not make any difference what a group of people that come together and declare that they think there needs to be a limit applied to some of these things, it does not matter whether they think there should be a limit or not. It becomes a matter of economic reality that we have to deal with those high prices of our production input. It does not matter where that takes place, whether it be in the upper Midwest, or in the mid-South, where I come from.

I would also make the point that the numbers that have just been put out here are just a part of the story. I do not think that the $150,000 on loan deficiency payment has been in question. I think it has been in everybody's bill, and I certainly do not have any problem with it. But, as I said, that is only a small part of the story.

I would go back to what I said in the beginning a few minutes ago. To run the risk of disqualifying a widow that very likely is something over 70 years old and disenfranchising her just because she is not physically able anymore to manage her property and she is not going to be able to take advantage of the estate that her husband passed on to her, to run the risk of doing something like that I think is shameful; and I think it is terrible that that was put into this bill that way.

Now, the gentleman from Michigan has said that there is no question in his mind that everybody that was involved in this knew what they were doing, and I will take him at his word. I would make the point that if you look at the entire bill, what this limit really does in California, a cotton farmer would hit the limit at 355 acres. In Georgia, a cotton farmer would hit the limit with 682 acres. So that is a considerable difference from the numbers from the CRS that were just put out a few minutes ago.

I also think that we cannot stress enough the fact that this particular motion to instruct and the amendment that it supports disenfranchises women. I have never understood, I still do not understand, I do not think I will ever understand, why we would treat women differently under a farm bill than we do men.

I can tell you that until the time when I came to Washington, D.C., my wife and I were full partners in my family farm. She was every bit as much responsible for any degree of success that we had. She worked just as hard as I did, and she was not entitled to anything.

Now, this bill corrects that a little bit, makes it so she is entitled to one-fifth of what I would be entitled to. But why would we want to intentionally disenfranchise women and create a situation where the widows in farm country that were left with a nice farm to help take care of them the rest of their days and have a decent standard of living would be disenfranchised to the point where they would lose the benefits that helped them have a decent standard of living? I just simply do not understand why we would want to do that.

I would also once again emphasize that the whole purpose of a farm bill and a safety net for our agriculture producers is to ensure that we have adequate production and processing capacity in this country, to be sure that we are able to feed ourselves for a reasonable portion of our disposable income. That is an incredibly important part of our national security.

Over and over and over again we stand on this floor and belabor the point that we have not taken care of business as far as our energy supply is concerned, and I hear them talk about overproduction and I hear them talking about big farmers taking advantage and big farmers getting too much.

We are talking about doing something in a farm bill that would severely damage the most incredibly successful production system that has ever existed in the history of the world. The United States farmer, the American farmer, has done the greatest job of producing a commodity of any industry that has ever existed, and very likely ever will exist; and we are talking about a system that has worked, a system that has served the American people so well. In my part of the country they have a saying, ''If it ain't broke, don't fix it.'' Well, this ain't broke, and it does not need to be fixed.

I agree, there should be limits; but they should be set at a level where our producers can have an economically viable unit, and where they can have the opportunity to be successful and to do so well what they do best.

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

The SPEAKER pro tempore (Ms. HART). The gentleman from Michigan has 5 minutes remaining.

Mr. SMITH of Michigan. Madam Speaker, I would like to correct the gentleman from Arkansas when he states that this proposal limits the participation of retired farmers or retired farmers' spouses or widows of retired farmers. The Senate proposal provides exemptions. For example, retired farmers and widows of farmers can have their labor and management requirements met by a relative. If you have additional sons or relatives on the farm, if they are actively participating, they are also eligible for the $150,000.

I think we should remind everybody that up until the last 2 years, the limit on LDPs and marketing loans was $75,000. The year before last, because prices were so low, we upped that to $150,000. We are facing a situation now where when we passed this bill through the House, unfortunately, in the bill we passed through the House it was stated that there were limits on commodity loan payments, marketing loan payments.

Technically that is true, but it is not totally honest, as I pointed out, because there was a loophole, and the loophole was the ability of farmers to use certificates and forfeitures.

So they went and got a non-recourse loan. They were given the lending money. They gave title of that commodity to the government. Then, if they wanted the same benefits as a loan deficiency payment or a marketing loan, they simply kept the money and told the government to keep the commodity.

Moreover, this bill fails to address the use of generic commodity certificates that I think are so important, and that is why we are suggesting to this body that we look very closely at closing this loophole and not hoodwinking the individuals and people that might think there is some kind of a limit simply because there is a limit on part of that price support payment.

Farmers are going broke. We need help to the smaller family-sized farms. When I say smaller family-sized farms, maybe it is 1,000, 2,000, 5,000, 10,000 acres; but it is not the 80,000 acres, it is not the 100,000 acres, where land bearers have these lands, they have tenants, where they can divide up this money. That is why we have these press reports of these enormous amounts of millions of dollars that some of these farmers and farm operations were receiving, is because of that particular loophole.

Madam Speaker, in closing let me say that we often hear that farmers and ranchers are too independent to

grams that send out billions of dollars to the biggest farm entities? All this does is damage our ability to help people we originally intended to help, the small, average, medium-size farms, and even now the larger family-size operations.

Look back at the intent of our first farm bills. We have never intended to subsidize every single acre of every single bushel. We need to move back closer to having the marketplace be part of that decision on how much of what crop a producer produces. So to say to these giant farm operations that we are going to subsidize you at a level that is going to protect however many bushels or pounds that you produce of whatever commodity, then we encourage that additional production.

I say one of the effects of this kind of limitation is to have that big farmer think twice and look at the marketplace, look at the demand, and put some effort into expanding our international markets, expanding our ability to sell our products in foreign lands.

So I would ask, Madam Speaker, that we support this effort to have some kind of a limit on payments. I am so convinced, spending my life in agriculture and as a farmer, that if we continue to have this bad publicity of these huge million-dollar payments, I think we are going to, if you will, jeopardize the future of farm programs.

This bill also says let us make a greater effort in conservation and in agricultural research that can help all farmers.

Madam Speaker, I include the following for the RECORD.

The following table, prepared at your request, shows the number acres it would take to reach $150,000 if LDPs were made based upon actual past marketing loan prices and season average farm prices.

ACRES NEEDED TO RECEIVE $150,000 IN LDP BENEFITS BASED ON SEASON AVERAGE PRICES

Commodity crop year	Average yield (units/acre)	Marketing loan (price $/unit)	Season ave. price ($/unit)	Hypothetical LDP pmt. ($/unit)	Acres for $150.000 in LDPs (acres)
Wheat (bu):					
2001/02 Forecast	40.2	$2.58	$2.80	−$0.22	na
2000/01 Estimate	42.0	2.58	2.62	−0.04	na
1999/00	42.7	2.58	2.48	0.10	35,129
1998/99	43.2	2.58	2.65	−0.07	na
Corn (bu):					
2001/02 Forecast	138.2	1.89	1.90	−0.01	na
2000/01 Estimate	136.9	1.89	1.85	0.04	27,392
1999/00	133.8	1.89	1.82	0.07	16,015
1998/99	134.4	1.89	1.94	−0.05	na
Sorghum (bu):					
2001/02 Forecast	59.9	1.71	1.85	−0.14	na
2000/01 Estimate	60.9	1.71	1.89	−0.18	na
1999/00	69.7	1.74	1.57	0.17	12,659
1998/99	67.3	1.74	1.66	0.08	27,860
Cotton (bu):					
2001/02 Forecast	706	0.5192	0.3140	0.21	1,035
2000/01 Estimate	632	0.5192	0.4980	0.02	11,195
1999/00	607	0.5192	0.4500	0.07	3,571
1998/99	625	0.5192	0.6020	−0.08	na
Rice (cwt):					
2001/02 Forecast	64.29	6.50	4.20	2.30	1,014
2000/01 Estimate	62.81	6.50	5.61	0.89	2,683
1999/00	58.66	6.50	5.93	0.57	4,486
1998/99	56.63	6.50	8.89	−2.39	na
Soybeans (bu):					
2001/02 Forecast	39.6	5.26	4.25	1.01	3,750
2000/01 Estimate	39.6	5.26	4.54	0.72	5,261
1999/00	36.6	5.26	4.63	0.63	6,505

ACRES NEEDED TO RECEIVE $150,000 IN LDP BENEFITS BASED ON SEASON AVERAGE PRICES—Continued

Commodity crop year	Average yield (units/acre)	Marketing loan (price $/unit)	Season ave. price ($/unit)	Hypothetical LDP pmt. ($/unit)	Acres for $150.000 in LDPs (acres)
1998/99	38.9	5.26	4.93	0.33	11,685

The calculations in this table assume LDPs are made on the difference between the marketing loan price and season average price. In practice, farmers are able to choose the day to receive the LDP. Years where the season average price is above the marketing loan price, payments are not applicable. Estimated prices are from USDA, World Agricultural Supply and Demand Estimates, April 10, 2002. Forecast prices for 2001/02 are mid-points of forecast price ranges.

Senators Grassley and Dorgan want to help the family farmers! The fact is, so does the Senate. In a body that exhibits a lot of partisan disagreement, the amendment for payment limitations showed a large bi-partisan support! Quotes follow:

''When is enough enough? How long will the American public put up with programs that send out billions of dollars to the biggest farm entities?''—Senator Charles Grassley (R–IA)

''Many of the benefits provided through current ag programs are being funneled to large, non-family agriculture corporations while family farmers are being shortchanged. That's just plain wrong.''—Senator Byron Dorgan (D–ND)

''The amendment would remove the loopholes that allow a handful of large farmers to receive unlimited payments . . . without real payment limitation reform, we will continue to weaken the same farmers we claim we want to help.''—Senator Chuck Hagel (R–NE)

''This is a modest amendment. I stress ''modest.'' . . . there were 98,835 recipients of farm subsidies in Indiana during [1996–2000]. There are 6, out of 98,.000, who would be affected by this amendment''—Senator Richard Lugar (R–IN)

''I am very pleased that we were able to pass this important payment limitation amendment''—Senator Tom Daschle (D–SD)

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. SMITH).

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

Mr. SMITH of Michigan. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

BUSH ADMINISTRATION FOREIGN POLICY

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

Mr. FRANK. Mr. Speaker, it is becoming sadly clearer that the Bush administration foreign policy consists of a successful military victory in Afghanistan, in a bipartisan fashion, with the military it inherited from Bill Clinton, but a series of muddles, mistakes, and errors elsewhere.

Most recently, we had the administration outrageously both incompetent and insensitive with regard to democratic values with regard to Venezuela. There was a coup in Venezuela against a president for whom I would not have voted and who I would wish would be voted out of office, but the notion that it is okay for America to disregard our supposed commitment to democratic values because we do not like the president who was elected is unfortunate, and it is even worse when it is done in such an incompetent fashion.

Our administration was congratulating the victors in this coup long after it became clear that the coup had not become successful. Someone said in the French revolution that something was not just a crime, but was a blunder. From the standpoint of defending democracy, the Bush administration in Venezuela managed to do both.

I include for the RECORD a very interesting article from the Washington Post of April 16, entitled ''U.S. Seen as Weak Patron of Latin Democracy,'' as well as a very good article on the same day, April 16, from the New York Times by Paul Krugman. They both document the extent to which we both fail to defend our values, and even do that in a wholly incompetent fashion.

The articles referred to are as follows:

[From the New York Times, Apr. 16, 2002]

LOSING LATIN AMERICAN

(By Paul Krugman)

Many people, myself included, would agree that Hugo Chávez is not the president Venezuela needs. He happens, however, to be the president Venezuela elected—freely, fairly and constitutionally. That's why all the democratic nations of the Western Hemisphere, however much they may dislike Mr. Chávez, denounced last week's attempted coup against him.

All the democratic nations, that is, except one.

Here's how the BBC put it: ''Far from condemning the ouster of a democratically elected president, U.S. officials blamed the crisis on Mr. Chávez himself,'' and they were ''clearly pleased with the result''—even though the new interim government proceeded to abolish the legislature, the judiciary and the Constitution. They were presumably less pleased when the coup attempt collapsed. The BBC again: ''President Chávez's comeback has . . . left Washington looking rather stupid.'' The national security adviser, Condoleezza Rice, didn't help that impression when, incredibly, she cautioned the restored president to ''respect constitutional processes.''

Surely the worst thing about this episode is the betrayal of our democratic principles; ''of the people, by the people, for the people'' isn't supposed to be followed by the words ''as long as it suits U.S. interests.''

But even viewed as realpolitik, our benign attitude toward Venezuela's coup was remarkably foolish.

It is very much in our interest that Latin America break out of its traditional political cycle, in which crude populism alternated with military dictatorship. Everything that matters to the U.S.—trade, security drugs, you name it—will be better if we have stable neighbors.

But how can such stability be achieved? In the 1990's there seemed, finally, to be a formula; call it the new world order. Economic reform would end the temptations of populism; political reform would end the risk of dictatorship. And in the 1990's, on their own initiative but with encouragement from the United States, most Latin American nations did indeed embark on a dramatic process of reform both economic and political.

The actual results have been mixed. On the economic side, where hopes were initially highest, things have not gone too well. There are no economic miracles in Latin America, and there have been some notable disasters, Argentina's crisis being the latest. The best you can say is that some of the disaster victims, notably Mexico, seem to have recovered their balance (with a lot of help, one must say, from the Clinton administration) and moved onto a path of steady, but modest, economic growth.

Yet economic disasters have not destabilized the region. Mexico's crisis in 1995, Brazil's crisis in 1999, even Argentina's current crisis did not deliver those countries into the hands either of radicals or of strongmen. The reason is that the political side has gone better than anyone might have expected. Latin America has become a region of democracies—and these democracies seem remarkably robust.

So while the U.S. may have hoped for a new Latin stability based on vibrant prosperity, what it actually got was stability despite economic woes, thanks to democracy. Things could be a lot worse.

Which brings us to Venezuela. Mr. Chávez is a populist in the traditional mold, and his policies have been incompetent and erratic. Yet he was fairly elected, in a region that has come to understand the importance of democratic legitimacy. What did the United States hope to gain from his overthrow? True, he has spouted a lot of anti-American rhetoric, and been a nuisance to our diplomacy. But he is not a serious threat.

Yet there we were, reminding everyone of the bad old days when any would-be right-wing dictator could count on U.S. backing.

As it happens, we aligned ourselves with a peculiarly incompetent set of plotters. Mr. Chávez has alienated a broad spectrum of his people; the demonstrations that led to his brief overthrow began with a general strike by the country's unions. But the short-lived coup-installed government included representatives of big business and the wealthy—full stop. No wonder the coup collapsed.

But even if the coup had succeeded, our behavior would have been very stupid. We had a good thing going—a new hemispheric atmosphere of trust, based on shared democratic values. How could we so casually throw it away?

[From the Washington Post, Apr. 16, 2002]

U.S. SEEN AS WEAK PATRON OF LATIN DEMOCRACY

(By Karen DeYoung)

The Bush administration said yesterday that its policy toward the dizzying events in Venezuela had been fully in tune with the rest of the hemisphere, and that it will continue to work with its Latin American partners to preserve Venezuelan democracy and justice.

''We'll be guided by the Inter-American Democratic Charter,'' said State Department spokesman Philip Reeker, referring to the Organization of American States' seven-month-old agreement to condemn and investigate the overthrow of any democratically elected OAS member government and, if necessary, suspend the offender's membership.

But much of the rest of the hemisphere saw the administration's response to the last five days in Venezuela in a somewhat different light. In the view of a number of Latin American governments, they were the ones who rose to defend democracy, while the United States came limping along only when it became clear late Saturday that the Friday morning coup against Venezuelan President Hugo Chavez had only temporarily succeeded.

''The United States handled it badly, as is its wont,'' said a former Mexican official with close ties to the government of President Vicente Fox. U.S. policy, he said, is ''multilateralism a la carte and democracy a la carte.''

A senior administration official yesterday repeated denials of allegations by Chavez supporters that the United States had encouraged the coup, although he acknowledged that U.S. officials had met with a number of Chavez opponents. ''They came here . . . to complain and to inform us and to tell us about the situation,'' he said. ''We said we can't tell you to remove a president or not to remove a president . . . we did not wink, not even wink at anyone.''

Few Latin American officials appeared to believe the United States was involved.

But they expressed a rueful lack of surprise at what they saw as the administration's failure, despite President Bush's frequent statements on the importance of hemispheric relations, to publicly oppose it once it happened.

Instead, diplomats concentrated on what the Latin Americans had done themselves, saying they were pleased that the OAS, a plodding, historically powerless body that has long been dominated by Washington, had actually managed to convene an emergency meeting on Saturday, adopt a strong resolution condemning both the coup and the violence that led up to it—apparently instigated by Chavez backers—and dispatch its secretary general on a fact-finding mission to Venezuela.

They were pleased that, despite their near-universal dislike of Chavez, a left-leaning populist who has irritated or worried most of them, they had defended democratic principles that have been so often violated in many of their own countries.

''It's an example of how it should work.'' said a diplomat who asked not to be named.

As recently as Friday, President Bush hailed the Democratic Charter in the White House's annual Pan-American Day proclamation, calling it an antidote to terror. The charter was approved by the 34 OAS member nations in Lima, Peru, on Sept. 11, the day of the terrorist attacks in New York and Washington. Secretary of State Colin L. Powell attended the gathering, but had to leave early to attend to more pressing matters in Washington.

The charter put more teeth in an earlier OAS democracy declaration signed in Santiago, Chile, in 1991. It was invoked on a number of occasions by President George H.W. Bush, and by President Bill Clinton, when unconstitutional actions threatened the governments of Peru, Paraguay, Guatemala and Ecuador over the last decade. The current Bush administration has referred to the documents as symbols of the democracy that now prevails in all but one nation in the hemisphere, Cuba.

Yet the first time elected governance was interrupted under Bush's watch, his administration punted. Last Friday, South American presidents attending an unrelated meeting in Costa Rica broke off to sign a resolution condemning the apparent coup that had overthrown Chavez that morning and invoking the Inter-American Democratic Charter. As they were composing the document, White House spokesman Ari Fleischer was announcing in Washington that Chavez had provoked the crisis and resigned. ''A transitional civilian government has been installed,'' Fleischer said. ''This government has promised early elections.'' There was no mention of the Democratic Charter.

Most member countries have ambassadors at OAS headquarters here in addition to their envoys to the U.S. government. But while the OAS prepared Friday afternoon to convene an emergency meeting required under the charter, the Bush administration summoned all the hemisphere's bilateral ambassadors to a State Department briefing. According to several participants, Assistant Secretary Otto J. Reich told them the United Sates did not approve of coups and had not promoted this one, but that Chavez had it coming.

When the OAS meeting began Saturday morning, a Caracas businessman was occupying the presidential palace. Roger Noriega, the U.S. ambassador to the OAS, took the floor to chastise member states for being less concerned about Chavez's anti-democratic behavior over the past 24 months than events of the last 24 hours.

But as the day wore on, Venezuela's new president started taking some anti-democratic actions of his own, dissolving the National Assembly, shutting the Supreme Court and voiding the constitution. Chavez supporters flooded the streets.

''As it started to unravel,'' a diplomat said, ''the Untied States became less and less eager to try to lead'' the debate.

When Sunday morning found Chavez back in power in Caracas, Latin American governments hailed it as a victory for democracy. White House national security adviser Condoleezza Rice told NBC's ''Meet the Press'' viewers that she hoped Chavez had learned his lesson.

At the Sate Department, Reeker described the Venezuelan situation as ''fluid,'' and said the administration was continuing to monitor it. The important thing, he said, ''is the mission of the OAS. We want the OAS and the Democratic Charter that countries of the region signed up to play an important role in this process.''

DOOLITTLE'S RAIDERS REUNION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks and included extraneous material.)

Mr. WILSON of South Carolina. Mr. Speaker, this week marks the 60th anniversary of the famous Tokyo raid conducted by Doolittle's Raiders, highlighted by a reunion of this courageous contingent being held in Columbia, South Carolina. General Woody Randall and hundreds of dedicated volunteers have organized a week-long tribute to our Raider heroes.

The Raiders were assembled in the aftermath of Pearl Harbor, and trained at Columbia Army Airfield by the visionary General Jimmy Doolittle for their courageous service, which was crucial to raise America's shocked wartime spirits. The raid had profound

strategic consequences for America's ultimate victory.

South Carolina is especially proud of native son First Lieutenant William G. Farrow of Darlington. Lieutenant Darrow was one of eight members of Doolittle's Raiders who were captured by the Japanese. He endured 6 months of brutal torture and deprivation before being executed at age 25. Lieutenant Farrow's ultimate sacrifice will never be forgotten, and his influence continues with his authorship as a student at the University of South Carolina of ''An American Creed for Victory.''

As we honor Doolittle's Raiders for their courageous sacrifices for our Nation during World War II, it is my hope that Lieutenant Farrow's patriotic words will inspire all generations of Americans to serve their country with pride and honor.

The document referred to is as follows:

Farrow's Creed

After Raider Lieutenant William Farrow's execution on October 15, 1942, his mother found this list in a trunk belonging to him. President Franklin D. Roosevelt touted the list as an example to the Nation. It was printed in newspapers and church bulletins coast to coast.

MY FUTURE (LATER CALLED ''AN AMERICAN'S CREED FOR VICTORY'').

First, what are my weaknesses?

(1) Lack of thoroughness and application.

(2) Lack of curiosity.

(3) Softness in driving myself.

(4) Lack of constant diligence.

(5) Lack of seriousness of purpose—sober thought.

(6) Scatter-brained dashing here and there and not getting anything done—spur-of-the-moment stuff.

(7) Letting situations confuse the truth in my mind.

(8) Lack of self-confidence.

(9) Letting people influence my decisions too much. I must weigh my decisions—then act.

(10) Too much frivolity—not enough serious thought.

(11) Lack of clear-cut, decisive thinking.

Second, what must I do to develop myself?

(1) Stay in glowing health—take a good, fast one-hour workout each day.

(2) Search out current, past and future topics on aviation.

(3) Work hard on each day's lessons—shoot for an ''A.''

(4) Stay close to God—do His will and commandments. He is my friend and protector. Believe in Him—trust in His ways—not in my own confused understanding of the universe.

(5) Do not waste energy or time in fruitless pursuits—learn to act from honest fundamental motives—simplicity in life leads to the fullest living. Order my life—in order, there is achievement, in aimlessness, there is retrogression.

(6) Fear nothing—be it insanity, sickness, failure—always be upright—look the world in the eye.

(7) Keep my mind always clean—allow no evil thoughts to destroy me. My mind is my very own, to think and use just as I do my arms. It was given to me by the Creator to use as I see fit, but to think wrong is to do wrong!

(8) Concentrate! Choose the task to be done, and do it to the best of my ability.

(9) Fear not for the future—build on each day as though the future for me is a certainty. If I die tomorrow, that is too bad, but I will have done today's work!

(10) Never be discouraged over anything! Turn failure into success.

□ 1745

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HART). 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 Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

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

SUPREME COURT RULING THREATENS OUR CHILDREN

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

Mr. JEFF MILLER of Florida. Madam Speaker, 20 years ago, the Supreme Court recognized the compelling State and national interest in protecting American children, declaring that child pornography is barred from first amendment protection. Since that time, Congress has worked consistently to protect against the exploitation of our children, a charge that has become increasingly difficult in the computer age.

Yesterday, the court struck down Congress's attempt at a legislative crackdown against computer-age child pornography, calling it a threat to free speech. Justice Kennedy's broad language sends a disturbing message. The high court in our land apparently places a higher premium on the expression of pedophiles than on ensuring the psychological, emotional, and mental health of our country's children and society as a whole.

Child pornography is a highly organized, multi-million dollar industry in this country, involving the exploitation of thousands of children and youth in the production and distribution of pornographic materials. In 1996, Congress addressed the mushroom effect of high-tech kiddie porn by passing the Child Pornography Prevention Act. The law broadened the scope of the definition of child pornography to include computer-generated issues. Computers are increasingly being used to alter innocent pictures of children to create visuals of those children engaging in sexual conduct. This type of child pornography invades the child's privacy and reputational interests. Images that are created showing a child's face on a body engaging in sexually explicit conduct can haunt the minor for years.

As articulated by the court's dissenters, The Child Pornography Prevention Act prohibition of virtual child pornography was tailored narrowly enough to pass constitutional muster. It is clear that the Act merely extends existing prohibitions on child pornography to a class of computer-generated pictures that may be easily mistaken for actual photographs of real children. Yesterday, the court turned its back on its long-standing recognition of the government's compelling interest in protecting American children. That interest is promoted by Congress's efforts to ban virtual child pornography. Such images whet the appetites of child molesters who may use the images to seduce young children.

Anger to children who are seduced and molested with the aid of child sex pictures is just as great when the child pornographer or child molester uses visuals of child sexual activity produced wholly or in part by electronic or computer means, as when molesters use images of actual children engaging in sexually explicit conduct.

Despite the Supreme Court's decision, Congress is not required to, nor will it wait, on harm to our children before legislating against it. I echo Attorney General John Ashcroft's disappointment in the ruling and that child pornographers and pedophiles can find little refuge in the court's decision. Ensuring enforceability of our American child pornography laws is indeed a compelling one, and the Child Pornography Prevention Act is an important tool in fighting child sexual abuse.

We will continue to fight to ban expression which is used by sex abusers to act in deviance with children and which desensitizes the offenders themselves to the pathology of sexual abuse and exploitation of children. The First Amendment does not protect the panderer.

OPPOSING THE ADMINISTRATION'S PROPOSED WORK REQUIREMENTS UNDER TANF REAUTHORIZATION

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

Ms. WATSON of California. Madam Speaker, I rise to strongly oppose the President and Republican leadership proposals for TANF reauthorization. On February 26, the administration announced an agenda for welfare reform to strengthen families and help more recipients work towards independence and self reliance. In keeping with the principles outlined by President Bush, the gentleman from California (Mr. HERGER), chairman of the Subcommittee on Human Resources of the Committee on Ways and Means, introduced H.R. 4090, the Personal Responsibility, Work, and Family Promotion Act of 2002 on April 9. On that same day, the gentleman from California

(Mr. MCKEON), chairman of the Subcommittee on 21st Century competitiveness of the Committee on Education and the Workforce, introduced H.R. 4092, the Working Towards Independence Act.

Let it be known, Madam Speaker, none of these proposals will strengthen families, move families towards self reliance and independence, or reduce poverty. To the contrary, the proposed changes to welfare will erode the successes of the past and severely limit the States' flexibility.

The Republican bills, while largely similar in most respects, promote increased work requirements, introduce an acceleration in the number of families in specified work activities, and devote $300 million a year to marriage and family formation. The problem with these proposals is that States are expected to make sweeping changes to their programs and move more welfare recipients into work with the current level of funding. Flat level funding will erode the States' ability to provide services such as child care, transportation, vocational training, skills, and barrier assessments, all of the important ingredients of work promotion, poverty reduction, and self-sufficiency.

Recent analyses have indicated that these proposals will cost the States $15 billion over the next 5 years. Any plan must avoid imposing unfunded costs upon the States that could lead them, shift resources away from low-income working families in order to finance new requirements.

Furthermore, 41 governors from the States, both Republican and Democratic, have voiced their concerns about the fundamental changes proposed in these bills. A new 40-hour work requirement would be an enormous burden on the States, and the new rules would be far too rigid. These proposals decrease State flexibility, one of the champion successes of the past legislation that enabled States to move families off of welfare.

In addition to these concerns, the 40-hour work week is counterproductive and makes no sense, given the rules and limited flexibility. If TANF participants work off their benefits in a work fair or community service job, and if their job is valued or paid at State minimum wage rates, these individuals would earn their benefit in fewer hours than the required 24 hours.

Let me give my colleagues an example. In California, my constituents would work off their benefits in just 19.3 hours in a work fair or community service job. These individuals would then face noncompliance and sanctions. This is true in 26 other States as well. If, on the other hand, a welfare recipient finds an unsubsidized job at a minimum wage, they would earn too much money to qualify for the benefits and would move into a class of the working poor. The proposals really do not add up.

In addition to this dilemma, the proposals do not account for the large number of families needing child care or transportation in order to work. By demanding increased work requirements and an acceleration in the number of families in specified work activities, the demands for child care and transportation will only increase. Flat level funding will not suffice.

The need, in closing, for child care has increased by 21 percent over the past few years.

Madam Speaker, we need to relook at these proposals, for they simply do not add up.

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

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

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

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

UNITED STATES SHOULD STAND WITH ISRAEL

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

Mr. SOUDER. Mr. Speaker, I rise today in support of our friend and ally, Israel, for celebrating the 54th Independence Day for the State of Israel. It is important at this time that we stand with our friend and ally, Israel.

There is a famous story that Davy Crockett told. It is in the book ''Three Roads to the Alamo.'' Davy Crockett got into an argument and then there was a brawl afterwards. One of his friends did not help him out and Davy Crockett got kind of beaten up in the brawl. He asked his friend afterwards, how come you did not help me? His friend said, well, it was really controversial and it was kind of a difficult decision, and I was not sure if I wanted to back you up. He said, hey, you do not need friends when everybody is in agreement with you. You do not need friends when everybody thinks what you are doing is wonderful. You need friends when you are in a fight and there is a question over the principles.

We are not the government of Israel. It is a difficult time for Israel. They made some decisions to go after terrorists that were attacking their right to exist, just like we have gone after terrorists that are attacking our right to exist. Whether or not I would have done the completely same methods that Israel has used, I do not know. I think so, but I am not the leader of Israel. Ariel Sharon is the Prime Minister of Israel and the leader of Israel, and I believe it is important that we stand with them.

One of the debates when I have been in the Middle East is whether or not Israel has displaced the Palestinians. Any student of history, even somebody who has not focused on history, realizes that there has been a conflict, basically, an eternal conflict over who was where. But when the Jews were dispersed around the world and others moved in does not mean that when the Nation of Israel was created in 1948, that suddenly the people who were displaced at that point had any more of a legitimate claim, even in a secular way, than the people who were moved out and dispersed before that.

It is important that we recognize that that is an independent state of Israel. When we met with Dr. Arakat and the Palestinians in Jericho, Dr. Arakat was promoting that they needed a contiguous state, a Palestinian state. Part of the argument that I had was why should we trust you when you still have it in your Constitution that Israel does not have the right to exist. Conflict erupted, verbal conflict in the meeting, because he said that that was not politically possible. But why should Israel trust the words of the Palestinian Authority if they do not grant their right to exist?

Part of the problem is, as we have seen multiple times there, when we pushed and western powers pushed Israel to back off the Golan Heights, people can look right down on Israeli citizens and shoot down on them that the reason that they cannot have a contiguous state is that there is not much water in that area.

□ 1800

The reason they cannot have a contiguous state is there is not much water in that area. They have water pipes going through. If those things are controlled by people committed to their destruction, they cannot exist as a state.

Furthermore, we have a longtime moral and secular argument about whose capital Jerusalem is. It is a shrine to many nations. We have some conflicts that are not easily reconciled. Israel, unless they have the flexibility to take out the terrorists, will not exist as an independent state. So we can commemorate the independence of Israel, but unless they can make sure they have a water supply that comes, unless they make sure people are not shooting down on them from the heights, people who can hide in terrorist camps, they cannot exist and have an independent state.

Furthermore, we have a lot of whining about how Israel treats the Palestinians. It is tough. Quite frankly, I might handle some of these things slightly differently. But we know this for a fact, Palestinians can become citizens in Israel. They can vote in Israel, in the Israeli elections. They can own property in Israel.

But when we go to the Arab countries around Israel, they treat the Palestinians like dirt. They cannot own land.

They cannot vote. They are a homeless people. They only want to put the Palestinians in the Israeli territory, but they will not give any flexibility to these poor people in their countries. Why is it totally Israel's burden to give up their land to make themselves unsafe because Jordan, Kuwait, Bahrain, Saudi Arabia, and Syria do not want the Palestinians in their country?

These borders have been fungible for thousands of years. To argue that the Palestinians' border should be precisely right here, the Arab countries need to show some real concern; not just lip service on what Israel's obligation is to the Palestinians, but what their own obligations are to help these poor homeless people.

The big conflicts in the Middle East are not going to be between Israel and the Palestinians. There are other conflicts far broader with bigger countries. Israel clearly needs to come to peace with their Palestinian neighbors. They have much more, and long-term, in common than they do with Iran and Iraq, and other greater sources of conflict in that region.

But ultimately, Israel must have the right to exist. People have to be able to go to a bar mitzvah, to a pizza place, to move around in a shopping center, to go to the synagogue, without being in fear of being terrorized and blown up. They have to be able to live in their houses without people shooting down on them from the mountains, or from planes overhead.

It is important on this Independence Day that we show courage and stand with our friend and ally, Israel, as they stood with us.

The SPEAKER pro tempore (Mrs. HART). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

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

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

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

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

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

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

(Mr. LANTOS address the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE IMPORTANCE OF SOCIAL SECURITY TO ALL AMERICANS, AND ESPECIALLY TO WOMEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 60 minutes as the designee of the minority leader.

Ms. MILLENDER-MCDONALD. Madam Speaker, tonight many of the Democratic women come to the floor to speak on issues that were raised during the recess when we visited with the women members and women constituents in our districts.

Because I represent the caucus chair on the Democratic side, I have been asked to speak at a lot of organizations to talk about where we are going in terms of Social Security. Madam Speaker, tonight we will try to see whether we can find some sense of where Social Security is going, and in fact speak about the vital importance of Social Security to all Americans, but especially women and minorities and persons who suffer from disability.

At the present time, it is a lightning rod here in the House, and it incites strong responses. That is what the women across this Nation are asking. We recognize that the administration and the majority here in this House have proposed to privatize Social Security, which has created a firestorm of controversy. This proposal, if enacted, would create the possibility of individuals to invest in the stock market through personal accounts.

Now, women whom I have spoken with certainly say that this will not benefit them at all, and they believe that a proposal such as this is a bad idea, and reckless public policy.

So the Democratic women have grave concerns about the implications of privatizing Social Security for the following reasons: Women constitute the majority of Social Security beneficiaries, equalling approximately 60 percent of the recipients over the age of 65. Roughly 72 percent of beneficiaries above the age of 85 are women. So as a matter of necessity, 27 percent of women over 65 count on Social Security for 90 percent of their income. These are reasons why they cannot see anything that will drive funding from a pot that they perceive will give them the benefits that they sorely need in the event of the death of their husbands.

Privatization of Social Security will be devastating because women earn less than men, and they count upon Social Security's progressive benefit structure to ensure that they have an adequate income upon retirement. Women are also less likely to be covered by an employer-sponsored pension plan. Hence, Social Security makes up a larger portion of their retirement income, and in many instances, it is their only source of income.

So in the context of Social Security, women are also affected by other factors, which include living 6 to 8 years longer than men and having to stretch their retirement savings over a longer period of time. Furthermore, Madam Speaker, women lose an average of 14 years of earnings due to time out from the work force. We recognize what that is: from raising children to taking care of ailing parents. In most cases, a lot of women have to take care of sick husbands.

So because women generally experience a higher incidence of part-time employment, many of them have less of an opportunity to save for retirement, thus relying completely on Social Security to subsist.

There are also some startling economic realities that Americans need to be informed about relative to privatizing Social Security. Privatization would result in a drawdown of over $1.2 trillion from the Social Security and Medicare trust funds over the next 10 years to finance individual accounts, thereby increasing the long-term deficit of Social Security by 25 percent.

Furthermore, privatization efforts will not restore long-term solvency to the trust fund, and will result in reduced benefits for women, the elderly, and minorities who benefit from the progressive structure of the Social Security system. In fact, Madam Speaker, one plan put forward by the President's Commission on Social Security would reduce benefits to all recipients by 46 percent. Benefits for future retirees would be tied to growth in prices, rather than wages.

Now, under this scenario, retirees would not be able to maintain the standard of living in retirement that they earn during their working years. The combined effort of the proposed changes would mean benefit cuts of 30 percent for a worker retiring in 2075.

A very important fact, Madam Speaker, that is not being touted by advocates of privatization is that although investing in individual accounts is voluntary, benefit cuts would apply to everyone. Current reality makes it abundantly clear that it is foolheaded to trust a universal defined benefit and totally portable system to the variances of the stock market.

If we want a glimpse of the future, we need to look no further than the Enron situation to get a glimpse of what might loom on the horizon if we allow Social Security to be privatized.

As Democrats, we believe in supporting and protecting the interests of all American workers. Therefore, we cannot and must not allow privatization to become a reality. We are duty-bound to preserve Social Security into the future. Privatizing Social Security and raiding its trust fund would be unfair and irresponsible.

As leaders of this House and as women representatives of constituents who have so much at stake regarding Social Security, we are compelled to tell Americans the truth about proposals to privatize Social Security.

My colleagues and I will be vigilant in our efforts to raise national awareness about the crisis our Nation will face if we adopt a policy of privatizing Social Security. The women around the country are watching very closely to see what this House does with reference to benefits of Social Security and putting them into, whether it is voluntary or mandatory, privatizing accounts. They recognize that this trust fund was set there for the purpose of making sure that their retirement benefits be given to them, and to allow them to do what they want to do with it.

We can ill afford to speak on behalf of the women of this country, and certainly can ill afford to take their money that they have put in for their benefits and to even suggest that there be individual accounts through a privatized type of system.

Madam Speaker, we all know that women are hamstrung in trying to find the benefits and the financial wherewithal to support themselves upon retirement. To even suggest the privatization of any types of trust funds of Social Security and Medicare would be devastating to women of this country. We will continue to keep them posted, as they will continue to watch us in this House as we move into the realms of reforming Social Security.

I am happy tonight to be joined by women of this House on the Democratic side who will speak tonight on this issue, and to raise the awareness of what is at stake if in fact the trust fund is raided and the Social Security funding is put into any privatization account.

We have with us the gentlewoman from Florida (Mrs. THURMAN), who is a point person and the expert on Social Security. She comes with a wealth of knowledge, and is the leader, with all of us, on the issue of Social Security.

Madam Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

The SPEAKER pro tempore. The Chair will reallocate the balance of the time, approximately 50 minutes, to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Madam Speaker, I thank the gentlewoman for those wonderful remarks, but most of all, I think that we appreciate her leadership on women's issues, and bringing us here together tonight to talk about these important issues.

Madam Speaker, I know the gentlewoman from California talked already about some of the statistics, but I have to say that the thing that we most need to remember is that Social Security is so important, and why is it important. So repeating these statistics I think is probably good for all of us to continue to keep in our minds why we will fight so hard to keep this safety net.

Remember that women rely more on Social Security income than men. About two-thirds of all the women 65 and older get at least half their income from Social Security. For one-third of these women, Social Security makes up 90 percent or more of their income.

Women live longer than men. We all know that women live longer than men, approximately 7 years longer, so fully 72 percent of Social Security recipients over 85 are women, and on average, women over age 85 rely on Social Security, again, for 90 percent of their income.

Traditional Social Security continues to pay benefits as long as the beneficiary is alive. However, in talking about private accounts, women risk exhausting their savings in their most vulnerable years because they are not lifelong.

Women take time out of the work force to care for children and elderly parents. This is a big issue for families. This is not just about women at this point, it is about families, because in fact we take that time out of our work life to care for what we have been asked to do, which is our children and our elderly parents.

So, because of that, we rely more heavily on our husband's Social Security benefits. Over 60 percent of women on Social Security receive spousal benefits, while only 1 percent of men receive such benefits. So, again, listen to this: Over 60 percent of the women on Social Security receive spousal benefits, with only 1 percent of men receiving that same benefit.

□ 1815

So it is important to preserve the traditional Social Security for women. Unlike private accounts, Social Security is automatically adjusted for inflation, and for women who live longer lives, private accounts run the risk of being worth less due to inflation or devalued accounts.

Let us talk a little bit about privatization. Seems to be what everybody is running from now. There was something in the newspapers today that actually talked about that, and I only bring this up because I think it is important that, there are new polls out and focuses that are designed to prepare for an election year and they are saying you cannot attack, you cannot talk about privatization. So people are running from that.

The fact of the matter is it has been a key cornerstone in many of the discussions that have gone on up here, to the point that there was a commission, a presidential commission, and it was stacked in the favor of those people who believed in privatizing.

I have to say, after what we have seen with the economy over the past year, we do not want our seniors to have to rely on an unstable market for their retirement. With privatization, the potential is too great for retirement savings to vanish in a weak economy.

The President, in his guidelines for the Social Security Commission, stated that any proposal they create must not invest Social Security dollars in the stock market. He also stated that the Social Security payroll taxes must not be increased. However, the President wants people to be able to use a portion of their payroll taxes for investing in stocks.

So what happened? The Commission recommended three options for reforming Social Security. What they had all in common was all three options diverted at least some percentage of payroll tax to private accounts.

Listen to these numbers. Diverting as little as 2 percent of payroll taxes to private accounts, which the Commission recommended as much as 4 percent, would result in a loss to the trust fund, the Social Security trust fund, of $1.1 trillion over 10 years. Diverting just 1 percent, well, does not take much to figure out, would result in a loss of $558 billion over 10 years.

What we need to remember here is that that money is already designated to pay for benefits for future retirees. One option in the Commission's work said, and the Wall Street Journal wrote this, benefit options would be changed in so many ways that grandma's head would spin.

The President's guidelines leave us only one option for supporters of privatizing Social Security, cut senior's Social Security benefits. Today, again, in this very same article that I talked about earlier where there are new polls in focus, we have to promise not to raise the retirement age and pledge not to touch the benefits of current and soon to be retirement. Guess what? In what we have been talking about and what has been the options, the fact of the matter is that is the one way we could do it.

So, one, we have to dip into the trust fund or we have to cut senior Social Security benefits. Why in the face of a recession and the impending retirement of baby boomers would we be taking the money to be paid to future retirees and gamble on it? With lower economic projections and money going to support other important efforts, it becomes even more important to oppose the privatization of Social Security.

Currently, Social Security, as I said, helps women. It helps minorities and it helps the disabled. It would be impossible to protect disability and survivor benefits for these groups in a private account system. Benefits for spouses and children could not be protected in such a system.

So I would also say to my colleagues that there are women across this country, and us in this Congress, who have gathered to do these special order speeches, are not only women against the privatization proposal, but quite frankly, there is a letter that was put out April 9 of 2002 by a group of women, 150 women's organizations signed a letter to Congress against the three privatization options earlier this month, and this was put together by the National Council of Women's Organizations.

Tomorrow, we are going to be doing or trying to make tax cuts permanent. Well, I would just want to say that we should not be spending Social Security on anything other than Social Security. This is something that almost every Member of Congress, Democrats and Republicans, agreed to do last year by overwhelmingly passing the lock box for Social Security and Medicare. Unfortunately, the Social Security trust fund would lose two-thirds of its surpluses under President Bush's budget, and the Congressional Budget Office projects that $740 billion of this money would be used to fund things other than the Social Security benefit, such as what we are going to be talking about tomorrow, which is the tax cuts.

The nonpartisan Center on Budget and Policy Priorities, and I thought this was an interesting piece of information and certainly something to think about, estimates that the size of the tax cut is more than twice as large as the Social Security financing gap. So we could be fixing Social Security by using these resources instead of doing what will probably pass the House tomorrow.

I would just say I think we need to make sure that our seniors continue to remain secure in their retirement. Women who live longer and take more time off from work to care for loved ones would be hurt by the President's privatization proposals.

In summary, I have to say the privatization of Social Security cannot be ignored as an issue of great national concern. The effect privatization would have on women and seniors in general is alarming. Reducing Social Security benefits for women who typically rely more heavily on Social Security than men is not the way to go.

Mr. Speaker, I will be leaving, but I would like to turn the additional part of this hour over to the gentlewoman from California (Ms. WATERS).

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The Chair will reallocate the balance of the time, approximately 40 minutes, to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise tonight to highlight the importance of Social Security. Social Security is important to millions of people, but it is particularly important to women and I think that it is so very, very important that we as women in the Congress of the United States pay very special attention to what is happening to Social Security.

I would like to thank my colleague the gentlewoman from California (Ms. MILLENDER-MCDONALD) for organizing this hour for us to talk about Social Security. It is very important that we talk about it, and particularly because we will have a vote tomorrow to make the tax cuts permanent.

We take Social Security for granted. Many people think, well, it has been there for a long time and it will always be there, and most people know that Americans depend on the fact that Social Security will be there for them in retirement.

The poverty rate for Americans age 65 and older is 1.2 percent. The poverty rate for elderly women is almost 12 percent, nearly double that of men. While this number is tragic, it could be worse. Without Social Security, over half of all women aged 65 and older could be poor. According to the National Women's Law Center, the average monthly benefit for a widow is $775. For about two-thirds of women, this is half of their monthly income. For nearly half of women 85 years of age and older, it is 90 percent of their income.

The reality is that of all the people that Social Security lifts out of poverty, three-fifths are women. Social Security is an extremely important program. On average, women live 5 to 7 years longer than men. In addition, because women are more likely to stay home while raising children, they work less than men and often have smaller pensions and other retirement savings to help them through their twilight years.

Social Security allows these women to live in a secure and comfortable retirement. However, Social Security is on shaky grounds. By 2017, Social Security will begin to pay out more than it takes in. The program will continue its important role for another 24 years after that, until 2041, before it becomes completely empty. Then recipients will only be able to receive 72 percent of their promised benefits or will be subject to either a tax increase or delay of the retirement age.

Despite the obvious importance to women, the Bush administration and the Republican leadership have shown they have no plan to preserve Social Security. In fact, over the next 10 years the Republican budget spends nearly all of the Social Security surplus, completely throwing away any opportunity to strengthen the program.

Despite voting six times to preserve the Social Security surplus, the Republican budget will spend 86 percent of those funds. In January 2001, the Federal Government was expecting a Social Security surplus of over $3 trillion, but today, we are operating on a $1.6 trillion deficit, a reversal of over $4.5 trillion.

The Republican party can no longer be called the party of fiscal discipline. It is obvious that we need an open discussion on the best way that we can return Social Security to firm financial standing.

Lately, the debate has been hidden by smoke, mirrors and budget gimmicks. We cannot protect our seniors if we resort to these budget games. Far too many individuals, men and women, black, white and Hispanic, depend on it to allow them to retire in relative comfort.

The longer we put this off, the more severe the problem and the more difficult it will be to fix.

So I urge my colleagues, both Democrat and Republican alike, but particularly my friends on the opposite side of the aisle, to get real about Social Security and let us talk about how can we make tax cuts permanent and stop this drain, and at the same time, preserve Social Security. It cannot be done and I think we need to face up to it. Now is the time to do it.

Again, we must share with the American public that Social Security is not guaranteed if we continue down the road that we are going. As a matter of fact, it will put many, many people in this country in great jeopardy.

Ms. JACKSON-LEE of Texas. Madam Speaker, I join with my colleagues to emphasize that Social Security must be preserved, and not privatized, for the sake of women and children.

Social Security in America's most comprehensive and important family protection system. It provides not just retired worker benefits, but also important benefits for elderly and surviving spouses as well as for disabled workers and their dependents and the young surviving children of workers who die before retirement.

Several months ago, the President's Commission on Social Security's final report failed to advance the cause of Social Security reform. Of three plans put forward by the Commission, not one achieves the goal to ''restore fiscal soundness'' set out by the President by closing the gap in the program's solvency over the next 75 years.

Each of the proposals put forward by the Commission require specific, massive cuts in defined benefits—even for those who do not opt for the voluntary accounts. The Commission should consider ways to encourage workers to invest and save more. Unfortunately, this Commission was limited only to the option of investment accounts to be carved-out of the revenue currently earmarked for defined benefits.

Although Social Security is gender neutral, it matters more for women for four reasons:

First, women live longer than men. In 2000, a 65-year old woman was expected to live an additional 19 years, almost four times more that a man of the same age. A longer life expectancy translates into a greater need for retirement resources and more secure sources of income. Social Security provides guaranteed life benefits and full annual cost-of-living adjustments.

Second, women spend fewer hour and fewer years in the paid workforce than men. Although the percentage of women ages 25 to 65 participating in the labor forced increased sharply, women's workforce experiences still differ from men. Women, on the average, accumulate fewer hours of paid employment than men over their lifetimes because they are more likely to hold part-time jobs or more likely to be ''contingent'' workers. Social Security provides vital protections such as spousal benefits, exspouse benefits and full benefits calculated using only a 35-year work history.

Third, women are paid less than men. According to the U.S. Census Bureau, women earn 72 cents for every dollar that men earn. The situation is even worse for women of color. Half of all year-round, full-time African—American women workers earn less than $25,142 per year, and the median for Latinas was $20,052.

Women are concentrated in low-paying jobs. Roughly 62% of women workers earn less

than $25,000/year, compared with less than 42% of men who work. Social Security provides progressive benefits that replace a higher portion of preretirement income for low-income workers.

Fourth, women are more likely to be widowed than men. Longer life expectancy, combined with the fact that women, on average, marry older men, means that most women die unmarried. More than one-half of women ages 65 and older are unmarried. Three-fourths of unmarried Americans ages 65 and older are women. And four in five nonmarried older women are widowed. Social Security is the one source of retirement income that guarantees benefits to widows. The elderly survivor program is especially important to women.

We cannot jeopardize the solvency of Social Security because a strong Social Security is critical for older women. Today, 60 percent of all Social Security recipients are women. Of recipients over age 85, nearly three-quarters are women. These women rely on Social Security for nearly 90 percent of their income. Without Social Security, over half of elderly women would be poor. If elderly women cannot rely on Social Security when they retire, they will need greater financial assistance from their middle-aged children.

For elderly people of color and women, the challenges confronting the Social Security system are cause for alarm, because elderly African-American and Hispanics rely on Social Security benefits more then elderly Whites. According to the National Committee to Preserve Social Security and Medicare, from 1994–1998 African-Americans and Hispanics and their spouses relied on Social Security for 44 percent of their income while elderly Whites received 37 percent of total income from Social Security. And, 43 percent of elderly women received their income from Social Security during the period 1994–1998. This fact is important because on average, Social Security payments replace 54 percent of women's lifetime earnings in relation to men, coupled with the fact that women tend to live longer than men, which results in us receiving more benefits for a longer period of time.

Today, Social Security works in ways that are important to women because of their different life experiences. The administration's proposals threaten the guarantees that make the current Social Security system so beneficial for women. We must work together to protect the future of women and children.

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

ENERGY INDEPENDENCE FOR THE UNITED STATES

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

Mr. WELDON of Florida. Mr. Speaker, I rise today to talk about the important issue of energy independence for the United States.

We have seen very clearly since the developments of 9/11 that we have significant foreign policy complications emerging from the development of Muslim fundamentalists, extremist violence in the Middle East, and of course, we have seen the tremendous tensions that have been raised in recent months within the area of Israel and Palestine and the tremendous conflicts, and in particular, the very, very difficult situation of the suicide bombers who are blowing themselves up in cafes and restaurants and killing innocent men, women and children, in many instances, leaving often dozens of people severely maimed and deformed.

What is particularly disturbing is to read news reports that one of our supposed allies in the region, Saudi Arabia, has actually been paying the families of these suicide bombers, essentially aiding and abetting the commission of these horrific acts of violence against innocent civilians by these suicide bombers.

□ 1830

Mr. Speaker, the situation that exists today is that the United States is dependent on foreign oil for about 50 percent of our energy requirements. I believe for us as a Nation that is an intolerable situation and that we need to take stock of this.

The President put forward a very positive proposal to open up for drilling the Arctic National Wildlife Refuge and pursue a host of additional reforms that we passed out of this House and the other body is taking up, and I applaud the other body for finally getting to the issue. I believe we need a more aggressive proposal to reduce our dependence on foreign oil, specifically Middle Eastern oil over the next 10 to 15 years. What I put forward is that we begin an aggressive program using every tool that we have available in our research and development budgets, in our Tax Code, to do things to make electric vehicles more attractive for people to purchase, to develop alternative energy sources.

We have a tremendous potential with wind energy, with solar energy. Indeed, I sit on the Committee on Science and Technology, and we have held hearings on the concept of space-based solar power, energy that can be collected by satellites from space and beamed to the Earth, energy that can be collected from the surface of the Moon and beamed to the Earth.

The potential for fusion energy is another great area where we should be investing more. We in the United States need to embark in the months, weeks, years ahead on an aggressive proposal to reduce our dependence on foreign oil and specifically Middle Eastern oil. I believe many of our so-called allies in the Middle East are not allies at all. They are working directly contrary to the interests of the United States and, really, democratic nations all over the world. We should be about the business of moving any dependence we may have on those nations; and the best way to secure that for our future and the future of our children is to develop these alternative energy sources so that we as a culture and society can deal with those countries on a more even basis.

It is very obvious to me when we look at what is going on in Europe that the European community is collectively too dependent on Middle Eastern crude. I believe we in the United States could end up in the same way in the next 10 to 20 years; and, therefore, I believe we need to develop these alternative energy sources, and we need more conservation. This should be a long-term project over the next 5 to 10 years where we employ every tool available to us so we are no longer importing oil.

Not only do I believe this would be good for our foreign policy positions, I believe it would be good for peace throughout the world. I think it would be good for peace in the Middle East; and certainly it would be good for our domestic economy, our balance of payments. I implore the House of Representatives, particularly those who serve on the Committee on Science and Technology, those who serve on the Committee on Energy and Commerce, the Committee on Appropriations, to collectively come together in the weeks and months ahead and develop a cogent solution to deal with this pressing problem.

WELFARE REFORM

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

Mr. WILSON of South Carolina. Mr. Speaker, over the next couple of weeks we will have a very rewarding experience explaining to the American people the success of welfare reform by the law that was passed in 1996, but also we will have an excellent opportunity to show how rewarding the reauthorization will be as proposed by President Bush.

I am a newcomer myself to Congress. I was sworn in 17 weeks ago today after a special election on December 18. This follows 17 years that I had the privilege to serve in the State Senate of South Carolina. I am honored to be on the Welfare Reform Task Force. I was appointed by the majority whip, the gentleman from Texas (Mr. DELAY). I am on the task force to study and promote welfare reform. It is a particular honor for me because there are only two freshmen on the task force, myself and the gentlewoman from Pennsylvania (Ms. HART). I am certainly with a quality crew serving on that task force.

My education in the area of social services, I give credit to my wife, Roxanne. She served for 14 years on the welfare board in our county, the Department of Social Services in Lexington County; and in that capacity I learned first hand of the great work of professional social workers working with persons who needed financial assistance, the problems of elder care and foster care, child care; and I learned firsthand that we have got the best people working to promote services to the people of our country.

Additionally, I have a legislative background in the State Senate of South Carolina, and it is very similar to what is going on here in Washington, D.C. Back in 1995, I was honored to be the chairman of the General Committee of South Carolina in the State Senate. At that time people were questioning what the General Committee was. I knew first of all it had jurisdiction over the National Guard; and as a member of the National Guard, I was happy to serve. But I found out later that ''general'' meant any specific item or agency that did not pertain to specific other committees ended up in the General Committee. That was wonderful for me because the Department of Social Services came under their jurisdiction.

So I was in place to work in South Carolina for the development of the Family Independence Act, along with David Beasley and our lieutenant governor, Bob Peeler; and I also worked with such distinguished persons as the gentleman who is the Speaker pro tempore tonight, the gentleman from South Carolina (Mr. BROWN), who was chairman of the Committee on Ways and Means in the House of Representatives in South Carolina.

We were able to put together a very similar welfare bill and legislation in South Carolina as has been enacted nationally, and there has been a remarkable record of success. The landmark welfare reforms of 1996 on the Federal level has focused on moving recipients from welfare to workfare. The 1996 reforms replaced guaranteed cash assistance with a work requirement. And when I say work, what I am talking about are jobs and education, training and giving persons the opportunity to be fulfilling citizens in our country. It has meant jobs, and it has meant education.

So when we hear the discussion of welfare reform, that is what we are largely discussing. The best characterization that I have read of the success of the 1996 bill was in the Carolina Morning News, which is the Savannah Morning News edition of the low country of South Carolina for Beaufort County, Jasper County, Sun City, for Bluffton and Hilton Head Island.

The editorial last month said the 1996 welfare reform bill passed by a Republican Congress and signed by President Clinton stands as one of the great social policy successes of the last 50 years. It was to the cycle of dependency on the dole what the collapse of the Berlin Wall was to communism, both literally and symbolically.

As we over the next couple of weeks discuss welfare reform, it is wonderful to really make it personal, and that is by having success stories brought to our attention.

Mr. Speaker, I yield to the gentleman from Florida (Mr. WELDON) to review several success stories.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding, and I commend him for his leadership on this. He is newly elected to the House, and he is doing an outstanding job of bringing attention to this very important issue. I first came to this body in 1994. At that time what I had heard from the constituents in my district and people all throughout the State of Florida was what a terrible disaster the welfare system was, locking millions of Americans in a cycle of poverty that they were literally unable to escape from.

In the county that I live in, we had chronically 2,500 people on welfare. With the passage of welfare reform, that number has been reduced to 400 people, an 80 percent reduction. These kinds of reductions were seen all over the country. Millions of Americans have been able to move successfully from welfare to work.

Surprisingly, now that we are in the place where we need to reauthorize this legislation, there are some Members who want to turn the clock back and look at the tremendous success of welfare reform and say it was a failure and we need to go back to the old ways. I want to talk about a couple of people. The gentleman's point about making this personal is important, so I want to talk about two Floridians who made the transition.

Sha-Tee Bonner entered the welfare transition program in October 1999, and was immediately assigned to Job Search, something that would not happen before. She would be locked in welfare. Now under the program, the reform program, she is immediately assigned to Job Search. In November 1999, she became employed at Hollywood Video and began earning enough money to end her cash assistance. Sha-Tee continued to work until she received employment at the Dunes Hotel in March 2001 as a guest service representative. Since working at the Dunes Hotel, she has received pay raises and much praise from her supervisor. In August of 2001, Sha-Tee began the criminal justice technology program at Pensacola Junior College. Her employer at the Dunes Hotel is willing to work around her school schedule because of her outstanding employment at the Dunes.

Mr. Speaker, here is a person who previously had been locked in welfare dependency. People are saying she is an outstanding worker. Sha-Tee believes that the responsibility of raising two daughters as a single parent has made her even more determined to make it through the tough times. She believes that self-sufficiency is an ongoing process. I agree. During the rough times, Sha-Tee and her two daughters lived with her grandmother. Recently, Sha-Tee has moved out to her own apartment and has purchased her own transportation. Pensacola's local Society for Human Resources Management recently honored Sha-Tee for being one of the welfare participants of the year. The award is presented to former welfare participants who have been successful in transitioning to the work environment.

Stephanie Paige entered the welfare transition program in April of 2001 with several barriers to self-sufficiency. She was a 20-year-old single mother of one child. She had already earned her GED, but had no vocational or college education. She was fortunate enough to have a car, but no insurance. In addition, she had several medical problems, one of which required her to undergo surgery in July 2000. Also in that same month, her 4-year-old son had surgery.

The Jobs Plus One-Stop staff in Crestview assisted Stephanie in developing a career plan that would allow her to achieve self-sufficiency for herself and her child. With guidance and support, the One-Stop staff were able to offer her financial assistance through supportive service funds to get the initial insurance set up for her car, after which she has been able to maintain the monthly premium. They were also able to help her purchase appropriate clothing for job placement.

Stephanie was initially placed in a community service work site so she could gain job skills. She worked at the Salvation Army in Crestview, Florida, from June through December of 2001. Her work site supervisor was very pleased with her and reported she was a hard worker. Here we go again. Someone who had previously been locked in poverty is now being described as a hard worker. It has been in those people over the years; we just never had a system that unlocked it.

In November, while voluntarily continuing to put in hours at the work site, she also enrolled in a CNA class at Crestview Nursing Home. Between August and September 2001, Stephanie earned a total of $225 in incentive payments for her performance and progress. On December 1, Stephanie passed her CNA exam, and 4 days later she obtained employment with Parthenon Healthcare of Crestview, earning $6.25 per hour. Her temporary cash assistance was closed on January 1, 2002, because her income was high enough that she no longer needed cash assistance. She receives transitional services in the form of subsidized child care and transportation assistance that allows her to maintain her employment.

□ 1845

Stephanie continues to enjoy her work and has plans to pursue a nursing career.

Mr. Speaker, these are two human beings that have been converted over from being dependent on a failed and broken system to being self-sufficient. Most importantly, more important than anything else, more important than the tax money that is saved is these women are setting an example for their children that there is a value to work, there is a dignity and pride that comes with it. For those reasons, I strongly support reauthorizing our welfare reform package with no watering down amendments that would turn the clock back.

I again applaud the gentleman from South Carolina for his leadership on this very important issue.

Mr. WILSON of South Carolina. We certainly appreciate the gentleman from Florida's hard work for the people of Florida, a proven story of success in yourself.

Mr. Speaker, one of the most beneficial acts that you can have as you serve in the State legislatures is to travel around the country and meet persons that you recognize right away or superstars in terms of future legislative activity. I was very fortunate to have met a State legislator from Pennsylvania. I was so pleased to learn of her election to Congress. I am very pleased to yield to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. I thank my fellow former State Senator. I think we are really well equipped as those who worked on the State level to implement the 1996 welfare reform to do what we are as we are part of the working group on the reauthorization of the welfare reform on the Federal level.

I thank the gentleman for his kind words and for his work on the task force and also for giving me a few moments to talk about some of the things that have been happening in my area regarding the success stories, as the sign says, replacing welfare checks with paychecks, but also replacing broken spirits with very strong spirits, a lot of moms who are going to be great leaders and examples to their children.

Those reforms have helped so many men and women get off the welfare payroll. We hear the statistics, but it does help, as the gentleman before me said, to hear the real story. One example I have is a woman I met during our time during the district work period named Michelle who was unfortunately left alone by her husband with her two small children. Obviously she had been a stay-at-home mom but was forced to go and find a job and also a new home.

If that did not present her with enough challenges, her parents were also diagnosed with serious illnesses. Michelle moved in with them to take care of them in addition to also caring for her own children. Welfare for her was the only lifeline she had to get her from day to day. But she had a greater future in mind for her family. Fortunately, she did what a lot of welfare recipients are now doing as a part of the normal regimen, taking classes, getting a job. She did both. That was 4 years ago. I am happy to report that today, Michelle does have full employment and she is helping others who are in a similar position to the position she was in.

She is now a case manager for the Lawrence County Social Services Organization. She took her skills, those she knew from her daily experiences and also those she acquired as a student while still receiving welfare. She uses those skills daily to help others who are going through the same difficulties that she faced. She is one of the great success stories, and now Michelle is going to help create a lot more success stories.

There are other organizations aside from those who are paid within the system that help us make a difference. Especially after the welfare reform law, there were a number of community organizations that stepped up to the plate. One I work with very closely called HEARTH, which stands for Homelessness Ends with Advocacy, Resources, Training and Housing, they have helped so many, mostly women, mostly victims of domestic violence, because they help provide some support via housing for these women as they again continue to struggle and move forward.

The first one I would like to tell you about is Cindy, who came to HEARTH's facility called Benedictine Place with four small children. She wanted to provide a better life for them and for herself but she had been a victim of domestic violence and her self-esteem was certainly not at its highest. One of her sons did not want to live in a shelter. Unfortunately he did go to live with his father, but the other three stayed with Cindy and helped Cindy as she helped them to get a new view on life.

While receiving her benefits, Cindy went back to school. She had some nurse's training from the past, but she knew she needed to update her skills. She took that opportunity, she finished her training and she was eager to get her children established. She got her degree, she got a job, she found a safe place to live. She is now working and is a supervisor at the hospital where she works as an RN. Her oldest daughter said it best to her recently. She said, ''Thank you for making anywhere we lived a home.'' That statement made the struggle worthwhile for Cindy because it could not have been easy. We all know that.

But we know that for Cindy and for Cindy's children, there is a much better future. Not only is she a valuable and contributing member to society, but she is returning the favor to other members of her community by helping them as much as they helped her.

Finally, the last example I want to share with you is of a woman named Jackie. Jackie was in a very poor situation. She did not have any transportation. She had small children as well and needed some support. Obviously the welfare system did help keep her going. But once again, she now said that it was a huge adjustment, but she has now moved into the workplace, she is making enough now to actually rent a house, purchase a car. She has a job with full benefits. Jackie says it is much better for her. She loves going to work each day. She has given back as much as she can. She is now very pleased to be a taxpayer, as she said, instead of a burden on all the other taxpayers.

Granted, welfare has its place. Otherwise, we would not be considering reauthorizing welfare. But it is meant to be and has through these women been shown to be a very successful means for transitioning. These are women who have had hope. They have had influence from others who have maybe shown her an example, taken time with her as well as wonderful caseworkers who have done a wonderful job.

Over the break, I had a round table meeting with a number of caseworkers and those who work in the system, as well as some who have gotten through the system and several who are currently on welfare and trying to work their way off, whether they are receiving education, working part-time and moving in the direction of independence. It was a really inspirational meeting, partially because the first woman I spoke of, Michelle, was part of the round table is now a caseworker with Lawrence County Social Services, but partially because I saw the faces of some very strong people whose spirits had once been broken but who are now very much recovered, very much moving forward, and very much an inspiration to the rest of us. They show us just how much people can do if we give them the right tools to move forward. I would like to thank the gentleman from South Carolina (Mr. WILSON) for the opportunity to talk about these women and there are so many others.

I have several other examples I am not going to go into, but they are examples of all the people and put faces on all the people across the country who have benefited because of the changes. I certainly am very happy to be here and to be here now at the Federal level when we can reauthorize welfare reform and encourage both education and work and make sure that these families are on the way to a very prosperous and successful future, along with a great example for their children.

Mr. WILSON of South Carolina. I thank the gentlewoman from Pennsylvania. Again we appreciate her great service to the people of her district and the enthusiasm that she obviously has for the people of Pennsylvania.

Mr. Speaker, another treat that I have run into by being here in Congress and meeting the Members of Congress is to be reassured as to the competence level on both sides of the aisle of people who serve here in Washington. Not only the competent, but very thoughtful. One of the most thoughtful to me was the gentleman from Mississippi (Mr. WICKER).

I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I want to thank my colleague from South Carolina for those very kind and overly generous words. Like my colleague from South Carolina and the gentlewoman from Pennsylvania who just spoke, I was a member of the State Senate. I served for 7 years in that body until I was fortunate enough to be elected by the people to come here to Washington. During a portion of that time, Mr. Speaker, I served as chairman of the

Public Health and Welfare Committee in the State Senate in Mississippi, and so I share some of the same experiences that the two previous speakers have had. I think I can attest, Mr. Speaker, to the difficulty we had at the State level prior to 1996 in enacting meaningful welfare reform at that level. God knows we tried and we tried to do our best, but we did not have the flexibility that we needed and that the 1996 Act has brought. We were forced into going individually on a case-by-case, law-by-law basis to the Federal Government for what we called a waiver, and hoping that we could get the department, in both Republican and Democrat administrations, to agree to those particular waivers. It just simply did not give us the flexibility that we needed.

Also, I can tell you, Mr. Speaker, that there was not the solid commitment to a work requirement prior to the 1996 Act. And so I am so very, very proud that at least three of us and many more have been able to come from the State level where we made a gallant attempt to come here to Washington, D.C. Of course I got here with my friend from Florida who spoke earlier with the class of 1994.

We worked real hard for 2 years. I am just so pleased to talk about the progress that we have had. One of our most prominent colleagues from that class is the chairman of the Republican Conference, the gentleman from Oklahoma (Mr. WATTS). He has made the statement ever since we arrived in town that we need to measure welfare reform successes differently. We do not need to measure the success of welfare reform by how many people we can get onto the program, how many people we can get onto the rolls.

Quite to the contrary, Mr. Speaker. We need to measure the success by how many people we have been able to move off the welfare rolls into meaningful employment. Indeed, to move them from the welfare rolls to the tax rolls.

I spoke in my 1-minute address earlier this morning about some statistics that I am very, very pleased about concerning the 1996 Act. There has been a 56 percent drop in welfare caseloads nationwide. Just think about that, Mr. Speaker. Over half of the caseloads, gone, a tremendous measure of success. The lowest levels of welfare rolls since 1965. Two million children, children, rescued from poverty whose moms and daddies are now enjoying the benefits of a paycheck and the good life that we seek here in the United States of America. And, of course, the lowest child poverty levels in many, many years.

So I am pleased at the statistics that we can cite, and those statistics are real and they are meaningful. But I am also so pleased that my colleagues tonight have done, as the gentleman from Florida (Mr. WELDON) stated, reduce it to human terms and tell individual facts about individual American citizens who have benefited from this excellent piece of legislation. And so when I heard that a number of my colleagues were going to present success stories, naturally, Mr. Speaker, I went back to my local welfare office to ask how the TANF program, the Temporary Assistance to Needy Families Program is doing back on the local level where I was able to work with them as a State legislator and certainly now continue to be interested.

And so I was pleased, also, to receive story after story and example after example of ways in which this legislation has benefited individuals on the human level. Some of these recipients did not mind if I used their names, but I thought I would make up a pseudonym for them just for their own privacy. One young woman, I will call her Sara, became a single mom while attending one of our community colleges in northeast Mississippi. Knowing that she needed to complete her education in order to provide for her daughter, Sara enrolled in the TANF program and received help with expenses involving the raising of a child while going to school full-time.

□ 1900

She went to school full-time while working full-time for the community college in the work-study program. After completing community college, Sarah commuted to one of our fine 4-year universities in north Mississippi where she continued her work-study. The TANF program enabled her to focus on the future by paying for transportation costs to and from school and for her daughter's day care expenses.

Now, listen to this, Mr. Speaker. Sarah received her degree, a master's in instructional technology in the year 2000. With this post-graduate degree, this former welfare recipient was able to find a job quickly and become self-sufficient, and I can now report with pleasure that she is the technology coordinator for one of our very fine local school districts in the public school system in northeast Mississippi.

We can all go on and on with these excellent examples of the way this program has worked.

I will simply mention Sandra, the mother of a child with spina bifida, who was able to go on the TANF program and is now a clerk at an equipment store in her local hometown.

I will mention Betty Ann, the mother of four, who for a time had to go on the TANF program, but now is working full-time at the Old Miss law school.

Then there is Jane, who was forced to leave her husband of 11 years because of some domestic abuse allegations, but has now, after being on the TANF program, been able to get back onto her feet, move out of public housing and into her own home.

Then finally there is Marie, the mother of two young sons, a welfare recipient who was able to go back to school and is now a registered nurse. Success story after success story, whether you take it at the individual level or the overall statistical level.

I simply would add this, and then I will yield back to the gentleman from South Carolina with my appreciation for his good leadership on this matter.

More work does need to be done, and it gets harder and harder. If this had been an easy matter, we would have been able to resolve it in the 30 years when we were pretty much going down hill in the welfare area. We need further encouragement of work. We have learned in the past 6 years of welfare reform experience that making work pay is an integral part of actually moving people into a meaningful life. So we need to further encourage work when we are considering the reauthorization of this legislation.

We indeed need to expand State flexibility more so than we have already done. I have already mentioned the importance of having that and giving our State legislators, who, after all, are closer to the people, the opportunity to fit their local needs into an overall Federal program, and then to promote marriage.

I think the statistics more and more become overwhelming that a stable marriage, to the extent that the Federal Government can encourage stable, voluntary, safe marriages, that marriage is the best antidote for welfare problems.

So, I just would say, Mr. Speaker, it is a pleasure for me to talk about success, to talk about our determination in this House of Representatives to make the system even better, and once again to thank my very capable new colleague from South Carolina for his hard work in this regard.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman very much, and thank you for your thoughtful service for the people of Mississippi and all of America.

Mr. Speaker, as we discuss the success stories of welfare reform, as the gentleman from Mississippi (Mr. WICKER) pointed out, you can also look at the facts that confirm the success.

Most important to me, I have got four children, would be to point out that child hunger has been reduced nearly half since 1996. The 4.4 million children who could have been in hunger and were in 1996, that has been reduced to 2.6 million in 1999. That is just an extraordinary achievement for the children and the young people of the United States.

Additionally, I would like to bring to your attention what the gentleman from Mississippi has already referred to, that with the implementation of welfare reform there has been a reduction of nearly half of the number of persons who are on welfare. Beginning in 1996, there were 4.4 million families that were in the welfare system. Currently, that has been reduced, due to the work of the professional social workers of our country, to 2.1 million families.

The number of individuals receiving cash assistance has decreased by 56 percent. The number of families, as I indicated, has decreased and dropped from 4.4 million in 1996 to 2.1 million in 2001.

Welfare rolls have fallen 9 million, from 14 million recipients in 1994 to just 5 million recipients today in the United States.

Welfare caseloads have not been this low since 1968. Child poverty rates are at their lowest level since 1978. African American child poverty rates in poverty among children and female heads of families are at their lowest level in history.

Another fact: at 11.3 percent, the overall poverty rate in 2000 was the lowest since 1974. A fact that we can all appreciate, because of what this means again for children, the rate of births to unwed mothers has leveled off; 2.3 million children have been lifted out of poverty.

Another fact: child support enforcement, making parents pay for child care, is up by more than 210 percent.

Another fact: the number of children living in single parent homes has declined, while the number of children living in married-couple families has increased, especially among minority families.

Another fact: since 1996, nearly 3 million children have been lifted out of poverty.

Finally, another fact: before 1996, recipients stayed on welfare for an average of 13 years and few worked; but that is changing, because people are getting jobs. They are having opportunity. They are leading fulfilling lives.

I over the last couple of weeks have continued a practice that I have done in my prior service in the State Senate of visiting the Department of Social Service offices; and in the past several weeks, I have visited Allendale County in South Carolina. The director is Ms. Lee Harley-Fitts. I met with Mr. Fred Washington of Beaufort County, the Director. I went by and met with Bernie Zurenda of the Hampton County Department of Social Services. I met with Mr. Bill Walker of the Lexington County Department of Social Services. And I was very pleased to meet with Ms. Richelynn Douglas of Richland County, which is the capital of South Carolina.

In each case I met with the social workers, and I delivered to them letters of appreciation for what they had done to create the extraordinary and historic social development of the change in welfare in the United States. It is these people who are frontline, and I had a wonderful time going by and visiting with them.

Additionally, by telephone I worked with our State director, and this is bipartisan. She is, of course, a member of the cabinet of our Governor, Ms. Libla Patterson. It just is heartwarming to see these people on the front line working so hard and so enthusiastically at the office in Lexington.

I will never forget that the intake persons who worked there are called cheerleaders; and in fact, that is what they do. When people come in, they cheer the people up. They tell the people who are applying for TANF that they can achieve, that they can have jobs created.

Another office had pictures on the wall of success stories right there in the office. As the people would come in, of course, they would be down and out, discouraged; but they could look around and see pictures of people who had succeeded.

I, too, as my colleagues, have run into specific situations; and in the interest of protecting privacy, I would like to read statements from persons who have truly benefited from the reforms of welfare in the United States that we need to continue, as the President has proposed.

Robin, who currently now works at the Sunshine House Daycare Center, says that ''DSS builds your ammunition to get a job. The classes made me feel better about myself. They inspired me to get a job. Now I feel on top of the world.''

We have, as was indicated by the gentleman from Mississippi, situations where people have gone back to college. We have Melissa, who is currently at Benedict College in South Carolina. It is one of the largest Historically Black Colleges in the United States with 2,900 students. I was there last week with President David Swinton; and I was happy to be there with my special assistant, Earl Brown, who is a very proud graduate of Benedict College.

Melissa says, ''I used to think badly about DSS, but DSS has helped me with bus tickets, a check, class, helped me when I thought I couldn't make it through. They even helped me move, with Christmas presents. DSS made me do things myself. I have a job now and I can go higher. I want to apply for a promotion and go back to adult education. I know now that I can make it.''

There was Kimberly. Kimberly currently works with Scientific Games in Columbia, South Carolina. ''I feel 100 percent better since getting a job. I no longer have to struggle. Now I only have to work. I am no longer living day by day and worry if my food runs out. Now I have my own transportation. DSS helped me with financial and moral support. They helped with my resume, even faxed it, and they told me to write thank you notes. I am thankful I have a job.''

Then there was Christy. She currently works for a billing service in Lexington. ''I have accomplished a lot with the help of DSS. I feel independent and self-sufficient. Getting a job has changed my outlook on life. I was in a slump, without transportation. Now I have a car that I bought with my taxes. DSS helped enable me to provide more for my kids with less assistance.''

These success stories are just so heartwarming, and they remind me over and over again of how important it is here in Congress to work for the principles to make the changes that can make it possible for people to have jobs and change welfare in our country.

Currently, there are four principles that the Republicans have adopted and are using. First of all, it is to promote work, to strengthen the path toward independence on the State and Federal level. What that has meant is that we are very supportive of education programs, of training programs. We all understand that we need to provide quality child care, that we need to provide health care for the children for the persons who are on temporary relief. We need to provide for work to be proactive in regard to transportation, and even relocation assistance, if necessary, to move to locations voluntarily where jobs may have better pay and be more prolific.

A good example on transportation in our State is that we were confronted with an extraordinary dilemma when we adopted welfare reform, and that is that persons could not qualify because they had excess assets if they had a vehicle which was worth more than $2,000, so the vehicle they had to own had to be $2,000 or less.

In looking at this, we received information from both sides, Democrats and Republicans, that made it real clear. There was one outstanding feature of a vehicle that is worth $2,000 or less: it does not work. The other feature is it would take an extraordinary amount of money to promote the fixing of the vehicle. So we changed that to where persons could have a car that was worth $10,000.

A second principle is improving child well-being and lift more children out of poverty. We have done that through working for stronger support enforcement for child support. Persons are required now to maintain current child support.

Third, we are promoting healthy marriages and strengthening families. This, of course, was referred to by the gentleman from Mississippi. Even the Washington Post has identified that this is a very legitimate concern in an editorial on April 5 promoting marriage in our country, because we already know that the prior welfare laws were ones that promoted breaking up of families and of marriage. So the penalties of marriage have been done away with.

The fourth point of the Republican principles and initiatives for welfare reform are to foster hope and opportunity, boosting personal incomes and improving the quality of life.

□ 1915

Of course, to me, that also means that we have tax incentives for persons to hire, persons who were formerly on welfare, but also tax reductions. In fact, tomorrow, I am really looking forward to being here to vote to make

permanent President Bush's tax reductions. That is money in the pockets of either the persons who are newly employed or in the pockets of all Americans so that we can employ more people. It is jobs. So when we hear about tax cuts and providing for incentives by reducing the taxes, think again of how that directly relates to creating employment in jobs.

As I indicated a few minutes ago, one of the key people who has meant so much to me is the former chairman of the Committee on Ways and Means of the South Carolina House of Representatives, and he is here tonight. At this time I would like to yield to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman. It certainly was a pleasure serving with the gentleman in the State legislature. We were confronted with this same idea back, I guess in the early 1990s, and people said it would not work. People have been caught in this web of successive generations, caught in the web of welfare, and we felt like we wanted to give them an opportunity. I am pleased to have been a part of that and of having the privilege of working with the gentleman from South Carolina (Mr. WILSON). I am certainly so grateful to have the gentleman up here in Washington so that we can renew that same concerted effort to try to make a difference. I think we did back then, and I think this is a good program here.

Mr. Speaker, I rise again in support of welfare reform legislation. As we continue to help people bridge the gap from welfare to work, it is crucial that we not lose sight of the need for further reform. Our welfare system still suffers from decades of mismanagement and unnecessary growth. It is incumbent upon us to further the improvements enacted by Republicans 6 years ago. In shortening the welfare rolls, we strengthen the backbone of working people. By helping hard-working Americans to find jobs, we restore dignity to deserving citizens. The success of our system is measured by the success of working Americans. Six years ago, Republicans took a great first step towards improving welfare. However, we cannot afford to stop short. We must walk the extra mile.

Mr. Speaker, I urge my colleagues to support further welfare reform. The American people must come before petty politics.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman from South Carolina (Mr. BROWN). I appreciate the gentleman's hard work, both in our State and now here in Washington to promote welfare reform.

Mr. WICKER. Mr. Speaker, would the gentleman yield?

Mr. WILSON of South Carolina. I yield to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I thank the gentleman. The previous speaker, the gentleman from South Carolina, mentioned bridging the gap, and that is really what the TANF program is all about, the Temporary Assistance to Needy Families.

The problem with the old system is that the gap was so long, so large, it seemed that we never built a bridge over it and we never got to the end result of actually moving these American citizens from the welfare rolls of receiving a check from the taxpayers on to the job rolls. So that is one of the really excellent things about this new approach and the reason that we need to work harder to reauthorize it and make it work better.

But Mr. Speaker, it takes leadership and it takes a bit of courage to effect change in this city of Washington, D.C., and in this Federal Government. There is a certain amount of inertia there.

Whenever we try to do something bold, as this Congress did back in 1996 in passing welfare reform, the opponents always try to bring out what I call the ''parade of horribles,'' all of the terrible things that are going to happen to our fellow citizens if we do this sort of thing. I can recall the stern warnings that we received from some of our friends, the opponents of this legislation, when we were considering it back in 1995 and then in 1996. As the gentleman knows, it was vetoed by the Clinton administration first before we were able to finally push it through in 1996.

But among the opponents of this legislation, Mr. Speaker, one person said, and I quote, ''The people who do this will go to their graves in disgrace.'' Well, certainly, that is a charge that we had to face, and any time we have the possibility of new public policy, we know that it might fail, but we knew in our hearts that it would succeed, and we certainly do not believe that we will go to our graves in disgrace. I think the author of that remark, Mr. Speaker, probably would not want to come forward and take ownership of that particular quote.

Another said, ''In 5 years time, you will find appearing on your streets abandoned children, helpless, hostile, angry, awful; the numbers we have no idea.'' I am almost sorry that the gentleman from South Carolina took the last poster down because, of course, it showed not only a more than 15 percent cut in welfare rolls, but also approximately a 50 percent reduction in childhood hunger and childhood poverty.

Just a third quote from this ''parade of horribles'' that we had back in 1995 and 1996. One member of the other body said, and I quote, ''The central provision of this law, the 5-year cash benefit limit, would be the most brutal act of social policy we have known since the reconstruction.''

Well, indeed, we were able to look past those unfounded charges and move toward really one of the tremendous success stories, I think, of the last 50 years. I am just so pleased to have been a part of it. I want to commend the leadership of the House of Representatives and of the Senate back during those days of 1995 and 1996 who had the courage to withstand these sorts of unfounded charges, move the bill through time and again, past a veto on two occasions, and on to the desk of the President where it was finally signed into law. We have seen the great results of it.

So once again, we may find ourselves in that sort of debate. I do not know, Mr. Speaker, what exactly we will be hearing from the opponents of this approach. But I dare say that we may have to, once again, show some courage. This time, though, we will be able to point to the great successes that we have had.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman. I appreciate the gentleman bringing that to our attention. We indeed do have something positive this time to show a proven record of success.

Mr. Speaker, I am very honored to in Congress serve adjacent to the gentleman from Georgia (Mr. KINGSTON), from the very historic City of Savannah, which is practically becoming the sister cities of the communities that I represent in Hilton Head Island, so we like to claim that we represent very similar and wonderful, positive communities, and at this time I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman north of the Savannah River in South Carolina for his time. I wanted to talk a little bit about what the gentleman from Mississippi (Mr. WICKER) was talking about in the 1996 session when we took on the historic welfare reform bill, and as he said, change is difficult in Washington. In fact, I think it was Ronald Reagan who said ''If you don't believe in resurrection, try killing a Federal program.'' That seems to be the case with change often as well; it is just impossible.

We were accused of pushing women and children on the street and turning our back on the poor, some very tough rhetoric that did not match the goals of what we were trying to accomplish, but nonetheless, at the end of the day, we had a bipartisan bill. President Clinton signed it into law. Since that time, out of 15 million people who were on welfare, 9 million are now working and independent. It is a great success story, from anybody's point of view.

Now, with change in Washington, it is an uphill battle, and now it is time to go back into that bill again and say, okay, what is working and what is not working?

I remember in 1996 talking to a welfare caseworker and he was telling me the situation of a family where there was a young woman, a young lady, and she was living with a man who was not her biological father because her biological father was in jail. Her biological mother had shot another man, and she was also in jail, and just a broken

family situation. The young woman, 16 years old, in 10th grade, and they were worried that she was going to drop out of school, perhaps get pregnant, follow in some traps. She was in a very, very high-risk, critical stage in her life.

Then, her sister, who was 13 and in the eighth grade, they said, we have to keep her mainstreamed. So one of them we have to have some proactive handholding and the other one, we just have to have some steady guidance. But the problem is, as their welfare caseworker, he said, I cannot do anything about it, because we have one group that handles teen health care issues, another group that handles transportation, another group, another agency, I should be saying, that handles public transportation, and another one that handles public housing, and everything was compartmentalized.

With welfare reform, one of the great advantages was flexibility, so they could go into a family like this and work on the whole family needs, not just piecemeal, to what the human being needed. So I think that welfare, there is a tough side of it, but there is a love side of it, and it is an example of tough love.

When I look at legislation that we passed during the 10 years that I have been in Congress, I have to say this is truly one of the more profound pieces, because of the 9 million people that it had a positive effect on. If the gentleman would continue to yield, I have a true story of a woman in my district who lives in Brunswick, Georgia, and I am going to call her by her first name only. Mary is a single mother of three children. She had not worked in over 10 years when she was enrolled in the TANF, Temporary Assistance to Needy Families, Work First Employment Services Program. Now, Mary had a history of substance abuse and a history of receiving public assistance. She had attempted several job readiness workshops and job search activities without any success.

When the Ready to Work Substance Abuse Day Treatment Program began in Glynn County through the Gateway facility, Mary was the first referral to the brand-new program. During the next several months, she had spotty results with the program. In fact, she relapsed with her drug problem and spent some time in jail. But she also became involved in drug court and was required to continue her participation in ready to work.

So instead of just saying, well, that is okay, we tried, what this welfare reform bill said is, you know what? We are going to keep working with you until we get it right. We are not going to give up on you, and we are not going to allow you to give up on yourself. So Mary persevered. After returning to the program, she became very involved in it and completed it successfully. She was assisted by the program after that in getting her first job, and now, although she has had some problems, as any parent would have, as any single parent would have, she is still working, she is drug-free and alcohol free, and she actually has been speaking to substance abuse groups about her own experience.

So she is one of the 9 million success stories that is out there. So I want to say it is just something that we can all be very, very enthusiastic about. Democrat, Republican, rural or urban, big city, it does not matter; we should all share in this.

□ 1930

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman. Again, I am very honored to serve in the same community with the gentleman, Hilton Head Island. Of course, the gentleman and I are looking forward to the Heritage Golf Classic this weekend, which even relates to the issue at hand, Mr. Speaker, in that in terms of welfare reform, the jobs that are created.

The Heritage Golf Classic will generate $56 million to the hospitality industry of the low country of South Carolina and Georgia, and then it will create a thousand jobs. So we are grateful for the Heritage Golf Classic that is under way right now.

Mr. KINGSTON. Let me say this: Anything we can do to get jobs in this area is part of the welfare reform issue. So whether the paycheck comes from South Carolina or from the State of Georgia, it is good for our area and good for our people.

Mr. WILSON of South Carolina. And that includes Newport and Jasper, too.

Mr. WICKER. Mr. Speaker, will the gentleman yield?

Mr. WILSON of South Carolina. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, of course, we are here tonight talking about the success of one single piece of legislation, the 1996 Welfare Reform Act. We are indeed proud, and I think we have the individual stories to back it up, as well as the overall data. But it is all about job creation and moving people from welfare to a meaningful job, and meaningful participation in the American way.

Some people have said, ''Well, Congressman, you have a lot of success stories. But actually, I think we could attribute that to the booming economy, not to the Welfare Reform Act.''

I think, actually, the statistics show and the experts have told us that a good portion of this success that we have been talking about so proudly tonight does come from the Welfare Reform Act of 1996. But also, I am happy to take credit, as a Member of this Congress for the last 7½ years, for the good economy that we have had, for the most part.

Now, we have had a business downturn, which we are going to have in a free and open and market-driven economy. We are going to have that sort of thing. But I am proud of the tax reform and the tax reductions that I have twice been able to participate in as a Member of the United States House of Representatives. I am proud of the tax reduction that we enacted last year, the fact that we sent tax rebate checks back to millions of Americans to the tune of $40 billion, at a time when the economy was just beginning to slow down and we needed a boost there.

So to the extent that our policies in this Republican House of Representatives for the past 7½ years have contributed to a booming economy, certainly I want to give that credit, too, in creating the atmosphere for job expansion. So I think that goes hand-in-hand with welfare reform, it goes hand-in-hand with the job creation parts of our tax reduction bills.

I think at this point, let me just see if I can conclude my part of this special order, if my friend will permit, and he is standing by, I think, with a very important part that my colleagues are able to look at.

Mr. Speaker, I hope that the American people will contact us, will contact me and our colleagues on both sides of the aisle, both houses of this Congress during the coming days of this welfare reform debate, and let us know if they support the concepts that my friend has right beside him, there.

Would they like their Member of the House of Representatives to vote for a piece of legislation that promotes work, something that has been the very foundation of this country for over 200 years, to strengthen the path towards independence for families, independence from the need to receive a welfare check from the government?

Secondly, I hope our constituents will talk to all of our colleagues, Mr. Speaker, about the importance of improving child well-being. We have lifted over 2 million children out of poverty. As I said earlier tonight, let us lift 1 more million children out of poverty. Let us let that be our bold goal in this debate.

Thirdly, it would be to promote healthy marriages and strengthen families. I hope we will hear from our constituents and from our fellow Americans about that, Mr. Speaker.

And then, finally, the fourth Republican principle of welfare reform: fostering hope and opportunity to boost personal incomes and improve the quality of life, and permit more of our fellow American citizens to grab hold of that great American dream.

I hope we will hear from our constituents. I hope we will have a healthy debate among our fellow Americans on the floor of this House. I look forward to it.

Once again, I thank my colleague, the gentleman from South Carolina, for his excellent leadership in this regard.

Mr. WILSON of South Carolina. Mr. Speaker, I thank my colleague, the gentleman from Mississippi (Mr. WICKER). I appreciate his input.

As I conclude, we have been going over success stories, and my colleague,

the distinguished gentleman from the Third District of South Carolina (Mr. GRAHAM), had submitted a success story that he wanted to be known by people of the United States. And I can identify with that, because I have been a volunteer with Habitat For Humanity.

This is about Contessa from the Third District of South Carolina. ''When I was on welfare, I forgot that I was a valuable person, that my life mattered. I really did not have the proper esteem when I was on welfare. Things are so much better now that I am employed and my self-esteem has improved.''

A former welfare recipient, Contessa, like thousands of other Americans, has made the transition from welfare to work. Hired as a receptionist who was told that ''There is little chance of opportunity for you,'' Contessa has continued to move up, and today is a paralegal at a prominent law firm in neighboring Greenwood.

One of the dreams that she has achieved is the ownership of her home. That is the American dream. Contessa has taken that bold step forward. I end with this quote: ''I have now purchased a home through the Home Authority Stepping Home Program, where a portion of your rent goes into an escrow account for the downpayment on a home. Becoming a homeowner really changes your whole outlook, as does the change from welfare to work.''

I would like to thank my colleagues who have participated tonight. We look forward to the discussion about the creation of jobs, the creation of opportunity with the welfare reform reauthorization.

THE MIDDLE EAST CONFLICT AND THE STATE OF ISRAEL

The SPEAKER pro tempore (Mr. SULLIVAN). Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. DEUTSCH) is recognized for 60 minutes.

Mr. DEUTSCH. Mr. Speaker, I join with a group of colleagues, and I hope and expect more to join us as the evening progresses, to talk a little bit about the conflict in the Middle East, but also to talk about the Middle East and talk about the state of Israel.

In Israel today, it is Israel Independence Day, the 54th anniversary of the modern state of Israel. I am joined this evening on the Republican side. Sharing the time with me is the gentleman from Georgia (Mr. KINGSTON), as well as a number of colleagues, Democrats and Republicans.

I mentioned the 54th anniversary of the creation of the modern state of Israel, and there is a time line that is relevant that hopefully all Americans have a perspective of, because I think the time line gives us a sense of the issues that Israel is dealing with today.

There has been continuous Jewish occupation in the land of Israel from historical times, from the start of the common era, from the time of Jesus. In 1917, though, in terms of the modern state of Israel, the Balfour Declaration by Great Britain was issued. As this map shows, it was a mandate that the League of Nations had given to the British empire at that time. Saudi Arabia did not exist.

I think one of the best charts that I have seen, presented by the gentleman from New Jersey (Mr. ROTHMAN) when we did a special order last week, was talking about the years the different countries were created. Saudi Arabia was a group of nomadic tribes at this time, and Egypt did not exist as a modern country. It was part of the British mandate. Iraq was part of the British mandate. Syria was part of the French mandate.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentleman from Georgia.

Mr. KINGSTON. It is not shown on the gentleman's map, but I think it is important to point out that Iran did not exist, either. That was ancient Persia at that time.

Mr. DEUTSCH. Absolutely correct. I think it is important just in terms of the issue of why is Israel there as a modern state. I keep referring to it as the modern state of Israel.

The British in 1922 actually divided the mandate that they had along the Jordan River, so there is a line straight from the Jordan River. On the eastern side, they created trans-Jordan, and on the western side, Palestine. Now, trans-Jordan has become modern-day Jordan, and Palestine, let me shift the map and get to what really is the next map, was a partition plan of the United Nations in 1947.

I think this is also a significant map for people to understand and actually to look at, as well. It is significant for a number of reasons. It is significant because, first of all, the Jews that lived in Israel at the time accepted that map. The Arabs that lived in Palestine did not. In fact, in 1947 or 1948 when the British withdrew from Palestine and Israel declared independence 54 years ago, five surrounding Arab countries and their armies, Egypt, Jordan, Syria, Lebanon, and Iraq, invaded.

The Israelis were outnumbered five to one at that point in time, basically with no outside direct support, and the United States obviously, as most people know, recognized Israel as soon as it declared its existence, but this boundary was accepted by the Jews in the state of Israel. In terms of the five countries that invaded and the Arabs that lived in Palestine, they did not accept the partition.

Let me just follow up with another map, which is a map of Israel today. The significant part of this map, in a sense, is from the last map to this map is four wars: 1948, 1956, 1967, and 1973. The areas in the West Bank and Gaza and the Golan Heights were acquired by Israel in 1967.

Again, the history of that point in time I think is also very significant. It is significant because it was not a war that Israel sought, it was a war of defense. I think what is also significant, just to understand the context, the historical context, is that the area of the West Bank and Gaza, which effectively, I think, all parties now understand will in fact become a Palestinian state at some point in time, when those areas were controlled by Jordan and Egypt, neither Jordan nor Egypt wanted there to be a Palestinian state. There could have been a Palestinian state at any point in time between 1948 and 1967 if Jordan, Egypt, or the Palestinians in that area would have agreed to a Palestinian state living side by side with the state of Israel at that point in time.

A significant thing happened in 1974, and really, under the American auspices, the American involvement, in terms of the peace process that really began in 1974. But the real significant event in modern times, or prior to this year, is 1977 when Anwar Sadat visited Jerusalem and made a clear show to the Israeli people of his commitment towards peace. If there were any two peoples who were as diametrically opposed, who had fought very vicious, competitive wars with each other, the Egyptians and the Israelis were those two people.

As we know, under the guidance of President Jimmy Carter, Sadat and Prime Minister Menachem Begin signed the Egyptian treaty at Camp David in 1979. Just moving forward past 1979, I think there are some interesting dates. As opposed to Anwar Sadat, Chairman Arafat's actions in 1982, because of terrorist attacks on Israel at that time, Israel invaded southern Lebanon. In fact, what happened was Arafat ended up getting expelled from southern Lebanon to Tunisia. The Israeli troops remained in the security zone for a period of time.

In 1991, as the chart points out, Chairman Arafat supported Saddam Hussein in the Gulf War. In 1994, another positive step occurred in that King Hussein and Prime Minister Rabin signed the Israel-Jordan peace treaty with President Clinton.

In 1997, the Hebron Accords were signed; in 1999, the Wye River Accords; and in 2000, the Camp David attempt by President Clinton had its auspices. Again, as we know, the offer that was on the table of 97 percent of the West Bank, parts of Jerusalem, significant parts of Jerusalem, an independent Palestinian state, was rejected by Chairman Arafat.

□ 1945

I give this as a historical background, and I look forward to my colleagues' statements.

So I would yield first to my colleague sharing the time who has taken a leadership roll and serves on the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Florida for

yielding the time and also for organizing this special order, because I do think it is extremely important that we in America set an example and let it be known worldwide that we stand behind Israel's right to defend herself, and we truly believe that the time for that statement is now on this day of Israel's independence of 54-year anniversary.

Just to think about a nation of 5 million people compared to America, 281 million, we are a little less than 60 percent the size of Israel, and on that horrible day of September 11, when 3,000 Americans were killed, that equivalent to Israel would be about 50 people, and last month alone Israel lost that many. So she has the right to defend herself.

Mr. DEUTSCH. Mr. Speaker, reclaiming my time for one second, I am going to grab a chart, if I can, which is showing the numbers. Actually in the month of March alone it was not 50. It was 150 Israelis that got killed. So in fact, in the month of March, just this past month Israel sustained the equivalent of three 9/11s, and I think if we can just imagine what the United States, God forbid, that would have occurred to us, what we would do, I think the world has seen what we did with one 9/11.

Mr. KINGSTON. Absolutely, and when one considers that the attacks are so random, in a coffee house, in a theater, in a crowded street, anywhere there is a group of people, the whole nation is truly under attack. It is not just the people in the Gaza, the West Bank, but it is anywhere.

I have a number of folks on my side of the aisle who want to speak, and I wanted to yield a few minutes to them if that is appropriate.

Mr. DEUTSCH. Mr. Speaker, I think we have a lot of Members here this evening. I think what I would like to do, normally in special orders we do not limit time, but maybe if we could limit time to 5 minutes per Member and have a discourse.

If I could yield to the senior Member in this Chamber right now, one of the senior members on the Committee on International Relations, and there is no gentleman who is a more significant leader in terms of his record, in terms of peace in the Middle East, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman very much for yielding to me. It is very good to be here with all of my colleagues, and I do not have a prepared comment. I just want to make a few points and then yield back to my friend from Florida and the others who took this special order.

First, to thank the gentleman for taking this special order. I am getting a lot of comments from my colleagues in this Chamber, I am getting a lot of mail and phone calls from my constituents who are watching television, who are seeing pictures and reading stories and are very distressed by what they have seen in these past few weeks, and I thought it would be good to come back to a couple of very basic points.

For me, as a Member of Congress, one of my priorities is to work for the survival and the security of the State of Israel, and I say that and I do that with no embarrassment because I very much believe that that position is a position that is strongly in the interests of the American people, and I think that as we look at the context of this conflict, some of the points illustrated by the gentleman from Florida with his maps remind us of several critical points.

The first point is that every single time that the people of Israel have been presented with an option which involves compromise on their part and the hope and promise of peace, they have chosen that option rather than pushing for maximalist demands and a continuation of conflict.

It started in 1948 with the partition plan sponsored by the United Nations where Israel and the people of Israel accepted far less than they hoped to get in that partition plan, and as the gentleman from Florida pointed out correctly, the Arab neighbors of Israel rejected that partition plan and went to war.

It occurred again in the wake of Anwar Sadat's statement that he would make peace with Israel if they would withdraw from all the territory that they had occupied as a result of the 1967 and 1973 wars. Within an instant, Israeli public opinion rallied around the call by this courageous leader of Egypt for peace and set through a process to withdraw from the entire Sinai peninsula, to uproot settlements and to pull back just in the hope that they could engage in a lasting peace with the country of Egypt.

It occurred again in 1993 in the context of Oslo where all Israel got for all the compromises that they agreed with and the process that they agreed to go through and the compromises that they subsequently made, all they got was the promise that the dispute between Israel and the Palestinian peoples would be resolved through negotiations, there would be an end to terror and that a series of steps would be taken, all of which involved Israel withdrawal, Israel retreat, and in the context of Oslo, the Israeli government did things that they had indicated they would never do.

They indicated a willingness to negotiate with Yasser Arafat, a position no Israeli government had ever taken before. They indicated a willingness to recognize the PLO as the organization representing the Palestinian people. They agreed to Yasser Arafat's return to the Palestinian areas, first the Gaza, then to Jericho and finally the headquarters in Ramallah.

They agreed most incredibly to the arming of 50,000 Palestinian police under the direction of the Palestinian Authority to maintain order as they pushed out of every area of major Palestinian population and, again, without even getting into the details of the willingness of Israel, to opt for withdrawal from the Golan Heights in the context of trying to get a peace with Syria or their unilateral withdrawal from southern Lebanon, notwithstanding the continued barrage that Israel was facing from Hezbollah forces, supported by Syria and Iran, against not only their Armed Forces, but against the civilian population of northern Israel.

Finally, with the offer Ehud Barak made in the American-mediated Camp David process where a whole series of positions that no one ever thought they would see a leader of Israel offer were made at that table, only to be spurned by the Palestinians.

For a long time, 20 years now, I have believed that in the context of obtaining this peace and the right solution, there would have to be compromise. I want a Jewish homeland and I want it to be a democracy, and if for no other reason than the demographic facts, I recognize that in a context where Israel's survival and its security could be maintained, there would need to be land, but I believe that that is the position of the vast majority of the people of Israel as well as the vast majority of American supporters of the state of Israel.

So when we see the present images and the consequences of the Israeli effort to deal with the sources of terror that have taken so many lives, the homicide bombings that have continued relentlessly, the clear unwillingness, notwithstanding his words of Chairman Arafat to end terror as a tool of the efforts to provide for the aspirations of the Palestinian people, the uncovering of the documents that indicates top Palestinian authority approval for the funding of explosives and bombs and weaponry of very significant magnitude.

This is no longer the intifada of 1988 and 1989, an intifada of stones. This is of mortars and explosives and bombs and rockets. When we see all of that, when we learn that as a result of the Israeli efforts, dozens of bomb factories have been uncovered, huge caches of weapons have been uncovered, all to be used notwithstanding the promises under Oslo and the commitments made to try and settle this issue through force, I think my colleagues have to understand that context to understand what Israel feels it needs to do.

Mr. DEUTSCH. Mr. Speaker, reclaiming my time, this is actually a list of weapons that were uncovered or captured by the Israelis since April 1 in their incursions into places like Jenin and Ramallah, and it is an amazing list from April 1. Weapons obviously in violation of Oslo agreements and sniper weapons, telescopic rifle weapons, bomb factories, things that there were agreements not to have, to prevent from having, and in fact, the question which is really raised is why did the Israelis even incur the incursions into these areas. The Israelis, I do not think, want to be there anymore than the Americans want to be in Afghanistan.

Mr. BERMAN. Mr. Speaker, that illustrates the point I was making, and I will just conclude because we have some very knowledgeable people on the floor tonight to speak to this issue, and to say that I ask my colleagues and I ask those people who care about Israel's survival and security, to understand the context in which this present incursion is taking place, the critical importance of it being completed in a fashion that enhances survival, and understand that when presented with a true opportunity for a true peace, be it with the Palestinians or a comprehensive peace, I have no doubt that the Israeli people and its government will be able to make the compromises necessary to make that happen.

Mr. DEUTSCH. Mr. Speaker, I would yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Florida and I would ask him to yield to the gentleman from Mississippi (Mr. WICKER).

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I thank my friend from Florida for taking out this special order. I understand actually we will be back to back, two special orders tonight, and I wanted to come down to the floor, Mr. Speaker, because it is important that this special order be bipartisan, and it is important that the clear message go out, not only to our colleagues, but to everyone around the world within the sound of our voices, to make it clear that on a bipartisan basis, Republicans, Democrats, the House and the Senate, this Nation supports the country of Israel, the only really true democracy in the region, a steadfast friend and ally of the United States for over half a century, and that message needs to be stated in unequivocal bipartisan terms in this House of Representatives tonight.

I am so glad and encouraged, my colleague from California mentioned that there are a lot of knowledgeable people about this issue. I do not know that I would count myself as one of the overly knowledgeable people among my colleagues, but I have been to Israel, and I have studied the history, and I am very, very pleased that my friend from Florida started out his remarks with a very detailed history of the region. Because of the importance of the first map that he brought forward, Mr. Speaker, I wanted to bring it over to my side of the aisle, and once again, point out to my colleagues a bit of the history of the area.

I think there are some people watching this issue around the Nation and also around the world who might believe or have us believe that somehow the lines of the nations were drawn and set in concrete back during the time when the super powers of this world decided to impose an Israeli state or a Jewish state upon the region, and that everybody was all set and we kind of came in with Israel and upset the apple cart there in the region.

As this map demonstrates, nothing could be further from the truth. Back during the time of the British Mandate, 1920, post-World War I, as this map indicates, there was no Lebanon. Syria was part of the French Mandate. Iraq was part of the British Mandate. Saudi Arabia was not yet recognized as a Nation at the time, and we had this area that is described here as Palestine or the British Mandate, and then my friend from Florida described how that was divided by the very tiny Jordan river.

If my colleagues have ever been to Israel, they know it is just really not much more than what we would call a small creek where I come from, but it was divided there into Trans-Jordan, which later became the nation of Jordan.

So everything was in flux at the time the country of Israel was being anticipated there.

□ 2000

They have a right to exist. The international community has recognized for over half a century that Israel has a right to exist, and we need to acknowledge right here on the floor of this House of Representatives that our friends, the Israelis, are under attack at this very moment, have been since a year and a half ago, and their very existence is being challenged by those who would like to wipe them off the face of the Earth.

Mr. Speaker, we need to make the strong statement on a bipartisan basis that this country is going to resist those terrorists who would not even acknowledge the right of Israel to exist as a nation.

I am happy to stand with Republicans and Democrats tonight on that principle. Israel is a democracy. Israel has become a driving economic miracle in the desert over the past half century, and they are due a lot of credit. They have been our friend and we have been their friend, when this country has needed it and when Israel has needed it.

If there is one signal that we need to send as a matter of foreign policy, it is that this Nation is steadfast in supporting its friends, and we count Israel as among those friends. I appreciate my colleagues acknowledging that while Israel has a right to exist, there will be a Palestinian state under the right conditions, and that compromises will have to be made. But tonight we are making the strong statement of support for Israel.

Mr. KINGSTON. Mr. Speaker, I meant to point out that the gentleman from Mississippi (Mr. WICKER) as a member of the Committee on Appropriations has supported consistently economic and military aid to Israel.

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from New York (Mr. ISRAEL) who, before he was in Congress, was intimately involved in issues regarding the Middle East.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for his leadership on this critical issue in helping Congress recognize and helping the American people recognize one fundamental and indisputable fact: Israel is the only democracy in the Middle East, and a strong Israel means a secure America.

About a year ago I had an opportunity to meet with the King and Queen of Jordan, King Abdullah and Queen Rania, and with other Members of this body we sat at a table and asked the King when would there be peace in the Middle East. He talked about his hopes for peace in the Middle East.

He said when my father used to meet with the President of Syria, they would talk about violence and rivalry and conflict. But when I meet with the new young president of Syria, we talk about how we are going to modernize our financial services industries and how we are going to get the Internet into every household in our country.

He said as a new young generation of leaders take shape in the Middle East, there will be peace; and since then, thousands of Palestinians and Israelis have lost their lives.

I have come to the sobering conclusion that King Abdullah is right, that peace is a generational issue, and that is a fundamental part of the problem. The gentleman has talked about this and taken the leadership on this issue. The fact of the matter is that all of the diplomatic accords, the peace treaties, the Camp Davids, the Wye Rivers, the Madrids, the Oslos, the grip and grins, all of the diplomatic treaties in the world are not going to be successful as long as a young generation of Palestinians in second grade classrooms are taught that there is no alternative to the destruction of Israel and the destruction of the United States.

Think about it. What possesses 15 young Saudis to board American planes and destroy and murder thousands of New Yorkers, and take their own lives in the process? What possesses young children in the Middle East to strap explosives to their chests and blow up pizza parlors and bar mitzvahs and Passover seders, and elderly people and children and women?

Mr. Speaker, what possesses them, they are being indoctrinated in their classrooms and not educated. Let me share some specific examples. They are taught hatred in the text ''Modern Arab History and Contemporary Problem Part 2,'' which on page 49 teaches Palestinian children that Zionism is ''a political, aggressive and colonialist movement, which calls for judaization of Palestine by the expulsion of its Arab inhabitants.''

They are taught in the book ''Our Country Palestine'' by a banner which appears on a title page of volume 1 reading, ''There is no alternative to destroying Israel.''

Mr. Speaker, they are taught in the text ''Our Arabic Language for 7th Grade Part A,'' in which one exercise for students reads as follows: ''Subject for your composition: How will we liberate our stolen land? Make use of the

following ideas: Arab unity, genuine faith in Allah, most modern weapons.'' That is on page 15.

In Syria, fourth grade textbooks label Zionism a colonial analogue of Nazism. A tenth grade textbook labels Jews ''a menace that should be exterminated.'' The fact of the matter is this: for as long as children are not taught science but are taught hatred, are not taught math but are taught destruction, are not taught technology but are taught how to strap bombs to their chests and blow up innocent civilians, for as long as they are not taught literacy and job creation and job expansion, and not given the tools to expand the middle class and bring prosperity into their own communities, for as long as those lessons of hatred are taught, there will not be peace in the Middle East.

I am a strong supporter as a Democrat of this administration's policies in Afghanistan, and I am hopeful that the administration will also realize that our allies, our so-called allies in the Middle East have to be judged not by meetings with Arafat, not by treaties, not by cease fires, but what they achieve in second grade classrooms. That will be the measure of success, and that should be the obligation of our Arab allies in the Middle East.

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON) knowing that he is going to introduce the gentlewoman from Florida (Ms. ROS-LEHTINEN). I believe there is no one in this Congress who is more personally committed to Israel's survival than her, and I have traveled to Israel with her and I have seen her action, her feeling. And especially from someone with her background who knows what terrorists have done and can do throughout the world.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for those comments because I think as an American of Cuban descent, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is in a unique position as the gentleman said to have dealt with many of these issues that are difficult in a changing nation and changing people, and terrorism and assaults to a different part of the globe.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman, and it was my great privilege to be on a trip to Israel with my dear colleague from Florida. We certainly had an insightful look at the military operations, the anti-terrorists and intelligence operations. There is a lot that is going on and a lot of positive things that are going on in Israel right now. It is a shame that the economy is suffering so much because of the terrible acts of the PLO against the peaceful Israeli people.

It is with great honor that I join all of my colleagues here today in celebrating Israel's independence day. This day marks the establishment of the State of Israel, a day when a people found a homeland and fulfilled their destiny. On this day we stand with the people of Israel to celebrate the memory of all who lost their lives to achieve Israel's independence and those who continually work to ensure its existence.

As the State of Israel faces enduring changes and challenges, it is our moral obligation to pay homage to their continual struggle for full recognition and render our unequivocal support to our only democratic ally in the Middle East, and that is Israel.

The United States has a shared tradition of democracy with Israel, creating a long-standing history of mutual support and enduring friendship which has helped us overcome many difficult moments.

As Israel has always stood by our side before the international community, at the U.N. and at the region, we must now ensure that our friend feels that support throughout these turbulent times in her history.

While Israel engages in rooting out terrorism at home, it has encountered nothing but distorted criticism around the world. As we stand here, such actions are taking place at the 58th session of the United Nations Commission on Human Rights. Day after day, item after item, debate after debate, Israel is berated and targeted by some of the world's most repressive regimes. It has been particularly troublesome to see the U.N. High Commissioner for Human Rights, Mary Robinson, engage in this process referring to well-known terrorist organizations as humanitarian or human rights entities, legitimizing their violence against the peaceful Israeli people rather than providing a balanced and objective presentation of the situation on the ground.

Such behavior does not further the goal of peace and only serves to undermine the great efforts by President Bush, Secretary Powell and others to secure an end to the current violence.

Throughout, the United States has spoken clearly and loudly to ensure that the principles of justice and fairness are upheld, to ensure that Israel could be heard, and that the truth, not hyperbole and not incendiary rhetoric, would guide the actions of the international community.

Mr. Speaker, the struggle for democracy and the protection of civil liberties is a difficult one which the Israeli people have endured and have embraced.

Like them, my native homeland, the Cuban people are still struggling for the same, as the gentleman from Florida (Mr. DEUTSCH) pointed out, the similarities between those two states.

Ironically, today, April 17, also marks the anniversary of the failed Bay of Pigs event to bring freedom and democracy to Cuba. After that ill-fated moment in Cuban history, the terrorist regime in Havana went on to provide training camps for Israel's enemies and sent Cuban soldiers to fight against Israel during the Six Day War. They did so because the Six Day War, according to Cuba's then U.N. ambassador, Ricardo Alarcon, was an ''armed aggression against the Arab people by a most treacherous surprise attack in the Nazi manner.''

Mr. Speaker, 7 years later Yasser Arafat was enthusiastically received in Havana and given Castro's foremost decoration, the Bay of Pigs Medal.

These are just some of the bonds that the United States and Israel share, a history, a struggle, a commitment to freedom, to democracy, which have forever intertwined our destiny. May this anniversary of Israeli Independence Day mark an end to violence and to the suffering on all sides and usher in a new era of peace, stability, security and hope. May that be the case for all of us.

Mr. Speaker, I thank the gentleman for his time. I also had the pleasure to visit Israel with the gentleman from Virginia (Mr. CANTOR), who will speak shortly; and he has been to Israel many times, and it was our pleasure to tour many of those sites of destruction with him, if that can be said to be a pleasure. It was a very moving time in Israel's future and in Israel's presence, to be there where those terrorist acts took place and to lay a wreath in memory of the fallen civilians and soldiers who have given so much so that their homeland could remain free. I thank the gentleman, the gentleman from Florida (Mr. DEUTSCH), for the time, as well as the gentleman from Georgia (Mr. KINGSTON).

Mr. DEUTSCH. Mr. Speaker, I thank the gentlewoman. Again, the commitment of the gentlewoman from Florida (Ms. ROS-LEHTINEN) is so heartfelt and so real. For all Israelis who met her, I believe they felt that at the same time.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. ROTHMAN), who has proven himself as perhaps the most articulate Member of Congress in giving a historical and complete perspective, and those comments come from members of my immediate family.

□ 2015

I can even say that those comments come from members of my own immediate family.

Mr. KINGSTON. If the gentleman will yield, I have to say that my mother, who is certainly my biggest fan, told me after last week's special order that she thought the gentleman from New Jersey (Mr. ROTHMAN) did a much better job than I did.

Mr. DEUTSCH. I did not want to mention which member of my family, but it was as close as your mother as well.

I yield to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. I thank both the gentlemen, my friend from Florida (Mr. DEUTSCH) and my dear friend from Georgia (Mr. KINGSTON).

Mr. Speaker, thank you for allowing us to have this time tonight to further discuss this issue with our colleagues in the House and those watching at home.

Today we celebrate two anniversaries, one a very happy one, and one a very, very sad one.

The happy one first. Here is the nation of Israel, this orange little sliver on the coast of the Mediterranean Sea. Tiny little Israel. I know on maps on television, sometimes you see just a little portion and you think Israel is this huge country. Take a look, my colleagues and friends. This is Israel. This is Saudi Arabia. This is Iraq, Syria, Egypt here, Iran here, Oman, Yemen, Kuwait. Do you see how small Israel is compared to the rest of the Persian and Arab world? Absolutely tiny, is it not? They are outnumbered more than 30 to one.

Today is the 54th anniversary of Israel's founding. How did Israel come to be founded? A long time ago, Turkey in the Ottoman Empire, the Ottoman Empire of Turkey was aligned with Germany in World War I. When the Germans lost World War I, despite the help of their friends in the Ottoman Empire, the Ottoman Empire lost all its territory to the Allies, the Americans, the British and the French. The Ottoman owned much of the Middle East, including this whole area. The British were given control of what is now Israel and Jordan, the French were given Syria and Iraq, the English were given Egypt and Saudi Arabia.

A lot of people say, well, maybe Israel is some new country and that it just started in the 20th century after World War I but, hey, those Arab nations and the Persian nation of Iran, they must have been around for centuries. So Israel must be some stranger to the region, some interloper. Nothing could be further from the truth.

Saudi Arabia used to be called Arabia, until the English gave it to the Saud family in 1932, and then it became Saudi Arabia in 1932. Iran, established in 1925. Iraq, established 1932. Syria, established 1946. Lebanon established 1943. Egypt 1922. Jordan 1946. Israel 1948. So they were all established about the same time.

Israel since it was founded in 1948, recognized by the League of Nations as the Jewish homeland, the British said they wanted it to be a Jewish homeland after World War I in the Balfour Declaration, the League of Nations said it should be a Jewish homeland. The United Nations in 1948 said it should be a Jewish homeland. So when all these other countries were created, they created the country of Israel in 1948. Happy anniversary, happy birthday, Israel, America's best friend, most strategic ally in the Middle East. America's forward battleship of military intelligence, cultural values, democracy.

What is the sad anniversary that we celebrate today? A year before 1948, there was another offer made. You notice you do not see Palestine or the Palestinians on this map of the Middle East. But was there ever a country called Palestine? Never ever in the history of the world. Was there ever a kingdom called Palestine? Never ever in the history of the world. Were there ever people who called themselves the rulers of the Palestinian people? Never ever in the history of the world, until Yasser Arafat came along, almost at the end of the 20th century.

The anniversary that is so sad is that in 1947, a year before the United Nations decided to create the Jewish homeland of Israel, they had already divided their mandate and created Trans-Jordan with two-thirds of the land that they were going to give to the Jews, they took two-thirds of it away and created Trans-Jordan, which is now Jordan.

Two-thirds of the land they were going to give to the Jews. Did they give it to the Palestinians, or the local inhabitants in Jordan? No, they gave it to the Hussein family who came from Arabia and they put them in power in Trans-Jordan. Anyway, they did that in 1946.

Anyway, in 1947, the United Nations says, ''Let's have two states. We took two-thirds of the land away we were going to give to the Jews, let's take the third we were going to give to the Jews and divide that in half.'' And they said, ''Let's make Palestine,'' the area in gray, which goes from the top here of the present State of Israel all the way near to the bottom. Jerusalem was not to be Israel's capital as it is today. It was to be an international city. The yellow here and here and here was to be Israel.

What did the Jews say when they were presented in 1947 by the U.N. with this two-state solution? The Jews said, yes, we will, even though we were supposed to get all of Jordan and all of this, you took two-thirds of the land away for Jordan and you want to divide this land in half, okay. We just want a homeland. And we will take half, the half that you have set forth.

What did the Palestinians and the whole Arab world say in 1947 when they were offered a Palestinian state? They said, no, we don't want to live next to a Jewish state even though there is no other Jewish state in the world, let alone in all of Arabia. Look at little tiny Israel. They said, We don't want to live next to a Jewish state, and they said no. So a year later, the U.N. said, okay, then we will make the whole thing the Jewish homeland, the state of Israel.

And what happened in 1948, the anniversary of independence for Israel we celebrate today? All of the armies surrounding Israel, Egypt, Jordan, Syria, Lebanon and Iraq invaded in 1948. They told their Arab brothers and sisters who were living inside the land, ''Leave. Flee. We'll drive the Jews into the sea. You'll have the whole thing to yourself. You won't have to have a two-state solution. It will all be yours.'' A miracle happened. The scrawny bunch of Jews that were there with no arms but only the will to fight defeated all of those armies. The 800,000 people, the Palestinians who left, were they absorbed by the surrounding Arab countries and welcomed in brotherhood and sisterhood? No. They were kept, these refugees from 1948, in squalid refugee camps. That was 55 years ago. They have still kept them there.

By the way, in 1948 when Israel was established, in 1948, do you know how many Jews were expelled from the Arab world? The same number. 800,000 Jews from all over the Arab world, and there were Jews living in those lands for centuries. When Israel was recognized as a state by the U.N., as the Jewish state in 1948, 800,000 Jews from the region were expelled and thrown out of their countries and they made their way to Israel.

What did Israel do? Did Israel put them in refugee camps, squalid little camps to fester and be betrayed for 55 years? No. Israel said, you are our brothers and sisters, even though your lands were dispossessed and you were thrown out of lands where you have lived for centuries, we will take you in and make you our citizens and take care of you. Meanwhile, the Palestinians still rot in their refugee camps their Arab brothers and sisters have kept them in all over the Middle East.

What happened next of significance? In 1967, all the Arab nations surrounding Israel invaded Israel again. They said to their Palestinian brothers and sisters, ''Don't worry, we'll drive the Jews into the Mediterranean Sea. You'll get that Palestinian state. You won't have to live next to the Jews.'' In 1967, another miracle. Jews, outnumbered again, they survived.

And what happened in 1967 after the war of defense, Israel said, ''You know what, we want to live in peace, Palestinians. Let's negotiate so you can have your own state.'' What did the Palestinians say in 1967 after they had rejected statehood in 1947? They said, ''We won't live with you. We don't want a two-state solution.''

The next significant event, not 1967, 1973, all the Arab armies around Israel again, 1973, invade Israel, they are going to drive the Jews into the sea. What happened then? Another miracle, the Jews survived.

Go back to the year 2000. Bill Clinton brings Yasser Arafat and Prime Minister Barak from Israel to Camp David where Prime Minister Barak says, ''You know what, we're going to try again, Palestinians. We're ready to give you your own state on the West Bank and the Gaza. We're ready to give you your capital in Jerusalem, two-thirds of East Jerusalem.'' They are willing to give the Palestinians 97 percent of what they wanted or what they said they wanted. Remember, for the first time in human history a losing army, who lost four wars, gets offered 97 percent of what it tried to get illegitimately.

What did Yasser Arafat say to such an offer in the year 2000 at Camp David? He did not say a word. Not only did he not accept the deal of 97 percent, he did not even present a counteroffer.

He left the negotiations, went back to his home in Gaza and ordered the suicide bombing to begin, still in the belief, 55 years later, after an offer of a Palestinian state for the third time, if he had to live next to a Jewish state of Israel, he did not want the deal. Get rid of Israel altogether or no deal. He did not care if his Palestinian people suffered or not, how many children he sent to die with bombs strapped to their back, how many hundreds of thousands of Palestinian refugees now multiplied in numbers over 55 years were going to rot in Palestinian refugee camps around the Middle East. He did not care. He would not live in peace next to the Jewish state of Israel.

That is where we are today, except they intensified their suicide bombings so that the Israelis have lost the equivalent in American people, given the difference in population, small Israel and big United States, of about 25,000 people in the last 18 months. Can you imagine, God forbid, if America lost 25,000 people to terror in the last 18 months, what we would do? That is what Israel is doing now, going into the areas controlled by Yasser Arafat, getting his weapons, getting his explosives.

Did the Israelis who have a great Air Force and all kinds of bombs drop bombs and destroy these villages entirely, men, women and children without regard? No. Could they have? Of course. They said, ''We won't kill innocent civilians, even though they are killing ours.'' So they sent Israeli troops one by one, door by door to get specific terrorists. That is a democracy, with a moral sense, a moral code. And the number of civilian casualties in the Palestinian areas were minimized. Even though in America when we went into Afghanistan, unfortunately there were quite a lot of civilian casualties, but we did the same thing, tried to minimize them as well.

What is left for us now? What is left for us now is to have the Israeli people root out, as President Bush said, bring to justice, or to bring justice to those who have slaughtered their babies in school buses, in nursery schools, in pizza parlors, in cafes, on the streets and supermarkets.

□ 2030

Twenty-five thousand, the equivalent of American lives in the last 18 months alone. Yet the Israelis get the ammunition, the terrorists, put them in jail, get the explosives, clean up the area, and, then, finally, hope that the Palestinian people will finally accept an offer that they have rejected since 1947: accept your own state next to the Jewish State of Israel. Have your people live in peace and prosperity. Just say you will live in peace.

Mr. DEUTSCH. If the gentleman would try to wrap up, we will have some more time. I know there are a couple of other gentlemen.

Mr. KINGSTON. If the gentleman will yield, I will certainly say we will be honored to yield to the gentleman more time when we have it, which will be in a few minutes. If I do not, my mother will kill me; and I understand that Mr. DEUTSCH's dad might get a little irritated himself. You are going to conclude, but you are not going to leave.

Mr. ROTHMAN. I will not leave.

Any nation that has said to Israel we are ready to make peace with you, Israel makes peace with them. Even a nation that attacks Israel and Israel defends itself, Israel gives back the lands. It happened to Egypt when they said they would make peace. It happened to Jordan, who invaded Israel several times and lost. They finally made an agreement, King Hussein and the Israelis. Now they live in peace.

What we need is a Palestinian leadership who wants to live in peace with the Jewish State. If they cannot do it, the Arabs and the Persians, the Iranians, they are not Arabs, they are Persians, so they tell me, and I accept their great culture, should have the Palestinian people take yes for an answer, and, after 55 years of rejecting statehood, accept statehood for themselves and for America's number one strategic ally in the Middle East, the only democracy in the Middle East, little tiny Israel. For Israel's sake, for the Palestinian people's sake, for the world's sake.

Mr. DEUTSCH. Mr. Speaker, reclaiming my time, I thank the gentleman. Again I would hope that the gentleman can continue to stay in the Chamber.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman, and again want to commend the gentleman from New Jersey (Mr. ROTHMAN) on his excellent job, as usual.

I would ask the gentleman from Florida to also yield the floor to a very strong pro-Israel advocate who is also a freshman this year, the gentleman from Virginia (Mr. CANTOR).

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank my colleague from Georgia for his leadership on this issue and certainly my colleague from Florida for his steadfast leadership and for the incredible wealth of knowledge of my colleague from New Jersey. I thank him as well.

It really is an honor for me to be here and to address this body on such an occasion. We stand here to congratulate and join in celebration with the people of Israel on the 54th anniversary of the creation of the Jewish State of Israel.

It is particularly apt that we are here as this country of ours, the United States, is picking itself up, putting things back in order, from the horrific terrorist attacks on September 11 that killed thousands of innocent Americans. On that day we realize that we shared a common enemy with the people of Israel, an enemy that is as despicable as any we have seen in our land, one that is after our way of life, our freedom of choice, and our faith in our creator.

Mr. Speaker, the State of Israel grew out of the ashes of the Holocaust, a time in which the Jewish people suffered under an evil and a systematic wickedness that killed 6 million innocent people. To this day, Mr. Speaker, the people of Israel continue to endure the wrath and hatred of so many of its neighbors, as has been pointed out by my colleagues this evening.

The people of Israel continue to endure on a daily basis what the people of our country endured on September 11. The atrocities, the death, the carnage that they must face on a daily basis brings us here this evening in solidarity.

This great country, the United States of America, was founded on the principle that all men are created equal, that they are endowed by their creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness.

As the legacy of those great 18th century Virginians who put forth those principles, we stand here tonight united in saluting our brethren in the State of Israel, those individuals who never cease to assert their right to a life of dignity, freedom and honest toil in their national homeland.

SUPPORTING ISRAEL'S RIGHT TO DEFEND ITSELF

The SPEAKER pro tempore (Mr. AKIN). Under the Speaker's announced policy of January 3, 2001, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, I thank the Speaker for recognizing me and want to immediately recognize my friend from Florida (Mr. DEUTSCH). We are doing this hour on a bipartisan basis tonight. The subject will continue as it did the past hour on our support for Israel's right to defend itself.

With that, let me yield to me friend, the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, again, I appreciate this. I know in the last hour several additional colleagues have joined us, and I look forward to hearing from them over the next hour.

One colleague who has been very patient is one of the most knowledgeable Members in the Congress on the Mideast, again someone who has been active in Middle Eastern issues and concern far before he entered the Congress, the gentleman from New York (Mr. WEINER).

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I want to thank the gentleman from Florida and the gentleman from Georgia for once again organizing this.

There is a period of time between the commemoration of the anniversary of

the Holocaust and this period where we commemorate this evening the birth of the State of Israel, and those two things, of course, are inextricably linked. We have heard over the course of the last hour an extraordinarily well-detailed, particularly by my friend from New Jersey, a detailed history of the last 44 years.

I would like to spend just a moment talking about some of the ways we, in our rush for the 24-hour news cycle, our rush to try to understand things in 2-minute blurbs, have drawn many of the wrong conclusions about events going on today in the Middle East.

One of the things that is frequently pointed to as a source of the problem that we currently face in the Middle East, people have pointed to the current leadership of Israel, Ariel Sharon, the Prime Minister, and said it is his intransigence that has led to the explosion of violence.

Well, to say that ignores the fact that in fact this intifada began shortly after Camp David II, on September 29, 2000, a good 4 months before Sharon would even take office. Prime Minister Barak, the person who was at Camp David who had made the extraordinary concessions that we have heard about this evening, it was he, perhaps the most flexible, some in Israel almost say too flexible, leader of Israel, that was in power at the time that this explosion of violence began.

Second of all, the notion that Ariel Sharon's government and the people of Israel are not willing to enter into an agreement to end the violence is not true. The Mitchell Plan, which was a very long period of time headed up by former Senator Mitchell, included very difficult concessions for Israel, including things such as they had to withdraw from settlements.

Israel has accepted it. It is the Palestinians that have said they will not. Why will they not? Because the first element of the Mitchell Plan is there has to be a cessation of violence and then a cooling off period, a reasonable first step toward any peace plan. It is the Palestinians that have rejected it.

Then came the Tenet Plan, where the CIA Director went there to try to negotiate steps again to cool down the violence. It was Israel who said we will agree to the Tenet Plan. We will agree to loosen up the restrictions at the border crossings, to allow commerce to move more freely, if the Palestinians agree to stop the terrorism. Again, it was Israel who accepted and it was the Palestinians who said no.

So this idea that the present Government of Israel has been inflexible, intransigent, and that is what has led to the violence, is simply not.

Second of all, there have been some terrible images on television about the events that have gone on in the Middle East and the efforts by the Israelis to crack down on terrorism.

I would say at the outset, Mr. Speaker, no war is civilized. Whenever you are engaged in a war, it is going to produce some unwanted fatalities; it is going to produce some images that are most troubling, particularly to those of us in a peace-loving nation.

But unlike the way other wars have been prosecuted, unlike the way we, for example, in Afghanistan waged the war at Tora Bora, from the safety of the skies, if you look at how the Russians waged war against Grozny, where there is not even a single building left standing in Grozny now, Israel made a different and arguably the most compassionate decision they could that they were going to go into places like Ramallah, go door by door, house by house, looking for people who had made it their business to go into discoteques and to go into Passover seders with human bombs laced with nails and ball bearings and blow innocent civilians up.

And what has been the result? Some people say why Ramallah? What is it about that town that has made it the subject of these house-by-house searches?

There have been 35 terrorist attacks originating from that city alone in the last 18 months; 417 Tanzim, all elements of the Fatah movement controlled by Yasser Arafat, these are the people he has on the speed dial of his phone, have been operating out of Ramallah.

This is a place where two IDF reserve soldiers in October of 2000 who accidently took a wrong turn, and, just so you understand, these are reserve soldiers, these are 18- and 19-year-old boys, who were serving their mandatory service in the military, took a wrong turn and were lynched and hung from a Ramallah police station that Israeli dollars paid to build.

All of these things went oncoming from Ramallah. The Jerusalem cafe attack that killed 11 people and wounded 50 took place in Ramallah. Well, door to door the Israelis have been going, trying to find those that would do harm to their people.

I would read a quote from Secretary Rumsfeld talking about the necessity to sometimes go and get terrorists before they come and get your people. This is what he said on February 4, 2002:

''We have no choice. It is physically impossible to defend at every time, in every location, against every conceivable technique of terrorism. Therefore, if your goal is to stop terrorism, you cannot stop it just by defense. You can only stop it by taking the battle to the terrorists where they are and going after them.''

I would argue, Mr. Speaker, that it is the Israelis that are the foremost practitioners today of that, the Bush Doctrine.

Finally, there have been perhaps some very troubling images of violence taking place around the Church of the Nativity, the birthplace of Jesus Christ. I have to say something very honestly. If there were Israelis inside that church surrounded by Palestinian suicide bombers, there would not be a moment of hesitation on the part of the Palestinians to go in, regardless of the destruction to the church.

Not the case with the Israelis. And if you question what I say, Joseph's Tomb, a historic and important monument of the Jewish people, destroyed in October of 2000. An ancient synagogue in Jericho, torn to the ground also in October of 2000. You did not hear the type of protestations we hear now.

Yet what are the Israelis doing? Day in, day out, soldiers, sometimes in the pouring rain, encircling the Church of the Nativity, trying not to do any harm to that location. In the meantime, the terrorist are within. The Israelis are waiting, and they are going to continue to wait until they emerge.

Finally, let me conclude the way I began, and I thank the gentleman from Georgia and the gentleman from Florida once again. There is a inextricable link between the history of Israel, the history of the Jewish people, and their birth as a state.

On Saturday, April 13 in the New York Times, a gentleman named Daniel Gordis wrote about what it is like to live in Israel right now and what it is like to be celebrating Yom HaAtzmaut, which is the Hebrew word for the commemoration of the birth of Israel, and Yom HaShoah, which is the commemoration of the HaShoah.

□ 2045

And he concludes his article, and I would like to quote, and I will insert the entire article in the RECORD. ''On Tuesday night, my 12-year-old son, Avi, told me about a Yom Hashoah class discussion about whether the Holocaust could happen again, a session he said he found stupid. Why, I asked? Because, we have a strong Army, he answered. America is our friend, and look out there now. We take care of ourselves.''

''The next morning I watched him head off on his bike to school with pride, security and confidence. That is a lot more than Jewish kids in Europe had a few decades ago, a lot more than some Jewish kids have in Europe this week. That is why we need this country. That is why we will fight to keep it.''

[From the New York Times, Apr. 13, 2002]

NEEDING ISRAEL

(By Daniel Gordis)

Tuesday was Yom Hashoah, Holocaust Remembrance Day, an agonizing day. In the afternoon, at work, we gathered in a circle while some colleagues quietly read the names of relatives who had been exterminated by the Nazis. Some had long lists; one even brought pictures. During the ceremony, word spread that a group of Israeli Defense Force soldiers—13, it would turn out—had been killed in an ambush in Jenin. Another, in Nablus, fell to friendly fire.

It is hard to describe what 14 soldiers means in this small country. People make frantic calls to find out where their husbands and fathers are. Then the hourly news announces to the entire country the location

and time of each funeral. At such moments it feels that living here makes one part of an extended family. No one in that family wants this war. But very few people here think we can do without it. Israelis understand why we're fighting. We also know why our soldiers are dying. There are significant pockets of armed resistance in the Jenin camp, but there are also lots of civilians. So we can't just bomb from the skies. We send soldiers house to house, only to watch as Hamas fighters use those same civilians as shields. On Tuesday we paid a heavy price.

We had 14 funerals because we won't fight this war the way the Russians fought in Grozny or the way the United States fought in Afghanistan—from the safety of the skies. Hardly a building in Grozny was spared in the bombing; the Russians knew the price they'd pay if they tried to fight on the street. If Israel hit a hospital from the skies the way that the Americans did not too long ago in Afghanistan, just imagine the world's reaction.

Palestinians say we won't let their ambulances in Jenin. Yet two weeks ago Israeli soldiers stopped a Palestinian ambulance with a child in the back on a stretcher, and under him soldiers found an explosive belt. Palestinians say that we're not letting them clear their dead from the streets. The Israeli Army claims that's a lie, that the Palestinians are leaving the bodies there intentionally for good footage on CNN. Who's telling the truth? I don't know.

Last week, when the siege around the Church of the Nativity began, many Israelis understood why we couldn't just shoot our way in, but the frustration was palpable. If it had been Israelis in a church, or a synagogue, and Palestinians on the outside, how long would the siege have lasted? Everyone here knows the answer. When the Palestinians burned down the synagogue at Joseph's tomb in October 2000, the Vatican didn't speak up. When they later destroyed an ancient synagogue near Jericho, European liberals didn't lose sleep.

The siege outside the church began in foul weather. According to reports on Israeli radio, some soldiers stood for hours in the driving rain, making sure that none of the armed Palestinians inside would escape. All that afternoon, the residents of Bethlehem pointed at the rain and shouted: ''Get out of here. We hate you. The world hates you. And look, even the heavens hate you.''

Maybe the world does hate us for having the audacity to protect ourselves, for meaning it when we say ''never again.'' Maybe the world is secretly delighted that no war can be made to look civilized, so the Europeans and the Palestinians can point their fingers at us and say, ''See, they do it, too.'' Then maybe what they did won't seem so horrific, so unforgivable.

One thing important to Jews is remembering. We won't forget the 20th century and the world's complicity, and when we recall this week, in which we buried 14 of our sons, brothers, husbands and fathers who didn't have to die except for our decision to do this fighting the hard way, we'll remember the world's double standard.

On Tuesday night, my 12-year-old son, Avi, told me about a Yom Hashoah class discussion about whether the Holocaust could happen again—a session he said he found ''stupid.'' Why? I asked. ''Because we have a strong army,'' he answered, ''America is our friend, and look out there now—we take care of ourselves.''

The next morning I watched him head off on his bike to school, with pride, security and confidence. That's a lot more than Jewish kids in Europe had a few decades ago. It's a lot more than some Jewish kids have in Europe this week. It's why we need this country. And it's why we'll fight to keep it.

''We have no choice. . . . It is physically impossible to defend at every time in every location against every conceivable technique of terrorism. Therefore, if your goal is to stop [terrorism], you cannot stop it just by defense. You can only stop it by taking the battle to the terrorists where they are and going after them.''—U.S. Secretary of Defense Donald Rumsfeld, February 4, 2002.

Mr. WEINER. Mr. Speaker, in this great House, we have always stood shoulder to shoulder from all parts of this country, Democrat and Republican alike, strongly allied with the democracy in the Middle East, Israel, and with God's good graces, I hope we stand with her for at least another 44 years.

Mr. DEUTSCH. Mr. Speaker, I know I had chills up my spine as the gentleman was speaking, he spoke so forcefully on the issue.

I yield back to the gentleman from Georgia, but knowing that he is going to introduce the gentleman from Florida, I would say of the gentleman from Florida (Mr. DIAZ-BALART), I think he stands almost alone in this Chamber, but clearly in a unique position, as someone who is incredibly insightful about world events and incredibly insightful about the evil that exists in the world, incredibly insightful about what can be done to fight that evil, and, in fact, has unfortunate personal knowledge of it because of his background and his family's background. He has traveled to Israel with me on at least 1 occasion, and I have seen his personal involvement, his personal connection to the struggle of the people of Israel. I am just very proud that he is with us this evening on this Special Order.

Mr. KINGSTON. Mr. Speaker, I certainly agree with those comments. The gentleman from Florida has been a true human rights leader, not just for his part of the globe, but for the entire world.

Before I yield the floor to him, though, I wanted to say something about what the gentleman from New York (Mr. WEINER) was saying in terms of the little boy on the bicycle leaving with pride that Israelis could defend themselves and having so much more spirit than maybe generations before him on another continent.

When I was in Jerusalem several years ago going through the Holocaust Museum, certainly, one cannot go through a Holocaust Museum without having some emotional twisting in your stomach, in your heart, and just kind of a cascade of different thoughts go through your mind, but one of the more optimistic things that I saw was actually at the end of the Museum, there were some soldiers who were going through the museum.

It happened that most of these soldiers were Israeli soldiers who were women. As the gentleman from Florida knows, they are armed most of the time, and it is almost a militia in that everybody is in the Army at some point in their lives. These young women were walking around in the museum, very casually, very focused on the museum, yet they all had strapped to them M–16s. I thought, that is a very symbolic message for anybody going through the museum, that it is the intention of modern day Israel to never let that sort of thing happen to them again.

So as we as America look at the things in the Middle East, perhaps we do not appreciate the fervency which the Israelis have in terms of fighting for their independence here on Independence Day of their continued statehood because they have been through so much to get there. They cannot retreat at this point. I wanted to make that point based on what the gentleman from New York (Mr. WEINER) had said.

Now, having taken up some of the time of the gentleman from Florida (Mr. DIAZ-BALART), I wanted to ask the gentleman to do something that he never does here, and that is to tell us a little bit about his personal past. The gentleman from Florida (Mr. DEUTSCH) has touched on it, but I think that it qualifies the gentleman from Florida (Mr. DIAZ-BALART) to speak on the subject based on the gentleman's family situation. If the gentleman does not mind revealing some of that to us, I think it would be very helpful.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Georgia, and also my good friend from south Florida. It is a privilege for me, and I consider it a true honor, to be here this evening in solidarity with Israel.

I have been an admirer for many years of the Jewish people. The gentleman from Georgia (Mr. KINGSTON) pointed out and talked a little bit about my background. My family had to leave the country that I was born in, Cuba, where I am in the fourth generation of, in this instance, Cuban American, fourth generation in our family of public service which began in Cuba when my great grandfather and his brothers began fighting for independence there. And then my grandfather, after independence, became a lawyer. He was a country lawyer in eastern Cuba and was the lawyer for the Jewish community in Banas, in eastern Cuba.

There was a very vibrant Jewish community in Cuba before the arrival of communism, a very vibrant, growing, prosperous, hard-working, honorable Jewish community in Cuba. Many of them are in south Florida today, and the gentleman from Florida (Mr. DEUTSCH) and I have the privilege of knowing them and working with them and really the honor of their friendship.

What always amazed me about the Jewish people, having lost the country of my birth to totalitarianism, and having lived and seen my country of birth live through 43 years of totalitarianism, and as a child, having been in exile, a refugee from that totalitarianism, and having seen what 43 years means in the life of human beings; 43 years in the life of a human being, in the life of a family, are many years.

Obviously, in the life of a people, 43 years are but a point of reference. But having seen that the Jewish people were forced out of their homeland and that somehow, due to an extraordinary and admirable love of their country and their nationality and their families and their traditions and their origins and their customs and their religion, and much faith and, above all else, perseverance, perseverance, the Jewish people managed to remain a people, to survive during 1,800 years of exile, and then to finally, after 1,800 years of exile, to be able to return to their homeland and establish a modern-day nation state, that is something that I have always been in awe of and I admire deeply.

So tonight, we stand here in this great Congress saluting the people of Israel on the 54th anniversary of the establishment of their modernization State after 1,800 years of exile. And after the 1,800 years of exile, when the Jewish people were able to return to their homeland and establish the modern State of Israel, the reality of the matter is that there has been too much violence and war and suffering and pain that the Jewish people have had to suffer, and we see it to this day.

So this evening, not only do I consider it an honor to be here saluting and a privilege to be here saluting Israel because of and in commemoration of her 54th anniversary as a modernization State, but also I stand tonight in solidarity with the Jewish people, their right to live freely, their right to live as an independent, sovereign, democratic state, and their right to live in peace. So my hopes and my prayers go out to the Jewish people with a fervent wish for peace and also with a fervent statement of solidarity and support.

One of the reasons why I have found it such an honor to be a Member of this Congress for the last 10 years is that one of the issues that join us, one of the issues that unite us, whether we are Republicans or Democrats or conservatives or liberals, is our support for that friend of the United States, that democracy in the Middle East that is facing so many challenges, perhaps more challenges now than ever before, in some ways. So I respect the decisions of the sovereign democratic state of Israel. I, as a Member of this Congress, support and will continue to support Israel, and that, above all else, obviously in addition to my expression of solidarity and admiration for the Jewish people and for Israel, is what I wanted to do this evening.

Mr. KINGSTON. Mr. Speaker, we thank the gentleman for sharing that very personal, very, very credible testimony.

Mr. Speaker, our next speaker is a gentleman, and we have had a good mix of people tonight. We have had Jewish, Christian, Democrats, Republicans; we have had Members that are Cuban Americans originally, and now we have a gentleman from Indiana (Mr. PENCE), who actually represents a district that does not have a single synagogue in it, and yet he stands 100 percent behind Israel's right to defend herself. I think it is just important that as we look at this, there are a lot of other Members in this 435-person body who have the same sentiments that those of us who have been here tonight have been expressing, and yet, for one reason or another, they are not with us tonight physically, but they certainly are with us in spirit. It is a great representative sampling.

Mr. DEUTSCH. Mr. Speaker, if the gentleman will yield, I would point out that we literally, across the country, we have had Members throughout America today speak from the heart about what their connection and their hopes and their prayers are this evening.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Florida (Mr. DEUTSCH) for putting this Special Order together.

As the gentleman from Georgia shared, I am a Christian, a conservative, and a Republican, in that order. My faith trumps my philosophy, and my philosophy trumps my partisanship, and it is from my faith and from my philosophy, as it is I believe for many Christian Americans, that I believe a passion to this issue. Not just during the present impasse have I been an advocate for Israel, but for many, many years in and out of public life in central Indiana, I have, Mr. Speaker, been an advocate of the dream that is Israel.

□ 2100

And it is a dream. I scarcely let a day go by that I do not pray for the peace of Jerusalem. I pray for security within her citadels, not just for the Jewish people there, but for the people of every race and every creed who convene there.

But when I say that Israel is a dream, I do not say that lightly, Mr. Speaker. Today, if I am pronouncing it right, we celebrate Israel's Independence Day, Yom HaAtzmaut. It is the 54th anniversary of an extraordinary occasion in human history.

It was an occasion when, while it was done under the rubric of the United Nations and under the color of international understandings, let there be no mistaking it, the people of the United States of America, by their beneficence and good will toward a people, 6 million of whom had been slaughtered by the Nazis in Central Europe, chose to use their power in the world to replace this displaced people in their historic homeland.

Never before, Mr. Speaker, does history record an occasion where a nation was born in a day until, in 1948, Israel, largely through the generosity of the people of the United States of America, was born. And it was in every sense a dream. It was a dream, as the gentleman from Florida (Mr. DIAZ-BALART), just shared, a dream of some 1,800 years of a people that never gave up on a vision, that never gave up on the idea of returning home.

So as we think of the reasons why the United States of America should stand with Israel, Mr. Speaker, it begins with the fact that America established Israel in 1948 in her homeland. More than any other Nation, she is our ally. She is our friend in so many ways. We are the mentor, she is the mentee.

We entered into a partnership with Israel in 1948 which, Mr. Speaker, at the risk of becoming passionate and emotional, a partnership that could never be described as America becoming an honest broker, sliding to the middle of the table. From 1948 forward, America had one place at the table, and it was standing like a protector and a provider over the right shoulder of Israel.

So we stand with her because we were there in the beginning. We stand with her because she is our ally. But we also stand with Israel today because she is in trouble. She is beleaguered. Eighteen months of random violence since the Intifada began in the year 2000, and 400 citizens killed, thousands injured, millions distressed. Israel is ground zero in the war on terrorism. What better time to define the metes and bounds of our relationship and our alliance than when our friend is in her darkest hour?

I have been grieved, Mr. Speaker, by the ambiguity of U.S. policy, particularly during recent days. It seems to me America should stand, as we do, astride the world as the lone superpower, with our arms quietly folded, with a tear in our eye for the suffering of all of the people of the region, but we should stand quietly while our friend does what needs to be done to end the murdering in their own streets.

So America should stand with Israel because she is our ally from her beginning, and because she is distressed; also, because she is the only democracy in the Middle East. I have this idea, Mr. Speaker, that the people of the Middle East, as Prince Hassan of Jordan describes it, the people who live in the arc of crisis from India to the West Coast of Africa, are a people capable of democracy and self-government and civil liberties.

I believe in that dream. And Israel, as she did in 1948, rose out of the dust of the Middle East and established that the dream of democracy born on our shores in 1776 is not an American dream, it is a dream of all peoples of the world. With this, I close and yield back to more eloquent colleagues.

As I said in the beginning, Mr. Speaker, I come from a Christian and a conservative perspective, and I believe that our administration and the leaders of our government would do well to reflect, yes, on the passion of elected leaders from the Jewish community at all levels of government in America, but let them also reflect on the people

of Christian faith in America who cherish the dream of Israel, as the Bible says, as the apple of God's eye.

Because I believe it was from the hearts of people in the heartland of America, places like the little buckboard churches that dot the landscape of my eastern Indiana district, it is the people that fill up those churches on Sunday morning and Sunday night and Wednesday night who give me, as I travel my district, time after time standing ovations when I say America must have one position, and that is to stand with Israel, unambiguously.

And it is those people who believe in that simple principle, that part of our prosperity, part of our own destiny, is tied up in the belief that whoever blesses Israel will be blessed, whoever curses Israel will be cursed. Let it ever be that our government expresses the love that believing Christian Americans have for Israel, that believing Jewish Americans have for Israel. Let this American government always stand for that dream and that passion.

Mr. KINGSTON. I thank the gentleman for those passionate, very good, very clear words and that good message. Mr. Speaker, I yield to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I thank the gentleman for yielding. This has been an evening where we have tried to elaborate on a couple of different themes.

From a historical perspective, this is Israel's Independence Day, but also we try to share information, both with those viewing and with other colleagues.

I think one of the questions which is a basic question is why are the Israelis presently making incursions into towns like Ramallah and Bethlehem and Nablus and Jenin.

I think one of the things, and I put this map back up just, again, to give a perspective which many, or in fact most, Americans have, but it is a perspective to think about, that the entire state of Israel is about the size of New Jersey. In fact, my congressional district, the northern border of my district is the Palm Beach County of Florida; the southern border of my district is Key West, Florida. In fact, the length of my district is longer than the length of the state of Israel.

The reason I mention that is just the size. If people have been to Israel, and especially for the first time, the thing that I think is so striking, besides the incredible sense that history is reality, that we can be on the steps Jesus walked on, or we can see the wall of the temple, or we can see the city of Jericho, and look out where Moses was not able to enter the promised land but actually see the mountains, besides the historical reality of the sites of the country is the size of the country.

People talk about neighborhoods like Ilo or Pisgot sev as if they are far away. They are Jerusalem. Those are neighborhoods that are being shot at. Just the country itself, the area between Natana and the West Bank is 12 miles. Twelve miles in my district would be the equivalent of from the city of Fort Lauderdale to north Miami Beach, from Fort Lauderdale to Dade, distances which people of south Florida can appreciate how small they are.

But again, why did Israel make those incursions? They made those incursions really because of the chart on the left, and also I am going to change charts and add an additional chart which we had showed earlier. What Israel's people had suffered, not just over the last 18 months but disproportionately over the last several months, is hard for us to comprehend the level, again, based on the size of the country.

One of the phenomena of 9/11, the attack on the World Trade Center, the Pentagon, and the plane that crashed in Pennsylvania, is most Americans in a sense were not just affected, but directly affected. Most of us know someone personally that had a tragedy that occurred, and we have seen it. We have literally felt it.

It is hard for us to contemplate what it would mean, again, with the comparable numbers of seven 9/11's in America, literally seven 9/11's, almost on a daily basis not being able to go to the grocery store or to have a celebration, a bar mitzvah or a wedding without an incredible concern of a violent attack.

The suffering, the direct acts of terrorism that Israel had been facing, were unprecedented for any nation, for any nation. And can we expect any nation to do nothing?

In the previous special order, I talked about two watershed events that occurred as recently as 3 months ago, 12 weeks ago. One was the Karine-A, the ship that the Israeli commandoes commandeered, and it had over $20 million of sophisticated weapons from Iran that the Palestinian Authority bought.

Now, originally, Chairman Arafat denied any involvement with that ship. His only plausible deniability, in a sense, was he was not on the ship. But let me be specific. It has been discussed in the public domain at this point.

Both the Americans and the Israelis had direct knowledge of Chairman Arafat's personal involvement in the purchase of those weapons. Again, as has been discussed in the public domain, Colin Powell called up Chairman Arafat and said to him, why did you do this? These weapons were not rifles, they were mortars, sophisticated mortars, sophisticated weapons. We have seen pictures of them and a listing of those weapons.

Chairman Arafat's response to Colin Powell was, what weapons? What ship? I had nothing to do with it. But again, as I said, in the public domains, the Israelis and the Americans were aware of what occurred. Colin Powell said to him, we are going to show you the evidence. The evidence was presented to him. Yet, he then still said, what involvement? What ship?

If we think about that, how could we expect to have any negotiations, any relationship, any prospect for a final status with someone who outright lies to us when we know that that person is lying? That is number one.

The second incident over the last 12 weeks, which was really a watershed incident, was a sniper attack on the Israelis at a checkpoint, the Israeli soldiers. About six Israel soldiers were killed in a matter of a couple of minutes.

For anybody who has been in Israel, or just again, the map of the small size of Israel, once that occurred, those sniper attacks, those sniper rifles could shoot several miles, so with a line of sight in the building we are in now, if someone was on the roof of this building with a sniper rifle, they could shoot literally, God forbid, someone standing in the driveway of the White House over a mile away.

Now, once that occurred and no one was trying to prevent that, after those incidents occurred, the Israeli government decided to go into some of these communities and literally go house to house and wall-to-wall to do what no one else was trying to do: to stop the terrorism that was affecting their people and killing their people on almost a daily basis. That is exactly what the Israelis were doing; no less, no more than America did and America must do in response to the attack on us on 9/11.

I think that is what the previous speaker talked about, the ambiguity issue. There is united 100 percent support in the United States of America for President Bush's efforts on the war on terrorism, for the efforts of the American men and women who are fighting that war in Afghanistan. And we are 100 percent, there is no daylight between any of the 435 Members of this Chamber on that issue, because we understand and we agree completely with the President's assessment of that threat to America, and we agree with the assessment of the threat to America from Iraq and from Syria, from North Korea, in terms of terrorism and weapons of mass destruction.

We will do everything we can as a society and as a nation to prevent those things from happening. We will do anything. I think those people understand that, because we have shown that we will do anything.

□ 2115

There is no question that what is happening in Israel is a level of terrorism unprecedented for a country. Can we expect the Israelis to do anything less than us? Can we expect them to do anything? Can we ask them to do anything less than us? If anything, what we should be doing is praising them for those efforts, supporting them for those efforts because those acts of terrorism must end.

Those acts of terrorism, again, I think as has been pointed out by my colleagues, are not just acts of terrorism against Israel. Make no mistake about it. Those acts of terrorism are not just acts of terrorism against

Israel. They are acts of terrorism against the United States of America, and when a bomb goes off in an Israeli pizzeria, an Israeli cafe, an Israeli banquet hall, the perpetrators of that action are as much trying to kill civilians in Israel as they are trying to destroy the United States of America, and what our actions should be as a society and as a country should be to prevent that from happening because if we do not prevent it there, I think unfortunately it is only a matter of time till it comes here.

So we are brothers and sisters with the people of Israel in this area. We are fighting together this war of terrorism, and we should not be trying to stop it. We should be trying to help it for it to come to a successful conclusion.

Mr. KINGSTON. Mr. Speaker, I now yield to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding.

I want to build on what my colleagues have been talking about for the last several minutes. When the gentleman from Florida (Mr. DEUTSCH) mentioned that there were the equivalent of seven September 11's in Israel in the last 18 months, that is true, but it would be seven September 11's, not in a country as big as America, but in a land and a State the size of New Jersey, seven September 11's, God forbid, within the size of the State of New Jersey.

By the way, just to remind everybody, look at how the sliver that Israel is along the Mediterranean. When we compare it with Egypt and Jordan and Saudi Arabia and Iraq and Iran, all over here, Israel's infinitesimal. Syria, Turkey, a sliver.

For the last 54 years, Israel has been America's number one ally in a very hostile region. More importantly, Israel has been America's number one ally in an extraordinarily strategic region for the United States. As I said and as has been referred to before, Israel is America's battleship of democracy in a sea of totalitarians, dictators and murderous thugs. Saddam Hussein, Syrian dictator, the mullahs, the religious councils in Iran who overrule their own democracy, the slaughter that goes on by Lebanon which is now occupied by 45,000 Syrian troops. The world does not say a peep.

Does America's best friend for the last 54 years, Israel, by the way, who has the best voting record at the United Nations in support of the United States than any country in the Middle East and all of Europe, America's best friend, state of Israel, do they ask America to go fight Israel's battle? Have they asked for a single American soldier? No, they never have.

They did not in 1948 when all the surrounding armies invaded Israel. They did not in 1967 when all the surrounding Arab armies invaded Israel, saying to their people we are going to drive the Jews into the sea. They did not in 1973 when all the surrounding armies invaded Israel, and they have not asked for it now, despite the seven 9/11s of terrorism in the last 18 months alone.

Israel does not want special treatment. Israel wants to be considered like all the other Nations of the world which it is. It certainly has all the legitimacy of any other nation in the Middle East. Israel, recognized by the United Nations in 1948, all the major countries of the world agreeing, the Jewish state shall live. As they agreed Saudi Arabia should live in 1932, as Jordan should be created in 1946, as they said that Egypt should be recognized in 1922, as Syria recognized in 1946, as Iraq recognized in 1923, Iran recognized in 1925 and Lebanon recognized in 1943, so too Israel should be and was recognized in 1948.

So Israel's no youngster. It is celebrating its 54th birthday. What is left? Why is there still violence?

Well, the Palestinian people and their leaders, ever since 1947, when they were offered half of the State of Israel, with the Jews having the other half in 1947, a two-state solution offered by the United Nations under U.N. Resolution 181, in 1947, they were offered half of Israel. They rejected it, as they rejected Israel's offer of a two-state solution in 1967, as they rejected the offer of Israel for a two-state solution in the year 2000 at Camp David.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, I have Mr. DEUTSCH's chart of some time, and what I thought I would do since it ties in with what my colleague is saying, I was going to go down some of these dates.

Mr. ROTHMAN. That would be great, if I could finish my line of thought.

Mr. KINGSTON. Mr. Speaker, what I would like the gentleman to do is as I call these out, maybe underscore and give some of his knowledge.

Mr. ROTHMAN. That is kind of the gentleman to say. I am going to finish my point, which is it breaks my heart, breaks the Israeli's people's heart. It would break any person's heart who has any shred of decency that the Palestinian leadership has turned down statehood for themselves and their people since 1947, offered it in 1947, 1967, and 2000. Does not it break my colleague's heart, that they condemn their own men, women and children to live in statelessness because they do not want to live next to the Jewish state recognized by the U.N., albeit the tiny little Jewish state in a sea of Arab Nations, Muslim Nations and Persian Nations?

Breaks my heart and so we plead for the Palestinians to get themselves a leadership that will, as Egypt did and as Jordan did, say they will live in peace with the Israelis for good, as their neighbor and they will have their own state and peace, accept as their own state that has been offered since 1947, as we say take yes for an answer. The Palestinians will never drive America's best friend Israel, will never drive the Jewish state into the sea, never.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman and I wanted to, having grabbed the gentleman from Florida's (Mr. DEUTSCH) chart a second ago, I wanted to go ahead and resubmit this for the RECORD. As maybe as I will read some of these key dates, anything the gentleman wants to add, I will go slowly, but I thought it would be good if we had it on the comments the gentleman from New Jersey (Mr. ROTHMAN) was making.

The history of Israel, 1917, the Balfour declaration.

Mr. ROTHMAN. Mr. Speaker, that is when England said after World War I, we want to, just as we are giving Arabia to the Saud family and we are giving Jordan to the Hussein family and creating all these countries, we think there should be a Jewish homeland in this area of the world, which the British owned by virtue of getting it as in the spoils of war after World War I, taking it from the Turks.

Mr. DEUTSCH. If I can just add, I think one of the important things to note from an historical basis is that at no time during that 1,800-year exodus was there not a Jewish presence in the area of Palestine or what has become the modern state of Israel.

Mr. KINGSTON. That is good to point out. 1922, the British divide the mandate of Palestine.

1947, the U.N. passes Resolution 181, the partition plan.

Mr. ROTHMAN. Mr. Speaker, that is what we were just talking about, the 1947 partition plan that the Palestinians and the Arab world rejected when Israel would have been divided in half, half Palestinian, half Jewish, with Jerusalem as an international city. They rejected it. They thought they would just drive the Jews in the sea and have it all.

Mr. KINGSTON. The 1948, Ben Gurion declares Israeli independence, five surrounding Arab nations attack.

1956, the Sinai campaign.

Mr. ROTHMAN. Mr. Speaker, by the way, the Sinai campaign refers to the fact that in 1967, the surrounding Arab nations went to war with Israel again.

Mr. DEUTSCH. Mr. Speaker, if the gentleman would yield, I would appreciate it.

This is a copy of a letter that the Israeli troops in some of the locations the Palestinian Authority uncovered arjons. These are people who are saying these are not accurate documents. I think that is hard to believe and not credible at all in terms of where they have been found and the authenticity of them. In fact, this particular one I do not think is even being challenged at this point in time.

The reason I think it is significant, tied directly into the comments just being made about 1947 is what is Chairman Arafat's goal or the goal of the Palestinian authority. Is it peace with Israel or the eradication of Israel? I think why this particular letter is so

significant is that it is a letter to the Arabs who live in Israel.

Israel is a Jewish state but has a significant population of nonJews who are treated as equal citizens with equal rights, but what is significant is that this is a letter to the Arabs who live in Israel that was circulated amongst the group in Israel, literally calling for a war, a violent war within Israel proper today, not in the West Bank, not in Gaza.

So I think that from the perspective of the Israelis and I think the real question, this is concrete specific, in Arabic to Arabs, what Chairman Arafat's goals are, not an independent Palestinian state living side by side with Israel, but literally the eradication of the state of Israel.

Mr. ROTHMAN. Mr. Speaker, I think that is a wonderful document that demonstrates why for 55 years now, ever since 1947, the Palestinians still believe they will destroy Israel and not have to share this with Israel, but imagine if it was 55 years after the American revolution and people came to war against us for four times. We would say do you not get it.

One last thing, the Church of Nativity is being surrounded by Israelis because there are 200 terrorists in there. They have offered the Palestinian terrorists in the Church of the Nativity either surrender and come to trial with international observers of the trial or we will let you go into exile in another country. These Palestinian terrorist extremists are so radical they want to rather die or kill Israelis or destroy the Church of the Nativity rather than go into exile or to seek to go before an international trial.

Mr. KINGSTON. Mr. Speaker, I wanted to also submit for the record an editorial written by William Daugherty, who is actually a former CIA employee who was one of the Iranian captives in 1979. He lives in Savannah, Georgia, works for Armstrong Atlantic State University, but he had this letter in the Savannah Morning News, and I thought it was very good to remind Americans, and I am going to read a lot of this.

It is going to take a few minutes, but he was just saying that we are focusing on the PLO as anti-Israeli force only and what Dr. Daugherty says is, yet they have killed Americans. The first American to be killed by a PLO-sponsored group was Shirley Anderson June 17, 1969. Since then the PLO groups have murdered more than 60 Americans and wounded at least as many. Among the dead were two ambassadors, an Olympic athlete, tourists, business persons and students.

PLO groups under the control of Arafat or his subordinates were the Black September, Force 17 and the Palestine Liberation Front. Black September was especially close to Arafat, existing as a front for Arafat's own mainstream Fatah, led by one of his closest lieutenants.

Then in this letter, I will not read all the umbrella groups that the PLO, as an umbrella group for a number of different so-called liberation groups, but the Palestinians on one occasion resorted to contracting out terrorists attacks, notably when three members of the Japanese Red Army under the auspices of the PFLP carried out a deadly assault in the arrival area of Lod Airport outside Tel Aviv; 26 were killed and 78 wounded, the citizens of America being the majority.

□ 2130

''Americans were murdered in numerous other ways by PLO members. Eight were killed when their Swissair jet was blown up en route to Tel Aviv; others died in bus and car bombings or were shot. Especially shocking were the ax-murder of a student (1975) and the brutal murder of Leon Klinghoffer, a wheelchair-bound elderly tourist on the hijacked *Achille Lauro* (1985). But despite knowing the identities of at least some of the perpetrators, and almost always the organization that they belonged to, few have ever been arrested and none extradited to the United States.''

The reason that I thought Mr. Daugherty's letter is important is that this group, led by Arafat, has been around terrorizing lots of people for a long time, and it has not been confined to Israelis.

REMEMBERING THE MANY AMERICAN VICTIMS OF ARAFAT'S TERRORIST NETWORK

It is worthwhile to remember that the Palestinian Liberation Organization, under Yasser Arafat, has been a terrorist organization for nearly 35 years, and that it and its subordinate groups have murdered a significant number of Americans during that time.

Yet not only have the tragedies been forgotten and the perpetrators mostly unpunished, Arafat, has been accorded head of state status by many ''civilized'' nations, admitted as an Observer to the United Nations, and permitted an office down the street from the White House. Leaving aside for now any ''blame'' for contemporary middle East history, a review of terrorism against Americans by the PLO will help Americans at least partially to understand why Arafat has not been and cannot be a partner for peace.

The first American to be murdered by a PLO-sponsored group was Shirley Anderson on June 17, 1969. Since then, PLO groups have murdered more than 60 American citizens and wounded at least as many. Among the dead were two ambassadors, an Olympic athlete, tourists, business persons and students.

PLO terrorist groups, under the control of Arafat or his chief subordinates were Black September, Force 17, and the Palestine Liberation Front. Black September was especially close to Arafat, existing as a front for Arafat's own ''mainstream'' Fatah, and led by Salah Khalaf (Abu lyad), his closest lieutenant. Other groups existing under the PLO umbrella with responsibility for American casualties were the Popular Front for the Liberation of Palestine, The Democratic Front for the Liberation of Palestine, and the Popular Front for the Liberation of Palestine-Special Command.

The Palestinians upon occasion further resorted to ''contracting out'' terrorist attacks, notably when three members of the Japanese Red Army, under the auspices of the PFLP, carried out a deadly assault in the arrival area of Lod Airport outside of Tel Aviv; 26 were killed and 78 wounded, the majority American citizens.

Americans were murdered in numerous ways by PLO members. Eight were killed when their Swissair jet was blown up enroute to Tel Aviv, others did in bus and care bombings or were shot. Especially shocking were the ax-murder of a student (1975) and the brutal murder of Leon Klinghoffer, a wheelchair-bound elderly tourist on the hijacked Achille Lauro (1985). But despite knowing the identities of at least some of the perpetrators, and almost always the organization they belonged to, few have ever been arrested and none extradited to the United States.

Perhaps if European counties had fought Palestinian terrorism in its early days as strenuously as they did their own domestic terrorism, the Middle East might be different today, with the PLO a legitimate organization headed by a Palestinian willing to live in peace with Israel. A few countries did fight the terrorists, particularly Great Britain and Germany. But others—France, Austria, Italy, Greece—not only did not pursue Palestinian terrorists, they either made deals to avoid acts of terrorism on their own soil or simply caved in without pressure, afraid of retaliation.

Rather than treat deaths caused by Palestinian terrorists as criminal murder, they viewed these abominations merely as ''political acts'' by ''freedom fighters,'' and therefore excusable.

Best known is the Achille Lauro event and the murder of passenger Klinghoffer. The terrorists, led by Arafat Protege Abu Abbas, surrendered to the Egyptians who, rather than prosecute them as required by the international law, sent them on their way to Tunis—headquarters of a the PLO at the time—in an Egyptian jet.

U.S. Navy aircraft intercepted the jet and forced it to land in Italy. Immediately behind was a transport with America's elite Delta Force, to take custody of these terrorists. Surrounding the jet with the terrorists, Delta then discovered that it was surrounded by Italian military forces. A firefight between allies seemed imminent, as the Italians refused to turn over the murderers.

Eventually, four lesser terrorists were indicted by Italy (and treated with leniency), while Abbas and his second in command were spirited away to Yugoslavia and thence to Tunis.

Elsewhere, France made deals with the deadly Abu Nidal Organization (not a PLO group, to be sure) to avoid terrorism on its territory; and when the ANO set of car bombs in Paris that killed and maimed several hundred French citizens, the Socialist government of Francois Mitterrand still kept its end of the bargain.

There are numerous other examples of Europeans aiding Palestinian terrorists, may almost beyond comprehension (France refused to arrest the mastermind of the Munich massacres and instead provided him protection). But had a Europe, united by revulsion at foreign-inspired terrorism, viewed murder for what it was—a criminal vice political act—and proceeded to work to eradicate it (while concurrently working with legitimate Palestinian groups to achieve a peace with Israel), the past 30 years might have been much different.

Instead, the leader the PLO continues to kill and maim while hiding behind the facade of statesmanship. It is time to remember the Americans who become victims of this terrorist and the dancing in the streets.

Mr. DEUTSCH. Mr. Speaker, I think that is an incredibly important statement because what we have acknowledged today is that Chairman Arafat

not only was a terrorist in the incidents the gentleman was describing in the 1960s, 1970s and 1980s, but literally into the 21st century. And one of the things that has been uncovered, again, are internal documents of the Palestinian Authority off of hard drives of computers so it is not credible that this is not authenticated, real information. These are copies which literally has Chairman Arafat's signature. These are two that are available, and these are specific requests of payments for terrorists, for people who are engaged in specific acts of terrorism. From the bar mitzvah ceremony, there are specific names of people and specific amounts that Arafat personally signed and approved, $600 per person.

The other chart is a list of 10 people, specific terrorists; and what is interesting, the gentleman that sent the letter was just captured by Israelis, and he viewed himself as working directly for Chairman Arafat. So the terrorism that is described is not terrorism of 5 years ago or 5 months ago. The dates are interesting, September 19, 2001, and this is January of 2002.

The Arafat era is over, and I think there has to be an acknowledgment by the United States that that era is over. We have said repeatedly we cannot negotiate with terrorists, and that in fact is what Mr. Arafat is. We cannot negotiate with him. He cannot be a leader. He cannot be a partner. The Palestinian people have a right to choose their leader, but that leader cannot be a terrorist if they expect to be a state.

Mr. ROTHMAN. Mr. Speaker, it breaks our hearts for the Palestinian people that they have refused to elect leaders who will deliver them a Palestinian state.

Mr. DEUTSCH. Mr. Speaker, it is not that they have not, but they have not been given a choice. One of the things that has been pointed out on this floor is that Chairman Arafat was supposed to be the leader, and he was elected in 1996, but that term expired in 2000. In 2000, there was supposed to be an election that he did not allow to take place.

Mr. ROTHMAN. Mr. Speaker, the question is what should Israel be doing now. Israel is doing now what the United States is doing now: protecting its people from terrorists, and bringing justice to them or bringing them to justice, until these people either will say we will live in peace with you, or they will be so disabled by our military that they no longer threaten our men, women and children. That is what Israel is doing.

Israel, which has tremendous military intelligence-sharing with the United States for 50 years, and provides us with great military advantage in the Middle East, only one of many reasons they have been our best friend and remain our most important strategic ally in the whole Middle East for the last 55 years.

Mr. DEUTSCH. Mr. Speaker, tomorrow evening I am going to have the opportunity to have an interactive town meeting that will be available for people not just in Florida, but through satellite coordinants throughout the country. If people have questions, the former American ambassador, Martin Indyk, will be there. The e-mail address to ask questions is FL20townhall@mail.house.gov. The 800 number is 1–800–931–1303. The satellite coordinants can be acquired through our Web site. I welcome those comments.

Mr. KINGSTON. Mr. Speaker, in closing, while the background of this conflict is somewhat complicated, the moral dimensions are very, very clear-cut. We have one side that sends soldiers to wipe out suicide bombers; the other side that sends suicide bombers to wipe out guests at bar mitzvahs. We have one side that publishes maps showing how an Israel and Palestinian state can co-exist; the other side publishes a map which says Israel does not even exist now. One side apologizes when its explosives kill wives and children of killers it targeted; the other side targets wives and children. One side was grief-stricken on September 11 and declared a national day of mourning; and the other side danced in the streets and distributed candies in celebration. One side has never deployed a suicide bomber in its 54 years of existence; the other side has deployed more than 40 in the past 12 months alone.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLYBURN (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. LATOURETTE (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. MILLENDER-MCDONALD) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. LANTOS, for 5 minutes, today.

(The following Members (at the request of Mr. JEFF MILLER of Florida) to revise and extend their remarks and include extraneous material:)

Mr. KNOLLENBERG, for 5 minutes, April 24.

Mr. JEFF MILLER of Florida, for 5 minutes, today.

Mr. HORN, for 5 minutes, April 24.

Mrs. MORELLA, for 5 minutes, April 23.

Mr. KIRK, for 5 minutes, April 24.

Mr. SWEENEY, for 5 minutes, April 24.

Mr. WELDON of Florida, for 5 minutes, today and April 18.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, April 18.

Mr. SOUDER, for 5 minutes, today.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, April 18, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6214. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Austria Because of BSE [Docket No. 02–004–1] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6215. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Finland Because of BSE [Docket No. 01–131–1] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6216. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Horses, Ruminants, Swine, and Dogs; Inspection and Treatment for Screwworm [Docket No. 00–028–2] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6217. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Removal of Quarantined Area [Docket No. 02–018–1] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6218. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 01–125–1] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6219. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Origin Health Certificates for Livestock Exported From the United States [Docket No. 99–053–2] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6220. A letter from the Secretary of the Navy, Department of Defense, transmitting notification that certain major defense acquisition programs have breached the unit

cost by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6221. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John L. Woodward, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6222. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Thomas A. Schwartz, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6223. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the status of the Department's report for purchases from foreign entities for FY 2001; to the Committee on Armed Services.

6224. A letter from the Special Counsel, Office of Special Counsel, transmitting the Annual Report of the Office of Special Counsel (OSC) for Fiscal Year (FY) 2000, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

6225. A letter from the Chairman, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6226. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Tipton Airport, Fort Meade, MD [Airspace Docket No. 01–AEA–26FR] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6227. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Beebe Memorial Hospital Heliport, Lewes, DE [Airspace Docket No. 01–AEA–24FR] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6228. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Surface Area at Indian Springs Air Force Auxiliary Field; Indian Springs, NV [Airspace Docket No. 02–AWP–2] received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6229. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, –83, and –87 Series Airplanes, Model MD–88 Airplanes, and Model MD–90–30 Series Airplanes [Docket No. 2001–NM–114–AD; Amendment 39–12647; AD 2002–03–06] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6230. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Limited BN–2, BN–2A,BN–2B, BN–2T, and BN2A MK. III Series Airplanes [Docket No. 2001–CE–31–AD; Amendment 39–12645; AD 2002–03–04] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6231. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 98–ANE–66–AD; Amendment 39–12649; AD 2002–03–08] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6232. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 2001–NM–155–AD; Amendment 39–12655; AD 2002–03–14] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6233. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes [Docket No. 2001–NM–140–AD; Amendment 39–12653; AD 2002–03–12] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6234. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–60, SD3–60 SHERPA, and SD3–SHERPA Series Airplanes [Docket No. 2001–NM–143–AD; Amendment 39–12654; AD 2002–03–13] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6235. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 and –300 Series Airplanes [Docket No. 2001–NM–185–AD; Amendment 39–12656; AD 2002–03–15] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6236. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTS101 Series Turboshaft and LTP101 Series Turboprop Engines [Docket No. 2000–NE–14–AD; Amendment 39–12650; AD 2002–03–09] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6237. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 2001–NM–332–AD; Amendment 39–12660; AD 2002–04–03] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 F4–605R Airplanes [Docket No. 2000–NM–390–AD; Amendment 39–12659; AD 2002–04–02] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and C–9 series airplanes; Model MD–88 airplanes; and Model MD–90 airplanes [Docket No.97–NM–298–AD; Amendment 39–12658; AD 2002–04–01] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2001–NM–203–AD; Amendment 39–12663; AD 2002–04–06] (RIN: 2120–AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6241. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting the Commission's recommendations on the study regarding the use of the physician geographic adjustment factor for adjusting per resident payment amounts for differences among geographic areas in the costs related to physicians training; jointly to the Committees on Ways and Means and Energy and Commerce.

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. HASTINGS of Washington: Committee on Rules. House Resolution 390. Resolution providing for consideration of the Senate amendment to the bill (H.R. 586) to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes (Rept. 107–412). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. MICA, Mr. OBERSTAR, Mr. QUINN, Mr. LIPINSKI, and Mr. CLEMENT):

H.R. 4466. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUMENAUER:

H.R. 4467. A bill to provide for the duty-free entry of certain tramway cars for use by the city of Portland, Oregan; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself and Mr. SHAYS):

H.R. 4468. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. GREEN of Wisconsin:

H.R. 4469. A bill to provide for the duty-free entry of a certain Liberty Bell replica; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. TANNER, Mr. PORTMAN, Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. WELLER, Mr. COLLINS, Mr. MCINNIS, Mr. CRANE, Mr. HOUGHTON, and Mr. LEWIS of Kentucky):

H.R. 4470. A bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. LINDER:

H.R. 4471. A bill to suspend temporarily the duty on certain high tenacity rayon filament yarn; to the Committee on Ways and Means.

By Mr. LINDER:

H.R. 4472. A bill to suspend temporarily the duty on certain high tenacity rayon filament yarn; to the Committee on Ways and Means.

By Mr. LINDER:

H.R. 4473. A bill to suspend temporarily the duty on tire cord fabric of high tenacity rayon filament yarn; to the Committee on Ways and Means.

By Mr. MCCRERY:

H.R. 4474. A bill to amend the Internal Revenue Code of 1986 to exclude income derived from certain wagers on horse races from the gross income of a nonresident alien individual; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4475. A bill to amend the Internal Revenue Code of 1986 to promote the economic recovery of the District of Columbia; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 4476. A bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself, Mr. HYDE, and Mr. SMITH of Texas):

H.R. 4477. A bill to amend title 18, United States Code, with respect to crimes involving the transportation of persons and sex tourism; to the Committee on the Judiciary.

By Mr. SESSIONS:

H.R. 4478. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Federal Republic of Yugoslavia; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 4479. A bill to authorize the Small Business Administration and the Department of Agriculture to assist farmers and ranchers seeking to develop and implement agricultural innovation plans in order to increase their profitability in ways that also provide environmental benefits, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 4480. A bill to make local governments eligible to apply for and receive grants under the DNA Analysis Backlog Elimination Act of 2000, and for other purposes; to the Committee on the Judiciary.

By Ms. MCKINNEY:

H. Con. Res. 380. Concurrent resolution expressing the sense of the Congress regarding women with bleeding disorders; to the Committee on Energy and Commerce.

ADDITION SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. SHAW and Mr. DELAY.
H.R. 144: Mr. BLUMENAUER.
H.R. 236: Mr. CUNNINGHAM.
H.R. 510: Mr. GORDON, Mr. TERRY, and Mr. BISHOP.
H.R. 634: Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, and Mr. WILSON of South Carolina.
H.R. 745: Mr. LAMPSON.
H.R. 875: Mr. BARRETT.
H.R. 997: Mr. MCGOVERN.
H.R. 1011: Mr. VISCLOSKY, Mrs. MCCARTHY of New York, and Mr. WICKER.
H.R. 1108: Mr. RAHALL.
H.R. 1143: Mr. THOMPSON of California, Mr. GRUCCI, and Mr. BISHOP.
H.R. 1184: Mr. SANDERS, Mr. ENGEL, Ms. BROWN of Florida, Mr. TOWNS, and Mrs. CHRISTENSEN.
H.R. 1201: Ms. RIVERS.
H.R. 1212: Mr. HAYES.
H.R. 1296: Mr. REYNOLDS.
H.R. 1360: Mr. MENENDEZ, Mr. DOYLE, Mrs. LOWEY, Mr. LARSON of Connecticut, Mr. SHAYS, Ms. MCKINNEY, Mr. BLAGOJEVICH, Mr. KLECZKA, Ms. SOLIS, Mr. RANGEL, Mrs. NAPOLITANO, and Mr. DICKS.
H.R. 1452: Mr. CONYERS.
H.R. 1462: Mr. WALDEN of Oregon.
H.R. 1488: Mr. WEXLER.
H.R. 1522: Ms. WOOLSEY, Mr. SANDERS, and Mr. COYNE.
H.R. 1581: Mr. LUCAS of Kentucky, Mr. TAUZIN, and Mr. GOODE.
H.R. 1613: Mr. ISRAEL.
H.R. 1642: Mr. GUTIERREZ and Mr. WEXLER.
H.R. 1724: Mrs. WILSON of New Mexico.
H.R. 1733: Mr. SANDERS and Mr. LYNCH.
H.R. 1822: Mr. BARRETT, Mr. HALL of Texas, and Mr. MASCARA.
H.R. 1948: Mr. HEFLEY.
H.R. 1983: Mr. SAM JOHNSON of Texas.
H.R. 2001: Mr. WALSH.
H.R. 2143: Mr. BISHOP and Mr. LINDER.
H.R. 2161: Mr. DINGELL.
H.R. 2211: Mr. RANGEL.
H.R. 2316: Mr. CULBERSON, Mr. ROYCE, and Mr. ADERHOLT.
H.R. 2405: Ms. MCKINNEY.
H.R. 2482: Mr. BOSWELL.
H.R. 2521: Mr. BISHOP.
H.R. 2527: Mr. MOLLOHAN and Mrs. NAPOLITANO.
H.R. 2623: Mr. BISHOP.
H.R. 2624: Mrs. LOWEY and Ms. LOFGREN.
H.R. 2636: Mr. BISHOP.
H.R. 2663: Mr. ISTOOK and Ms. WOOLSEY.
H.R. 2683: Mr. PAUL, Mr. BRYANT, Ms. ROS-LEHTINEN, Mr. SESSIONS, and Mr. INSLEE.
H.R. 2953: Mr. CALVERT and Mr. MEEKS of New York.
H.R. 2982: Mr. SHERMAN, Mrs. CHRISTENSEN, Mr. HOLT, Mr. DOOLEY of California, Mr. MOORE, Mr. BISHOP, Mr. TAYLOR of Mississippi, Mr. BLUNT, Mr. TOM DAVIS of Virginia, Ms. SCHAKOWSKY, Mr. EDWARDS, Mr. CARSON of Oklahoma, Mr. FARR of California, Mr. HONDA, Mr. CARDIN, Mr. ABERCROMBIE, Mr. CHAMBLISS, Mr. THUNE, Mr. SKELTON, Mr. KIND, and Mr. CULBERSON.
H.R. 3066: Mr. SAWYER.
H.R. 3109: Mr. MASCARA, Mr. KENNEDY of Minnesota, and Ms. MCCOLLUM.
H.R. 3135: Mr. BROWN of South Carolina, Mr. COOKSEY, Ms. HART, Mr. SCHAFFER, Mr. WILSON of South Carolina, Mrs. CHRISTENSEN, Mr. FORBES, Mr. MCHUGH, Mr. SHIMKUS, Mr. TANCREDO, Mr. WELDON of Pennsylvania, Mr. HEFLEY, Mr. NEY, Mr. SESSIONS, Mr. SIMMONS, and Mr. VITTER.
H.R. 3183: Mr. HEFLEY and Mr. SHOWS.
H.R. 3231: Mr. RYAN of Wisconsin.
H.R. 3238: Mr. PAYNE.
H.R. 3244: Mr. EVANS, Mr. LUCAS of Kentucky, Mr. MALONEY of Connecticut, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MURTHA, Mr. OXLEY, Mr. WELDON of Pennsylvania, Mr. BARRETT, and Mr. COX.
H.R. 3258: Mr. CALVERT.
H.R. 3273: Mr. GANSKE.
H.R. 3292: Mr. MOORE.
H.R. 3296: Mr. BLUMENAUER.
H.R. 3335: Mr. FALEOMAVAEGA.
H.R. 3424: Mr. BALLENGER, Mr. UDALL of Colorado, Mr. ENGEL, Mr. DAVIS of Illinois, Mr. PLATTS, Mr. QUINN, Mrs. LOWEY, Mr. SOUDER, Mr. SHOWS, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Mr. BLUMENAUER, Mr. ISTOOK, Mrs. THURMAN, Mr. SWEENEY, Mr. HANSEN, Mr. FLETCHER, Mr. DELAHUNT, Mr. DINGELL, Mr. ORTIZ, Mr. DICKS, and Mr. WALDEN of Oregon.
H.R. 3430: Mr. RODRIGUEZ, Mr. STENHOLM, and Mr. BISHOP.
H.R. 3443: Mr. BISHOP.
H.R. 3482: Mr. SESSIONS and Mr. GALLEGLY.
H.R. 3535: Mr. PITTS, Mr. SMITH of Michigan, Mr. TANCREDO, and Mr. TOOMEY.
H.R. 3561: Mrs. THURMAN.
H.R. 3581: Mr. LARSEN of Washington.
H.R. 3585: Mr. FRANK and Mrs. MINK of Hawaii.
H.R. 3741: Mr. BISHOP.
H.R. 3764: Mr. MALONEY of Connecticut.
H.R. 3777: Mr. HOEKSTRA, Mr. SCHAFFER, and Mr. OWENS.
H.R. 3799: Mr. GOODLATTE.
H.R. 3831: Mr. TANCREDO, Mr. HOSTETTLER, Mr. PASTOR, Mr. BOUCHER, Mr. STENHOLM, and Mr. GIBBONS.
H.R. 3962: Mr. JONES of North Carolina.
H.R. 3974: Mr. LAMPSON.
H.R. 3990: Mr. MCGOVERN.
H.R. 4002: Mrs. JONES of Ohio.
H.R. 4008: Mrs. MORELLA and Ms. SLAUGHTER.
H.R. 4013: Mr. WELDON of Florida, Mr. HOEFFEL, Mr. LANTOS, Mr. STUPAK, Mrs. MINK of Hawaii, and Mrs. KELLY.
H.R. 4017: Mr. SHOWS.
H.R. 4018: Mr. COOKSEY, Mr. KILDEE, Mr. STENHOLM, and Mr. PASTOR.
H.R. 4027: Mr. HERGER.
H.R. 4032: Mr. MCGOVERN, Mr. OWENS, Mr. STARK, Mr. BALDACCI, Mr. ENGLISH, Ms. MCCOLLUM, Mr. FOLEY, Mr. LARSEN of Washington, Mr. DAVIS of Illinois, Ms. KILPATRICK, Ms. CARSON of Indiana, Ms. HARMAN, Mr. GEORGE MILLER of California, Ms. SANCHEZ, Ms. JACKSON-LEE of Texas, and Ms. BALDWIN.
H.R. 4069: Mrs. JOHNSON of Connecticut, Mr. LANGEVIN, Ms. KAPTUR, Mr. OWENS, Mr. ABERCROMBIE, Ms. WATSON, and Mr. FROST.
H.R. 4071: Ms. SCHAKOWSKY.
H.R. 4073: Mr. PAYNE, Mr. GILMAN, Mr. ROHRABACHER, Mr. WOLF, Ms. ROS-LEHTINEN, Mr. PITTS, Mr. TANCREDO, Mr. DINGELL, Mr. DIAZ-BALART, Mr. HILLIARD, Mr. BLUMENAUER, Mrs. NAPOLITANO, Mrs. CLAYTON, Mr. MEEKS of New York, Mr. BERMAN, Mr. SANDERS, Mr. KING, and Mr. MCHUGH.
H.R. 4087: Mr. TOOMEY, Mr. DEMINT, Mr. CHABOT, Mr. ISSA, Mrs. KELLY, Mr. THUNE, and Mr. FERGUSON.
H.R. 4093: Mr. SERRANO.
H.R. 4108: Mr. TIBERI.
H.R. 4447: Mr. SHAYS.
H.R. 4448: Mr. SHAYS.
H.J. Res. 29: Ms. WATERS, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. THOMPSON of Mississippi, Mr. HILLIARD, and Ms. LEE.
H.J. Res. 31: Ms. WATERS, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. THOMPSON of Mississippi, Mr. HILLIARD, and Ms. LEE.
H.J. Res. 40: Mr. LARSEN of Washington and Mr. INSLEE.
H.J. Res. 83: Mr. MASCARA.
H.J. Res. 85: Mr. EDWARDS.
H. Con. Res. 296: Mr. GREEN of Wisconsin.
H. Con. Res. 301: Mr. SHUSTER and Mr. FORBES.
H. Con. Res. 346: Ms. DELAURO.
H. Con. Res. 351: Mrs. CAPPS.

PETITIONS, ETC.

Under clause 3 of rule XII,

55. The SPEAKER presented a petition of the City of Tamarac, Florida, relative to Resolution No. R-2001-333 petitioning the

United States Congress to express condolences on behalf of all Tamarac residents to the families of victims of the September 11th terrorist attacks; expresses support to the citizens of New York in their rebuilding efforts; expresses confidence in the Nation, President Bush, the administration and the United States Congress in their war against terrorism; and encourages the citizenry to bind together in the promises for the future of this Nation; which was referred jointly to the Committees on the Judiciary and Government Reform.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, WEDNESDAY, APRIL 17, 2002 No. 43

Senate

The Senate met at 10 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

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

Dear God, it is with reverence and commitment that we address You as Sovereign of our lives and of our Nation. Our forefathers called You Sovereign with awe and wonder as they established this land and trusted You for guidance and courage.

We thank you that in 1787, at a pivotal moment at the Constitutional Convention, Benjamin Franklin's convictions led him to rise and speak these now-famous words to George Washington: ''I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men. If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? I believe that without His concurring aid we shall succeed no better than the builders of Babel. We shall be divided by our partial local interests; our projects will be confounded . . .''

Lord, it is with the same emphatic certainty that we echo his words of dependence on You and we ask, Sovereign Lord, that You would help us realize Your best for America. In Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW 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, April 17, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, under the previous order, the Senate will shortly begin a vote on a nomination of Lance M. Africk to be United States district judge for the Eastern District of Louisiana. Following that vote, the Senate will resume consideration of the energy reform bill, the ANWR amendments now pending. Cloture was filed yesterday evening on each of the ANWR amendments. Therefore, there will be votes on these cloture motions this coming Thursday.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF LANCE M. AFRICK, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to vote on Executive Calendar No. 760, which the clerk will report.

The legislative clerk read the nomination of Lance M. Africk, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The ACTING PRESIDENT pro tempore. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Minnesota (Mr. DAYTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) would vote ''aye.''

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON) is necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

(Rollcall Vote No. 69 Ex.)

YEAS—97

Akaka	Cantwell	Domenici
Allard	Carnahan	Dorgan
Allen	Carper	Durbin
Baucus	Chafee	Edwards
Bayh	Cleland	Ensign
Bennett	Clinton	Enzi
Biden	Cochran	Feingold
Bingaman	Collins	Feinstein
Bond	Conrad	Fitzgerald
Boxer	Corzine	Frist
Breaux	Craig	Graham
Brownback	Crapo	Gramm
Bunning	Daschle	Grassley
Burns	DeWine	Gregg
Campbell	Dodd	Hagel

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

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Harkin	Lincoln	Schumer
Hatch	Lott	Sessions
Helms	Lugar	Shelby
Hollings	McCain	Smith (NH)
Hutchinson	McConnell	Smith (OR)
Hutchison	Mikulski	Snowe
Inhofe	Miller	Specter
Inouye	Murkowski	Stabenow
Jeffords	Murray	Stevens
Johnson	Nelson (FL)	Thomas
Kennedy	Nelson (NE)	Thurmond
Kerry	Nickles	Torricelli
Kohl	Reed	Voinovich
Kyl	Reid	Warner
Landrieu	Roberts	Wellstone
Leahy	Rockefeller	Wyden
Levin	Santorum	
Lieberman	Sarbanes	

NOT VOTING—3

Byrd	Dayton	Thompson

The nomination was confirmed.

The PRESIDING OFFICER (Mr. BAUCUS). The motion to reconsider is laid upon the table.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from New Mexico.

ORDER OF PROCEDURE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senator from Vermont, Mr. LEAHY, be allowed to speak for up to 5 minutes, followed by Senator MILLER from Georgia for 10 minutes, followed by Senator ROBERTS from Kansas for 10 minutes.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be recognized for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, reserving the right to object, my concern is we have pending a cloture vote tomorrow at some time. I have no objection to accommodating my colleagues to speak this morning, but I wonder if we could get some idea as to how to proceed so that this would not take away from the time before the proposed cloture vote. I have no idea what time it would be.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from Alaska, the majority leader said that people can talk tonight as long as they care to talk. He has not yet decided what time the cloture vote will be in the morning, but there should be time to talk in the morning also.

Mr. MURKOWSKI. Then, I would simply appeal to the majority leader, who I see is on the floor, to allow us an additional time from whatever his time may be, which we do not know.

But to extend the courtesy, I have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, I put our Members on notice, we have probably 15 Members who want to speak today. So I suspect we will be in rather late this evening.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I modify my request, that after the Senator from Vermont and the Senator from Pennsylvania and the Senator from Georgia and the Senator from Kansas have all spoken, that we go back on the bill, and that I be recognized to speak at that time on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

NOMINATIONS

Mr. LEAHY. Mr. President, I thank my colleagues for their unanimous and positive vote on the last nominee. I will bring everybody up to date.

Today, the Senate is voting on the 44th judicial nominee to be confirmed since last July when the Senate Judiciary Committee was reassigned new members in connection with the reorganization of the Senate after the shift in majority. The confirmation of Judge Africk will be the third district court judgeship we have filled in Louisiana and the seventh judgeship filled overall in the Fifth Circuit since July, including the first new judge for the Fifth Circuit in seven years. In fact, it was this Senate's confirmation of Judge Edith Brown Clement last fall that created this vacancy, which we are now proceeding to fill without delay.

In the past few months, the Senate has also confirmed Judge Kurt Engelhardt and Judge Jay Zainey to fill vacancies on the District Court for the Eastern District of Louisiana. The Senate has confirmed Judge Michael Mills to fill a vacancy on the District Court for the Northern District of Mississippi. The Senate has also confirmed Judge Philip Martinez to fill a vacancy on the District Court for the Western District of Texas and Judge Randy Crane to fill a vacancy on the District Court for the Southern District of Texas.

Of course many of the vacancies in the Fifth Circuit are longstanding. Judge Clement was confirmed to fill a judicial emergency on the Fifth Circuit. Judge Martinez and Judge Crane likewise filled what had been judicial emergencies. These many vacancies and emergencies are the legacy of the years of inaction. For example, despite the fact that President Clinton nominated Jorge Rangel, a distinguished Hispanic attorney, to fill a Fifth Circuit vacancy in July 1997, Mr. Rangel never received a hearing and his nomination was returned to the President without Senate action at the end of 1998. On September 16, 1999, President Clinton nominated Enrique Moreno, another outstanding Hispanic attorney, to fill a vacancy on the Fifth Circuit but that nominee never received a hearing either. When President Bush took office last January, he withdrew the nomination of Enrique Moreno to the Fifth Circuit. The Senate has moved quickly to confirm Judge Armijo in New Mexico and Judges Martinez and Crane in Texas, who were among the very few Hispanic judicial nominees sent so far by this Administration to us.

The Senate received Judge Africk's nomination the last week in January and his paperwork was complete on March 6. Judge Africk was scheduled for the very next confirmation hearing on March 19. He has been serving as a federal magistrate in the Eastern District of Louisiana for more than a decade. Judge Africk is a member of the Federalist society and a registered Republican. His confirmation, along with that of Judge Clement, Judge Wooten in South Carolina, Judge Mills in Mississippi, Judge Caldwell in Kentucky, Judge Granade in Alabama, Judge Hartz to the Tenth Circuit, and so many others, shows that the Senate has been very accommodating to this Administration's conservative nominations.

The Senate is making progress on judicial confirmations. Under Democratic leadership, the Senate has confirmed more judges in the last nine months than were confirmed in four out of 6 full years under Republican leadership. The number of judicial confirmations over this time—44—exceeds the number confirmed during all 12 months of 2000, 1999, 1997 and 1996.

During the preceding 6½ years in which a Republican majority most recently controlled the pace of judicial confirmations in the Senate, 248 judges were confirmed. Some like to talk about the 377 judges confirmed during the Clinton administration, but forget to mention that more than one-third were confirmed during the first 2 years of the Clinton administration while the Senate majority was Democratic and Senator BIDEN chaired the Judiciary Committee. The pace of confirmations under a Republican majority was markedly slower—especially in 1996, 1997, 1999, and 2000.

Thus, during the 6½ years of Republican control of the Senate, judicial confirmations averaged 38 per year a pace of consideration and confirmation that we have already exceeded under Democratic leadership over these past nine months in spite of all of the challenges facing Congress and the Nation during this period and all of the obstacles Republicans have placed in our path.

I ask myself how Republicans can justify seeking to hold the Democratic majority in the Senate to a different standard than the one they met themselves during the last 6½ years. There simply is no answer other than partisanship. This double standard is most apparent when Republicans refuse fairly to compare the progress we are making with the period in which they were

in the Senate majority with a President of the other party. They do not want to talk about that because we have exceeded, in just 9 months, the average number of judges they confirmed per year.

They would rather unfairly compare the work of the Senate on confirmations in the past 9 months to a period more than twice as long, the work of previous Senates and Presidents over entire 2-year Congresses. They say it is unacceptable that the Democratic-led Senate has not yet confirmed as many judges in nine months as were confirmed in 24-month-periods at other times. I would say it is quite unfair to complain that we have not done 24 months of work on judicial vacancies in the little more nine months we have had since the Senate reorganized. After all, we have already topped their efforts for 12-month periods and are still hard at work.

These double standards are wrong and unfair, but that does not seem to matter to Republicans intent on criticizing and belittling every achievement of the Senate under a Democratic majority.

Republicans have been imposing a double standard on circuit court vacancies as well. The Republican attack is based on the unfounded notion that the Senate has not kept up with attrition on the Courts of Appeals. This is a case of the arsonist coming forward and saying: We need a better fire department around here. Look at all these buildings that are burning down. All these vacancies were there because Republicans refused to hold hearings on the Court of Appeals nominees. We are now holding such hearings.

The Democratic majority in the Senate has more than kept up with attrition and we are seeking to close the vacancies gap on the Courts of Appeals that more than doubled under the Republican majority.

Just this week, the Senate confirmed Judge Terrence O'Brien to the United States Court of Appeals for the Tenth Circuit by a vote of 98 to zero. His confirmation was the eighth circuit court nominee to be confirmed in the little more than nine months since I became Chairman this past summer.

We have already confirmed eight Court of Appeals nominees and held hearings on 11 Court of Appeals nominees. In comparable periods at the beginning of the Clinton administration, with a Senate majority of the same party as the President, the confirmations numbered only two and hearings were held on only three. In the comparable period during the administration of George H. W. Bush, within the first 10 months the Senate had confirmed only three Court of Appeals judges and had hearings on only four.

The facts on what Republicans are now calling the judicial vacancies crisis in our Courts of Appeals are important and startling. The Republican majority assumed control of judicial confirmations in January 1995 and did not allow the Judiciary Committee to be reorganized after the shift in majority last summer until July 10, 2001. During that period, from 1995 through July 2001, vacancies on the Courts of Appeals more than doubled, increasing from 16 to 33!

When I became chairman of a committee to which members were finally assigned on July 10, we began with 33 Court of Appeals vacancies. That is what I inherited. Since the shift in majority last summer, five additional vacancies have arisen on the Courts of Appeals around the country. With this week's confirmation of Judge O'Brien, we have reduced the number of circuit court vacancies to 30.

Rather than the 38 vacancies that would exist if we were making no progress, as some have asserted, there are now 30 vacancies—that is more than keeping up with the attrition on the Circuit Courts. Since our Republican critics are so fond of using percentages, I will say that we will have now reduced the vacancies on the Courts of Appeals by almost 10 percent in the last nine months. In other words, by confirming three more nominees than the five required to keep up with the pace of attrition, we have not just the matched the rate of attrition but surpassed it by 60 percent.

While the Republican Senate majority increased vacancies on the Courts of Appeals by over 100 percent, it has taken the Democratic majority nine months to reverse that trend, keep up with extraordinary turnover and, in addition, reduce circuit court vacancies by almost 10 percent overall. Alternatively, Republicans should note that since the shift in majority away from them, the Senate has filled more than 20 percent of the vacancies on the Courts of Appeals in a little over 9 months. This is progress. Rather than having the circuit vacancy numbers skyrocketing, as they did overall during the prior 6½ years—more than doubling from 16 to 33—the Democratic-led Senate has reversed that trend and the vacancy rate is moving in the right direction, down.

That is not to say that our job is completed, but a fair review of our efforts should acknowledge the progress we have made. It is not possible to repair the damage caused by longstanding vacancies in several circuits overnight, but we are improving the conditions in the 5th, 10th and 8th Circuits, in particular. The confirmation of Judge O'Brien this week made the second judge confirmed to the 10th Circuit in the last 4 months.

With this week's vote on Judge O'Brien, in a little more than nine months since the change in majority, the Senate has confirmed eight judges to the Courts of Appeals and held hearings on three others. In contrast, the Republican-controlled majority averaged only seven confirmations to the Courts of Appeals per year. Seven. We have confirmed eight circuit judges and there are almost 3 months left until the 1-year anniversary of the reorganization of the Senate and the Judiciary Committee and we have already exceeded the annual number of Court of Appeals judges confirmed by our predecessors. The Senate in the last nine months has confirmed as many Court of Appeals judges as were confirmed in all of 2000 and more than were confirmed in 1997 or 1999, and eight more than the zero from 1996.

Overall, in little more than 9 months, the Senate Judiciary Committee has held 16 hearings involving 55 judicial nominations. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. In contrast, one-sixth of President Clinton's judicial nominees—more than 50—never got a Committee hearing and Committee vote from the Republican majority, which perpetuated longstanding vacancies into this year. Vacancies continue to exist on the Courts of Appeals in part because a Republican majority was not willing to hold hearings or vote on more than half 56 percent—of President Clinton's Court of Appeals nominees in 1999 and 2000 and was not willing to confirm a single judge to the Court of Appeals during the entire 1996 session.

Despite the new-found concern from across the aisle about the number of vacancies on the circuit courts, no nominations hearings were held while the Republicans controlled the Senate in the 107th Congress last year. No judges were confirmed during that time from among the many qualified circuit court nominees received by the Senate on January 3, 2001, or from among the nominations received by the Senate on May 9, 2001.

The Democratic leadership acted promptly to address the number of circuit and district vacancies that had been allowed to grow when the Senate was in Republican control. The Judiciary Committee noticed the first hearing on judicial nominations within 10 minutes of the reorganization of the Senate and held that hearing on the day after the Committee was assigned new members.

That initial hearing included a Court of Appeals nominee on whom the Republican majority had refused to hold a hearing the year before. We held unprecedented hearings for judicial nominees during the August recess. Those hearing included a Court of Appeals nominee who had been a Republican staff member of the Senate. We proceeded with a hearing the day after the first anthrax letter arrived at the Senate. That hearing included a Court of Appeals nominee. In a little more than nine tumultuous months, the Senate Judiciary Committee has held 16 hearings involving 55 judicial nominations—including 11 circuit court nominees—and we are hoping to hold another hearing soon for half a dozen more nominees, including another Court of Appeals nominee. That is more hearings on judges than the Republican majority held in any year of

its control of the Senate. The Republican majority never held 16 judicial confirmation hearings in 12 months.

The Senate Judiciary Committee is holding regular hearings on judicial nominees and giving nominees a vote in Committee, in contrast to the practice of anonymous holds and other obstructionist tactics employed by some during the period of Republican control. The Democratic majority has reformed the process and practices used in the past to deny Committee consideration of judicial nominees. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

I do not mean by my comments to appear critical of Senator HATCH. Many times during the 6½ years he chaired the Judiciary Committee, I observed that, were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

I hope and intend to continue to hold hearings and make progress on judicial nominees in order to further the administration of justice. In our efforts to address the number of vacancies on the circuit and district courts we inherited from the Republicans, the Committee has focused on consensus nominees for all Senators. In order to respond to what Vice President CHENEY and Senator HATCH now call a vacancy crisis, the Committee has focused on consensus nominees. This will help end the crisis caused by Republican delay and obstruction by confirming as many of the President's judicial nominees as quickly as possible.

Most Senators understand that the more controversial nominees require greater review. This process of careful review is part of our democratic process. It is a critical part of the checks and balances of our system of government that does not give the power to make lifetime appointments to one person alone to remake the courts along narrow ideological lines, to pack the courts with judges whose views are outside of the mainstream of legal thought, and whose decisions would further divide our Nation.

The committee continues to try to accommodate Senators from both sides of the aisle. The Court of Appeals nominees included at hearings so far this year have been at the request of Senator GRASSLEY, Senator LOTT, Senator SPECTER, Senator ENZI and Senator SMITH from New Hampshire—five Republican Senators who each sought a prompt hearing on a Court of Appeals nominee who was not among those initially sent to the Senate in May 2001. Each of the previous 43 nominees confirmed by the Senate has received the unanimous, bipartisan backing of the Committee.

The confirmation of Judge Africk makes the 44th judicial nominee to be confirmed since I became chairman last July, and I hope to confirm our 50th nominee by the end of this month. I am extremely proud of the work this committee has done since the change in the majority. I am proud of the way we have considered nominees fairly and expeditiously and the way we have been able to report to the Senate so many qualified, non-ideological, consensus nominees to the Senate.

Mr. HATCH. Mr. President, I supported the nomination of Lance Africk to be U.S. District Judge for the Eastern District of Louisiana.

I have had the pleasure of reviewing Judge Africk's distinguished legal career, and I have concluded that he is a fine jurist who will add a great deal to the Federal bench in Louisiana.

Judge Lance Africk has an impressive record in the private and public sectors. Upon graduation from the University of North Carolina School of Law in 1975, Judge Africk clerked for the Louisiana Fourth Circuit Court of Appeal before joining the New Orleans firm of Normann & Normann as a civil attorney. In 1977, he moved to the Orleans Parish District Attorney's Office in New Orleans and became director of the Career Criminal Bureau, where he prosecuted criminal cases. From late 1980 to mid-1982, Judge Africk worked in private practice, representing plaintiffs and defendants in personal injury cases and serving as corporate counsel. In August 1982, he joined the U.S. Attorney's Office in New Orleans as an assistant U.S. attorney and served with distinction as chief of the Criminal Division until 1990. As a State and Federal prosecutor, Judge Africk became an expert in drug and public corruption matters. During his legal career, he tried to judgment or verdict approximately 40 cases. Since 1990, Judge Africk has served as U.S. Magistrate Judge for the Eastern District of Louisiana, bearing responsibility for often complex civil and criminal matters assigned from the U.S. District Court.

I have every confidence that Lance Africk will serve with distinction on the Federal district court for the Eastern District of Louisiana.

Ms. LANDRIEU. Mr. President, I am proud that the Senate today confirmed Lance Africk for Federal District Judge for the Eastern District of Louisiana. Again, I must commend President Bush for this nomination. He has chosen an exceptional man with a fantastic reputation for the Federal Bench.

I cannot say enough about Lance. Lance brings over 25 years of legal experience to this job, and for the past 12 years, he has served as the U.S. Magistrate for Civil and Criminal Matters. His commitment to community and country has permeated his career as an Orleans Parish District Attorney, a United States Attorney and most recently as a Federal Magistrate. I know that he looks forward to continuing his service. He presents a true model of honor and professionalism to the bar.

Numerous letters of support have poured into my office praising Lance's qualities. Everyone who has ever talked to me about Lance has used the same words: fair, courteous, and intelligent. Not only does Lance possess these values, but he has instilled them in his family. His wife Diane and his four children mean the world to him and inspire his service. Today's action in the Senate only confirmed what I and everyone in Louisiana already knew; that Lance Africk will be an asset to the Federal Judiciary.

We need more people like Lance Africk on the Federal Bench. He is a true patriot who desires to serve his country to the best of his ability. He recognizes the importance of our judicial system and has dedicated his life to the system of laws that makes our country so unique. It is for these reasons that I wholeheartedly supported his nomination and am elated by the action of the Senate today.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Georgia.

TEACHERS

Mr. MILLER. Madam President, I am at heart a teacher. Perhaps it is genetic, for I am the son of teachers. Whatever its source, a commitment to education runs deep in my soul. That is why, when I was Governor of Georgia, I chose to focus on education, for all our other challenges have at their root the same solution: Children who are loved and children who are educated.

I believe education is everything. It is the educated individual who makes this Nation stronger. It is the educated individual who adds to its wealth, protects against enemies, carries forward its ideals and faith.

The Latin phrase ''alma mater'' means ''nourishing mother.'' That is a pretty good description of what our schools should be for our children.

Within those schools, all education starts with the teacher standing at the head of the child's classroom. Teachers are the world's most noble creatures, engaged in the world's most noble profession. Teachers are the architects who guide and shape the building of young lives. Teachers are the ones who call forth the best from our children and inspire them to reach new heights. Teachers, I think we would all agree, are the key ingredient to improving education.

So if we are to build a first class education system in this country, we must be able to attract and hold on to good teachers. Right now, we are losing that battle. We are losing that fight badly.

Last year we set a new standard in Federal aid for education with the passage of President Bush's far-reaching education reform bill. But while we have made big strides in Federal funding for education, we still have not touched teacher salaries at the Federal level.

I would argue that teacher pay is the most important area of all education. Yet our teachers work in sometimes deplorable conditions and for little pay. Public school teachers in America today make an average of $43,335 a year. One would assume that about half of the States have teacher salaries above the national average and the other half have teacher salaries below that level. But actually, only 12 States, plus the District of Columbia, have salaries that are higher than the national average. The other 38 States are below the national average. In fact, the dollar gap between the lowest and the highest average salaries varies greatly from a low of $30,265 in South Dakota to a high of $53,281 in New Jersey.

Sadly, our teachers have even lost financial ground over the past few years. In the past decade, teacher salaries rose only one-half of 1 percent when inflation is taken into account. In many States, teachers actually lost ground to inflation.

Today in this Nation, teacher salaries account for a smaller proportion of total education spending than they did 40 years ago. In 1960, the average education expenditure devoted to teacher salaries was 51 percent. Today it is 36.7 percent, the lowest percentage since records have been kept.

As a result, many of the best and brightest of our young people today steer away from the classrooms to join the ranks of better paying professions. It has become clear that unless we in Congress take some drastic action, and take it soon, this disparity will only get worse because on the horizon ominous storm clouds loom darkly. We must hire 2 million more teachers in the next decade to keep up with new students who are entering our schools. Where are we going to get all those new teachers? Where?

Enrollment at our colleges of education is down 30 percent. Among those who are willing to try teaching, 40 percent leave the profession before the end of their fifth year. In some States, almost 20 percent leave after just 1 year. Most, of course, leave to pursue better paying careers. And who can blame them? It is a hollow message when we constantly tell our teachers how invaluable they are and then pay them so little.

What can we do, and what can we do quickly, to stop this brain drain from our schools? How can we make teaching more competitive with better paying professionals? I will tell you how we could have an immediate effect. Let our teachers keep more of their hard-earned money.

I will be introducing a bill to give our teachers an immediate pay raise in the form of a tax cut. Simply put, teachers would keep more money in their pocket each payday and send less of it to the IRS. They need this money back home more than we need it up here. And I guarantee you they will spend it more wisely than we will. Hard-earned money always goes further in a household than it does in a rathole. I call it the Thank You Teachers Tax Cut. Here is how it would work.

It would include every full-time teacher, public and private, in every prekindergarten and K through 12 classroom. This tax cut would start immediately and would increase the longer the teacher stayed in the classroom.

Teachers with fewer than 5 years in the classroom, about 900,000 teachers, would get a tax cut equal to one-third of their Federal income tax. Teachers with 5 to 10 years of experience, also about 900,000 teachers, would get to keep two-thirds of what they would normally pay in Federal income tax. Teachers with more than 10 years' experience—about 1.8 million teachers—would have no Federal income tax at all for as long as they stayed in the classroom.

The Thank You Teachers Tax Cut would mean immediate pay raises of between 5 and 15 percent. It would put more money into teachers' pockets each and every payday. It would immediately give some equity to this noble profession. But it would be more than just more money. It would be a tangible show of our respect and our gratitude to this profession that is all too often taken for granted.

So it would be a huge tax cut, more than $16 billion a year at a minimum—probably more, according to my very rough math. But when we are talking about a projected budget for 2003 of $2.085 trillion, $16 billion is not even 1 percent of that budget. Don't tell me we cannot tighten our belt that little to help our teachers.

We all know our teachers are not paid adequately. They are not in my State and they are not in your State. Some need more help than others. Mississippi has the lowest average salary for teachers in the South and South Dakota has the lowest paid teachers in the Nation. I would plead for the leaders of both parties in this Senate to support this tax cut.

I also think our Nation's Governors would like this proposal for two reasons: First, it does not interfere with the States' rights to set teacher salaries. But it does boost the bottom line for every State's teachers, and that is what is important.

Our Governors will also like it because today, and especially in the next few years, that Pacman called Medicaid is going to gobble up State revenues as never before. I warn you, that will leave a much smaller pot of money available at the State level for teacher pay raises.

I realize there are shortages in other important professions that have low salaries and bad working conditions, and I have great sympathy for those workers, too. But the long-term security of this Nation is wrapped up in our schools, and that is why this tax cut for teachers is such an important one now.

This tax cut is a chance to really help our children by making sure we put good teachers in their classrooms and keep them there. It is also a chance to help our deserving teachers. It is the fastest, surest way to put more money into their pockets immediately.

Finally, this is a chance for the Senate, for the entire Congress, to say thank you to our teachers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

THE FARM BILL

Mr. ROBERTS. Madam President, thank you very much. This is one of those speeches I had not intended to make. I have to make it, but I would just as soon not make it.

I rise today to provide a few comments on the situation we are facing regarding the farm bill and the possibility of an assistance package this year. My colleagues are working very hard in the conference. I don't mean to perjure anybody's intent. These are friends of mine, and I know we have strong differences of opinion. But we are in pretty rough shape for the shape we are in, in farm country, and we need assurance that there will be an assistance package as of this year.

For several weeks now, I have been warning that we need to either get a farm bill finished and apply it to this year's crop or pass an agriculture assistance package, and then pass a new bill that goes into effect for the 2003 crop. The thinking behind that is it is better to pass a good bill than simply disagree on a bad bill and try to expedite that.

Prior to the Easter and Passover recess, I introduced an assistance package that I said was a placeholder if a bill could not be passed almost immediately after the recess period. Well, it is now April 17. We still have not passed a bill. In fact, the negotiations did break down yesterday, unfortunately.

It seems clear that a bill will not be passed as of this week. Madam President, the clock, if not expired, is certainly ticking. It is the 11th hour and 59th minute. It is time for us to admit what farmers and ranchers already know: It is too late to pass a bill that applies to this year's crop.

Consider these facts:

The 2002 wheat crop was planted last fall and harvesting in the far southern region will begin next month.

Several crop reports in recent days have said that 9 percent of the Nation's cotton crop is planted, including 37 percent in Arizona, 35 percent in California, and 13 percent in Texas, with the rest of the States starting to plant.

Corn planting is 59 percent complete in Texas; 25 percent in Tennessee; 3 percent in North Carolina; 26 percent in Missouri; 17 percent in Kentucky; and in Kansas—yes, we grow cotton—11 percent.

Another article said corn planters were already in the field in eastern

Iowa. And 43 percent of the sorghum crop is planted in Texas and 18 percent in Arkansas. Rice: Texas, 85 percent planted; Louisiana, 69 percent; 10 percent in Arkansas.

Our producers and our bankers, lenders, must make planting and lending decisions. We cannot continue this game of Charlie Brown, Lucy, and the football. This will not work in farm country.

Our producers have been told that the bill could be completed prior to Christmas, the bill could be completed right after the first of the year, the bill would be completed by Easter, and the bill would be completed by April 15.

Quite frankly, we have people who crawl out of train wrecks faster than the farm bill conference is proceeding in regard to the tough amendments they must reconcile. My producers do not believe any predictions they hear at this point. They now need to make decisions forced by their lenders.

I want to make it clear to colleagues that if we pass a new bill for this year's crops, we are setting ourselves up for another disaster or supplemental bill this fall—even after spending $73.5 billion in new funding for agriculture. Unfortunately—and this is the one I want all farmers, ranchers, and agribusiness to pay attention to—you are going to discover that in both House and Senate farm bill proposals, there will be no supplemental AMTA statement, no market loss payment in September, as producers have grown accustomed to.

Instead, under the countercyclical proposals in the two bills, producers and farmers could receive a portion of their countercyclical payment for wheat in December, while other crops would receive no assistance until next spring.

To put it another way, none of this countercyclical assistance, after all the talk we have heard in the last years as to the current farm bill—about the lack of a safety net and the need for countercyclical assistance—none of this assistance for the 2002 crop will even go out until the spring of 2003. When farmers discover this, there is going to be an outcry. That is why, in a recent poll, 70 percent of the farmers said about the supplemental in this crop bill: Put the new farm bill under 2003.

We are receiving indications that any agreement on the farm bill will include much higher loan rates—most likely at the expense of direct payments or the countercyclical payment.

It was 97 degrees in Dodge City 2 days ago. That is pretty hot for Dodge. Nearly 50 percent of our Kansas wheat crop has been rated at below favorable conditions and getting worse. My producers who may have no crop to harvest—and that is the condition in Texas, Oklahoma, Kansas, and Nebraska, moving north—will gain nothing from higher loan rates. Loan rates don't help if you don't have a crop.

This is a blueprint for disaster. We cannot continue down this path. It appears the farm bill will not be completed this week. We still have 8 or 10 contentious amendments. They probably should not be part of the commodity title.

I am putting colleagues on notice that as soon as the procedural situation allows, I will either ask unanimous consent that S. 2040—the supplemental bill I just referred to, which I previously introduced—be pulled up and, hopefully, passed by the Senate or I will offer it as an amendment to any bill under consideration by the Senate.

Madam President, it didn't have to go down this road. I hope my Senate colleagues serving on the conference—good men and women all—can reach some accommodation by the end of this week and break this logjam or we are going to have to go this route because we will be in a world of trouble in farm country. We already are.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SECRETARY POWELL'S MIDEAST TRIP

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on the trip to the Mideast by Secretary of State Colin Powell.

At the outset, I compliment President Bush for his initiative in sending Secretary Powell to the region, and I compliment Secretary Powell for his strenuous efforts, even though they have not achieved a cease-fire. As I listened to Secretary Powell on his live newscast this morning at about 7 a.m. eastern standard time, it seemed to me that his trip was worthwhile and progress had been made, although it is difficult to quantify progress in the Mideast because of the difficult and complex problems that are faced there.

I believe Israel has acted in self-defense in moving into Palestinian territories. It is the fundamental duty of a nation to protect its citizens. When Israel has been faced by almost daily suicide bombings, that action is necessary, as viewed by the Israeli authorities.

The President did call upon Israel to withdraw several days ago—almost 2 weeks ago—and Israel has to make its judgments and decisions as a sovereign nation. I do not think it should be viewed as a rebuke to President Bush that Prime Minister Sharon and the Israeli Cabinet saw it differently. President Bush made the judgment call he did as he saw the interests of the United States and the interests of the world community. I am sure he was considering Israel's interests in that mix. However, the judgment is up to Israel as a sovereign nation. It is understandable that when they have virtually daily suicide bombings, they see it differently so as to protect their citizens.

This morning, Secretary Powell referred to an international conference, and it is my hope that such a conference would be convened at an early time. It is my view that the so-called moderate Arab States have to become involved, representing Palestinian interests, because of the difficulties of relying upon anything Chairman Yasser Arafat has to say.

On March 26, 2002, I visited Israel and talked to General Zinni, Prime Minister Sharon, and Chairman Arafat. On that day, the three were in agreement that they were very close to coming to terms on the so-called Tenet plan on security arrangements. The very next day there was a suicide bombing in Netanya at the Passover seder killing 27 Jews at prayer and wounding approximately 200 others. The whole situation has deteriorated.

In the intervening three weeks, evidence has come to light, purportedly bearing the handwriting of Chairman Arafat, that he personally was involved in paying terrorists. I have asked the State Department for an analysis and the verification that, in fact, it was Arafat's handwriting, but on this state of the record, it appears that was the case.

It is no surprise that Yasser Arafat is a terrorist. He was involved in the murder of the United States charge d'affaires in the Sudan in 1974. He was involved with the murders of Israeli athletes. He was involved with the murder of Leon Klinghoffer who was pushed off the *Achille Lauro*. It was hoped that a new page had been turned with the Oslo agreements.

I was present on the White House lawn on September 13, 1993, when Arafat was honored at the White House. I had grave reservations about seeing this known terrorist honored at that time, but I watched as President Clinton put his left arm around Arafat and his right arm around Prime Minister Rabin, and the two shook hands. Then, Foreign Minister Peres shook hands with Arafat. It seemed to me that if the Israeli leaders were prepared to shake Arafat's hand, where Israel had been the principal victim of the terrorism, that was something we might move ahead with and try to deal with Arafat.

I have had occasion to talk to Chairman Arafat on a number of occasions over the years. Again, when I met with him on Tuesday, March 26, I urged him to make a clear-cut, definitive statement denouncing terrorism and denouncing suicide bombings. Chairman Arafat said he would, but of course he has never done so.

It is a very difficult call to have U.S. negotiators or the Secretary of State or anyone meet with Arafat because of the outstanding evidence that he is still involved in terrorism, but that is a call the Secretary of State had to make, and I respect that. It seems to me that if the peace process is to go forward, it is very difficult for Arafat to be a major player or a major participant because he is, simply stated, untrustworthy.

When Prime Minister Rabin made the famous statement that we have to negotiate with our enemies, we have to make peace with our enemies because we do not need to make peace with our friends, that set a parameter in a statesmanlike way for the necessity for Prime Minister Rabin to deal with Chairman Arafat and for us and others to have had talks with him. However, on this state of the record, where it appears that Arafat has been paying terrorists recently, it seems to me very hard to conduct negotiations with Arafat on the expectation that his commitments will be observed.

We do have moderate Arab leaders. We have King Abdullah of Jordan, a man in his late thirties, heir to King Hussein's good work. We have King Mohamed of Morocco, another able young man in his late thirties who has the potential for leadership. We have President Mubarak of Egypt. It seems to me that those are the leaders who ought to be convened.

It would be my hope that Saudi Arabia would play a constructive role in a peace conference. The Saudis came forward with a proposal which had merit because it was the first time the Saudis have said they would normalize relations with Israel if Israel would recede to the pre-1967 borders. I do not think it is possible to recede to those borders, but there had been negotiations between Israel and the Palestinians on borders, and I think an accommodation would be worked out. However, when the Saudis agreed to normalize and the Syrians agreed with that, that was a significant step forward.

Candidly, it was a major disappointment to see Saudi Arabia have a telethon for the Palestinians and raise, according to press reports, some $92 million. Where was their telethon for the American victims from September 11th? We know that of the 19 terrorists involved, 15 were from Saudi Arabia, and then Osama bin Laden is a Saudi. It would be my hope that we could expect something more from Saudi Arabia.

As we look forward, I was pleased to see Secretary of State Powell say today that Assistant Secretary Burns will remain in the region, that General Zinni will be there to carry on his role, and that CIA Director George Tenet may be going in the near future to work out security arrangements so that there is an active role by the United States.

I urge the administration to move forward on a conference which would be at the ministerial level, in a sense making the move for Foreign Minister Peres to be the negotiator for Israel; a conference which hopefully would omit Arafat; a conference which hopefully would have Jordan, Egypt, Morocco, and Saudi Arabia as principal participants to be guarantors representing the Palestinian efforts and making arrangements which could be relied upon and could be carried out.

It is very important, in conclusion, that the process be continued. When Secretary Powell went to the Mideast, he undertook very substantial risks. Everyone cannot hit a home run every time they go to bat, but I think the Secretary did a good job and made a constructive step. Now it should be carried forward with a peace conference attended by other Arab leaders.

I thank the Chair and yield the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER (Mr. EDWARDS). The Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Landrieu/Kyl amendment No. 3050 (to amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment.

Graham amendment No. 3070 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Schumer/Clinton amendment No. 3093 (to amendment No. 2917), to prohibit oil and gas drilling activity in Finger Lakes National Forest, New York.

Dayton amendment No. 3097 (to amendment No. 2917), to require additional findings for FERC approval of an electric utility merger.

Schumer amendment No. 3030 (to amendment No. 2917), to strike the section establishing a renewable fuel content requirement for motor vehicle fuel.

Feinstein/Boxer amendment No. 3115 (to amendment No. 2917), to modify the provision relating to the renewable content of motor vehicle fuel to eliminate the required volume of renewable fuel for calendar year 2004.

Murkowski/Breaux/Stevens amendment No. 3132 (to amendment No. 2917), to create jobs for Americans, to reduce dependence on foreign sources of crude oil and energy, to strengthen the economic self-determination of the Inupiat Eskimos, and to promote national security.

Stevens amendment No. 3133 (to amendment No. 3132), to create jobs for Americans, to strengthen the United States steel industry, to reduce dependence on foreign sources of crude oil and energy, and to promote national security.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

AMENDMENTS NOS. 3132 AND 3133

Mr. BINGAMAN. I thank the Chair.

Mr. President, I welcome a chance to speak about the pending amendments. There are two amendments that have been proposed related to ANWR:

A first-degree amendment by my friend Senator MURKOWSKI relates to the proposal to open ANWR, the Arctic National Wildlife Refuge area, to drilling, and the second-degree amendment by Senator STEVENS proposes to do that but also proposes a major relief program related to the U.S. steel industry primarily. I will try to talk about the ANWR-related provisions of the bill, and particularly the energy aspects of those today.

I oppose opening the Arctic National Wildlife Refuge to oil and gas development, and there are many reasons why. Some of those reasons relate to the energy security issues with which we are trying to deal. Some relate to environmental concerns. I am strongly committed, as I believe most Members of this body are, to our Nation's energy security, and the energy bill we have put forward tries to emphasize domestic energy supply and the importance of energy in national security.

However, developing the oil and gas resources in this Coastal Plain of the Arctic Refuge, this area known as the 1002 area, is simply not a necessary component of a progressive energy policy for this country. The development of the Coastal Plain has been debated in this country and in this Congress for nearly 40 years. Experts still disagree about the actual reserve potential.

In May of 1998, the Geological Survey released new estimates of oil in the refuge. In that analysis, the USGS's mean estimate of economically recoverable oil on Federal lands within the 1002 area was from 3.2 to 5.2 billion barrels, and that was assuming a price of $20 to $24 per barrel using 1996 dollars. Today the United States consumes about 19 million barrels of oil each day, almost 7 billion barrels of oil each year.

We have a chart I will put up which I think begins to make that point. As this chart indicates, production from the Arctic Refuge would not contribute significantly to solving this problem. I will make the point by reference to this chart.

Domestic oil production, as shown on this chart, has been declining since 1970 and continues to decline today. That is this green line toward the bottom of the chart. Total oil demand, on the other hand, in the United States has been going up and is expected to continue going up. This chart goes from the year 1950 to the year 2020. We can see demand continuing to go up.

This middle line is transportation demand, and one of the points this chart makes is that total oil demand is driven directly by transportation demand. I think people can see that pretty readily. This little red line down in the right-hand side is domestic oil production with ANWR. So we can see that domestic oil production, although it

continues to decline, would uptick. For a period starting at about 2012, we would see an increase in domestic production under ANWR, if ANWR was open to development. It does not reverse the long-term trend, which is less U.S. production, more imported oil, but for a relatively short period, considering our Nation's history, we would see an increase in domestic production.

The estimate we have from the Energy Information Agency is we would see about a 2 to 3 percent of oil demand in a given year coming out of the ANWR production at the peak of that production. The Energy Information Agency assumes it will take 7 to 12 years before we have any production from ANWR.

We had a hearing in our Energy Committee. We invited representatives of some of the major oil companies that have interests on the North Slope, and the representative from ExxonMobile was asked that very question: How long will it take to bring production to market if we go ahead and enact legislation? His estimate was 10 to 12 years. He said: Assuming there are no legal problems that need to be overcome, it would take as few as 8 years; more likely, it would take something in the range of 10 years.

According to the Energy Information Agency, peak production would not occur for nearly 20 years after initial production. So development would not address the near-term prices or shortages with which people are faced.

The figures the Energy Information Agency has given me indicate their estimate is 54 percent of the oil we consume, as of January, was imported oil. That is why I believe clearly we need to address the problem. We need to try to pass comprehensive energy legislation. As I said before, though, opening the Arctic Refuge is not the answer to this dependence on foreign oil.

The recent report that the Energy Information Agency came out with has a quotation in it that I think is very important. This is on page 6 of a report that the Energy Information Agency issued in February of 2002. That was 2 months ago. They say:

> The increase in ANWR production would lead to a decline in the U.S. dependence on foreign oil for the 2002 referenced case. Net imports are projected to supply 62 percent of all oil used in the United States by 2020. Opening ANWR is estimated to reduce the percentage share of our imports to 60 percent.

I will put this second chart up to make the point very graphically. What the Energy Information Agency is telling us is there will be less need for us to import oil if we open ANWR, and that reduced need for imports would come in about 2012. It would be about 2 percent. Instead of importing 62 percent of our oil in the year 2020, we would be importing 60 percent of our oil in the year 2020.

The other thing the Energy Information Agency says, which I think is very instructive, if we carry their projections out—and these are all their projections; this is technically recoverable oil from ANWR as they see it—if these are carried out, by the year 2026 those two lines come together again and we are back in a situation where we are as dependent on foreign oil in the year 2027, for example, as we would have been absent any drilling in ANWR.

By the year 2030, their projection is we are going to be 75-percent dependent upon imports for our oil if ANWR is open for drilling and we are going to be 75-percent dependent upon imports of foreign oil if ANWR is not open for drilling. So from their perspective, if we look at a 28- or 30-year timeframe, they see absolutely no difference in the extent of our dependence whether we open ANWR or we do not open ANWR.

Another point I think is important to make is this focus on developing the Arctic Refuge has drawn attention away from real opportunities we do have to enhance our domestic energy production and reduce our reliance on imported oil and help us attain energy security. Let me mention some of these opportunities from which I think we have had our attention deflected.

First is the development of the abundant gas resources on other parts of the North Slope that are already open for development, coupled with the construction of a natural gas transportation system, a pipeline to bring that gas from the North Slope down to the lower 48. I will speak some more about each of these in a moment.

A second opportunity I think we have not given enough attention to is that production from the National Petroleum Reserve, Alaska. This is a highly prospective area for recent oil and gas leasing activity, and it is one where I think we have great potential to produce additional oil.

A third opportunity is new production from lands already under lease that are not being developed. There are many such lands offshore Louisiana, Texas, and Alabama, and we need to give more focus to how we incentivize production out of those areas. Fourth is the reliance on other forms of energy. We have been trying to make that point throughout the debate on this energy bill.

Long term, if we are going to avoid the projection on this chart, which is that we will be 75-percent dependent upon foreign sources of oil by 2030, we have to find alternative sources of energy as a substitute for this imported oil. That needs to be a very high priority for our research and development effort and for the provisions we have in this bill.

I believe the most important energy issue in Alaska is not the Arctic Refuge—although hearing the debate one would think that was the central issue as to whether we did what should be done to meet our energy needs in the future. The most important issue is Arctic gas. The North Slope of Alaska contains rich supplies of natural gas. There is more than 32 million cubic feet of natural gas immediately available in existing oil fields in the Alaskan North Slope. The total natural gas estimates are in the area of 100 trillion cubic feet. We do not need new legislative authority in order to produce this gas.

However, currently, the natural gas that is produced with oil on the North Slope is being reinjected because there is no transportation system, there is no pipeline with which to bring that gas from the North Slope to the lower 48. Congress dealt with the issue in 1976 when it enacted the Alaska Natural Gas Transportation System Act. Responding to the energy crisis of that decade, Congress called for the immediate construction of a gas transportation system and an expedited process for accomplishing that goal. Due to changed economics, due to other intervening factors, there have been more than two decades that have passed and we still do not have any pipeline. We do not have any kind of transportation to bring that gas to the lower 48.

The energy bill pending in the Senate tries to address the issue. The House-passed bill does not try to address the issue. This bill does. We would increase the supply of domestically produced natural gas to U.S. consumers by expediting the construction of the Alaska natural gas pipeline. It provides for streamlined procedures for permits, for rights-of-way and certificates needed for the U.S. segments of the pipeline, as well as financial incentives to reduce the risks of the project.

We have had a lot of discussion about jobs as part of this debate about ANWR. This natural gas pipeline I am talking about, which is distinct from ANWR, the natural gas pipeline creates more than 400,000 new jobs. This is in contrast to the Congressional Research Service estimate of 60 to 130,000 jobs that would be created by opening the Arctic Refuge.

Senator REED, who chairs the Joint Economic Committee, released a new report last month estimating that opening the Arctic Refuge results in the creation of 65,000 jobs nationwide by 2020, an employment gain of less than one-tenth of 1 percent of the U.S. workforce as a whole. Building the pipeline would not only create thousands of new jobs but also provide a huge opportunity for the steel industry. The project requires up to 3,500 miles of pipe, 5 million tons of steel. The Senate bill encourages the use of North American steel and union labor in the construction of the pipeline. The total cost of the pipeline would be in the range of $15 to $20 billion. I strongly support going forward with that and putting whatever we can in this legislation to encourage its construction.

In addition to these enormous supplies of natural gas from existing oilfields, there is another substantial opportunity to obtain additional oil and gas from the Alaska North Slope. This is the National Petroleum Reserve, Alaska. We have a chart that shows

something of which most Americans are not aware. The map shows a large area, the National Petroleum Reserve, Alaska (NPRA), which is the orange area on this chart. It is a very large area. This is the Arctic National Wildlife Refuge and includes the 1002 area. There are 23 million acres of public land in the NPRA. It is approximately the size of Indiana. It was created to secure the Nation's petroleum reserves. It is administered by the Bureau of Land Management which, in 1999, offered 4 million acres in the northeast portion of the NPRA. They offered 4 million acres in that area for leasing. The result was very successful. It was a very successful lease sale. There was a high level of industry interest, with over $104 million in bonus bids for 133 leases on 867,000 acres in this NPRA area.

Exploration drilling has occurred. The industry has made major finds. A second lease sale is scheduled to take place in June of this year in another part of the National Petroleum Reserve, Alaska. The planning is also being undertaken to open additional portions of the NPRA after the sale that takes place in June. This is an opportunity that does not require any change in the law in order for drilling to go forward. As the map indicates, there are vast areas of Federal and State land on the North Slope that are already open to oil and gas leasing and development. The yellow portions on the chart are already under lease.

In addition, under the current 5-year leasing plan, the State of Alaska plans an aggressive leasing program in the areas between the NPRA and the Arctic National Wildlife Refuge.

Not only do I believe these parts of the North Slope other than the Arctic Refuge can contribute significantly to meeting our oil and gas needs, there are Federal lands currently under lease elsewhere that are also not being produced. Let me show a chart with our Outer Continental Shelf off the coast of Texas, Louisiana, and Mississippi. This chart shows 32 million acres in the Outer Continental Shelf that have already been leased by the government to oil companies for exploration and development that have not yet been developed. We do not need to pass a law in order to have drilling in those areas, either.

In addition to my belief there are many other good opportunities to increase domestic oil and gas production, and I mentioned some here, I am particularly concerned this controversy about the Arctic Refuge diverts attention from an important underlying goal which we need to have in this bill, and that is to diversify our energy mix.

What we are trying to do in the bill to support more research and development, to support development of alternative sources of energy, in the long run will do more to solve our national energy problems than what we have done so far.

I will comment for a minute on the issue of CAFE standards because that has come into the debate in various ways. I will show another chart that shows why, in my view, we should have gone ahead and required higher CAFE standards for vehicles. This chart shows a blue line, which is net imports of oil, given current law. The green line indicates net imports if we open ANWR to drilling. It shows the amount required to be imported for a period of 20 years is reduced under that scenario. Then if we had net imports with CAFE, had we raised the CAFE standards, we would see that net imports would not only be more than the imports would be in the case of drilling in ANWR but they would stay lower. That is the advantage of it. In the case of drilling in ANWR, you have a relatively short-term benefit which goes away once the oil is used up. In the case of CAFE standards, you have a continuing benefit for the indefinite future.

I do think we need to revisit that issue. I hope we can. I hope we can get some support from the administration to do something more significant.

I received a letter—I know my colleague, Senator MURKOWSKI, had it printed in the RECORD yesterday afternoon—from Secretary of Energy, Spencer Abraham, our former colleague, for whom I have great respect. He was citing the various things he is doing as Secretary of Energy to help us reduce our dependence on foreign oil. I gather he sent this letter to all Members of Congress. He said:

> I will be meeting this week with the American Automobile Association—AAA—to identify ways to encourage Americans to drive smarter, to prepare their cars to operate more efficiently to save fuel and money.

I am not opposed to him meeting with the AAA to encourage Americans to drive smarter, but that is not an adequate response to the energy challenges this country faces. We need to do better. This administration should be supporting increased CAFE standards. It should be supporting provisions of this bill to encourage efficiency in the use of energy and not just depend upon Americans to drive smarter.

You can put a little more air in your tires. You can, perhaps, get your car tuned up. But the truth is, if the car is manufactured to run at 12 or 14 miles per gallon—14 miles for each gallon that you buy—you cannot do a whole lot to solve that problem.

I know there are others who want to speak. There will be opportunities later for me to add to my comments. Let me conclude by saying that opening the Arctic Refuge is not, in my view, good environmental policy. More importantly, it is far from necessary as part of a national energy policy. Oil and gas development on the Coastal Plain of the Arctic National Wildlife Refuge does little for our Nation's energy security. If you take the long-term view, which is 2030, it does nothing to deal with our energy security needs.

It is a diversion from the efforts we should be taking as a country to address the important subject of energy, a subject that is crucial to our economy, to our way of life and our future. I urge my colleagues to join me in the effort to oppose opening this area for drilling.

I believe Senator BREAUX was expecting to speak at this time in favor of one or both of the amendments, so I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I am pleased to follow the distinguished chairman of the Energy Committee. Although we differ on the conclusion, I certainly have the utmost respect for the good work he has done in bringing this bill to the floor, along with the Senator from Alaska, Mr. MURKOWSKI, in an effort to try to develop something we do not have in this country and that we desperately need, and that is an energy policy that is good for America.

The energy policy we have—or probably do not have—is probably good for OPEC but it is not good for America. Why do I say it is good for OPEC? Because the facts are that we import about 57 to 58 percent of the oil we use in this country. It comes not from America, not from allies in Canada, or good friends in Mexico, but about 58 percent of the oil and gas we use in this country for everything we need, from agriculture to cars and trucks to our residences being heated in the winter and cooled in the summer—that 58 percent of the oil and gas we need for all those services which are critically important to the United States and every citizen of this country does not come from America. It comes from countries where, if people in this country did what they did in their country, they would go to the penitentiary.

What am I talking about? Every few weeks people in OPEC, the sheiks and the people who control the energy in those countries, meet in fancy resort hotels around the world, they meet in secret, and they determine how much they are going to price the oil that America has to buy. They regularly and openly fix prices. If companies that are providers in this country did that in America, they would go to the penitentiary. That is clear. It is illegal. Yet we as a nation have accepted that policy on the part of the principal supplier of oil for our country.

We do not control our destiny; we do not control our future, as long as we rely on people who fix prices to provide this country with the ingredients we need to be a strong and secure and prosperous nation. That has to come to an end.

It is not going to be easy. There is not one answer. There is a multitude of answers which we have to incorporate in an energy bill which is balanced, which provides help and assistance for new forms of energy, for alternate forms of energy.

I voted for $6 billion worth of tax incentives for new forms of energy. Many people in Louisiana think it is ludicrous that I am doing that. When I talk

about wind power and chicken manure being converted into energy, people in my State say: What are you doing? Why don't you try to encourage oil and gas production? I say: Yes, that is important, but alternative sources of energy are also important.

The point I make about where we get our energy supplies is just this simple. If we were dependent for, say—think about it—58 percent of the food we eat in this country, suppose it came from a foreign source which was not very dependable. People would be marching in the streets in Washington, saying you have to stop that policy. It is insane. We can't depend on foreign countries for our food. It is essential to our national security. You cannot allow a policy which gets agricultural products from countries on which we cannot depend. People would march in the streets—and rightfully so.

That is exactly what we do when it comes to energy. We are satisfied. We are fat, we are happy, until they turn the faucet off just a little bit. It happened in 1973 and it brought this country to our knees. We had long lines at filling stations. We had lack of supplies. We had people getting in fights trying to buy gasoline so they could take their children to the doctor and to school and run commerce in this country. We saw what they could do. At that time we were probably 30-percent dependent on imported oil. Today it is about 58 percent. We look around the world and the circumstances today are much worse than they were in the 1970s.

There has been an attempted coup in Venezuela, which is one of our largest suppliers. The President of that country is in bed with Castro and Libya and Iraq, and we are dependent on them for much of the energy supply in America. Purchase of it comes from Louisiana where we refine it in Lake Charles. Is that a secure source? Of course not. They just had a revolution. The guy they kicked out is back. He is not particularly a friend of the United States when he is giving oil to Cuba at discounted prices and threatens to cut it off to us at any moment.

Getting oil from Iraq, is that a stable source? The Middle East situation today is as volatile as it has been in generations.

So the point I would make to start this discussion is we, in these United States, have to be more reasonable, more balanced in how we approach the solution. There is no absolute, safe method of achieving energy independence that doesn't have some risk. Let's admit that up front. That is, of course, true.

But we have a policy in this country when it comes to oil and gas. Think about it. You could not drill offshore anywhere on the east coast, from Maine to Key West. It is all locked in—or, rather, locked out from any development, although there are potential reserves in those areas that are substantial.

If you look on the west coast of this country, you can go all the way from Washington State down the west coast, all the way down to Mexico and you cannot have any new leasing in any of those areas whatsoever. We did that because Republican administrations and Democratic administrations, Republican Congresses and Democratic Congresses, have taken all those areas and said: Don't do it here. Not in my backyard. The problem is the backyard is the entire west coast of the United States. Don't do it in my backyard on the east coast. The problem is it is the entire east coast of America.

Some have said, and some of the environmental groups have said, ''Do it off Louisiana,'' as if we were not important from their perspective, and as if we didn't have some of the most valuable resources in terms of wetlands, fin fish, birds, oysters, shrimp, and all of the fur-bearing animals that we have in the very fragile wetlands where we lose 25 square miles a year because of erosion. But they are saying: Do it there. We are doing it there. We will continue to do it there because we believe this is a national issue and we should make our contribution towards energy security. We have done it for 60 years off our coast and on our shores. There have been mistakes. There have been problems, but we have learned from those mistakes. And today it is much more secure than bringing oil in rusty-bucket ships that leak and spill oil on the oceans of this country. Less than 2 percent of the oil that finds its way into the oceans of America and the world come from offshore development. Most of it comes in tanker discharge, industrial runoff, and other sources, and natural seepage, but not from offshore production activities—less than 2 percent, according to the National Academy of Sciences. I think we have shown it can be done safely and in a fashion that protects the environment.

There is no place I would rather fish in America than the Gulf of Mexico. We have literally hundreds and hundreds of platforms that have wells, exploration wells, and production wells that produce natural gas and oil for the rest of this country. We have a pipeline system that takes natural gas and sends it to Chicago, New York, New England, or to the west coast, and all over this country, coming from one particular source in the gulf where there is a 60-year record of it being done safely. Despite that, when we tried to have additional leasing in the gulf, Congress tried to stop that even.

President Clinton, to his credit, proposed a compromise called lease sale 181 in the Gulf of Mexico. To my regret, the Bush administration cut that by two-thirds. It was a proposed lease sale that was two-thirds less than President Clinton had proposed in the Gulf of Mexico. And this Congress tried to eliminate it completely because they did not want it in their backyard.

From where is it going to come? From where is it going to come, if not from a domestic source right here in this country where we have shown we can do it safely, in a secure fashion, and in an environmentally sensitive fashion? I think there are many parts of the country that are doing their share.

The concept that because it is a wildlife refuge and somehow we are not supposed to be able to do anything on it other than look at caribou is ridiculous. Here are the wildlife management and wetland management districts around the country where we have production already. There are 9 facilities in Texas and 12 in Louisiana. Every single wildlife refuge in Louisiana—which has some of the best in the world, the best in the country, and which has more wildlife features and more fragile ecology than the North Slope—12 separate production facilities on wildlife refuges, one of them owned by the Audubon Society, which has production on their own refuge from which they get royalties, strongly support it, but nowhere else.

I think it has been shown that, in fact, you can have production, if it is done properly and in a sensitive fashion—and in wildlife refuges, as well as in areas that are not. It can be done. It has been done and it has been done safely.

This is an example of the type of facility in Louisiana. Look at how small of a print that is. In Alaska, there are 19 million acres in ANWR. When we are talking about reserving a portion of that 19 million acres, which is less than the size of Dulles Airport, to do one type of operation, of course, it makes an imprint. Is it huge? Of course not. Is it dangerous? Of course not. Can it be done safely? The answer is yes. History has shown us that it can be done in an environmentally safe fashion. We would not need that, if we were not importing 58 percent of our oil from countries that are not safe and not reliable.

If we had enough energy production from other sources, then we would not need to do it in the wetlands because we would have more than we needed right here in this country. But that is not the case when we are importing 58 percent from places that fix prices and which have us literally over a barrel when it comes to having enough energy to run the cars, to run industry, and agricultural entities in this country. We can't afford not to look at developing it here in this country. That is the point I would make.

There are some who say we will have a problem with the caribou up there. Caribou aren't endangered. They are like a bunch of cows. There are more of them now than there were years before. In addition to that, we are not damaging the lifestyle of caribou by having some energy development in the same area they happen to be walking through once or twice a year.

Some say: You can't do anything up there because of the caribou. They have nice pictures of caribou. They say: Don't do anything to damage the

caribou. The caribou are more plentiful in that part of the country than they were in Prudhoe Bay. They are doing quite well, thank you very much.

For those who said, ''Well, you are going to interfere with their lifestyle,'' look at this photograph. These are not dummies that somebody put out on the North Slope. The Senator from Alaska knows that area quite well. It is his State. These are living, breathing, multiplying caribou within a stone's throw of a production facility in Alaska. Does this look like the caribou lifestyle is being interfered with? Does it look as if they are not happy and content, grazing near the pipeline and production facility?

Some will make the argument you can't do it because the caribou walk across this area twice a year, they might calve, and it might disrupt their lifestyle.

Importing 58 percent of our energy is disrupting the lifestyle of Americans, and it is threatening the security of the United States.

We don't want to get into another Afghanistan or have the Middle East shut off the oil supply to this country or ask how we are going to defend ourselves and be protectors of the world when we are buying oil from people who have turned against us because of conflicts with Islamic portions of this world.

We have to be secure. We have to be confident that we can depend on energy. We ought to do whatever is necessary to produce it in this country instead of bending over on our knees saying, please, OPEC, don't disrupt our energy supplies; please, OPEC, don't charge us too much; please, please, please.

You can't say that when you don't have someone to back it up. What are we going to do? Threaten not to buy their oil? We do not have that luxury because we are not doing enough to produce energy right here in America.

For those people who say, ''Don't drill in ANWR,'' get off the caribou argument. They made that argument about the Prudhoe Bay pipeline; it was going to kill all of the caribou; they will move somewhere else; they weren't going to have calves. That has not proven to be correct by one iota. The caribou are there and they are thriving. That simply, in my opinion, is not a legitimate argument as to what we should be looking at. We should be looking at it from the standpoint of safety and making sure it has the utmost of environmental equipment that is needed to make sure it can be done safely. I would suggest that it doesn't matter how we protect it. It is a lot safer than importing energy that we are bringing in by tankers from around the world.

Some have said that in order to get this measure passed we have to sweeten the pot for some of the steelworkers who lost their jobs. I am not for that. That is not what the issue should be.

Some have said maybe our friends in the Middle East and the Israelis will help and maybe we can get enough votes to pass this measure. It should pass on its own.

I would vote for trying to get something good from the standpoint of energy security. It should pass or fail on its own merits. We ought to be able to look and decide whether it is a good idea.

When I was back in the House in the 1970s, we wrote the Alaska Lands Act. We looked at this area. We set aside the Arctic National Wildlife Refuge with 19 million acres with the clear thought that we ought to take a small portion of it and look to see whether we could possibly do more for energy. The USGS tells us that it equals a 30-year supply of oil coming from Saudi Arabia.

Some say there isn't much up there. We will not know until we take a look. The USGS tells us that it is potentially a 30-year supply—the equivalent of what we get from Saudi Arabia. That is not insignificant. That is a huge amount. Some say it is a 1-day supply. It is 1 day if we cut off all other sources. If you look at it from the standpoint of potentially how much is there, a 30-year potential is very significant considering what we get from Saudi Arabia.

We may not get this thing done. We may continue to say: Don't do it in my backyard; don't do it on the east coast, don't do it on the west coast, don't do it in the Gulf of Mexico, don't do it—don't, don't.

But my point is simply this: If not there, where? For somebody who thinks it is better to import it from the Middle East rather than produce it in our country with our own people running the program and with our environmental laws in effect, I suggest that is not a good tradeoff.

This amendment should pass. We should go about the business of bringing energy security to this country.

I yield the floor.

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

Mr. BREAUX. I would be happy to yield.

Mr. MURKOWSKI. I ask the Senator from Louisiana: Some people have suggested that the better answer is, rather than opening ANWR to drilling, we should simply concentrate on the Gulf of Mexico and put up every possible lease sale. I think that lease sales are already taking place in 2,000 to 3,000 feet of water. And the industry has had a very successful effort in producing there. It requires a great deal of technology.

But I wonder if the Senator from Louisiana believes this is a better solution than exploration in other areas of the country, where States such as Louisiana or Alaska want the development to occur?

Mr. BREAUX. From a selfish standpoint, I could say: Don't do it anywhere else. Just do it in Louisiana. It creates jobs. It creates income. And it creates infrastructure. We are happy to support that activity. If I looked at it from only a parochial standpoint, I would say: Only do it in the Gulf of Mexico. Don't do it anywhere else. But that is not in the best interest of the country.

You have to do it in the gulf, but you have to do it in other places where oil may be present. One of the most promising and potentially the largest supplies, other than the Gulf of Mexico, is, in fact, the Arctic National Wildlife Refuge.

So if you look at it as national policy, it is not enough that Louisiana and Texas do it. Other States have to be involved; and ANWR is one of those sites. We cannot keep saying ''don't do it here'' and ''don't do it there'' and ''don't, don't, don't.'' The fact is, we ought to do it where we can find available energy. I would say ANWR is one of those.

Mr. MURKOWSKI. I wonder if the Senator would show us that particular chart because I think it depicts the statement that has been made continually: ''Well, not in my backyard.''

Mr. BREAUX. That is it. It is easy to say: Don't do it in my own backyard. I want to be with environmentalists. And that is fine, but at some point you have to say: We have to have a balanced program.

I talked to some environmentalists about ANWR, and I said: I tell you what, what if we limit it to 1 acre? Would you be satisfied if we only did it on 1 acre in Alaska? The answer was: No. The fact is, they don't want to do it on 1 acre or 20 acres. They just don't want to do it because it becomes a symbol of what they stand for. And I understand that.

But we are in a crisis in this country. I am saying you have to have a balanced approach. This is what has occurred around natural gas, the cleanest burning fuel, the least threatening in this country. People don't like nuclear because it is dangerous. Natural gas is dangerous. They don't like coal because it is dirty. Natural gas is the cleanest fuel we have.

Look at what has happened. As I show you this on the map I have in the Chamber, this area is subject to no restrictions. You cannot drill for potentially 21 trillion cubic feet of natural gas on the west coast because it is all blocked off. There are 31 trillion cubic feet of potential natural gas reserves on the east coast. You cannot drill a well anywhere there.

There is lease sale 181, which we just fought in this Congress, where people want to say: Don't do anything here. There are 24 trillion cubic feet of potential natural gas reserves, and Florida is importing over 90 percent of the gas they use from other sources. They do not produce but a trickle of their gas in Florida. They import over 90 percent, and they say: Don't do it off my pretty beaches. Don't do it off my million-dollar houses. Go do it somewhere else. There isn't anyplace else.

The only place we are doing it is shown here on the map. So look at the

interior of the country. We have more places where you can't look for oil and gas than you have where oil and gas potential exists.

Mr. BINGAMAN. Would my friend from Louisiana yield for a question?

Mr. BREAUX. Sure.

Mr. BINGAMAN. I don't want to argue with the Senator's basic point. I am in general agreement with him, that we ought to be drilling some places where we are not drilling today. But the chart the Senator has seems to indicate you are not drilling in northwestern Mexico. That is one of the largest gasfields in this country, the San Juan Basin. We are drilling at an amazing rate up there. I support the drilling that goes on there, by and large.

I do not know about all the rest of the Rocky Mountain region, if that map is intending to indicate you cannot drill in it. But an awful lot of our State is being drilled in, and appropriately so.

Mr. BREAUX. I just say, referring to the map, the access restrictions I am talking about on the coast clearly are a total prohibition. And this is a total prohibition. This has restrictions on access to those areas. For some of these areas, it should be.

But what we are talking about today is not access restrictions to ANWR; we are talking about a total prohibition on ANWR. That is not access restrictions. That is a lot further.

If we want to pass a bill that says we are going to carefully coordinate how you can get into that area, how you can exit that area, what you can do in that area, that is one thing; but the legislation we have in the current law of this country is: no access. That is not access restrictions; that is totally no access to areas that have potentially huge amounts of energy.

Again, I would say, don't do ANWR if we don't need it. But anytime this country is importing 58 percent of our energy, I would suggest we need it. Are we importing 58 percent of our energy because we like to do that? Of course not. We are over a barrel paying OPEC prices, which they fix every 6 weeks.

I think, if we are going to have a national energy policy, everybody has to come to the table, not just half of the equation.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me begin, if I may, by first of all saying it is my intention to answer each and every one of the assertions just made by the Senator from Louisiana and the Senator from Alaska. There is ample proof that those of us who oppose drilling in the Arctic Wildlife Refuge are strongly in favor of drilling in many other parts of this country and are strongly in favor of a policy which keeps the United States on the cutting edge of energy production.

In a few moments I will show how we are producing extraordinary amounts of natural gas, almost all the coal we consume, huge amounts of oil and other sources of energy, and, in fact, we are building new powerplants all across this country.

None of us are standing here with our head in the sand arguing that we should not continue to produce energy. Moreover, I think the arguments made underscore the fundamental difference in the approach by those of us who believe there is a different energy future for the United States that does not require us to do injury to something we have set aside for a purpose.

Beginning with a Republican President, and going through a series of Presidents over the last 25, 30 years, there has been an honoring of an ethic in the United States that suggests that the concept of a preserve should be exactly that.

My colleague, a moment ago, said: What would happen if we said, drill in only 1 acre? Well, everyone understands that if you begin with 1 acre, it does not stay at 1 acre. It will progress. The first acre is the violation of the notion of set-aside. The first acre is the violation of the concept of pristineness. The first acre is the destruction of the concept of an arctic wildlife refuge that is absent any kind of industrialization.

My arguments against drilling in ANWR are not based on the caribou. That was a wonderful picture, a great discussion of caribou, but that is not the principal argument here. It is interesting, however—and I will show, a little later, that our own Fish & Wildlife Service—I have heard my colleagues referring to radical environmental groups. The people who are cautioned against this are the administration's own functionaries who worked on this for years. The Fish & Wildlife Service finds there would be problems with respect to the ecosystem. The U.S. Geologic Survey has serious questions with almost all of the numbers that have been put forward by the proponents.

So I begin at the beginning. I want to try to lay a record out here that I think is clear and, I hope, understandable and, I hope, in the end, compelling about why it is inappropriate to drill in the Arctic Wildlife Refuge. But I do want to say, the two visions are different visions of the energy future of our country.

I honor what the Senator from Louisiana said. He is a strong advocate for his State. He is a terrific Senator. And he is right, we do need to do more drilling. I am in favor of more drilling. We should do more drilling in the deep water Gulf of Mexico, which Lord John Brown, the CEO, chairman of British Petroleum, says is the most significant oilfield unexploited in the world, which is where at least British Petroleum would like to put its energy, its efforts, not in ANWR.

But let's begin at the beginning.

Our colleagues have come to the floor and suggested to our fellow Senators that this is the first time in history that a ''national security'' issue has been filibustered.

First of all, one could make a serious argument about the degree to which this is, in fact, a national security issue. But I will accept the question of how much oil we import. The question of American dependency on oil is legitimately a concern of the United States. But it is not addressed by drilling in ANWR, No. 1, and, No. 2, the record shows clearly that this is not the first time such an issue has been filibustered.

If ANWR is important to the energy national security of the United States because it would affect how much oil might be available or how much oil we are importing, then CAFE standards are equally a national security issue for our country. In fact, CAFE standards are a far better response to national security because even the oil companies will tell us they can't produce oil from ANWR for anywhere from 7 to 10 years.

When my colleagues come to the floor of the Senate and suggest to us that the crisis in the Middle East is a reason to drill in ANWR, that is a misleading argument because no oil will flow from ANWR, given the permitting, lawsuit, developmental processes, as I will show later, until from 7 to 10 years from now. And you don't even get to the peak production until somewhere, perhaps, around 2020.

That said, if you put CAFE standards in place, you would have a much faster response to the oil. You would get 1 million barrels saved in a decade, and that would grow exponentially. In ANWR, as you drill, you lose the oil. You reach a point of peak production, and then it starts to go down. But if you put CAFE standards in place, it grows and grows through the years. So in fact, CAFE standards result in three times the savings of ANWR.

I don't want to get into a CAFE standards argument. That is not why I am here. But CAFE standards is as much a national security issue for the United States as the question of whether or not we drill in ANWR. I will show later how ANWR doesn't even affect the total amount of oil on which we are dependent except for this tiny little sliver that is barely discernable on a graph.

The point is, our colleagues have suggested this is the first time. I want to say this because the accuracy that disappears in this process is very important. The fact is, in the 101st Congress, second session—I was a member of that Senate; I remember the vote—we had a motion to invoke cloture on the Motor Vehicle Fuel Efficiency Act. It failed. In other words, it was filibustered. It was filibustered, and 42 Senators managed to prevent us from passing the effort by Senator Richard Bryant of Nevada to have CAFE standards, which is a national security issue.

Among those Senators who voted to continue the filibuster and not allow us

to put CAFE standards in place were both Senators from Alaska and the Senator from Texas, who have asserted that we must allow a straight vote on ANWR. Let's dispense with the national security argument, and there is further reason to dispense with it because of the amount of oil we have in the Arctic Wildlife Refuge.

I want to show this chart. This is the world supply of oil production versus the Arctic Wildlife Refuge. If the Presiding Officer is having trouble seeing ANWR, that is because here it is. It is this yellow line at the very bottom of the chart versus all the oil production of the world.

The United States of America only has 3 percent of the oil reserves of the world, including ANWR, including the Gulf of Mexico, our national monuments, all of our oil. Every single year, the United States of America uses 25 percent of the world's oil. I don't know any child in school who can't quickly figure out that if we only own 3 percent but we use 25 percent of the world's production, we have a problem.

We have a serious problem.

You can't drill your way out of this problem. If you drill all the oil in ANWR, you still face a fundamental issue which is the United States of America is overly dependent on foreign oil and is growing more and more so.

In 1973, when we first met the cartel's oil crisis, we had a dependency on foreign oil of about 35 percent. Yet we responded, supposedly, with CAFE standards, with more production. Today, we are about 55 or 56 percent dependent on the rest of the world. And in the next few years, we will grow to 60 percent. Does anybody in their right mind believe if we depend today on foreign oil for 60 percent of our oil, that ANWR, which is only a fraction of the 3 percent that we possess, somehow has the ability to make a difference to the United States? The answer is no. No, you can't. You just can't squeeze that enough.

So there are two competing visions here: A vision of the status quo, a vision that is similar to the one that is reflected in a willingness to avoid doing anything about global warming, even though every scientist says global warming is a problem; a willingness to ignore the need to be involved in the realities of science versus our desire just to go along the way it is and not upset the equilibrium in any way whatsoever.

The fact is that about 70 percent of America's oil use goes to transportation. When I hear my colleagues talk about our terrible dependency on the Middle East for oil, ANWR doesn't end the terrible dependency on the Middle East for oil. I just heard the Senator from Louisiana say: Gosh, it would be great if we could vote in a way that we are not the hostages of Middle Eastern countries that can cut off our oil.

Well, yes, it would be great. But voting for the Arctic Wildlife Refuge doesn't do that. It leaves you still 60-percent dependent on foreign oil. And any cartel, any terrorist, any country that wants to hold the United States hostage will hold us hostage until we liberate ourselves from our oil gluttony, dependency, whatever you want to call it.

Those two visions are the vision of the status quo over here, and a vision over here of those who believe there is a different energy future for the United States.

I quickly say as an outline, my sense of that energy future for the United States begins with four important principles. Those principles speak directly to what the Senator from Louisiana just said about whether we are willing to drill.

No. 1, absent an exhaustion of remedies and a life-threatening threat to the United States, absent that, the United States should do nothing that doesn't make economic sense. Principle No. 1: It makes economic sense to do what we choose to do absent some life-threatening challenge that is coming down the road.

Principle No. 2: We should commit ourselves again, given the same caveat, absent a threat that we have just got to respond to, we should commit ourselves that the choices we make do not diminish the quality of life of any American at all. So it makes economic sense. We don't diminish the quality of life. We can make those choices now.

Principle No. 3: All of us who are opposed to the Arctic Wildlife Refuge must have the courage to stand up and say we are going to be dependent on oil still for 30 to 50 years or more in this country. It will take that long to make the energy transition, to make the transportation transition. And what we must do is put in place a set of policies that begin to accelerate our capacity in an economically viable way to begin to make that transition to this new energy future.

That is alternatives and renewables and the hydrogen fuel cell and hybrid cars and a host of other things.

I don't know why my colleagues are so pessimistic about America's capacity to meet a challenge through the skill and creativity of our entrepreneurs.

When we put our entrepreneurial skill and energy to work in the United States of America, there is nothing we can't do. We have proven it—when we went to space. We proved it in the Manhattan Project when we needed to create a response to the terror of the Axis Powers and win World War II. We have proven it time and again.

I believe that just as President Kennedy put a challenge to the country saying we are going to go to the Moon in 10 years—not knowing, incidentally, if we could in fact get there, not knowing if it was in fact achievable, but telling America that the reason we are going to do this is because it is difficult. And we did it.

In 1990, when everybody said, oh, it is going to cost $8 billion to reduce the amount of sulfur in our air as part of the Clean Air Act and we cannot do it in that time period, what happened, Mr. President? We did it faster than we ever thought we would or could, and we did it for a cost not of $8 billion, or for $4 billion, which the environmental people thought it would cost; we did it for $2 billion, and we did it faster.

The reason we did that was that no one was able to factor in the exponential benefits of technology, the rate at which one technological discovery spurned the next technological discovery. The way, in fact, that the serious commitment of the United States could do it invited private capital markets to make the decision that, hey, that is worth the investment. It is the old field of dreams: Build it, and they will come. We decided we were going to build it, and they came, and we did it faster.

My colleagues are very pessimistic about the ability of the United States to bring online all of these other capacities to do these things more efficiently, cleanly, and effectively, and we can create tens of thousands, millions of jobs in this country, putting people to work in production for other parts of the world that also have the same demands and needs.

Again, I repeat, we cannot drill our way out of America's energy challenge. We have to invent our way out of this challenge. We should begin now to encourage the greatest laboratories, our universities, our venture capitalists, the private sector, in the strongest way possible to begin to move us to this new energy future where America is not dependent upon these other countries.

I am particularly sensitive when I hear my colleague say we don't want our young men and women sent off to these countries and put at risk. Let me tell you, I think one of the things I have fought for as hard as anything in the Senate is common sense about how we wage our wars and where and when we put people at risk.

Mr. President, this is a false promise to America. The sons and daughters of America are more at risk every day that we remain prisoners of this equation where more than 45 percent of the world's oil supply is in Saudi Arabia. There is nothing we can do about that. We don't have as much. No matter what we try to do, we won't be able to repeat it. Moreover, the amount of oil in ANWR will not affect the price of oil globally at all. It doesn't create the kind of independence we want.

This is a statement of Lee Raymond, chairman and chief executive officer of ExxonMobil Corporation. He is in the oil industry. He knows what he is talking about:

> The idea that this country can ever again be energy independent is outmoded and probably was even in the era of Richard Nixon. The point is that no industry in the world is more globalized than our industry.

That is a chief executive of an oil company.

Whether or not we do ANWR with respect to price is also critical. The first President Bush said:

Popular opinion aside, our vulnerability to price shocks is not determined by how much oil we import. Our vulnerability is more directly linked to how oil dependent our economy is.

President Bush is correct. Nothing about drilling in the Arctic Wildlife Refuge fundamentally alters the dependency of the United States. No one in the industry will suggest that, even at its best amount of oil, the Arctic Wildlife Refuge makes anything but a few tiny percentage points, in the low single digits, of difference on a 60-percent dependency on foreign oil.

Even if you drill in the Arctic Wildlife Refuge, you cannot affect the energy price. Alaska Governor Tony Knowles said:

Evidence overwhelmingly rejects the notion of any relationship between Alaska North Slope crude and West Coast gasoline prices.

Great Britain is entirely energy independent, fuel independent. They have their own North Sea oil. But Great Britain, despite the fact that it has a 100-percent capacity to supply its oil, is subject to the same price increases and the same price shocks as other countries in the world. ANWR, with its tiny little percentage, is not going to affect that.

Let me deal with another issue if I may. I have enormous respect for Senator MURKOWSKI and Senator STEVENS. They are friends. They have been my colleagues a long time, and they are fighting a fight in which they believe. They particularly believe in it for their State. I think every one of us in the Senate accepts responsibility for helping States that have difficulties making up revenue differences. That is why we have a Federal system in this country. We help farm country for different things at different times. I am certainly always prepared to try to be of assistance to the State of Alaska in ways that it needs it.

One of the Senators, or both, has spoken about Senator Tsongas a number of years ago. None of us could comment on what was or was not said between Senators. I accept what Senator STEVENS says. All I know is that Senator Tsongas was asked point blank in 1992:

Do you believe that the Alaska refuge should be opened to drilling in 1992?

Here is what the Senator said:

Absolutely not. I believe we should prevent exploitation and devastation of this national treasure. To address our energy needs, we should promote maximizing energy efficiency, renewable resources, and our plentiful natural gas reserves.

Once again, I cannot go back in history to a time when I wasn't here. But I do know that Paul Tsongas, as late as 1992, was opposed to drilling and certainly had no sense of any commitment he had made at that point in time in that regard.

In this debate, as I mentioned a moment ago, I want to deal with the question of production. The Senator from Louisiana asked: What are we going to do? Where are we going to produce our energy? He asked legitimate questions, such as: If we are not going to do it here, how do we do it there, and so forth.

Let me clarify this for the record. The proponents of drilling in the Arctic Refuge want to cast those of us who don't want to do it as somehow anti-energy production. As I have just described, I have a vision—and I think others share it—of huge energy production for the United States of America. We cannot grow our economy if we don't grow our energy production. We want to grow our economy, and we want the jobs that come with it. We need the strength for our Nation. Of course, we have to expand our energy production. Here is where these debates always somehow get dragged down, because people want to go to the places—I don't know, for sort of a debate advantage or political advantage but not where the truth is.

This debate is not about whether or not we need to expand our energy. This debate is over how we expand our energy. How do we do it? Do we do it in ways that we know violate the air, leave toxic waste sites, tear apart the health of our fellow citizens, that pour particulates into the air so we have more emphysema, more lung disease, more cancer or do we try to use the ingenuity God gave us to go find the cleaner, more thoughtful technologies that make a difference in the long-term future of our country and indeed the planet?

That is the choice. Once again, I say there are those who want the status quo where they think all we do is drill oil, and there are those who believe there is a different energy future for the country.

Let me point out, America produces almost all the coal that we consume, and the tax package that is in this energy bill, if we pass it, promotes clean coal—clean coal.

America produces about 85 percent of the natural gas that we consume, and this energy bill includes a provision to federally subsidize the construction of the massive gas pipeline to carry the estimated 35 trillion cubic feet of natural gas from the North Slope of Alaska to the lower 48 States.

Those who argue that we are coming to this energy unconscious ignore the fact that in this very bill, there is a provision to build a pipeline from Alaska to the lower 48 States so we can burn clean energy in an intelligent way.

We hear that those of us opposing the development of ANWR are even against electricity production. Wrong again. In New England alone we have built 12 new powerplants in the past 2 years. We have put more than 3,500 megawatts online, another 12 new powerplants are under construction and will come online in the next 2 years, putting an additional 6,300 megawatts online. There has been no opposition to these projects.

We produce a significant amount of oil in America. We do not produce all we consume, as I have just described, and that will never happen without some extraordinary introduction of efficiencies and alternatives. I have explained why, and I do not have to go back over that, but we remain one of the largest oil producers in the world today. I say this because given the debate in this Chamber, Americans might believe the only oil in the Nation is somehow underneath the Arctic Wildlife Refuge and we are preventing the only oil in the Nation from being drilled. That is just not true.

According to the Energy Information Administration of the United States, we are one of the top oil producers in the world today. In 2001, the United States produced roughly as much oil on a daily basis as Saudi Arabia and the former Soviet Union, which is about 8 to 9 million barrels a day.

America produced more than twice as much oil as Iran, more than three times as much as Iraq, more than three times as much as the United Arab Emirates, and more than three times as much as Canada. The idea that we have blocked all the oil development is absolutely ridiculous, faced with those statistics.

I want to talk about the Gulf of Mexico. Ask an oil company executive privately right now—and some of them have gone on record publicly—whether they really want to dig in Alaska. The answer is sometimes no, or it depends. Oil companies are holding 7,000 leases today for deepwater exploration in the Gulf of Mexico and not using most of them. The reason they have not drilled in the Gulf of Mexico where they already have the permits is because they have waited for the price of oil to go up because that helps the economics.

The fact is, if tomorrow the United States were cut off, it would not be only Alaska we would look to; it would be the Gulf of Mexico; it would be other oil supplies of the United States to which we would look.

According to the Minerals Management Service, there are between 16 and 25 billion barrels of economically recoverable oil in the central and western Gulf of Mexico. That depends on the price, as I will explain in a moment.

Economically recoverable oil is different from other categories of oil that are in the ground and available. ''Economically recoverable'' reflects what you can get at the current cost of oil.

One of the interesting points is most of the studies of our colleagues who come in here and say we ought to do this and create 700,000 jobs and so forth are based on a completely false price for oil, not the price we have today.

Development in the Gulf of Mexico has accelerated. According to the Minerals Management Service, 42 new deepwater fields have come online since 1995. Production is expected to climb from under 1 million barrels per day in 1995 to as much as 1.9 million barrels per day 3 years from now.

The Gulf of Mexico reserves are so promising that Lord Brown, whom I mentioned earlier, the CEO of British Petroleum, calls them some of the most promising reserves in the world. He was asked where the most important place to find oil is in the United States. He was asked this in an interview by ''60 Minutes'' a couple of months ago. Here is what he said:

The deep water Gulf of Mexico, part of the United States, is probably one of the greatest new oil provinces in the entire world.

Let me highlight some of the production that is underway in Alaska because it has been suggested that somehow we are shutting down Alaska's capacity to pump oil.

Last May, the State of Alaska completed a lease sale of 950,000 acres on the North Slope. It is the largest lease by any State in history, and they have announced another 7 million acres will be put up for lease in the coming years.

The State of Alaska has scheduled 15 oil and gas leases on 15 million acres.

In 1999, the Bureau of Land Management held a lease sale of 4 million acres in the National Petroleum Reserve, Alaska. It is in the process of releasing 3 million acres and other plans and it has announced a third lease sale of a planning area of 10 million acres.

In April of 2001, BP, Phillips, and ExxonMobil predicted that there is at least 7.8 billion barrels of oil to be developed on the North Slope of Alaska.

In many ways, the Arctic Wildlife Refuge represents our God-given natural strategic petroleum reserve. If, indeed, 20 years from now none of these things I have predicted happen, if we are so backed up in a corner, if technology does not come through, if we do not do our work, then at least we might have had the wisdom to have held on to this God-given strategic petroleum reserve, rather than going for it right now at a time when it is not necessary and in demand.

Let me speak to some of the important issues that I think have to be clarified as part of the record.

No. 1, how much oil is in Alaska? We hear of different amounts of oil that we could find there. There are very different estimates. Some people say more than 16 billion barrels; some say far less; some argue not enough to make development economically viable. That is not where I am. I am not trying to go to either extreme, and I think those who only go to the extremes do a disservice to the debate.

I would like to present what I think is the amount of oil that could be technically recovered, and that is the amount of oil that could be extracted using today's technology without any consideration of cost. Of course, we know cost is a consideration, but I am going to deal with it technically.

I have heard this reference continually to radical environmental groups. I do not think the United States Geological Survey is a radical environmental group. They say there is a 95-percent probability that at least 6 billion barrels of oil are technically recoverable. There is a 5-percent probability that at least 16 billion might be technically recoverable. The mean, or the most likely outcome, is that 10 billion barrels of oil are technically recoverable.

The second question is then, How much is economically recoverable? This is an estimate of how much oil you could produce at a certain price of oil. That number matters actually much more than the technical reserves because oil companies simply do not produce oil they cannot bring to the market profitably.

According to the U.S. Geological Survey, again, if oil is priced at $25 a barrel, then there is a 95-percent chance that 2 billion barrels are economically recoverable. There is a 5-percent chance that 9 billion barrels are economically recoverable.

A mean chance, or the most likely outcome, is 5 billion barrels are economically recoverable. I might add, these numbers are taken straight from the Congressional Research Service briefing on the Arctic Wildlife Refuge, and the cost estimate is directly from the Energy Information Administration reported by CRS.

It is difficult to estimate how much oil might be in the refuge. There are complicating factors, but for the claim to keep coming at us that the refuge is going to produce 16 billion barrels and to make all the arguments dependent on that is not to do justice to the probabilities I put forward and to the realities of oil exploration. The claim is not only unrealistic, it runs counter to what proponents claim to be the leading reason for drilling, because the leading reason for drilling is that it is going to produce for us cheap oil.

If it is going to produce cheap oil, you diminish the amount of recoverable oil because the economics do not work. So if you are driving the price down—you cannot get caught in this argument and have it both ways.

I also want to highlight the important difference between what is called in-place oil, technically recoverable oil, and economically recoverable oil. I know this is a little arcane, but I want to do it because I want the record to reflect this is not about caribou alone, it is not about some ''not in my back yard.'' This is about clear science, economics, oil policy, national security policy, energy policy, and the long-term interests of our country.

The fact is these definitions are vital to understand and to weigh the choice we have. On Alaska's North Slope, near Prudhoe Bay, there is a field called West Sak. In 1989, Arco estimated the West Sak field held as much as 13 billion barrels of oil in place, with another 7 billion listed as potential. Estimates published in the Society of Petroleum Engineers placed the estimate at more than 30 billion barrels of oil in total. But the Alaska Department of Natural Resources estimates that only 370 million barrels of oil, less than 2 percent of the oil in that reserve, will be produced through the year 2020.

Why? Because that is all that is economically recoverable. This is Alaska itself telling us it is limited because of the price. It is not enough to say there is oil in the ground. We have to understand how much one can get out, at what kind of price, and what is realistic. We are going to hear that with emerging technologies and still-to-be-invented technologies, the amount of economically recoverable oil might rise. I concede that. That is true. That is a positive thing, if it happens in the future. But it is also true that the amount of economically recoverable oil may be less and the price may go down.

Why may it go down? Because a whole bunch of people are already starting to push that technology curve in the alternatives, and if suddenly someone comes in with the capacity to do the hydrogen fuel cell or other things, the entire transportation mix and dependency of the United States changes, the demand curve goes down, and the price goes down, and far less oil will be recoverable.

On March 10, 2002, the New York Times published a story with the following headline: ''Oil Industry Hesitates Over Moving into Arctic Refuge.'' The article highlights why the oft-repeated claim that the refuge will produce 16 billion barrels of oil is simply inaccurate, and I share this quote: ''Big oil companies go where there are substantial fields and where they can produce oil economically,'' said Ronald Chappell, a spokesman for BP Alaska, which officially supports the area and drilling. He continued: ''Does ANWR have that? Who knows?''

That is the conclusion of the company; not 16. Who knows?

The article continues: There is still a fair amount of exploration risk here. You could go through 8 years of litigation, a good amount of investment, and still come up with dry holes or uneconomic discoveries, said Jerry Kepes, the managing director for exploration and production issues at the Petroleum Finance Company, which is a Washington consulting firm for oil companies. Quote: It is not clear that this is quite the bonanza that some have said.

So we have to weigh, do we take this not quite so clear bonanza and destroy an Arctic wildlife refuge, for which some people have disrespect but, as I will show, I think is a concept that captures the imagination of many Americans and is worth preserving.

This article says a great deal about how little oil might be in the refuge, and it stands in stark contrast to some of the claims we have heard in the press and in the Senate about the 16 billion. An article in the Washington Post examines some of the competing claims over the refuge oil potential. It said as follows:

How much oil is out there? No one knows for sure. But the environmental movement's favorite statistic is a USGS estimate that the Coastal Plain contains 3.2 billion barrels

of economically recoverable oil at the current price of $20 per barrel, about what the Nation uses in 6 months.

I will concede in the last few days the price of oil has gone up a little bit. That figure probably goes up with it, and of course that is true. But Senator MURKOWSKI wrote a letter to the Post that the USGS actually estimates 10.3 billion barrels of economically recoverable oil. The truth, according to the USGS, that conducted this study, is they have said directly Senator MURKOWSKI is wrong in stating that figure and the environmentalists are right, and that is a quote from the USGS.

To lay it out, proponents of drilling are regularly exaggerating the production by as much as 200 percent. Likewise, some of the opponents of drilling sometimes underestimate production by as much as 40 percent, assuming that oil costs less than $20 per barrel.

In my estimation, the most reliable prediction is that the refuge might produce about 5 billion barrels of oil over its productive lifetime, and that is if oil is priced at about $25 per barrel. I should add that the Energy Information Administration predicts oil will be at about $22.50 per barrel, not $25 per barrel. So, again, 5 billion barrels may be somewhat high.

What would it mean if one were to find 5 billion barrels in the Arctic Wildlife Refuge? That is the next thing we ought to try to measure. A lot of promises have been made by the other side. They have suggested it is a solution to oil shortages, heating oil shortages, high gas prices, electricity brownouts, unemployment, national security. It is even being tied to specific conflicts and incidents around the globe. Someone might believe, listening to this, that the Arctic Wildlife Refuge is the magic elixir that is going to cure most of the ills we face. But the fact is, if one is simply an oil company and they are looking to drill some oil, that can be a lot of oil. It is money, money in the pocket, profits; no question about it. I acknowledge that.

That is not what we are measuring. We are not an oil company. We represent the people of the United States of America, and our country has to weigh that potential 5 billion barrels and what it means in the Arctic Wildlife Refuge to the curves we displayed earlier that show our dependency on foreign oil, 70 percent of which goes into transportation, which mandates that we begin to deal with a whole different set of energy choices for our country.

There is another issue we need to think about with respect to this. We need to think about how much oil is going to be produced not in the total lifetime but on a daily basis because that is what affects supply. This number helps us understand what the real impact of the Arctic Wildlife Refuge might be. Once again, the proponents of the drilling, from the White House to the Senate, have exaggerated those estimates more than they have even exaggerated the overall recoverable oil.

We have heard that the refuge oil is, as I said, a solution to a whole bunch of problems, such as the California electricity crisis. I showed the quote where Alaska Governor Tony Knowles responded it will not have any impact at all on California. The refuge, as I said, will not produce oil for 7 to 10 years. That means if you open the refuge today, you are not going to see oil until about 2012, maybe a couple of years earlier.

The relevant agencies of our government and the industry itself have said this 10-year figure is about the average; maybe 7 to 10, but they bank on about 10. The Energy Information Administration says 7 to 10 years. The Congressional Research Service says 10 years. The industry's own economic analysis produced by WEFA Economic Forecasters, which I should add is wildly optimistic about every aspect of oil drilling, predicts it will take 10 years for the oil to begin flowing. That is from the group that produced most of the studies on which they rely. They say 10 years.

Asked in a Senate hearing how long it will take, the president of the exploration of production for ExxonMobile said:

> In the normal process we would probably allow 3 to 4 years for the permitting which would put you in the 10-year range.

Let's end these arguments that this is the cure to the Middle East crisis today, or that this is somehow going to prevent a young American man or woman in uniform from having to go over and defend an oilfield next year, the year after, or the year after that. The United States, even if we drill in the Arctic National Wildlife Refuge, is still so dependent on foreign oil now, until we change our overall energy mix, America's youth will be at risk to protect America's dependency.

We have heard a lot of talk about jobs, how many jobs will be created, what this will do. We have even heard that the Arctic Wildlife Refuge drilling is the solution in place of the stimulus or part of the stimulus during the course of last year, and it will produce an immediate impact. It is interesting to note Secretary of the Interior Gale Norton has been sent around to a bunch of press events in Missouri, Arkansas, Indiana, and New York as a representative of the Federal Government—incidentally, the agency charged with managing our public lands—and she has been promising the drilling of the Arctic Wildlife Refuge creates 700,000 jobs across the Nation. Secretary Norton's tour, No. 1, is a political tour, not the management of our lands. And oil drilling in the Arctic Refuge does not create 700,000 jobs. That claim comes directly from a study that has been universally discredited. It is a bogus study.

First of all, the 700,000 job claim is for 1 year in about 2015. Yet you never hear the Bush administration mention that. Not only is the 700,000 number a wild exaggeration, but it doesn't represent the startup and decrease with respect to jobs in this particular effort. Moreover—and here is the most important thing, much more important than anything else with respect to the study—the claim is based on a 12-year-old study produced by WEFA Economic Forecasters, paid for by the American Petroleum Institute. According to that API study—this is their study—drilling in the Arctic Wildlife Refuge produces zero jobs for the next 4 years; zero jobs according to their own analysis.

There is a choice. We can invest in the pipeline for natural gas which could immediately produce jobs, or we could drill immediately in other areas where we know we already have permitting and the ability to drill. That would be a more immediate job production than this. It is interesting, you would have to wait until 2007 for the jobs to be produced.

I highlight a couple of the technical inaccuracies of this study which has been thrown around so much. The Center for Economic Policy and Research assessed that study and made the following points.

No. 1, according to Energy Information Agency estimates, the API study overstates oil production in the refuge by a factor of 3. Adjusting the projections to keep them in line with the EIA estimates reduces predicted job creation by more than 60 percent. The API study assumes other oil producers, especially OPEC, do little to increase production and bolster oil prices. Adjusting other production to keep them in line with conventional estimates reduces the job creation by another 40 percent. The API study assumes the economy will be far more affected by a drop in oil prices than is reasonable to expect and substituting a more reasonable estimate lowers the projection by about 75 percent.

As I have said, that study was written 10 years ago. So we can test some of the assumption and predictions easily. The study was based on oil costing more than $45 per barrel in the year 2000. Let me repeat: Here is a study that they are still using, they still come to the floor to say creates a lot of jobs, that, in fact, predicted a price of oil double what the price of oil is today, which increases the recoverable oil and changes the entire economics. Oil back then was $25 per barrel.

Here is another example. The study assumes that when Arctic oil flows, the world market for oil will be 55 million barrels per day. The world market today is already more than 70 million barrels a day, and it will be much higher by the time the production occurs. When the wrong and, frankly, stretched assumptions are corrected in the API study, the job estimates fall to 50,000 nationally. To put this in perspective, that is fewer jobs than what our economy generated in an average week over the years 1997 through the year 2000. That is what our economy is capable of doing in any week if our economy is moving in the right direction.

I will read from an Associated Press article published in March a remarkable story that shows that while President Bush's Cabinet Secretary, Gale Norton, tours the Nation promising America 700,000 jobs, the people who supported the API study are distancing themselves from it because it is faulty. Here is what the article reports:

> The authors of the 1990 study no longer work at the company [that prepared it], according to a spokesman who acknowledged it was ''a bit out of date.'' ''We would not come up with the same numbers today,'' said Mary Novak, an economist and managing director.
>
> Some of the assumptions made more than a decade ago ''are suspect, and you might underline suspect,'' says Roger Ebel, a global energy expert for the Center for Strategic and International Studies.

And he has been involved in the Arctic Wildlife Refuge drilling debate.

The Congressional Research Service has looked at this question and assessed how many jobs might be created from drilling in the Arctic Wildlife Refuge. Its report also casts doubt on the API study. CRS said the following.

First, if the economy is operating at full employment, jobs created by drilling in the refuge would come at the expense of an equal number of jobs in the rest of the economy. In other words, if we pull this economy out of recession and get ourselves to full employment, drilling is not going to create any additional jobs.

That is the Congressional Research Service; it is not me. I am quoting the Congressional Research Service.

Second, job creation from drilling in the Arctic Refuge may be as little as 8 percent of API's claims. The Congressional Research service gives a range of between 60,000 and 130,000 jobs. Again, when the economy was expanding in recent years, it created that many jobs in 3 weeks.

Third, should oil prices drop, which CRS describes as uncertain, any employment gain from that drop would be offset by harm to oil producers not operating in the refuge, who would then conceivably reduce their operations and workforce, impacting suppliers and local economies in other ways.

Let me turn to a question of price. Jobs is not the only expanded, exaggerated component of the argument. Another is the question of how, if we develop in the refuge, we will lower the price of oil and gasoline, heating fuel, diesel, all the products we produce from oil. When we examine the facts which I went through a bit earlier, the fact is, the price of oil now is not going to be affected by what happens in the Arctic Wildlife Refuge because, as we have seen, you have to be, first of all, certain about the amount of oil it will produce; and, secondly, there are three different assumptions to make about the oil from the refuge. You could use the exaggerated peak production, you can use the 1 million barrels a day you hear about from the President and from other supporters, or you could use the mean production, which is about 660,000 barrels for 1 year, in the year 2020, or you could use an average production over the life of the refuge, which is about 360,000 barrels of oil.

I say the reason we might use any of these is that none of them, even the overblown 1 million barrels a day, will have any impact on oil prices whatsoever. Use any one you want, it does not matter, because the bottom line is that you cannot affect the price even on the day of the Arctic Wildlife Refuge's largest production of oil. Here is why.

Central to the idea that the refuge will lower oil prices is the notion that the United States of America, in our production, drives oil prices. It does not, and it will not. It cannot. The price of oil is set in the global market. According to the Energy Information Administration, the world market for oil in 2020 will consume 119 million barrels per day. Refuge oil, for that single peak year of 2020, would amount to between .25 and 1.17 percent of the entire global consumption. That is simply not enough, under economic models of anybody anywhere. No economic model would suggest that .25 to 1.17 percent of the total production has the ability to affect that global oil price. The fact is that the average production, probably at around 360,000 barrels, is much less than peak production, and we all know that is not going to have the ability to affect the price. So this argument is incorrect.

What about independence from imported oil? I talked about that. I do not want to repeat all of that now. But the bottom line is there is not one single day in which the Arctic Wildlife Refuge production will replace Saudi imports. It just doesn't amount to that. These are not my numbers, these are the numbers that come from the Congressional Research Service.

I should point out the technical estimate is not a likely outcome. It is not the economic estimate. I use it to make the point that using only the highly optimistic, greatest potential, you still do not have the ability to affect the total of the Saudi imports.

The false promises go way beyond Saudi Arabia. As we have heard them say over and over again, ANWR will ensure energy independence; it will reduce our dependence on imported oil. Nothing we have heard has revealed anything except that promise is completely inflated and unrealistic because of the relationship of the amount of oil there to the global supply.

The report from the Energy Information Administration was requested by Senator MURKOWSKI. This report, requested by Senator MURKOWSKI, says if you accept the EIA's reference case for oil imports and the mean estimate for refuge oil production that is the most likely outcome, oil imports will drop from 62 percent to 60 percent for 1 year, about 2020. Every other year, imports will be higher. This is, again, the Energy Information Administration in response to Senator MURKOWSKI.

So the President of the United States and other proponents have told America they have a plan for the Nation, a plan to ensure energy independence, to protect our national security. They back up the plan with a lot of talk about national security. They have insisted we attach ANWR to the Department of Defense authorization bill last year because it was an urgent matter of national security. They hold press events with big pictures of Saddam Hussein. When two servicemen died in duty to our Nation, they suggested it was about the Arctic Wildlife Refuge and that was related because we do not drill in the Arctic Wildlife Refuge.

Their plan, this master plan that will ensure energy independence, is simply without validity. Under no economic model whatsoever, under no supply and demand curve, no way whatsoever can 3 percent supply the needs of 25 percent and growing. It just does not happen. So we need to vote accordingly here in the Senate.

The fact is that 20 years from now, we will import 60 to 62 percent of our oil from foreign countries. Nothing we do, absent inventing alternatives, is going to diminish that. If we drill in the Arctic Refuge, we are not going to stop importing oil from Saudi Arabia. Nobody suggests that. We are not going to stop importing it from any of these other nations we are concerned about ultimately.

So I think it is clear that the flow of money to terrorists is not going to stop. If we drill in the Arctic Wildlife Refuge, it is not going to suddenly make peace in the Middle East. If we drill in the Arctic, our forces are not suddenly going to come home. There is going to be no change in deployment; There will be no change in what we may have to do with respect to Saddam Hussein, which we ought to do anyway, regardless what happens in the ANWR.

Will a single soldier, marine, or sailor today in harm's way come home if we make a decision to drill? The answer is no. We should not. We should terminate this notion that somehow fools people that that is, indeed, what is at stake here.

I want to correct one thing I said a moment ago. The CAFE standards would not begin immediately. Earlier I misspoke when I said that. The CAFE standards take some time to ramp up and take effect. But had we put that into effect in 1990, we would today, in the year 2002, be saving 1 million barrels of oil per day, which is close to the amount we import from Iraq. That represents the Iraq figure.

I have spoken almost entirely about energy policy. It is my own belief that this is sort of the critical moment in the life of the United States, in our lives, to make a choice about our future. Are we going to just kind of keep going down the road where we pretend to ourselves that just drilling for oil is the solution? Or do we begin to force the transition?

In the 1930s, many parts of America did not get electricity. They could not

get it. But Roosevelt and others decided it was critical for the development of our Nation, for our Nation's future economy, and for our well-being, for kids to be able to have schools with lights, to have power and so forth in their homes—that we got that electricity out into the rural and poor communities. So what did we do? The Federal Government spent several billion dollars to subsidize, to make sure we put that electricity out.

In the same way, the Government must today make a decision about the well-being of our country. Are we better off continuing down a road where we already know we have oil we can drill in Alaska and the North Slope? I have described how much we are drilling, how much has been leased and put out for lease already. We already know we have 7,000 leases in the Gulf of Mexico. We can go down there and continue that process. But are we going to make the decision as a country to begin to embrace a future that is a different mix of fuels for transportation and begin to legitimately end our dependence on foreign oil?

The only way to change our dependence on foreign oil is to change the way we propel our motor vehicles. Transportation consumes 70 percent of the oil we use. I said this at the outset, and I want to repeat these principles. Not one of these choices we make for our energy future should be done if it doesn't make economic sense. We do not have to lower the quality of life for Americans. We have to recognize we are going to drill for 30 to 50 years and we have the places we can do that. Finally, most of the gains in the near term, in terms of fuel use and our dependency, are going to come from efficiencies in the current regime. Those efficiencies come from hybrids, new technologies, alternatives, renewables, et cetera.

Those are the principles that must guide us. But I do not want to leave out what I think is a critical component of this argument that should not be diminished. It does not deserve to be derided in the way it has been derided by some of our colleagues, with respect to what this refuge means in terms of the environment.

Some who want to industrialize the Arctic Refuge call it a barren wasteland. It has been described as hell. It has been described in many different ways, but I think those descriptions reveal more about a point of view and the value than it does about the Arctic Wildlife Refuge.

There are those on the opposite side of this debate who may look at the refuge and only see beauty in an oil rig, and they may only see the foregone profit of conservation. But those views do not reflect the science, and I don't believe they reflect the best instincts of Americans.

Let me read some of the more objective descriptions of ANWR's environmental value to America today and to future generations. The Arctic National Wildlife Refuge is one of the great untouched lands remaining in America and on the northern continent. Its ecological value is unlike any other in the Nation and in the world.

The Congressional Research Service describes the refuge as follows: ''The portion of Alaska's North Slope between Prudhoe Bay and the Canadian border represents this country's largest, most diverse remaining example of a largely untouched arctic ecosystem. . . . The apparently hostile nature of the area belies its national and international significance as an ecological reserve. It protects a virtually undisturbed, nearly complete spectrum of arctic ecosystems, and is one of the last places north of the Brooks Range that remains legally closed to development.''

In 1959, the Fish and Wildlife Service wrote: ''The great diversity of vegetation and topography . . . in this compact area, together with its relatively undisturbed condition, lead to its selection as the most suitable opportunity for protecting a portion of the remaining wildlife and its frontiers. That area included within the proposed range is a major habitat, particularly in summer, for the great herds of Arctic caribou, and countless lakes, ponds, and marshes found in this area are nesting grounds for large numbers of migratory waterfowl that spend about half of each year in the rest of the United States; thus, the production here is of importance to a great many sportsmen. . . . The proposed range is restricted to the area which contains all of the requisites for year round use. The coastal area is the only place in the United States where polar bears dens are found.''

The Department of Interior found in 1987 that ''the Arctic Refuge is the only conservation system unit that protects, in an undistributed condition, a complete spectrum of the arctic ecosystem in North America.'' It described the 1002 area as ''the most biologically productive part of the Arctic Refuge for wildlife and is the center of the wildlife activity. . . . The area presents many opportunities for scientific study of a relatively undistributed ecosystem.''

Let me repeat that the Fish and Wildlife Service is not a radical environmental group. Frankly, I am tired of people who refer to this sort of radical environmental component when our own agencies—the Fish and Wildlife Service and Interior—are telling us, don't disturb this.

This is what the Fish and Wildlife Service says:

The closeness of the Brooks Range to the Arctic Ocean in the Arctic Refuge creates a combination of landscapes and habitats unique in North America. The area has exceptional scenic, wildlife, wilderness, recreation, and scientific values. The Arctic National Wildlife Refuge is the only protected area in the Nation where people can explore a full range of arctic and subarctic ecosystems.

The Refuge includes alpine and arctic tundra, barren mountains, boreal forests, shrub thickets, and wetlands. The coast has numerous points, shoals, mud flats, and barrier islands that shelter shallow, brackish lagoons. The tundra is typically a layer of peat overlain by a carpet of mosses, sedges, and flowering plants. Spruce, poplar, and willow trees shade the south slope valleys.

Continuous summer daylight produces rapid but brief plant growth. Underlying permaforst and low evaporation cause many areas to remain wet throughout the summer. These factors, along with shallow plant roots and a slow revegetation rate, result in a fragile landscape easily disturbed by human activities.

Why would we violate the concept of a pristine area? Why, when oil is available in all these other areas we talked about, is there such a compelling interest in destroying that area at this point in time?

The Fish and Wildlife Service has inventoried some of the refuge's environmental qualities. They include:

18 major rivers; arctic tundra, the Brooks Range, boreal forests, and a full range arctic and subarctic habitats; the Brooks Range of mountains rise only 10–40 miles from the Beaufort Sea on the coastal plain; the greatest variety of plant and animal life of any conservation area in the arctic; more than 180 birds from four continents have been identified in the Refuge and its coastal plain is a major migration route; Peregrine falcons, endangered in the lower-48 states, thrive in the Refuge; it is home to 36 species of land mammals; it protects the calving ground of the Porcupine caribou herd, the second largest herd in North America; it is home to black, brown and polar bears; 9 marine mammals live off its coast; 36 fish species live in its rivers and lakes; there are more than 300 archaeological sites; and, there are no roads, trails or developments. Wilderness prevails.

That is the question before the Senate, whether this is a valuable wilderness. People say it is only going to be a small imprint; it is only going to be a few pipes and a few roads. The fact is, experience has shown us that is not an accurate description of what happens.

William O. Douglas, the former U.S. Supreme Court Justice said.

This is the place for man turned scientist and explorer; poet and artist. Here he can experience a new reverence for life that is outside his own and yet a vital and joyous part of it.

Cecil Andrus, the former Secretary of the Interior, said:

In some places, such as the Arctic Refuge, the wildlife and natural values are so magnificent and so enduring that they transcend the value of any mineral that may lie beneath the surface. Such minerals are finite. Production inevitably means changes whose impacts will be measured in geologic time in order to gain marginal benefits that may last a few years.

Congressman Morris Udall said,

It is a whole place, as true a wilderness as there is anywhere on this continent and unlike any other that I know of.

President Jimmy Carter has written,

Having traveled extensively in this unique wilderness, I feel very strongly about its incredible natural values.'' . . . ''I have crouched on a peninsula in the Beaufort Sea to watch the ancient defensive circling of musk oxen who perceived us a threat to their young. We sat in profound wonder on the tundra as 80,000 caribou streamed around and past us in their timeless migration from vital calving grounds on the coastal plain. These plenomena of the untrammeled earth are what lead wildlife experts to characterize the coastal plain as America's Serengeti.

We have heard that drilling will not take place on the entire Refuge. Rather it will take place only on the refuge's coastal plain, the so-called 1002 Area. So I want to talk some about the 1002

Area and why it should be protected. It is not a complicated issue. The coastal plain is a special place even within the environmental treasure of the refuge, and it is the place where oil exploration is likely to do the most damage to the Refuge.

The Department of Interior found in 1987 that the

1002 area is the most biologically productive part of the Arctic Refuge for wildlife and is the center of the wildlife activity. . . . The area presents many opportunities for scientific study of a relatively undistributed ecosystem.

The Fish and Wildlife Service has said that

The Coastal Plain of the Arctic Refuge, the part of the Refuge being considered for oil drilling, is the most biologically productive part of the refuge and the heart of the refuge's wildlife acivity. Opening the Arctic Refuge to oil development would threaten the birthing ground of thousands of caribou and important habitat for polar bears, swans, snow geese, muskoxen and numerous other species.

I repeat that the U.S. Fish and Wildlife Service is charged with the responsibility for making those judgments.

A group of more than 500 ecologists, biologists, resource managers, and other experts from around the country have assessed the scientific literature and the importance of the Coastal Plain. They made the following conclusion:

Five decades of biological study and scientific research have confirmed that the coastal plain of the Arctic National Wildlife Refuge forms a vital component of the biological diversity of the refuge and merits the same kind of permanent safeguards and precautionary management as the rest of this original conservation unit. In contrast to the broader coastal plain to the west of the Arctic Refuge, the coastal plain within the refuge is much narrower. This unique compression of habitats concentrates the occurrence of a wide variety of wildlife and fish species, including polar bears, grizzly bears, wolves, wolverines, caribou, muskoxen, Dolly Varden, Arctic grayling, snow geese, and more than 130 other species of migratory birds. In fact, according to the Fish and Wildlife Service, the Arctic Refuge coastal plain contains the greatest wildlife diversity of any protected area above the Arctic Circle.

Scientists with the National Audubon Society studied how oil development might impact the millions of birds that migrate through the Coastal Plain to locations throughout the lower 48 States, South America, and even Africa. They concluded that:

The Arctic Refuge, including its coastal plain, has extraordinary value as an intact [intact] ecosystem, with all its native birdlife. The millions of birds that nest, migrate through, or spend the winter in the refuge are a conspicuous and fundamental part of the refuge ecosystem.

Obviously, this is a special place. Those who deride it as simply a barren wasteland, better for oil drilling than anything else, I think do a disservice to the conservation ethic, the preservation ethic, and to the value of the ecosystem itself, which has been preserved for a purpose.

But let me just point out how drilling would, in fact, impact this special place I have described. This is the last thing I will do before yielding.

We hear people argue that oil drilling will do little or even no harm to the Coastal Plain ecosystem. But, unfortunately, the evidence from decades of oil exploration in other areas of Alaska shows otherwise. It simply tells a different story. The history speaks.

The Fish and Wildlife Service has examined that question and concluded the following:

All reasonable scenarios for oil development on the coastal plain of the Arctic Refuge envision roads, drilling pads, long pipelines, secondary or feeder pipelines, housing, oil processing facilities, gas injection plants, airports and other infrastructure. In addition, the U.S.G.S. 1998 assessment found that oil in the Arctic Refuge appears to be spread out in several pools rather than in one large formation like Prudhoe Bay, making it harder to minimize the development ''foot print.''

A group of more than 500 ecologists, biologists, and resource experts wrote the following:

The Interior Department has predicted that oil and gas exploration and development would have a major effect on water resources. Fresh water already is limited on the Refuge's coastal plain, and direct damage to wetlands will adversely affect fish, waterfowl, and other migratory birds. These potentially disruptive effects to fish and wildlife should not be viewed in isolation, however. . . . We urge you to protect the biological diversity and wilderness character of the coastal plain of the Arctic National Wildlife Refuge from future oil and gas development.

I want to summarize a briefing provided to the Senate by the Wildlife Society of America. The society was founded in 1937. It is an international, nonprofit, scientific and educational association dedicated to excellence in wildlife stewardship through science and education. Its membership is comprised of research scientists, educators, communications specialists, conservation law enforcement officers, resource managers, administrators, and students from more than 60 countries.

What makes their briefing so important is that it addresses both the scientific evidence and the erroneous information that has been widely circulated by the industry and by drilling proponents. Let me address the scientific first. I will read from their position on the refuge.

In September of 2001, the Wildlife Society released its official position of petroleum exploration and development in ANWR. It was prepared and approved by the Alaska chapter of the Wildlife Society. They object to oil development on the Coastal Plain for the following general reasons:

The adverse effects of petroleum development on some wildlife species at existing North Slope oil fields have not been avoided.

The unique aspects of wildlife resources in the environment in the Arctic Refuge Coastal Plain are such that mitigation of the impacts of oil development is questionable.

The long-term, cumulative effects of petroleum extraction on fish and wildlife resources are unknown.

There is substantial scientific merit in maintaining part of Alaska's Arctic Coastal Plain in an undeveloped state for long-term studies of the effects on fish and wildlife resources of climate change in the Arctic.

The statement continues:

The Alaska Chapter's position statement committee was composed of federal, state, industry, and university wildlife biologists, including caribou experts—all from Alaska. In developing the position statement, the committee accounted for all available data relating to wildlife resources and oil development, whether the data supported or opposed drilling. Most committee members have had extensive experience working in northern Alaska and used this experience to formulate their recommendations.

The Wildlife Society advocates using sound biological information in policy decisions. The Society desires that all scientific aspects of the ANWR issue, including the uncertainty permeating the issue, be considered openly, as the final policy is developed. Careful analysis is extremely important at this time, because not only are the wildlife impacts of oil extraction uncertain, but numerous other issues—such as the amount of recoverable oil, the potential energy benefits from it, and the prudence of drilling in the Refuge—are still under debate.

The society provided additional important details to support its conclusion. Let me say very quickly what they said:

Development of the Coastal Plain's petroleum resources could have serious, long-term impacts to caribou and other wildlife resources of the Arctic Refuge.

With present knowledge of the fish and wildlife resources of the Arctic Refuge and of the functioning of arctic ecosystems, and considering available information on the impacts of current and ongoing petroleum development in Alaska's North Slope oil fields, the primary biological concerns of the Alaska Chapter of The Wildlife Society regarding oil and gas development in the Arctic Refuge include:

Potential impacts on the Porcupine Caribou Herd that migrates to the Coastal Plain of the Arctic Refuge;

Potential impacts on muskoxen that inhabit the Coastal Plain of the Refuge year round;

Potential impacts on polar bears that use the Coastal Plain in [that period of time]. . . .

[As well as] the effects of disturbance on up to 500,000 adult snow geese that migrate through the Coastal Plain;

The dewatering of streams and lakes during exploration and production activities. . . .

Alterations of shoreline ecosystems for the construction of causeways, drill pads, and other petroleum-related facilities. . . .

The unknown, long-term, and cumulative effects of development on ecosystem processes critical to long-term viability and integrity of the arctic environment.

Based on studies in existing areas of oil development in the North Slope, they believe petroleum development on the Arctic Wildlife Refuge would inevitably result in loss of wildlife habitat and probable declines in some wildlife populations.

Many times throughout this debate, people have pointed to the development of the central and western portions of Alaska's North Slope, particularly Prudhoe Bay. They say this proves that the oil companies can develop the refuge without harming the

environment. Well, no one is going to dispute that wilderness goes on forever in every place. But you cannot put an oil drilling complex in a wilderness area and call it wilderness. You just can't do it. You are either going to decide you are going to have some area set aside as pristine wilderness or you are not. That is part of what this debate is about, in conjunction with the question of timing.

Maybe in the United States of America, somewhere down the road, our backs will be up against the wall, and maybe we will not have made good economic decisions, maybe we will not have developed the technologies we need. Maybe somewhere down the line other nations all gang up, and they will not supply us, and the United States may be stuck in a position, and this tiny bit of oil will make a difference, and the United States at that point might decide it wants to make that choice.

But there is nothing in the economics, there is nothing in the current global situation, there is nothing in the amount of oil that can be found, there is nothing in the economically recoverable oil that suggests that that kind of difference is worth this choice at this time, particularly when there is so much in the way of oil alternatives in the Gulf of Mexico, natural gas alternatives, and continued drilling in Prudhoe Bay, the North Slope area.

But the record of Prudhoe Bay itself is not quite as pristine as they want to suggest it is. Oil development on the North Slope has resulted in 500 miles of roads, more than 1,100 miles of pipelines, thousands of acres of facilities spread out over 1,000 square miles, 3,800 exploratory wells, 170 exploratory drill and drill pads, 22 gravel mines, 25 processing plants for oil, gas, and seawater, 56,000 tons of nitrogen oxides, which contribute to smog and acid rain, which is twice as much as is emitted by the city of Washington, DC. Our Nation's Capital emits less global warming gas than drilling in Prudhoe Bay.

Nearly 400 spills occur annually on the North Slope's oilfields; roughly 40 toxic substances, ranging from waste oil to acids, have been spilled. As much as 6 billion gallons of drilling waste have been dumped in 450 reserves pits. Three class I injection wells have been constructed and injected with more than 325 million gallons of waste. Thirty class II injection wells have been constructed and injected with more than 40 billion gallons of waste.

Several experts have examined the impacts of oil development in Prudhoe Bay on the environment and what it might mean for the oil development of the Arctic Refuge. Again, the U.S. Fish and Wildlife Service says:

> Air and water pollution and contaminated sites continue to be a serious problem in Prudhoe Bay and are inevitable with any oil development. Many gravel pads on the North Slope are contaminated by chronic spills. In addition, hundreds of oil exploratory and production drilling waste pits have yet to be closed out and the sites restored. More than 76 contaminated sites exist on the North Slope and contractor performance has been spotty.
>
> Prudhoe Bay is a major source of air pollution and green house gas emission among the Arctic Coastal Plain. Prudhoe Bay facilities annually emit approximately 55,000 tons of nitrogen oxide which contributes to smog and acid rain. North Slope oil facilities release roughly 24,000 tons of methane. Industry has numerous violations of particulate matter emissions and has opposed introduction of new technology to reduce nitrogen oxides and requirements for low sulfur fuel use.

That is our own Fish and Wildlife Service.

A group of more than 500 ecologists, biologists, and resource experts wrote Congress saying:

> Based on our collective experience and understanding of the cumulative effects of oil and gas exploration and development on Alaska's North Slope, we do not believe these impacts have been adequately considered for the Arctic Refuge, and mitigation without adequate data on this complex ecosystem is unlikely. Oil exploration and development have substantially changed environments where they have occurred in Alaska's central Arctic. Since the discovery of oil at Prudhoe Bay in 1968, the U.S. Fish & Wildlife Service estimated about 800 square miles of Arctic habitats have been transformed into one of the world's largest industrial complexes. Oil spills, contaminated waste, and other sources of pollution have had measurable environmental impacts in spite of strict environmental regulations. Roads, pipelines, well pads, processing facilities, and other support infrastructure have incrementally altered the character of this system.

The Wildlife Society, the Alaska chapter, believes that ''petroleum exploration and development are not warranted on the Coastal Plain of the Arctic National Wildlife Refuge,'' which they have deemed, as I mentioned earlier, a critical area for the abundance and diversity of wildlife.

We also need to look at the issue of compliance. This is particularly true when oil production starts to decline, as it will. There is a curve here. Let me share it with you. I have the chart in the cloakroom. Maybe we can get it in a minute.

The point of the chart is to show that obviously, like any finite resource, as you begin production, you begin slowly. You build up. You build up to a peak. And then, of course, since there is only so much there, you begin to come down. What often happens in this debate is we wind up with peak production day being the amount of oil that is thrown around, whereas you have to work up to that and then come down.

If you were to compare that to what would happen, for instance, with CAFE standards, CAFE standards don't go up and down, CAFE standards continue to accrue as you go forward. Every day in the future, you will be grabbing X amount of carbon dioxide, sulfur dioxide, and so forth, out of the atmosphere and recapturing it or preventing it from going in.

You can actually save three times as much fuel as the peak production day. You save three times as much foreign dependency by putting CAFE standards in place as you would drilling in the Arctic Wildlife Refuge.

When oil exploration is over, when the companies don't want to invest any more money in the project, what is the commitment to clean up? All over this country—the Presiding Officer's State of New Jersey—there are unfunded liabilities in toxic sites where the companies don't clean them up. We have just seen this administration seek to change the ''polluter pays'' principle which, incidentally, is a tax on the American citizen. I don't know if people are focused on that right now. Maybe it is worth a moment. When you undo ''polluter pays,'' as the principle that has guided our cleanup in America of our toxic sites, then the question is, Who pays? The average taxpayer is going to pay. The Federal Government is going to have to dump that money in if the ''polluter pays'' principle is not there. That is a tax increase on Americans. It is the Bush environmental tax on Americans.

By ending ''polluter pays,'' we are now going to turn, and either nobody cleans it up—which is what is happening right now because we are not putting the money into Superfund—or the taxpayer across the country pays.

That is the problem in Alaska, too. Who is going to clean up in the end? What is the State pristineness? Can you ever restore pristine? The answer, I think most people know, is no.

In the year 2000, BP Alaska reached agreement with the Environmental Protection Agency to pay $7 million in civil and criminal penalties and $15 million to carry out a nationwide environmental management system. BP was sentenced in Federal court in February 2000 to pay $500,000 in criminal fines and $6.5 million for failing to report illegal hazardous waste disposals on the North Slope.

From 1993 to 1995, employees of a contractor up there illegally discharged hazardous substances, including solvents, waste paint, paint thinner, waste oil containing lead and toxic chemicals such as benzene, toluene, methylene chloride, by injecting them into wells. They failed to report the illegal dumping as required by law.

The Wall Street Journal, in a series of investigative stories, has documented widespread problems at other facilities on the North Slope. On April 12, 2001, they reported:

> Days before Interior Secretary Gale Norton's much-publicized tour of Alaska's Prudhoe Bay oilfields last month, state inspectors made a startling discovery: almost a third of the safety valves tested at one drilling platform failed to close.

The story continues:

> . . . technicians say they have complained for years about the integrity of the industry's ''friendlier technology.'' Some technicians who operate machinery—which proliferates on Prudhoe Bay and could be replicated in the wildlife refuge—are so understaffed and lacking in routine maintenance that they are leak-prone and vulnerable to explosions.

On April 26, 2001, the Wall Street Journal reported:

About 10 percent of the safety shut-off valves in BP Amoco entire drilling operation on Alaska's Western Prudhoe Bay failed to pass state tests during the first quarter. . . .

On November 9, 2001, the Wall Street Journal reported that an internal report revealed ''widespread operational problems at its giant oil field in Prudhoe Bay''—that they were widespread operational problems. Investigators found large and growing maintenance backlogs on fire and gas detection systems and pressure safety valves. The report concluded:

The systems are old, portions of them predate current code and replacement parts are difficult to obtain.

Let me close by saying I have made it clear in my comments that those of us who oppose the Arctic Wildlife Refuge do not oppose drilling.

We embrace drilling in many parts of our country as an ongoing need for 30 to 50 years of this country's future. We will remain oil dependent, despite even our best efforts, if we were to make our best efforts. I have suggested that we need an organizing principle for our energy future that does what makes economic sense. We should not make choices that don't make economic sense, and we do not have to lower the quality of life of any American.

We heard debate on the floor of the Senate a few weeks ago about what kind of cars people were going to be ''forced'' to drive. No American is ever going to be forced to drive any kind of car if we do what we need to do with respect to the future. If you want to drive a big SUV or a huge truck to take your kids to soccer games, go ahead, absolutely. I think most soccer moms in America are outraged that cars get as little mileage for the gasoline as they do. They would love to pay less when going to the gas station to fill up.

All of that technology is available to us to allow people to drive the car of their choice that is more efficient. There are many choices available to us. We can drill in those 7,000 leases in the deepwater drilling of the Gulf of Mexico. I have gone through the long list of the Arctic leases that were available that were put out last year. The largest oil and gasoline lease in the history of our Nation, just over a year ago, was 950,000 acres on the North Slope. They have scheduled 15 oil and gas leases on 15 million acres now. The third lease sale of a planning area of 10 million acres is coming right down the road.

We don't need to drill in the Arctic Wildlife Refuge and destroy the concept of a pristine refuge in order to accomplish our goals of, in fact, being independent or improving the national security of our country. That is really the choice here, for all of us in the Senate: Whether we will respect this concept until we find 15, 20, 30 years from now that we leaders of the country have not made wise choices with respect to the alternatives and renewables, alternative means of propelling our automobiles.

I was just out at the National Energy Alternative Renewable Energy Lab in Colorado meeting with Admiral Truly. They are doing extraordinary work. They say if the United States were to put in more effort and ratchet up our research on alternative propulsion, alternative heating, and other mechanisms, we could significantly advance the curve in this country.

We have not been serious about that. The only thing we appear to be serious about thus far is continuing the dependency that has put us into this problem in the first place.

So I hope my colleagues will take advantage of this vote, which represents an opportunity to suggest that our value system in this country, and our sense of economics, and our sense of security are well-grounded and well-placed with respect to the Arctic Wildlife Refuge.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have listened with great interest to the Senator from Massachusetts. He is a friend. I have visited his home and I have great love for his wife. I find it very interesting that the Senator from Massachusetts has discussed about every other creature of the world but has never talked about the people of the Arctic Slope. He never talked about the Eskimo. In fact, despite repeated requests to go to the area, he has never been there. He has never been there. As a concept, I find it hard to understand my friend's continued reference to the ''wilderness area'' and drilling in a ''wilderness area.''

The 1½ million acres of the Arctic Coastal Plain is not a wilderness area and was never designated as a wilderness area. Drilling there would not be drilling in a wilderness area. It is unfortunate that the Senator, and others, continue to say that because it represents a breach of faith.

Paul Tsongas, in fact, did offer four amendments to the 1980 act. One of them he withdrew. It was on the Coastal Plain. There was a compromise on the Coastal Plain. I, too, am sad that Senator Paul Tsongas and Senator Scoop Jackson are not here because, were they here, they would say a deal is a deal.

We passed out the letter that Senator Jackson authored with Senator Hatfield, which is on every Senator's desk, which says:

One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of the Arctic Wildlife Refuge, a ban sought by one amendment, is an ostrich-like approach that ill-serves our Nation in this time of energy crisis.

That is the letter signed by Senators Jackson and Hatfield in 1980.

Fair is fair. I will talk about the senatorial courtesies and the prerogatives of the past. Right now I want to answer my friend. At one time during his comments he said British Petroleum does not seek to explore in ANWR. Am I hearing right? There has been no such announcement by British Petroleum. It is one of the major producing entities in the North Slope now and, as far as I know, it has never been the concept of seeking the right to proceed with the commitment to explore the 1½ million acres covered by the section 1002 in the 1980 act.

The Senator talked about jobs. That is wonderful. We like that. The Senator talked about drilling in the Gulf of Mexico, and he wants to develop the National Petroleum Reserve of Alaska. He has had that opportunity since he has been in the Senate. Nobody has proceeded at all with that. We have tried to get that done. We have not been able to do it. It is like the rest of Alaska. People say it is wilderness because it is undeveloped. It is not wilderness in the legal sense, unless it is classified as ''wilderness.''

So far as I know, it is not possible for that statement to be made on the floor of the Senate—that we would drill in wilderness if we were to drill in the 1002 area of the Arctic Coastal Plain.

The Senator from Massachusetts belabored, I think, the CAFE standards concept. It would be three times the savings, he says, of ANWR. Well, ANWR doesn't persist in savings; ANWR is production. Beyond that, CAFE standards deal with gasoline. We are dealing with oil. Mr. President, 44 percent of a barrel of oil becomes gasoline; 56 percent is refined for other products. You can have all the CAFE standards you want. If you want the other products, you have to refine a barrel of oil. There is too much talk here about gasoline being oil. One time the Senator from Massachusetts said 70 percent of the oil goes into transportation. That is not so at all. Maybe 70 percent of the gasoline goes into transportation, but it is not oil. In fact, the bulk of the oil goes for a lot of things, including home fuel, jet fuel, kerosene, and lubricants. I wonder how far our aircraft would fly if we stopped refining a barrel of oil to get jet fuel. You would still have the part of the barrel that would make gasoline.

I remind those who are looking at this chart that these are items made from oil—from toothpaste to deodorants, footballs, lifejackets, pantyhose, lipstick, dentures, and they all come from a barrel of oil.

Mr. KERRY. Will the Senator yield?

Mr. STEVENS. I did not interrupt the Senator.

Mr. KERRY. Does the Senator want to have a dialog?

Mr. STEVENS. I will have a dialog when the time comes.

Mr. KERRY. I thank the Senator.

Mr. STEVENS. A real problem is the people who really take advantage of the Nation when we are evenly divided,

the minority of the population—2 percent—which represents these radical environmentalists. The Democratic Party sees fit to seek to win elections by preventing us from proceeding with the prospect of discovering oil on the Arctic Plain, but it has not been a traditional position of that party because, obviously, the two people who reserved this area were, in fact, Democratic Senators—Senator Jackson and Senator Tsongas. They were Democratic Senators. They entered into a commitment with us that this area would be explored, and if it proved to be not a situation where irreparable harm would occur on the Arctic Plain, this area would then be faced with a request from the President and the Secretary of the Interior to proceed with oil and gas leasing.

Oil and gas leasing is prohibited at the present time. We know that. It is prohibited by law. The 1980 act prohibited oil and gas leasing in this area until the procedure is followed. This is the procedure. It has taken us 21 years to get to this point.

This is the ''Arctic National Wildlife Refuge Coastal Plain Resource Assessment Recommendation to Congress and Legislative Environmental Impact Statement'' required by the law of 1980. It demonstrates that there would be no irreparable harm to this area if oil and gas leasing would proceed.

I have some real problems with what is going on here. I want to talk about them at length later. I understand the Senator from Texas wishes to speak, so I will be glad to yield to her when she is ready.

These people, the Eskimos, the Inupiats who live on the North Slope, seek this decision by Congress. They want this area to be explored. Their schools, their roads, and their future depend upon jobs. This is their area. They believe it can be done safely. They even own some of the land up there.

Mr. President, did you know they are prohibited from drilling on their own land, land they received from the Federal Government in settlement of their claims? There is no question—no question—that these people want to proceed.

The Senator was referring to this land as wilderness. Those people live right there. This is the village that is within what the Senator from Massachusetts calls wilderness. This is not wilderness. This is the home of the Inupiat people, the Eskimo people of Alaska.

There are some Alaska Natives who live on the South Slope who really are part of the Canadian Indian nation known as Gwich'ins. They oppose this. We know that. They are probably up in the galleries now. They oppose it, but the Alaska Eskimos do not oppose it. They live there, and they want this development. They want to see it developed.

The first time I went up to the North Slope, it was a very sad visit. It was back in the fifties. I tell you, they had a very small runway. Wiley Post crashed just north of there. We landed at this little village in which the people lived in terrible circumstances and conditions. They had no modern conveniences at all. I invite you to go up and take a look at Barrow—five-, six-, eight-story buildings with elevators, beautiful schools, a wonderful airport, tremendous people enjoying their lifestyle. They like the Arctic. That is their home. They like their opportunities now to have their feet in both the present and the past. They are wonderful people. They make tremendous citizens of the United States, and there is no question they want to proceed.

I have a letter that went to Senators DASCHLE and LOTT in April of this year from the Kaktovic Inupiat. This is a photograph of some of their children. They say they want the promises given to them. They want this area open. They are the only residents of the 19.6 million acres that were recognized within the boundaries of that refuge. They own some of the land. They own 92,160 acres of the land, and they are currently prohibited by the Federal Government from drilling on their land because of the situation in the 1002 area.

They were told to wait until the approval was given by Congress to proceed in the whole area. They seek—and I hope before we are through, we will recognize their request—to use their own lands to determine whether or not beneath those lands there are oil and gas resources. That is another matter we will go into.

They say:

> We don't have much, gentlemen, except for the promises of the U.S. Government that the settlement of our land claims against the United States would eventually lead to control of our destiny by our people.

That is denied now by the opposition of the majority party to this amendment that is before us.

We believe this will be the largest oilfield on the North American Continent, somewhere in excess of 40 billion barrels of oil. We do not build paved roads; we build ice roads in these areas. It is true that on State lands, where Prudhoe Bay was discovered—those are State lands—they are subject to the construction of roads by the permission of the State of Alaska. It is an entirely different situation than being within the 1002 area which is subject to total control by the Federal Government.

The House has already limited the use of this 1002 area, 1.5 million acres, to 2,000 acres of surface—2,000 acres out of 1.5 million acres. That is what we are being denied the right to use.

I do believe it is unfortunate that we have the concepts now of so many people who enjoy life and make so many studies from afar. They are making studies from all of these scientific organizations that are supported by these environmental organizations. I am going to talk about those later, Mr. President. I see two other Senators are in the Chamber.

Mr. WELLSTONE. Mr. President, I will be pleased to follow the Senator from Texas. I ask unanimous consent that I follow the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, with the understanding I may resume the floor later this afternoon, I will yield the floor to these Senators.

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

Mr. WELLSTONE. The Senator from Texas will speak, and then the Senator from Minnesota follows; is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska. In fact, I thank both Senators from Alaska for leading this very long fight to open up a very small portion of their State for the purpose of exploring and drilling to make America more stable in this crisis in which we find ourselves.

I want to go back over what is in the Murkowski-Breaux amendment because I think if you listen to some of the debate, you will be confused.

First, the key provision is a provision I put in this amendment early on that says the President must find that it is in our national economic and security interest to drill in ANWR. The President must consider the impact on increasing the independence we would have on foreign imports for our basic energy needs in this country.

This amendment limits the size of production to 2,000 acres, and in that 2,000 acres it is confined to a part of the Arctic National Wildlife Refuge that is plain. There are no trees and wilderness in this part of ANWR. We are talking about drilling on 2,000 acres in an area the size of the State of South Carolina, where there are no trees whatsoever.

In addition, I think it is important to note that we have limited in this amendment when they can drill. They can drill between November and May, when the land is frozen. There would be ice roads and ice runways. The footprint on the land would be minimal to none because they would be using the ice roads rather than driving on the land.

In addition to that, the caribou, which is an animal that mates throughout the Arctic National Wildlife Refuge, mates during the summertime. There would be no drilling in the summertime. Any argument that this might in some way disrupt caribou mating is not a valid argument at all.

There would be 1.5 million more acres of real wilderness that would be designated as wilderness where they could not drill—this is in addition to ANWR in exchange for opening this nonwilderness area of the Coastal Plain.

It is a balanced amendment. The environment is protected. It is very important that we look at the environmental safeguards America would put on drilling in ANWR to assure that we will have environmental standards.

This same reserve may well be drilled in Russia which is very close to Alaska, as we all know. About 20 miles separates them at their closest point.

They could drill right across the coast from Alaska, and we do not know what their environmental safeguards would be. We certainly would not have control over them, and that would affect the Alaska coastline even more because we would not have control of the way Russia might decide to drill. They might not decide to drill only in the winter. They might not decide to put any limitations on the kinds of ships that would come in and out of the water. I think that maintaining control is the better environmental argument.

ANWR would produce at least a million barrels a day. That is about the amount we import from Iraq every day. The percentage of the U.S. oil needs that would be met by ANWR is nearly 5 percent. We consume 20 million barrels of oil a day. We import 12 million of those barrels. We are right at 60 percent of our needs every day having to be met by imports. Our ANWR production would make up for 8 to 10 percent of our current imports.

I heard the Senator from Massachusetts say this is going to be a drop in the bucket for our energy needs; that this really gets us nowhere. So why would we do it?

We would do it because we need to do everything we can to maintain our own stability and to look to ourselves for our economic and security needs. I would rather be looking at American jobs with American resources, American production and American control than to say 60 percent imports for our needs is OK. I especially think that the argument falls flat when we realize that the 60 percent includes some of America's known worst enemies, such as Iraq. Iraq has threatened America before; so have some of the other countries from whom we import oil. Then there are countries with whom we have great friendships, such as Venezuela. They also send us about a million barrels a day but they are in upheaval. There are strikes and the government is in a very precarious situation. So while we would certainly count Venezuela as a friend, they are not as reliable right now as we need to have.

I think we need to look at this whole ANWR issue in light of the circumstances. I have always felt that America needed an energy policy that depended on our own resources. Today, it is no longer an option. It is no longer a matter of good public policy; it is a necessity. It is a matter of national security that we control our own economy.

If countries, that would do us harm, could say ''we will stop exporting oil to America and shut down their factories, keep them from being able to drive to work, shoot the prices so high the airline industry starts to crater,'' then are we not going to beat them from within? Maybe we do not have to beat them from without because if their economy starts sinking we are going to win. Of course, they are right.

If we allow that to happen, we are not responsible stewards of our country.

Iraq has, in fact, said they are going to stop exporting oil that could come to America. With Iraq using this as a weapon, and other countries possibly doing the same, or deciding that perhaps they cannot export any more because of their internal situations, then what are we going to do if we have not planned ahead?

The Senator from Massachusetts says we should conserve our way out of the crisis, but let's look at that. The 10 most fuel-efficient automobiles in America make up 1.5 percent of the automobile sales in America. In America, we have long distances to drive. In America, people have big families, and we know a heavier car is safer than a small car. So it would seem the Senator from Massachusetts would demand that people have only the choice of an unsafe car, that is not the one they want for their families, as a way to become more stable in our economy.

I fundamentally disagree with him that this is the right approach. I think we need to look to our own resources as part of a balanced package that would keep our country strong.

I think we should have incentives for more fuel-efficient automobiles, so that if people make that choice of their own free will, and if that meets their family's needs, they would be able to do that and maybe even get a tax credit for it. I think we need to look for alternative forms of energy. I think we have walked away from nuclear powerplants, which are known to be the most clean and effective ways to produce electricity. I think there are new things we will be able to find in the future, such as ethanol, hopefully, becoming more reasonably priced; other forms of wind energy that certainly could produce electricity, not in the great amounts we need at this time, but I think Americans are ingenious and we will find other sources. But that should not be all we need to do.

We need to have a balanced plan that also allows us to produce the amount of energy we would need to keep our country strong. The major sources of oil in this country are ANWR and the Gulf of Mexico. We are drilling in the Gulf of Mexico, but we have not yet found the technology to go as deep as we would need to go in parts of the Gulf of Mexico to tap the added resources that might be available there. We do however certainly have the capability to look to that resource as well. In the Senate bill, we do not try to help get the Gulf of Mexico oil. No. The House bill allows us to continue the royalty help that we give for deep drilling in the Gulf because it is more expensive and takes more research and exploration.

Senator Bennett Johnston of Louisiana passed a royalty relief bill that takes the first part of oil royalties from deep well drilling in the Gulf. It abates those royalties in order to create an incentive for companies to add that expense of drilling in that deep Gulf area. That credit lapsed and is no longer in effect. The House energy bill puts that back in play.

We should do that. That is a valid incentive because it would produce more oil in the Gulf.

In the Senate bill, there is very little about production, aside from the marginal well tax credits which were my in bill. I have fought for the marginal well tax credits for a long time. I am pleased that they are in the bill because the marginal well tax credits could help the marginal, small, little bitty wells to give them a floor so that anyone willing to go in and tap a site, that would produce only 15 barrels a day or less, would be able to withstand the falling prices. A number of those small wells were closed when oil was $11 a barrel a couple of years ago and they haven't been reopened because of the instability of the prices.

If all the small wells are drilled and producing, we do have that credit in this bill which will equal the amount we import from Saudi Arabia. It is a significant amount. It takes 500,000 wells to do it. These are generally small businesspeople. That is good.

Other than that, there is nothing in this bill that speaks to production. The House bill has the incentives for deep Gulf drilling, which I think is very important and I certainly hope will come out of the conference report if we can pass the bill before the Senate.

The House has ANWR, which the Senate does not, and about which we are fighting and talking today. ANWR is a significant addition to our own national stability. The ability to control our destiny rests in ANWR and deep Gulf drilling. When you put those together with increasing nuclear capabilities, clean coal burning, wind, and other forms of renewables, a balanced package of conservation and production includes ANWR and the deep Gulf incentives.

As we debate this, I hope some of our Members, who have said they are very concerned about drilling in ANWR, will look at the facts: ANWR has no trees in the part we will drill, it would only be done in the winter when you use ice roads and ice runways so there is no footprint on the land, where it would not hurt the environment, but, in fact, would be severely restricted by environmental concerns.

If we are going to have affordable, reliable, and clean energy, we must have a balanced package. Not to pass a bill that gives the amount we import from Iraq and Saudi Arabia and Venezuela is hardly worth the effort because it

wouldn't give enough stability to control our own destiny.

It is essential we pass a bill that allows America to control our economy and will produce American jobs. We are talking hundreds of thousands of jobs. That, in itself, helps stabilize our economy. That is why the Teamsters Union and the building and trade unions have been so helpful in this effort. I have never seen a union so committed and so sincere and work so hard as the Teamsters to try to keep these jobs in America. We have lost many jobs, thousands of jobs, since September 11.

These are good-paying jobs that would become available if we drill in ANWR and in the deep Gulf—not only the jobs on the rigs themselves, but all of the companies that produce the pipe, all of the companies that produce the oil-well supplies.

It would be a huge boost to our economy. However, most importantly, it would stabilize our economy from oil price spikes that will hurt our airline industry, that will hurt our factories, that will hurt profitability and start causing more layoffs if we do not get control.

I thank my colleagues for finally allowing this amendment to come forward. It is our responsibility to pass this amendment for the limited exploration in ANWR with the environmental safeguards and with the very specific times that assure we would not have a footprint on the land. This is our responsibility. It is a national security issue. It is an economic issue. If we don't look out for America, who will? This is the Senate of America and we must look out for the people, for the jobs, for the security of our country. That is what we have been elected to do. It is our job and it is time to step up to the plate and do the right thing for the people who have put their trust in us.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Nevada.

Mr. REID. I have spoken with the two managers of the bill. I would like to propound a unanimous consent request that Senator WELLSTONE be recognized for 20 minutes, Senator LIEBERMAN for 20 minutes, Senator BOND for 20 minutes, and Senator LOTT for 10 minutes, in that order.

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

The Senator from Minnesota.

Mr. WELLSTONE. Madam President, when I first came to the Senate, my first year here in 1991, I think with Senator LIEBERMAN and Senator BAUCUS, we started a filibuster against well drilling in ANWR. We succeeded. I am proud to be part of this effort as well.

With all due respect, as I listen to some of my colleagues speak, they make the case we need to do this for our own national security; we need to do this for energy independence; we need to do it for our consumers. I think it has precisely the opposite effect.

We are talking, altogether, the equivalent of what the United States consumes for 6 months. We are talking about oil that is not recoverable for another 10 years. And we are also talking about continuing to barrel down this oil path, this fossil fuel path, which is destructive to our environment.

I am an environmental Senator from the State of Minnesota. I am concerned about global warming. In many ways, it is not our future. There is a different future.

I come from a State, for example, a cold weather State at the other end of the pipeline. When we import barrels of oil or MCFs of natural gas, we export billions of dollars. Last year our energy bill was between $10 and $11 billion, but we have wind, biodiesel and ethanol, biomass electricity, saved energy, efficient energy use, and clean technology and small business. There is another direction that we can go. There is simply no reason to destroy a pristine wildlife refuge. There is no reason to do this environmental damage.

One of the most moving meetings I ever had was with the Gwich'in people who live on the land. They made the appeal to me as a Senator out of their sense of environmental justice not to let this oil drilling go forward.

This whole idea of energy independence for America, based upon another idea that we drill our way to independence, makes no sense. The United States of America has 3 percent of the world's oil reserves, but we use 25 percent of the world's supply. Saudi Arabia has 46 percent of the world's supply.

On each point, I take my colleagues to task. I don't think we get more energy independence from this. I don't think we get lower prices for consumers. I don't think we do better for our environment. Frankly, this proposal represents not a big step forward but a big leap sideways, at best.

On the jobs count, we can go back and forth and back and forth. Senator KERRY spoke; Senator LIEBERMAN will speak. I know what the American Petroleum Institute has said about the jobs. I also know when we look at the Congressional Research Service, which we all look to as an independent research organization, we are talking about 60,000 jobs.

If you move down another path where you are not so dependent on big oil and where you really look at renewable energy and saved energy, it is much more labor intensive, it is much more small business intensive. It creates many more jobs, and it is much more respectful of the environment. It keeps capital in our communities. That is the marriage we ought to make here on the floor of the Senate. We don't need to be doing the bidding of these big oil companies any longer.

In part 2 of my presentation—I will stay under 20 minutes because there are many Senators who want to speak—I want to turn my attention to a portion of this amendment, the second-degree amendment, which purports to address the very serious problem of legacy costs of steelworkers or, in my State, taconite workers—that is to say, people who are retired and who are losing their health care benefits and their insurance benefits.

We need to respond to this pain. I am a part of a real effort, a bipartisan effort with Senator ROCKEFELLER and Senator SPECTER, to deal with legacy costs and to provide the help to people. This amendment on this bill is not authentic. It is not a real effort. In many ways I cannot think of an amendment I am more in opposition to because I think, frankly, it takes advantage of the pain of people and the hopes of people, it is an amendment that does not do the job.

Why in the world are we now being told on the floor of the Senate the only way we can get relief to thousands of steelworker retirees around the Nation, where their health benefits and their life insurance is in jeopardy, is by tying it to what the oil industry wants to do in Alaska? I would like to know who made that linkage, and how anyone can argue that is the only way we can help steelworkers, retired steelworkers, or, for that matter, whether or not this, in fact, is even a real effort.

Let me explain. The amendment does not deliver on the promise. Senators come out here and say the only way we can do this is from the royalty from the oil drilling. The Senator from Alaska says the legacy costs could be as high as $18 billion. I think the costs are about $14 billion over 10 years. Drilling in ANWR cannot produce those kinds of Federal revenues. This amendment dedicates much of the ANWR revenue to other purposes.

According to the Congressional Budget Office, nonpartisan CBO, less than $1 billion of the revenue from ANWR is going to be available, in this amendment, to pay for steelworker legacy costs over 10 years. In other words, less than one-tenth of what the CBO says we need to cover these legacy costs for steelworkers, for the taconite workers who are the steelworkers in northern Minnesota—less than one-tenth of what we need is covered by this amendment. And that presupposes the House Republican leadership would sign onto it—they have not—and that this administration would sign on to it. They have not.

So what we have here is a little bit of sleight of hand, where you get oil drilling for ANWR in the House bill—it is in there—and in the Senate bill. You get less than one-tenth of what we need for legacy costs. That is all you get. But you do not have any prior agreement from the House Republican leadership, and they take it out in conference. You do not have any prior agreement from the White House. They take it out in conference.

I have to tell you, this is in many ways this amendment tells a horrible story. The steelworkers, hard-working people—the range has seen tremendous

pain. LTV workers are out of work. This doesn't help people out of work now who are also losing their health care benefits. But for retirees, it says we can help you, but the only way is if you go along with what the oil industry wants, and if you look at the fine print, you find out this doesn't meet more than one-tenth of the cost.

Where is the commitment from the White House? Where is the commitment from the Republican leadership? I tell you what, we will bring a bill out to the floor which will cover legacy costs. Then all Senators get a chance to vote on it. Then we can decide who wants to provide the help to people.

By the way, it is also help to an industry that simply is not going to be able to compete without our doing so.

I want to say, the second-degree amendment—it is so interesting. I have another piece here. There actually will be no oil produced on lease on the Coastal Plain which will be imported except to Israel. There is even language of oil for Israel. Oil for Israel, legacy costs for steelworkers—although not really. It is not real. But this seems to me to represent the old politics where you are trying everything to get the votes. You do not know what else to do so you start adding on all these other amendments, and you think you can buy off this group of people or buy off this vote or get this vote or get this vote.

I am a Senator from Minnesota. I want to make the final distinction between a real effort and my position on ANWR so it is clear. I am opposed to the oil drilling. I led a filibuster when I first came here. I am opposed to it now. I will vote against oil drilling in ANWR, period.

The second distinction, I am for a real effort to deal with the legacy costs of retired steelworkers. We have to. I am working with a bipartisan group of Senators who are equally committed.

If we want to talk about what kind of revenue we are going to need, it is going to be, over 10 years, about $14 billion. There is less than $1 billion revenues from actually ANWR revenues to cover the legacy costs. That doesn't do the job.

The steelworkers know this and they have said so. We don't need to be doing the bidding of the oil companies to help the steelworkers. We can do that on our own. We can do that right here on the floor of the Senate.

When we bring the legislation out, it will be a tough fight. I do not know where the administration will be. Frankly, I think we need their commitment first because if we do not get their commitment first, we will never be able to provide it. It will be $14 billion over 10 years. We have to do it for the industry, for this industry to have a chance, an industry that is so important to the national security of our country. This is a national security question. But we also have to do it to make sure we get the help to people who have worked so hard all their lives.

Where is the administration on this? I have not heard the administration commit itself to anywhere close to the amount of revenue we are going to need to cover legacy costs. The silence of the White House on this question is deafening. The silence on the part of the House Republican leadership is deafening. And the effort to have an amendment attached onto this amendment which purports to help taconite workers on the Iron Range but which really does not—as opposed to the real effort and the real fight which we will make—troubles me.

There are too many people and too much pain. People are hurting. We should not be playing around with this.

The second-degree amendment deserves to be defeated. The underlying amendment deserves to be defeated. I urge my colleagues to vote against cloture, and I believe we will have a strong vote against cloture.

I yield the floor.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Minnesota for what is, for him, a characteristically truthful, passionate, and in some senses, courageous statement. But it is typical of his service here. I thank him and all the others of our colleagues who have joined in this filibuster to stop the drilling for oil in the Arctic Refuge.

I must say for myself, in the 13 years now that I have been in the Senate, I cannot remember the last time I said I would participate or proclaim to participate in the leadership of a filibuster. But I have done that in this case because I remember what Senator BYRD instructed us on some time ago—that the purpose of the filibuster, which is to say the requirement for a supermajority to proceed with 60 votes, is to prevent us from allowing the passions of the moment to sweep through Congress and become law and do lasting damage to America's values and interests.

If there ever was an example of how the temporary passions of a moment, if responded to in law, could do permanent damage to our great country, its values, and interests, quite literally, then this debate over the drilling in the Arctic National Wildlife Refuge is exactly that.

I rise to oppose the amendments before us and oppose the motion for cloture. This proposal has been before us for a long time. I remember discussing it in my campaign for the Senate in 1988. It has risen and fallen over the years, but the basic heart of it remains wrong. It is to develop one of the most beautiful places in America, the Coastal Plain of the Arctic Refuge, known as the American Serengeti, inhabited by 135 species of birds and 45 species of land animals. The plain crosses all five different ecoregions of the Arctic.

To take this magnificent, unspoiled piece of nature and develop it for what? For a very small amount of oil no sooner than a decade from now, which will not do what all of us say we want to do, which is to break our dependence on foreign oil. And it will provide no price relief to American consumers of gas and oil.

The fact remains that drilling in the refuge would not produce a drop of oil for a decade—far beyond the time of the current crisis in the Middle East which some have tried to use to gain support for this proposal to drill; and, even then, after the decade, far too little to change in any meaningful way our dependency on foreign oil.

Even if we did allow the drilling for oil in the Arctic Refuge, this administration's own Energy Department concluded that drilling in the Arctic Refuge would only reduce our dependence on oil by 2 percent 20 years from now. That is in the year 2020 or thereabouts. We would depend on foreign sources of oil for 60 percent of the oil we use instead of 62 percent. Is that 2 percent worth destroying this beautiful piece of America?

The fact is, even if the oil were coming out of ANWR, notwithstanding suggestions to the contrary, it would be priced at world prices. So there wouldn't be any relief given to America's consumers if we allowed the drilling for oil. No, the only way for us to remove our economy from the troubles in the Middle East that are going on now or that may go on in years ahead is to end our dependence on foreign oil.

As my colleagues have said over and over again, we don't have much oil left within American control and within America's land—3 percent of the world's reserves of which we use 25 percent every year. It is just not there. Therefore, if we want to break our dependence on foreign oil, as mighty a nation as we are militarily and economically, if we want to truly remain strong and invulnerable to pressure from nations that are weaker than we are but have oil within their land, then we have to break our addiction on oil. We have to develop new sources of energy. We have to conserve more. We have to use the gifts of ingenuity and technology that have created so many miracles in our time to help us power our society and our economy in a way that is not only cleaner than oil but, most important to the moment, is within our control and our possession. Surely, we can do it.

As part of doing this, I say, as so many others who oppose drilling for oil in the Arctic Refuge have said, we are not opposed to all development of America's energy resources. Far from it. While we must move beyond our dependence on fossil fuels, we cannot do it immediately, requiring us to continue to pursue supplies of oil, and particularly to pursue supplies of fuel. In fact, may I say as a Democrat that I am proud that the Clinton administration actually leased more land for energy development than either the Reagan or previous Bush administrations.

But those decisions were evaluated, such as the decisions we shall make

and should make in the future, which is to determine the environmental impact of that exploration—to hold the test up. How much energy will we get? What damage will it do to our environment? By that test, the Arctic Refuge does not pass.

Let me show my colleagues a map of the North Slope of Alaska. Here is this very small area of the Coastal Plain. That is what our colleagues from Alaska want to be able to drill. Compare it to all the rest of this that is now open and, in many cases, already leased for oil exploration. This is a very small part of that area. There is very active exploration and drilling going on in the rest.

We are not asking to take out every possibility of development in enormous swaths of land. The fact is, companies have made promising new discoveries at the locations in blue that I have just indicated. For example, last winter Phillips announced major discoveries of three significant oilfields in the National Petroleum Reserve in Alaska. The oil companies have plans to drill up to 59 exploration wells over the next 5 years. None of that is going to be affected by our desire to stop these amendments, which aim to get into that last very special and important area to preserve.

What about that small green section in the corner of the map that I pointed to? The so-called 1002 area of the Arctic Refuge is the small biological heart of the ecosystem. Again, we are not asking for the entire North Slope to be protected. We only ask for the small piece of land that serves as the most essential and vital habitat in the region. Much to the contrary of what has been argued, the area is not even the most promising of the North Slope for exploration for oil.

Let me quote from comments of an oil industry consultant in a recent New York Times article:

> There is still a fair amount of exploration risk here: You could go through eight years of litigation, a good amount of investment, and still come up with dry holes or uneconomic discoveries.

Listen to the comments of a spokesman for BP Alaska:

> Big oil companies go where there are substantial fields and where they can produce oil economically. Does ANWR have that? Who knows?

We owe it to the American people to determine whether the measure before us is responsible and responsive to our energy needs or whether it is simply a distraction that threatens to bring down the 400-plus pages of good energy policy contained in the underlying bill.

To determine that, I think we need only to ask a very businesslike, very American question: What do we gain and what do we lose? I can tell you what we would gain in less than a minute. It would take days to catalog what we would lose. We are prepared, if necessary, to take those days to stop this authorization to drill in the Arctic Refuge.

What we would gain I have talked about. It would take at least 10 years, and then there would be, at best, a 6-month supply of economically recoverable oil—a yield that would be spread over 50 years.

What are the costs? The visible damage would be substantial: an environmental treasure permanently lost, hundreds of species threatened, international agreements jeopardized, oil spills further endangering the Alaskan landscape, and an increase in air pollution and greenhouse gas emissions.

The unseen damage of drilling would be just as real: a nation—our Nation—lulled into believing it has taken a step toward energy independence, when it has done no such thing; a nation believing it is extracting oil using so-called ''environmentally sensitive'' methods when it will not—all in all, the American people misled in both meanings of that term, not appreciating the reality, and also a failure of leadership by those of us who are privileged to serve here in Washington.

Finally, this plan would violate some of our most treasured American values. I speak particularly of the values of conservation. This plan presents a false promise of job creation, a false promise of economic stimulus, a false promise of energy independence, and a false promise of environmental sensitivity.

The first claim my colleagues make is that drilling in the Arctic is a necessary part of a balanced, long-term energy strategy. But, I say respectfully, calling drilling in the Arctic Refuge part of a strategic energy plan is like calling oil a beverage. It is literally and figuratively hard to swallow.

This ill-considered plan will do nothing to wean us from our dependence on foreign oil. But we do have such a proposal which would take aggressive and strategic steps in pursuit of new sources of energy and better conservation; and that is the underlying bill fashioned by Senator BINGAMAN, Senator DASCHLE, and others working with them. It would provide us with the resources we need in the short term by measures such as expediting the natural gas pipeline from Alaska and providing the resources necessary to process the many lands already leased for exploration.

I want to share with my colleagues a few words on the question of the effect that drilling in the Arctic might have on jobs because that is an argument that has been made.

Drilling in the Arctic Refuge will actually create fewer jobs than dozens of the smarter alternatives that would create new industries using American technology that will be encouraged by the underlying bill. The much quoted study claiming that the Arctic drilling would result in 750,000 jobs has since been widely discredited. Even its authors have acknowledged its methodology was flawed.

The real job creation figure, in my opinion, is much closer to 45,000. Those jobs are short term, most of them in construction, as opposed to the permanent jobs that would be created by new energy industries, new energy technology industries created all over America.

In order to try to settle this question, the Joint Economic Committee looked at the question and found that the proposal would result in modest employment gains, peaking at an estimated 65,000 new jobs nationwide in the year 2020. That would be an increase in projected employment by less than one-tenth of 1 percent over that time—certainly nothing to sacrifice a national treasure for, particularly when we have so many better, new energy alternatives that will create so many more longer lasting jobs.

I would like to say a word about the oil prices impact from drilling in the Arctic because American consumers are sensitive and, appropriately, accustomed to being concerned about the effect of world political and economic events on oil pricing and gasoline pricing and may be deceived into thinking that if we drill for oil in the Arctic Refuge, we will be protected from international oil price fluctuations.

Drilling would have no impact on U.S. oil prices, even under the inflated estimates for petroleum potential that are cited by drilling advocates because the price of oil is determined by broad, global supply and demand, not by the presence or absence of an individual oilfield.

Let's look, for example, at the case of Prudhoe Bay. In 1976—the year before the largest oilfield ever discovered in North America entered production—a barrel of West Texas Intermediate crude oil sold for $12.65 and standard gasoline averaged—I take a deep breath here—59 cents a gallon. That was 1976.

Two years later, with Prudhoe Bay now adding more than 2 million barrels a day to domestic supply, in 1978, West Texas Intermediate crude had increased by more than 15 percent to $14.85 a barrel and gasoline averaged 63 cents a gallon. It went up. During the next 2 years, as Prudhoe Bay production increased, oil prices also skyrocketed to $37.37 per barrel, while gasoline nearly doubled to $1.19 a gallon—all because of world oil prices.

This obviously does not demonstrate a relationship between Alaskan oil and gasoline prices that will be paid around the world.

In closing, I want to get back to what this all says about our values and the choices we have to make. The question is, Are we willing to destroy a habitat that is home to so much beauty and wildlife and deprive future generations of visiting and experiencing this magnificent part of our country in return for what will slightly—2 percent out of 62 percent—reduce our dependence on foreign oil two decades from now and will not affect the price the American people will pay for gasoline and oil?

I think the answer has to be no. Wilderness and the oil industry cannot

peacefully coexist, certainly not in this case. So we are forced to make a choice. I have made mine. I believe the American people agree. Why? Because conserving our great open spaces is fundamentally an affirmation of our core American values. Conservation is not a Democratic or Republican value; it is a quintessentially American value.

What lesson does it teach the generations that come after us if we go ahead with this terrible mistake of drilling in the Arctic Refuge? That we, as Americans, did not value our national heritage? That we did not conserve it for future generations of Americans? That we sold it for, essentially, effectively, the equivalent of a barrel of oil?

The ethic of conservation tells us it is not only sentimentally difficult to part with beautiful wilderness, it is practically unwise, because in doing so we deny future generations a priceless piece of our common culture.

Let me close with the words of a great President, a great American, a great conservationist, and a great Republican, Theodore Roosevelt. In 1916, he said this:

> The ''greatest good for the greatest number'' applies to the number within the womb of time, compared to which those now alive form but an insignificant fraction. Our duty to the whole, including the unborn generations, bids us [to] restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose, and method.

That is a quote from the great T.R.

They live and breathe with as much wisdom today as they did in 1916. In addition to all of the pluses and minuses and balances and statistics, they are the ultimate reason why we should reject these amendments to allow for the drilling for oil in the Arctic Refuge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I rise today to discuss what I think is one of the most important issues our Nation faces, and that is national security.

Yes, this is an energy bill. More specifically, we are talking about an amendment to drill for oil in a small remote region of Alaska. What does that have to do with national security? Let's set the stage because the facts are getting lost in some wonderful rhetoric that takes me away in a dream world. I don't recognize the place I know as Alaska when I listen to it.

We have tried to put out the facts. I have heard other things that are not quite so factual. Just as a beginning, over the next 20 years, U.S. oil consumption is projected to grow even after factoring in a projected 26-percent increase in renewable energy supply, which we strongly support, and a 29-percent increase in efficiency. Some people think that is outrageous. Some people have a terrible guilt trip that the United States uses so much oil we don't have enough, so we ought to give up.

Drilling in ANWR reasonably could almost double our reserves. The United States has about 22 billion barrels of proven reserves, 3 percent of the world's reserves. ANWR could hold 16 billion barrels of oil more. That is almost doubling. It is adding 16 to 22 billion in our reserves.

We use oil. There is no question about it. We have 5 percent of the world's population. We use 25 percent of the world's oil. But we also produce 31.5 percent of the world's total economic output. We are more efficient than the world as a whole, and we produce food and medicine and goods to improve the lives of Americans and people around the globe.

Let's be serious. When we are talking about the fact that we use oil, yes, we do. There is no question about it. We need to make sure we have adequate oil reserves.

We just heard some information from the Energy Information Administration that is a little outdated. There is more recently a letter of March 22 to Senator MURKOWSKI from Mary Hutzler, Acting Administrator for Energy Information. I ask unanimous consent that a copy of the letter and the addendum be printed in the RECORD.

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

DEPARTMENT OF ENERGY,
Washington, DC, March 22, 2002.

Hon. FRANK H. MURKOWSKI,
Ranking Minority Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR MURKOWSKI: Enclosed is a response to your March 21, 2002, request for more information from our Service Report, ''The Effects of the Alaska Oil and Natural Gas Provisions of H.R. 4, and S. 1766 on U.S. Energy Markets.'' The information provided relates to an increase in U.S. oil production, a decrease in net petroleum imports, and the change in net import expenditures across the range of cases explored in the Report.

The projections show that all of the increase in U.S. oil production from opening the Arctic National Wildlife Refuge (ANWR) to oil development comes from increased Alaska production, rather than lower 48 production, regardless of the size of the oil resource assumed to be contained in ANWR. The size of the resource assumed to be in ANWR also has an effect on imports. The larger the ANWR resource base, the greater is the reduction in petroleum imports. Reductions in net expenditures on imported crude oil and petroleum products range from $5.7 billion in the low ANWR resource case with a reference case oil price path to $18.3 billion in 2020 (in 2000 dollars) in the high ANWR resource case with a high world oil price path.

If you have further questions, please contact me on (202) 586–6351.

Sincerely,

MARY J. HUTZLER,
Acting Administrator,
Energy Information Administration.

Enclosure.

ADDENDUM TO THE EFFECTS OF THE ALASKA OIL AND NATURAL GAS PROVISIONS OF H.R. 4 AND S. 1766 ON U.S. ENERGY MARKETS

This addendum responds to a March 21, 2002, request from Senator Frank H. Murkowski for more information from the Energy Information Administration's Service Report, ''The Effects of the Alaska Oil and Natural Gas Provisions of H.R. 4 and S. 1766 on U.S. Energy Markets.'' This addendum provides projections on the increase in U.S. oil production, the decease in net petroleum imports, and the change in net petroleum expenditures across a range of cases.

All of the increase in U.S. oil production from opening the Arctic National Wildlife Refuge (ANWR) to oil development comes from increased Alaska production, rather than lower 48 production, regardless of the size of the oil resource assumed to be contained in ANWR. In 2020, the increase in total domestic production ranges from 500,000 barrels per day in the low resource ANWR case to 1.43 million barrels per day in the high resource ANWR case (Table 1A). In 2020, ANWR is projected to increase U.S. oil production by 8.9 percent in the low resource case, compared to 25.4 percent in the high resource case, compared to the Annual Energy Outlook 2002 (AEO2002) reference case.

The size of the resource assumed to be in ANWR also has an effect on petroleum import reductions. The larger the ANWR resource base, the greater is the reduction in petroleum imports. In 2020, the reduction in net imports of crude oil and petroleum products is projected to range from 450,000 barrels per day in the low ANWR resource case to 1.39 million barrels per day in the high ANWR resource case, compared to the AEO2002 reference case. More than 80 percent of the import reduction is from lower imports of crude oil, as opposed to product imports.

When combined with a high world oil price path, the opening of ANWR has a similar impact on oil import reductions to the opening of ANWR in a reference case (Table 2A). In the high world oil price cases with mean and high ANWR resources, import reductions in 2020 range from 780,000 to 1.32 million barrels per day more than the high world oil price case without ANWR. In the high ANWR resource case with high world oil prices, oil consumption is reduced by half a million barrels per day and about 70 percent of the import reduction is from lower imports of crude oil.

Reductions in expenditures on imported crude oil and petroleum products range from $5.7 to $16.0 billion compared to the reference case in 2020, depending on the amount of resource in ANWR (in 2000 dollars). Like the volume changes, more than 80 percent of the reduction comes from lower crude oil imports. In the cases which assume the opening of ANWR and high world oil prices, expenditures on oil imports are $11.2 billion to $18.3 billion lower than the high world oil price case without ANWR. The impact on expenditures is greater in the high world oil price cases, because of higher oil prices.

Mr. BOND. They take a look at the estimates for oil produced at ANWR. And obviously, since it hasn't been drilled, we can only estimate. If it is not there, they won't drill. So this effort is all in vain, but I believe our U.S. Geological Survey and the other scientific experts have a pretty good idea.

On average, if you take in the high and the low, U.S. Geological Survey says there would be an increase of domestic production by about 14 percent. If you assume the high case, there could be an increase of 25 percent of domestic production. And when you have this kind of production, this is what it means for us.

People say that is not much oil. In Missouri, 71 years of consumption

could be sustained by that; or Connecticut, 132 years; Minnesota, 85 years. To say that is not significant misses the picture very badly.

What would be our dependence upon foreign oil? Well, without ANWR in 2020, the energy outlook is that 66.7 percent of our crude oil would come in from abroad. If you take the medium case, the medium production case, it would drop that to 62.2 percent. That is a 5-percent or 4-percent reduction. If it is the high case, it would go down to 58.7 percent, an 8-percent decline.

Those percentages make a huge difference. They make the difference between whether we have a situation where we can manage it in tight consumption or whether we are up against the wall.

The 1.5-million-acre Coastal Plain, called the 1002 area, of the 19.6-million-acre Arctic National Wildlife Refuge, is one of the best places to look for the oil that America needs. When large chunks of Alaska were set aside in 1980, they saved a small 1.5-million-acre Coastal Plain out of 19.6 million acres. Why did they save it?

Well, we have the letter of July 3, 1980, from Senator Hatfield and Chairman Henry Jackson. They were right when they wrote this in 1980. They said:

> One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Action such as preventing even the exploration of the Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our nation in this time of energy crisis.

''Ostrich-like approach,'' those are the words of Chairman Jackson. He said: This is an energy issue. It is a national defense issue. It is an economic issue. It is not just an easy vote you can throw away and get some greenie points. Chairman Jackson concluded:

> It is a compelling national issue which demands the balanced solutions crafted by the Energy and Natural Resources Committee.

The only regret I have today is that the Energy and Natural Resources Committee did not have an opportunity to craft a bill because I am confident that they know the energy situation. And they would have said that this is a necessary step.

The Energy Department said: The Coastal Plain is the largest unexplored, potentially productive onshore basin in the United States. The USGS estimates there are up to 16 billion barrels of recoverable oil, enough to offset Saudi imports for 30 years.

The 1002 area is not a beautiful piece of America. Congress set it aside for oil exploration. The people who talk about this give these word pictures of a magnificent forest. I don't think they have been there. When I go back home, I ask anybody: Have you been to the North Slope? Do you know what it looks like?

They tell me: No.

I kid my colleagues from Oklahoma that it is as attractive as a frozen Oklahoma. Nobody I know has refused to drill for oil in Oklahoma because of its pristine beauty. I have been there. I have swatted away the mosquitos.

This is what it looks like in the winter. My good friend, the senior Senator from Alaska, refers to it as the proverbial Hades. It is quite a few degrees colder.

When I have been there in the middle of July, it has gone up to 38 or 39 degrees, and there are those hardy souls who work out there in shirt sleeves, 39 degrees, because it is a heat wave.

This is the best we can show you. This is what the 1002 area looks like. That is Kaktovik in the background. Look at this magnificent beautiful piece of Alaska. Look a little flat? Look a little same? It is. But it has its own beauty. It really does.

One of the beauties is it has caribou and wildlife and birds, and they thrive up there. Here is a picture of drilling in Prudhoe Bay. This is Prudhoe Bay. If you can't see very well what it is, all these are caribou. The caribou herds thrive. The drilling does put permanent structures in there. But the temporary rock and gravel roads make a great place for caribou to calve. And the birds are there and the other wildlife is there.

Somebody said we are going to destroy this great swath, this beautiful natural reserve in Alaska. Are we talking about the same thing? We are talking about 2,000 acres, roughly 3 square miles, out of the Coastal Plain of 30,600 square miles. That is less than the size of Dulles Airport and the State of South Carolina. It is 3 square miles out of 30,600 square miles. This was in the area consciously set aside, on a bipartisan basis, because Chairman Jackson and the people on the Energy Committee then realized that this was where we were going to have to get our natural resources.

What would happen if we drilled and they found oil? It would mean 700,000 jobs would be created across the United States—not from a Government makework program, but from private investment.

Wildlife habitat will be protected under the world's strictest and most environmental standards. To drill out there, you have to take all the equipment in, in the midwinter on ice roads, when it is 100 to 200 degrees below zero. That is so cold that I cannot even think about it. But you do that so you don't disrupt the land.

The caribou herd in and near Prudhoe Bay's oilfield is five times larger than when development began. It is five times larger. Prudhoe Bay is producing 20 percent of our Nation's oil production.

Now, let me say one other thing. As a result of my personal visit up there, the people who live there, the indigenous people, the Native Alaskans, the people who live in the region, they understand that this is the way they can improve their lives. They can make a positive economic contribution to the welfare of this Nation and benefit from it. They begged us to allow them to go ahead and develop a resource that will not interfere with their fishing and their hunting and the wildlife around them.

I heard it said that it would be 10 years before we got any oil. Well, it depends on how much Congress delays it, how many lawsuits. Perhaps as soon as 3 years after the first lease sale. There has already been discovery on State lands of an oilfield that extends under the Coastal Plain. We know it is there, just not how much. If the Congress were serious about it and we said we want to develop this in an environmentally sound manner and do it quickly, we could get it online.

Contrary to a myth that many on the other side have spread, and as my friends from Alaska pointed out, we are not exporting the North Slope oil. None has been exported since May 2000. The average well at Prudhoe Bay produces over 550 barrels per day, more than 45 times the 12.5 barrels of oil produced per day by the average oil well in the United States. If the oil in ANWR is locked up, a lot of wells will have to be drilled to replace it, or we will be back in the situation in which we found ourselves several weeks ago.

By a very significant majority, 63 Members of this body, said we want to continue to be able to give American consumers the choice to drive SUVs, light pickup trucks, or vans. We ordered the Department of Transportation to use the best scientific and technological information available to push for increased oil and petroleum efficiency, gasoline combustion efficiency, and do everything we can to increase the efficiency. But don't force unrealistic standards that merely require us to move down to smaller and smaller cars until we are driving around in golf carts. If we are going to continue to supply the energy needs that my colleagues who voted with us on the CAFE amendment said we are going to need, we need the oil coming from ANWR. This is absolutely essential for our economy, for the sound development, the business of industry, and, most of all, to supply the transportation needs of our families.

For each dollar of crude oil and natural gas brought to the market, there will be $2.25 of economic activity generated through the economy. The actual impact of the ANWR oil could be anywhere from $270 billion to $780 billion. These are all good economic arguments. But this is not the only question.

Keeping the oil production in the United States means we are buying less oil from overseas. We keep our domestic dollars at home. These are U.S. dollars not going to foreign countries, with leaders who may be on a mission to destroy our entire existence.

If that was too subtle for some colleagues, let me explain it. Just last week, we watched Iraq announced a month-long oil export embargo to protest Israel's response to the terror

campaign. Some argue that Iraq only produces 1.5 billion barrels a day, roughly 4 percent of world production. We are told Saddam Hussein is only supplying 8 percent of U.S. imports. It ought to be time that we tell the American people this country can not and should not maintain that level of dependence on Iraqi oil.

Last year, we paid Saddam Hussein $6.5 billion. Does that sound like good policy? Do the American people really want to continue any efforts to benefit a tyrant such as Saddam Hussein, who continues his reckless oppression of his own people while threatening the security of the world with the development of weapons of mass destruction?

Madam President, let me answer that question emphatically. The United States must not continue this type of dependence, resulting in billions of dollars going directly to one of this century's most demented and ruthless rulers. The time has come for the United States to develop its own ability to produce oil and petroleum so we don't have to depend on him.

I commend President Bush for his actions in the Middle East, and I fully support him in the efforts to defend our national security. If it should occur one of these days in the near term when the President, we would hope in consultation with this body, deems it necessary, for the protection of peace and safety in the world and our own security, that we take on Saddam Hussein and his tyrannical regime once again, we must not be held hostage by the fact that they are supplying us oil. Right now, they have us over the oil barrel when we have oil and petroleum products in the United States we can develop to maintain our security.

Drilling for oil in Alaska is not just a good, sound option, it is a necessity. We must decrease our dependence on foreign oil every way we can. As I said a couple weeks ago, the Senate wisely adopted reasonable, scientifically based mandates to increase our automobile fuel usage. The CAFE provisions mandate an increase in standards that will help reduce our dependence. We provide incentives for alternative fuels such as electric power, solar-powered vehicles, and other provisions that include the use of biodiesel in bus fleets and school bus systems.

Yes, we must have renewables. Last week, the Senate voted in opposition to an amendment by my colleagues from California and New York that would have undermined the renewable fuels standards. I applaud my colleagues for opposing that effort because renewable standards are one important part of our energy policy. We need to make every effort to decrease our dependence on foreign sources of oil.

I urge my colleagues in the strongest possible way to support the efforts of the Senators from Alaska. I have been there. I have gone with them to visit this region. I have seen the oil exploration underway. I have seen the wildlife running on those plains.

Madam President, when they finish, there will not be any signs of development, and it will still be a barren, mosquito-filled plain in the summer, with its natural attributes and an absolutely hideously cold winter, and the wildlife, the birds, and the fish that thrive up there will continue to thrive. We are not destroying anything.

Even if they were going in to burn and turn it upside down, we are talking about 2,000 acres—2,000 acres, just a little over 3 square miles out of 30,600 square miles. There is no way anybody can legitimately say we are going to No. 1, destroy anything, because we are not destroying it. It is not a pristine wilderness that will not survive the drilling. We have shown how it can be done, and we are only talking about a thumbnail size out of the entire area.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator's time has now expired.

Mr. BOND. Mr. President, I thank you for that good news, and I urge support. I ask my colleagues to support the Senators from Alaska.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I rise in support of the amendment that has been offered by Senator MURKOWSKI to allow for exploration in this area known as ANWR, the Arctic National Wildlife Refuge. Also, it is very reasonable to pursue what will happen with the funds we would get as a result of opening up this wildlife area. It is important that we look at this issue in the most serious way.

I just got off the phone with the President's National Security Adviser, Condoleezza Rice, talking about the situation in the Middle East. I appreciate the fact Secretary Powell has been there and has been meeting with the interested parties trying to make some progress in that very difficult situation. I am satisfied that we have a better feel now of what can be done, that progress was made in dealing with the situation on the northern border of Israel. But the fact is, we still have a very volatile situation in the Middle East, one that could cause disruptions in a number of ways from that region of the world.

The oil from Saudi Arabia comprises about 25 percent of the oil the world gets. We have had threats from Saddam Hussein. There is no question in my mind that he would use any tool of destructive capability he could find, including cutting off the oil that comes from Iraq.

I still agree very strongly with Senator MURKOWSKI that it is impossible to explain why we would be getting oil directly or indirectly from Iraq, refining it, and then sending it back to the region to be used in our planes to patrol the region to keep Saddam Hussein and the Iraqis under control.

The oil supply in the world is not in a stable situation. We saw this past week in Venezuela a change in Government, and then the former Government was back in place. This is a country we depend on. I believe the third largest amount of oil we get comes from Venezuela.

The point is, we are in danger. Our national security and our economic security could be threatened by the instability in the world, by the uncertainty or the unreliability of the sources of this oil and gas. If we start losing part of it or large portions of it, we could be in a very difficult situation very soon.

We need a national energy policy. We need additional production, and I predict today that if we do not take advantage of the oil we know exist in ANWR, in that northern extremity of Alaska, we will have some very bad situations evolve in the next few months, or in the next couple of years. I do not want to say I told you so, but when the gasoline prices go up, when supplies cause dislocation, when we have rolling brownouts, it will be traceable right back to this body and to this vote.

We need to understand this is for real. We need our own domestic energy supplies, and all the supplies that might be available. We should make better use and more use of nuclear power, but we have people who do not want nuclear power. They do not want to have a nuclear waste repository. We should make use of hydropower more, although in some areas there are people who do not want hydropower because it might adversely affect some species.

We need additional oil and gas, but yet we have people in America who do not want to have exploration off the east coast, the west coast, the gulf coast, and now in the northern part of Alaska.

We need to make greater use of coal. We can have clean coal technology that allows us to have the benefit of this source of energy without being a problem for the environment. Again, a lot of people oppose that.

What do they propose doing? How are we going to have the energy we need to fuel the growing economy we all want in America? I think we should do all of these things, and that is my problem with this bill. This bill has a lot of conservation incentives and alternative fuels. We have the tax bill that came out of the Finance Committee. There is a large amount of tax incentives for hybrid sales in automobiles, and to encourage getting these marginal wells back in usage. We have all of that in the bill but not what we need for energy production.

The point that is so critical to me—this map I am sure my colleagues and the American people have seen. The area we are talking about is an extremely small portion on the Arctic Ocean, and the people of the region and the Senators and Congressmen of the State want this to happen. We are being told we cannot do that.

We are being told by people from States in the furthest extremities of the eastern part of the United States:

We do not think this should happen in this area.

Whatever happened to Senatorial courtesy and trust? For years as a Member of Congress in the House and Senate, I put my greatest reliance—although I reserve the right to make up my own mind—but I put an awful lot of reliance on the Senators and Congressmen from the States.

When I had the Congressman from North Dakota say to me and others: Yes, the Garrison Diversion is something we want—a lot of environmentalists said we should not have the Garrison Diversion—I took the word of then-Congressman, now-Senator DORGAN about the need for and the justification for the Garrison Diversion.

We have had lots of debates in years gone by about water supply in Arizona. I did not have a Mississippi dog in that fight. I did not know all the ramifications of the argument. Who did I rely on? I relied on the word of the Congressmen and the Senators and the people in the local region.

Why are we not doing that now? Two of the most effective, most respected Senators in this body, the Senators from Alaska, Mr. STEVENS and Mr. MURKOWSKI, are pleading with us to give them the opportunity to do this in a safe, reliable, affordable way in a very small region.

We have the letter from the Alaska Natives who live in this area asking us to support opening of ANWR, and basically pleading with us to give them an opportunity. The people who live in the region want it. They know it can be done safely. They know it can be done in a way that would benefit the people economically. I am really at a loss for words to explain why this should not be done.

There is a national movement of some kind by various groups saying we must not let this happen, but when it comes to dealing with energy independence, when it comes to dealing with the likes of dictators in Iraq such as Saddam Hussein, when it comes to creating new jobs, this is the thing to do. It is supported by labor unions. The people who would be involved in transporting the supplies, the people who would be involved in building the pipelines, they are for this.

For those who are worried about the environment, I have never seen a project that has stronger environmental rules that would have to be enforced than any project I know of, and they have narrowed the area. They have offered to put more land in pristine reservations. Everything possible has been done to make it possible for us in the United States to get the benefit of this exploration and this pipeline and the supply we would get from it.

So when we look at our current situation, relying on 60 percent foreign oil for our energy needs, when we look at the instability in the world, in several countries where we rely on the oil they produce, and then when we look at the benefits we get economically, and the jobs, this is legislation we clearly should pass.

An energy policy without ANWR is not complete. In my own case, I have spoken about the ability to explore in what is known as the Destin Dome in the Gulf of Mexico, close to where I live. I want it because we need it. I know it can be done in an environmentally safe way and in a way that will not be damaging to the fish in the Gulf of Mexico, and yet we had a tremendous debate in the Senate about opening up even a part of that area. Yet those of us who live there, the Senators from Alabama and Mississippi, although not the case with the Florida Senators, were saying: This can be done, and we need to do it.

I believe a map speaks a million words in explaining what is involved. So I thank Senator MURKOWSKI for his diligence. He has tried every way in the world to make sure the American people understand the importance of this, that they understand this could be done in a way that would benefit America with probably somewhere between half a million and 735,000 new jobs, that it would reduce our dependence on foreign oil.

Some people said if we started today, we would not get it online for months, perhaps years. Eventually we are going to have to do this. The time will come when America is going to have serious energy problems and we are going to have to go where we can get energy the quickest, and one of those places is this particular area on that northern slope of Alaska.

So I wanted to come and add my support for this effort. I do not know how in the world we can justify not being for this. I believe President Clinton vetoed this effort in 1995, and yet the Congress has passed this several times over the last 20 years. I believe that is correct information. We should do it once again.

I urge my colleagues, if they are undecided or if they have been leaning the other way, think about it again. The situation has changed. The need for this oil and the gas that might be involved has changed since this debate began. I would not want to be a Senator who voted no on this 6 months from now, because we could be having huge problems. This could be a vote that would haunt us forever. I do not mean that as a threat, I mean it as a plea. We need this.

The Senator from Louisiana and I are very closely situated to the Gulf of Mexico. We know we can get oil and gas with the technology now available. That technology is so sophisticated. one does not just take a potshot down and hope they hit. When they look at the charts, they know exactly where the little shelves are. They can go right to where the oil is.

Some of the best fishing I have ever experienced in my life was around the oil rigs off the coast of Louisiana, not far from the Chandelier Islands. I know the area. I have been there. I have not been to ANWR.

Senator MURKOWSKI and I will have to debate where fishing is the best. He has tried to take me to Alaska, but I said: ''Isn't it very cold up there? Isn't it a pretty barren area?'' I would rather go where there are palm trees or oil rigs already in place.

I say to my colleague from Alaska, I really appreciate the job he has done. I am going to work with him to the very last minute to see if we cannot do what is right, not just for the Senator from Alaska, not even just for Alaska. This is for America. If we are from some remote State, for us to say this little piece of 2,000 acres cannot be used to produce oil and gas is irresponsible, in my opinion, when you look at what we are faced with in terms of threats around the world.

I urge my colleagues to pass this. Let us get a good energy bill for the good of our country.

Mr. MURKOWSKI. Will the leader yield for a question?

Mr. LOTT. I am happy to yield.

Mr. MURKOWSKI. Does the leader know what the temperature is outside today?

Mr. LOTT. In Washington, DC, I think it is approaching 95. What is the temperature on the northern slope of Alaska?

Mr. MURKOWSKI. I was hoping the minority leader would respond by asking me a question. Having been there exactly a year ago today, with Senator BINGAMAN, who left his gloves at home and we had to find a pair of socks for him—we later found him a pair of gloves—and Gale Norton, Secretary of the Interior, it happened to be 77 below zero in Barrow. That gives some idea of the contrast between Washington, DC, and Alaska.

Mr. LOTT. In April it is still that cold?

Mr. MURKOWSKI. It was that particular day a year ago today. So I think that is a little reference to the harshness of the environment up there.

Mr. LOTT. Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

KAKTOVIK INUPIAT CORPORATION,
Kaktovik, AK, April 17, 2002.

Hon. TOM DASCHLE,
Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATORS DASCHLE AND LOTT: The people of Kaktovik, Alaska—Kaktovikmiut—are the only residents within the entire 19.6 million acres of the federally recognized boundaries of the Arctic National Wildlife Refuge (ANWR). Kaktovikmiut ask for your help in fulfilling our destiny as Inupiat Eskimos and Americans. We ask that you support reopening the Coastal Plain of ANWR to energy exploration.

Reopening the Coastal Plain will allow us access to our traditional lands. We are asking Congress to fulfill its promise to the Inupiat people and to all Americans: to evaluate the potential of the Coastal Plain.

In return, as land-owners of 92,160 acres of privately owned within the Coastal Plain of ANWR, the Kaktovik Inupiat Corporation promises to the Senate of the United States:

1. We will never use our abundant energy resources ''as a weapon'' against the United States, as Iraq, Iran, Libya and other foreign energy exporting nations have proposed.

2. We will not engage in supporting terrorism, terrorist States or any enemies of the United States;

3. We will neither hold telethons to raise money for, contribute money to, or in any other way support the slaughter of innocents at home or abroad;

4. We will continue to be loyal Alaskans and proud Americans who will be all the more proud of a government whose actions to reopen ANWR and our lands will prove it to be the best remaining hope for mankind on Earth; and

5. We will continue to pray for the United States, and ask God to bless our nation.

We do not have much, Gentleman, except for the promises of the U.S. government that the settlement of our land claims against the United States would eventually lead to the control of our destiny by our people.

In return we give our promises as listed above. We ask that you accept them from the grateful Inupiat Eskimo people of the North Slope of Alaska who are proud to be American.

Most respectfully and sincerely,

FENTON REXFORD,

President.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I wonder why they call it barren.

Mr. President, I am going to propound a unanimous consent request momentarily, but I do want to get the attention of the minority leader for 1 second. I am going to have my colleague and friend, JOHN ENSIGN, speak to Senator LOTT based upon the speech Senator LOTT just gave. When the Senator talked about senatorial courtesy and how we should give deference to what Senators from a State want, I want Senator ENSIGN to talk to Senator LOTT about Yucca Mountain because it would seem fair to me, using the analogy that has been stated for drilling in Alaska, the same should apply to Nevada. But we will see.

Mr. LOTT. Will the Senator yield?

Mr. REID. I will be happy to.

Mr. LOTT. I am always delighted to talk to Senator REID and Senator ENSIGN. I think maybe the RECORD will reflect in the past that I did listen very closely to some of his pleas. But we will have a chance to debate that another day.

Mr. REID. Mr. President, I have spoken to the two managers. I have visited with virtually everybody in the Chamber. The staff has visited with various other staff members. We have 11 Senators who have indicated a desire to speak on this matter, which works out so each side goes back and forth, and the time almost works out perfectly also.

I ask unanimous consent that Senator DURBIN be recognized for 20 minutes; following Senator DURBIN, that Senator BURNS be recognized for 15 minutes; following Senator BURNS, Senator CANTWELL be recognized for 15 minutes; next, Senator VOINOVICH for 20 minutes; Senator LANDRIEU for 30 minutes; Senator FEINGOLD for 20 minutes; Senator DOMENICI for 15 minutes; Senator DORGAN for 20 minutes; Senator CRAIG for 30 minutes; Senator GRAHAM for 30 minutes; and then Senator NICKLES is the last speaker who I have been told wishes to speak, and there would be no time limit on him.

Mr. MURKOWSKI. Reserving the right to object, I want to work with the majority whip. Senator STEVENS is going to want to speak and does not want to be limited to any time commitment.

Mr. REID. No problem.

Mr. MURKOWSKI. I am also going to reserve my right to extend my remarks. I do not want this list to exclude other Members who may be wanting to speak. In the interest of time, I am quite willing to proceed with the list as given, subject to the gentlemen and ladies who are in the Chamber currently looking for recognition.

Mr. REID. I also ask unanimous consent that following Senator NICKLES, Senator STABENOW be recognized for 10 minutes.

Mr. MURKOWSKI. It is the understanding, Mr. President, that we will go back and forth.

Mr. REID. The consent I propounded does that. The time works out quite closely, also.

Mr. MURKOWSKI. I reserve the right of Senator STEVENS to come in to this sequence if it is necessary. I assume Senator BINGAMAN will reserve that right for himself, as I will, and the majority leader would, as well.

Mr. REID. I certainly think the two managers of the bill should be able to say whatever they believe is appropriate during this debate. But so we have some understanding, until we get this agreement, there is no extended remarks of the two managers. We get this done and Members can speak as long as they wish.

Mr. MURKOWSKI. Reserving the right to object, I reserve that for Senator STEVENS because he is in a hearing and he may want to come back. I ask unanimous consent he be allowed to come into the sequence which would involve an interruption.

Mr. REID. I think that is fair.

Mr. MURKOWSKI. Senator BINGAMAN and I work well together.

Mr. REID. Mr. President, I again propound the request, with the exception of Senator STEVENS, who is involved elsewhere. If he wishes to speak, he will be allowed to speak at the appropriate time for whatever time he desires.

Mr. MURKOWSKI. We would like to have a copy of the list because there are two lists working.

Mr. REID. We will get that to the Senator.

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, if I am not mistaken, I am the first Senator under the unanimous consent request. I thank the Senators from Nevada and Alaska.

This has turned out to be a historic debate about energy in that we have spent more time on it than any other issue I can remember since I have come to the Senate in the last 5 or 6 years. It is important we do spend the time, because if the issue is energy security and energy independence, we see on a daily basis why it is not only timely, but absolutely essential for our national security.

We followed the issues in the Middle East for many reasons. There are those who feel a special attachment to the nation of Israel and the alliance of the United States with that nation. There are those who follow it for many other reasons. Let's be honest. One of the reasons we consistently look to the Middle East is because it is a source of energy for the United States. We were involved in a war a little over 10 years ago, the Persian Gulf war, because of the invasion of Kuwait by Iraq. President Bush's father made it clear at the time this was about energy, about oil.

Time and again, the United States focuses its attention on the world because of our dependence on other countries for the oil and gas they send to our shores. It is an essential part of our economy, an essential part of our daily lives. We Americans are very happy and comfortable with our automobiles and trucks. We like that part of being in America. However, it has a price. It has a price not only in maintaining the vehicle but a price in terms of our relationship with the world.

The purpose of this energy bill is to talk about how we establish some energy independence and energy security, how we make the right decisions today so we can say to our kids and our grandchildren, in the year 2002, we took a look at the world and said: We will change a few things in the United States so we don't end up totally dependent on some foreign country for our energy, so that your life and your economy is going to be less dependent on what happens in Saudi Arabia or the gulf states or any other part of the world.

That is as noble an aspiration as could be asked for in political life. It generated, thanks to the leadership of Senator BINGAMAN of New Mexico, this lengthy tome of suggestions for change when it comes to energy in America. What is curious is the administration, President Bush, Vice President CHENEY, and others, came up with their own plan. That plan was fraught with controversy and political intrigue. At one point, we asked a very simple question of the administration: With whom did you meet? Which corporations and companies and associations did you meet with to draw up your energy plan for America's future?

To the surprise of this Senator, and many others, Vice President CHENEY basically said: That is none of your business. We are going to put together

our plan and submit it to you. We hope you like it, but you don't have a right to know with whom we consulted.

In the meantime, the Government Accounting Office has taken the administration to court to produce the names of the people with whom they worked. A court in the District of Columbia ordered the disclosure of some of the names. To the surprise of virtually no one, the major groups that wrote the administration's policy were the oil and gas companies, the energy companies. They are the ones that put it together. Yes, there was an invitation for an environmental group to drop by and say, hello, have a sandwich, and leave, but the substantive work and the appointments were with the energy companies. It is reflected in the administration's approach.

Why are we debating the Arctic National Wildlife Refuge? Frankly, for reasons it is hard to explain, it is the centerpiece of the George W. Bush administration's energy plan for the future of America. We have spent more time talking about that tiny piece of real estate in Alaska than many other issues that do bear on the importance of energy security.

One would be led to believe, if one didn't know the facts, that if we could just drill in the Arctic National Wildlife Refuge, if we could scatter that Porcupine caribou herd, put up our pipeline and drill, America could breathe a sigh of relief. We finally found the oil we need for the next century.

Nothing could be further from the truth. That is why you have to ask yourself, if this is not the answer to our energy prayers, why are we spending so much time at this altar? We are spending more time debating the Arctic National Wildlife Refuge than many other critically important elements of our energy security.

It has a lot to do with the group that put together the administration's energy plan. Let's be honest. These oil companies own the rights to drill the oil. If they can get into this wildlife refuge, if they can drill, they will make some money out of it. It is part of business. It is a natural part of the free market economy. It isn't about energy security. It is about these oil companies and their rights to drill and make a profit.

Let me tell you what that means in real terms. Here is a report, not from a left-wing group but from the Energy Information Administration, part of the Department of Energy for the George W. Bush administration. Here is what they have said about the Arctic National Wildlife Refuge:

> Net imports are projected to supply 62 percent of all oil used in the United States by the year 2020. Opening the Arctic National Wildlife Refuge is estimated to reduce the percentage share of net imports to 60 percent.

So if we give to those oil companies the right to move into this wildlife refuge, the right to drill in territory and land which we have set aside and held sacred now for over 40 years, what does America get as part of the deal? A net reduction in our dependence on foreign oil by the year 2020 from 62 percent of all the oil we use to 60 percent. The estimates are all of the oil taken out of the Arctic National Wildlife Refuge over a 10-year period of time would amount to 6 months' worth of energy for the United States.

Why, then, if that is what we are talking about, is this the centerpiece of the administration's policy? It goes back to the point I made earlier. It is the centerpiece of their policy because the people who wrote the policy, the special interest groups that sat down and crafted the policy, have another agenda. It isn't energy security; it isn't energy independence. It is about profitability.

Look at the impact of ANWR on net imports. The green line is net imports with ANWR; the blue line is net imports otherwise. They are almost indistinguishable. The chart says the same thing that President Bush's Department of Energy has already said.

So we find ourselves in the position of debating this issue. When President Eisenhower created the Arctic National Wildlife Refuge—and I might remind people, President Eisenhower was not viewed as some radical environmentalist—he was following in a long line and a long tradition in America where Presidents of both political parties took a look at their heritage, America's lands, and said: There are certain things which we want to honor, respect, and not exploit.

They took a tiny piece of real estate in one of the most remote parts of America, in this new State of Alaska, and said: This piece we will protect as a wildlife refuge.

For over 40 years, President after President, Democrat and Republican, respected that—until today. Today we have an argument from this President and his supporters in Congress that it is time for us to move in and start to drill.

I suggest to my colleagues that the Arctic Coastal Plain we are discussing is a unique natural area, one of America's last frontiers. These precious lands will be part of our legacy for future generations. Before we cavalierly say to these oil companies: pull in the trucks, pull in the rigs, and start drilling, we ought to step back and reflect as to whether or not this is sensible or responsible. I do not believe it is.

In this energy policy we have brought to the floor, there are a lot of suggestions about reducing our dependence on foreign oil. There was one that came to the floor for debate and a vote a week or two ago which went to the heart of the issue. Of all the oil we import to the United States today from overseas, 46 percent of it goes for one purpose—to fuel our cars and trucks. That is right. Forty-six percent of all the oil coming to the United States goes to fuel our automobiles and trucks. That number is supposed to grow to almost 60 percent in a few years. In other words, our demands for more vehicles to be driven on the highway as we want is going to increase our dependence on foreign oil.

Doesn't it stand to reason that part of any responsible energy bill would talk about the fuel efficiency of the cars and trucks that we drive?

Not in the eyes of the Senate. We had a vote to put a new fuel efficiency standard on the books and it lost 62 to 38. The Big Three automakers and their supporters came to the Senate and said: We do not want you to improve the fuel efficiency and fuel economy of vehicles in America.

The Senate said: You are right. We are not going to touch it.

Why is that significant? It is significant for this reason. Look at what would happen here in terms of the billions of barrels of oil we would have saved just by increasing the fuel efficiency of cars and trucks in America. If we had gone up to 36 miles a gallon by 2015, with 10-percent trading of credits back and forth, the red line shows we would be saving somewhere in the range of 14 billion barrels of oil cumulative; at 35 miles per gallon, you see the blue line is higher because it is at an earlier date that it is implemented.

You have to scroll down here, if you are following this, and look down low and see what the ANWR means in comparison. It is this line here at the bottom, barely over 2 billion barrels of oil in the entire history of drilling in the Arctic National Wildlife Refuge.

This Senate rejected real savings when it came to fuel efficiency and fuel economy. We rejected that. We rejected it, incidentally, because the Big Three in Detroit and their lobbyists in Washington effectively lobbied the Senate.

But today we are being asked to go ahead and drill in the Arctic National Wildlife Refuge, a refuge that has been set aside for 40 years, and we know it doesn't even hold a candle to the savings enhanced fuel efficiency would generate in terms of our energy dependence.

The lesson and the moral to the story is there are a lot more lobbyists for the oil companies than there are for the Porcupine caribou that live in the Arctic National Wildlife Refuge. That is the bottom line. There are not a lot of people out there with antlers, waiting in the lobby, but there are a lot of folks with Gucci loafers on, and they are waiting to tell us: Don't touch the Big Three when it comes to the fuel efficiency of vehicles.

I think it is shameful to think that between 1975 and 1985 we passed a law that doubled the fuel efficiency of cars to a level of about 28 miles per gallon, and that we have not touched that issue for 17 years. That tells me we have been derelict in our responsibility. If we really cared about America's independence and security, we would be focusing on fuel efficiency, fuel economy of the cars and trucks we

drive. But this Senate walked away from it and said, no, we don't want any part of that debate. We are with the Big Three. We are with the special interests. Instead, let's figure out how we can drill in the ANWR.

That is not the only thing we have ignored. Renewable energy sources, what are those? Those are the ones that are not expended such as fossil fuels. Once you burn the tank of gas, it is gone into the atmosphere. We get the energy out of it and leave the pollution. Renewable energy sources, such as wind and solar energy and hydrogen cells and those sorts of things, fuel cells, all of those have the potential of environmentally friendly sources of energy. How much do we in the United States today rely on that kind of renewable energy to generate electricity? To the tune of about 4 percent of our total, about 4 percent.

Some of us said: Why don't we take on, as a challenge to America, increasing our dependence on renewable environmentally friendly energy sources such as wind power and solar power and fuel cells and hydrogen power? Let's increase the renewable portfolio standard to 20 percent over a 20-year period of time. Senator JEFFORDS of Vermont offered that. I cosponsored it. It is not an unrealistic goal. The State of California currently relies on renewable energy sources for more than 10 percent of its electricity.

We can, as a nation, do it, reduce dependence on foreign energy. But this Senate said no because the oil companies, the special interests out in the lobby, in their three-piece suits, said: No, we are not interested in that. We don't own the wind. We don't own the Sun. We own the oil. We own the gas. Stay dependent on that, America.

So we have a modest goal of increasing our use of renewable energy from 4 percent to 8 or 10 percent. At a time when we are dealing with an energy bill, I think we are suffering from anemia. We are afraid to step out and do what is necessary to make America less dependent on foreign fuel.

Drilling in the Arctic National Wildlife Reserve is the answer to every lobbyist's prayer. But, honestly, it is not the answer to America's prayer. America is praying this Senate comes to its senses, that we understand we can make and must make bold and important decisions today. If we say to the Big Three, you have the wherewithal and the technology to produce a more fuel-efficient vehicle so we can still move our kids to soccer games and be safe on the road, they can do it. We issued that challenge before and they did it. They didn't like it. They resisted it.

In 1975, when we increased fuel efficiency, the Big Three said that was impossible. Double fuel economy in America? Let me tell you what is wrong with that idea: Technically impossible; the cars will be so small they will look like gocarts, they will not be safe, Americans won't drive them, and you are going to drive jobs overseas. That was the argument in 1975.

Guess what. We ignored them, passed the law, and none of those four things happened. By 1985, we doubled fuel economy and none of those things happened. So in the year 2002, when we get in the same debate about fuel efficiency, what did the Big Three say? Technically, it's really impossible, Senator, for us to improve fuel economy. The cars will be so tiny they will be like gocarts. People won't like them. They won't be safe. And people are going to buy cars from overseas. The same arguments, the same empty arguments. It shows an attitude of some of our manufacturers in this country which in a way is embarrassing.

Why is it when it comes to the new generation of vehicles on the road, the hybrid vehicles getting 50 or 60 miles a gallon, they all have Japanese nameplates on them? I don't get it. This is the greatest country in the world, with the strongest military in the world, the best schools in the world, the best engineers in the world. Yet when it comes to automobiles, we are satisfied with the bronze medal every day of the week. Frankly, the Senate has not stepped up to its responsibility in adding the provisions that are necessary to make sure our energy independence is established.

We want energy security but not at the expense of America's last frontier. If we are serious about energy security, we have to reduce oil consumption in the vehicles in our country. A comprehensive, balanced energy policy will provide for oil and gas development in environmentally responsible areas—not the Arctic National Wildlife Refuge.

We can establish conservation measures. We can cut down on our energy consumption. We owe that not only to ourselves but to our children.

As James E. Service, a retired vice admiral of the Navy, wrote in a recent Los Angeles Times op-ed:

> National security means more than protecting our people, our cities and our sovereignty. It also means protecting the wild places that make our nation special. Drilling the Arctic National Wildlife Refuge . . . just doesn't make good sense or good policy.

He said that on January 14 of this year.

But someone before him really set the tone for Congress to think about it. His bust is out in our lobby. His name was Teddy Roosevelt. As Vice President, he presided over this Senate. He is the one who really told America to be mindful of the heritage you leave. I quote him:

> It is not what we have that will make us a great nation; it is the way in which we use it.

Teddy said that almost 100 years ago. On this vote, we will find out whether the Senate remembers Roosevelt's advice to our Nation.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized.

Mr. BURNS. Mr. President, I think if we have learned one thing from this exercise on energy legislation, it is that we found trying to mark up a bill on the floor of the Senate is pretty difficult. I was reminded that back in 1992 we almost did the same. We didn't have quite the spirited committee action on energy, but we still got into the same kind of a bind when it came to the floor. Maybe it doesn't make a lot of difference.

I would like to remind my colleagues that today we should be talking about a policy we can shape to take us into the future. We are not only dealing with the acute situation we find ourselves in today, but where we want to be in 20, 30, 40, or 50 years from now. What do we do about new technologies, and which technologies are able to be developed in that time? That question indicates to me we have a great deal of flexibility to allow those new technologies to evolve and be used as soon as they are developed. Whatever we do in Government mandates, therefore we should make sure they are not frozen in place. We should allow those new ideas to grow.

Market forces will dictate more in the way of conservation than any mandate by the Federal Government has ever done.

Let me remind you that if gasoline goes to $2 a gallon, you are still spending more money for the water you buy in that filling station than you are for the gasoline. You will start looking for conservation practices in the things you do in your traveling habits.

Fossil fuel has been the primary fuel of our economy since the turn of the last century. For over 100 years it has served us well, and it could for the next hundred. However, it should not be the only fuel we use in our everyday lives.

New technology has moved us to unlimited use of renewables and different sources in the evolution of conservation technology and practice. We know the present conditions and situations. We should deal with them and decide what our policy will be after resolving this acute situation. The condition we find ourselves in today is about energy security. To those who would use the flimsy argument saying we should use less and produce less, I say there is another one that is acutely in our makeup; that is, energy security is economic security is national security. What direction that takes us in is very important. Our challenge should be that debating this bill will take us beyond that situation. The world condition is at hand, and it should be dealt with right now.

I have iterated many times that we are still dependent on fossil fuels. The switch from those fossil fuels is a process that will take a long time, and it will be very expensive.

What is at stake here? Let us look at the real facts instead of the misinformation that is floating around this town. Let me remind you that the American people know what is at

stake, and they are not comfortable with the facts they are given. They are equally uncomfortable with what is happening on the floor of this Senate.

I have one simple question: Why are we importing oil from Iraq? Agreed, they are allowed to sell oil under the U.N. resolution. The income derived from those sales is to be used to buy food and medical supplies for the citizens of Iraq. If Saddam Hussein sells us anywhere from 650,000 to 850,000 barrels of oil a day, and also sells some oil on the black market, what is he doing with that money? Where do you think it goes? I will tell you where it doesn't go. It doesn't go to the citizens of Iraq. He buys arms and technology to equip his army and support terrorist activities around the world. In fact, we are told that Iraq is paying $25,000 cash to any family who loses a suicide bomber. That is going way over the line.

From the Gulf, we import about 10.8 million barrels of oil a day, and 1.5 million barrels comes from Saudi Arabia. Nearly a million barrels come from Iraq.

Let us take a look at this tiny little spot called the Arctic National Wildlife Refuge. Keep in mind that when it was created, this little area was set aside for oil and gas exploration and production. That is the reason it was set aside—not the whole Arctic Plain, but just that little footprint of 2,000 acres or less.

Conservative estimates put the total production at about 1.35 million barrels a day. That would replace 55 years of oil from Iraq and 30 years of oil imports from Saudi Arabia.

The reserves in ANWR are estimated to be 10 billion barrels. That is a conservative estimate.

Remember how we underestimated Prudhoe Bay. It has produced nearly 20 percent of our domestic production in the last 25 years.

Since 1973, domestic production has decreased by 57 percent. We are only producing about 8 million barrels a day, and we are using 19 million barrels a day.

Anybody who doesn't understand that didn't take basic math in the same grade school where I went to school, which is a little country school.

We hear every day on the floor of the Senate that we should be concerned about our balance of payments. We should be concerned about it. Last year alone, we sent $4.5 billion to Saddam Hussein's Iraq for his oil.

As I said, energy security is economic security is national security.

This has a job impact. We heard all kinds of estimates. But we know this won't happen without the effort of labor. Yesterday, if you had stood with the heart and soul of the labor folks in this country and heard their arguments that this should happen, then you would understand why the Nation supports the development and exploration of this tiny spot.

We have people living in Montana who work on the North Slope. We have had since the first day they started production up there. They jump on airplanes, spend a couple of weeks, and come home for a week. It is important to my state. If Prudhoe were built today, the footprint would be around 1,500 acres—64 percent smaller than it is. ANWR will impact 2,000 acres out of 1.5 million acres on the Coastal Plain.

I have been up there. I have seen the Porcupine caribou herd. It has grown about three times in size during the last 20 years. That is where they calve. They don't stay there all winter. They are a migrating herd. Nothing has kept them from migrating. The people who live in that area depend on that herd. That is a source of food supply for them. When they migrate, that is when they get their winter stores. They don't have grocery stores like we have down here. They don't want anything to happen to that herd. I don't think they are going to mislead us on how that herd will be impacted.

Oil and gas production and wildlife have successfully coexisted in the Alaskan Arctic for over 30 years. The figures bear that out.

Despite what is told and the misinformation that flies around here, the folks on the Coastal Plain support this by 75 percent. They understand what the revenue does. They understand that it provides a government service which is demanded by them. That is even taking into account the money that it pumps into the National Treasury. Anybody on the Budget Committee around here would understand that also.

I know how this impacts a State represented by two Senators who have stood in this Chamber and have fought for their people every day. It is like us going to southern Illinois and saying: You can't have any more oil production down there. But they can't say it because there are no public lands. But in Alaska there are, and that is the difference. Withdrawal of public lands from any exploration of natural gas in the States of Montana, Wyoming, Colorado, and some in New Mexico, has cost the American people 137 trillion cubic feet of natural gas. And that is going to be the fuel that produces the electricity of the future. We think it is for ''the environment,'' when it could be lifted, produced, and moved with hardly a disturbance to any of the surface of our land.

And, yes, you are going to see natural gas turn up as a transportation fuel.

What we are doing in this argument defies common sense. These are the facts. They should not take away from our investment into new technologies and our determination for conservation. I will not let anybody else redefine the word ''conservation'' because it is defined as a wise use of a resource. We should move forward on R&D into new technologies. Even coal—and Montana is the ''Saudi Arabia'' of the coal reserves in this country—it is there, it is handy, it is affordable, and it is ready for use.

Our investment in fuel cell technology will be an important part of our energy mix, and we should not depart from its development. I will tell you what fuel cells do. Fuel cells are to the electric industry what the wireless telephone is to the communications industry. They are safe, clean, and now we have a chance to make it affordable. We should continue our work in that area.

But, in the meantime, let's do what common sense tells us to do: Let's use that little footprint afforded to this country for the production of energy because energy security is economic security, is national security.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, seeing no other Senator seeking recognition, I would like to take just a few minutes to share with you a chart that has already been identified on a couple of occasions but I think needs a little further identification.

As I show you on this map what happened to Alaska in 1980. The ANILCA land law was passed, and our State was, in effect, gerrymandered by Congress.

I want you to look at all those stripes across an area that is one-fifth the size of the United States because it is entirely the Tongass—this area in southeastern Alaska where our capital, Juneau, is located—Ketchikan, our fifth largest city; Wrangell; Petersburg; Sitka; Haines; Skagway—this is a national forest. There are 16 million acres in that national forest. The only thing they forgot is people lived in the forest. The communities were there. The assumption was that there would be no real justification for the State selecting land there. It was not even an issue in statehood in 1959.

The reason it was not an issue is there was an assumed trust between the people of Alaska and the Congress of this country that those people could live in that forest, they could make a living off the renewability of the resources, the fish and the timber.

Previous to statehood, the Department of Interior ran the fisheries resources of Alaska. They did a deplorable job. They figured that one size fits all. We actually had our fishermen on self-imposed limits.

My point in showing you this detail is this is what happened to Alaska. Rather than have a resource inventory of those areas that had the capability for minerals, oil and gas, timber, and fish, there was an arbitrary decision made. It was a cut deal by President Carter. As a consequence, these areas of Alaska were withdrawn. They are wilderness or refuges or sanctuaries, but they were all withdrawn from development.

I want you to take a closer look at the map because here is where the real influence of America's extreme environmental community entered into this national effort.

You notice here on the map, clear across where the Arctic area comes

into play, this is the general area of the Arctic Circle. There is only a little tiny white spot that was left for access, if you will. And the access we have from the Arctic, from Prudhoe Bay, is through that little area where we have this red line, which is the pipeline that brings 20 percent of America's total crude oil to market in Valdez.

They tried to gerrymander, if you will, the designation of land in this State by closing access. We have this huge area out by Kotzebue that is mineralized. They closed that off. This did not happen by accident. This was a cut-and-dry deal in 1980. Now we are living with it today.

I recognize my good friend from Ohio is in the Chamber, so I will be very brief in making this point because I am going to be making several points throughout the remainder of the day.

We have heard quotes from Theodore Roosevelt by some of the speakers. I would like to ask just for a brief reflection on another quote in 1910. Theodore Roosevelt said:

> Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land, but I do not recognize the right to waste them or to rob, by wasteful use, the generations that come after.

Let's look briefly at the record. I am referring to the administration of Jimmy Carter in 1980, and the Alaska National Interest Lands Conservation Act. I quote from President Carter's remarks on signing H.R. 39 into law, December 2, 1980. I quote former President Carter:

> This act of Congress reaffirms our commitment to the environment. It strikes a balance between protecting areas of great beauty and value and allowing development of Alaska's vital oil and gas and mineral and timber resources.

Our timber resources are totally tied up. We do not have the availability of developing them. As a matter of fact, there is more wood cut for firewood in the State of New York than we cut commercially. We have lost our pulp mills under the previous administration. We have lost our saw mills.

So as President Carter indicated, it allows development of ''Alaska's vital oil and gas and mineral and timber resources.'' It is a promise that has been broken. He further states:

> A hundred percent of the offshore areas and 95 percent of the potentially productive oil and mineral areas will be available for exploration or for drilling.

I can tell you, you cannot get a permit offshore, you cannot get a permit on the Arctic Ocean to drill today. Go down to the Department of Interior and try it.

Lastly, I am going to refer to that same meeting, December 2, 1980, and the remarks of Representative Udall of Arizona.

His conclusion was:

> I'm joyous. I'm glad today for the people of Alaska. They can get on with building a great State. They're a great people. And this matter is settled and put to rest, and the development of Alaska can go forward with balance.

That is a pretty strong statement. The citizens of the territory of Alaska bought that. Of course, we were a State at that time in 1980. We bought it, we believed that we could get on with the development of our State. The ability to get on with the development of Alaska was the ability to penetrate the mentality of the Congress and any given administration on the right that we have, as American citizens, to develop our State.

We have been, for all practical purposes, eliminated. Because every time we want to do something, we have to cross Federal land. We don't even have access to our State capital. These were promises made to the people of Alaska. These were promises that have not been kept by the Federal Government.

As we debate the area, the 1002 and ANWR, again, I ask both Republicans and Democrats to recognize, it is not a wilderness. It has never been a wilderness. It is a refuge. The Senator from Louisiana has charts that show us what has happened in refuges. We have oil and gas exploration in them all the time.

This was reserved for Congress. Only Congress can open it. But for those who think it is an untouched, spectacular area, there are people who live up there. There is the village of Kaktovik.

Let's put this discussion in real terms. We are fighting for the rights we thought we had obtained when we became a State, the right to responsibly develop the State. This chart shows oil and gas production in refuges around this country. Don't tell me that somehow we are doing something wrong by trying to open a refuge in the Arctic.

We will have a lot more to say about this. I did want to address the inconsistency and the broken promises that have been made and the fact that our small delegation, Senator STEVENS and I and Representative YOUNG, feel very strongly, as do the residents of Alaska, that this trust has been broken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today in support of permitting oil exploration in the Alaska National Wildlife Refuge. Permitting oil production in ANWR will help ensure that the United States is better able to meet our growing energy needs in an environmentally sound manner, create and retain hundreds of thousands of jobs, boost our domestic economy, and protect our national security.

America's need to continue to fuel our economic recovery and guarantee future success will require us to produce ever greater amounts of energy to keep up with the demand.

You can see from this chart, according to the Department of Energy, we have a huge gap between our domestic energy production and our overall energy consumption right now. What's more, between now and 2020, we will have to increase energy production by more than 30 percent just to keep up with growing demand.

This looming energy crisis requires us to enact a comprehensive energy policy, the likes of which we have never had before in this country: a policy that harmonizes energy and environmental policies, acknowledging that the economy and the environment are vitally intertwined; a policy that won't cause prices to spike, hurting the elderly, the disabled and low-income families as we experienced in the winter of 2000–2001, particularly in the Midwest; a policy that won't cripple the engines of commerce that fund the research that will yield future environmental protection technologies, technologies that can be shared with developing nations that currently face severe environmental crises; and, most importantly, a policy that protects our national security and prevents market volatility by increasing domestic energy production.

The current situation in the Middle East and the resulting price increases we have seen at the pump give us a taste of how badly we need an energy policy and how much we need to turn towards domestic sources to meet that goal. However, as we rely on our own strengths for the answers to the coming energy crisis and though we are blessed with large reserves of oil, natural gas, coal, nuclear fuel, as well as access to renewable sources of energy, we must remember that no single source of domestic energy is sufficient to meet all our Nation's energy needs. That means we have to broaden our base of energy sources and not put all our eggs in one basket.

If we were some other nation, diversifying our energy supply might be a great challenge, but God has blessed the United States of America with resources to solve this problem. Conservation has proven successful in reducing energy demand. So often people say: We aren't doing enough to conserve. We are. By incorporating technology breakthroughs into the production of energy-efficient automobiles, high-efficiency homes, more efficient appliances and machinery, conservation has succeeded in saving us millions of dollars while simultaneously improving our environment.

Let's look at this chart. According to the 1995 DOE report, the most recent data available, from 1972 to 1991 the United States saved more than $2.5 trillion through conservation. That is a lot of foreign oil that we didn't have to buy. It is safe to say that we have saved much more money since then, underscoring that conservation efforts deserve our continued attention.

We currently rely very little on renewable sources of energy. In fact, wind and solar together make up less than one-tenth of 1 percent of our current total energy production. Additionally, they are expensive and heavily subsidized. In fact, the average cost per kilowatt hour of electricity from a newly installed windmill is 5 cents compared to 2 cents per kilowatt from a coal-fired facility.

On top of this, wind and solar cannot be stored, creating reliability problems and making it difficult to spread our costs out predictably over time.

Currently, total renewables production, which includes geothermal, solar, wind, hydro and biomass, reaches only 8 percent of our overall domestic energy production. We should work to increase that, however, since these forms of energy are environmentally friendly and because they can help reduce our reliance on foreign energy sources. However, we also must be realistic about our challenge. Because renewables make up such a small piece of our overall energy picture today, they don't have the capacity to meet our needs in the timeframe we are facing. A sudden, forced shift in these sources would severely strain their underdeveloped capacity, causing shortages and price spikes that would hurt our economy.

For example, the requirement in the Daschle bill that utilities generate 10 percent of their electricity from renewable sources of energy is estimated to increase the cost of electricity nationwide by 5 percent and a whole lot more in a State such as Ohio. Just as we develop new sources of electricity generation, we should continue to encourage development of new energy sources for transportation.

In the 1970s, the United States recognized the need for diverse energy supply by expanding the use of natural gas, coal, nuclear, hydropower, and other renewables, and decreasing the use of oil for non-transportation uses. In 1978, non-transportation uses of oil in this country accounted for almost 50 percent of our oil consumption. Today, these non-transportation uses account for about one-third of our oil consumption.

Though home heating oil use remains high in certain regions of the country, particularly in the Northeast, consumers have increasingly sought other sources such as natural gas to heat their home. In addition, oil-fired powerplants are virtually nonexistent today in the United States. Crude oil prices and policy priorities encouraged substituting oil with other fuels for our non-transportation needs, but oil products still make up 95 percent of the energy used for transportation in the United States.

This number will not decrease unless fuel cells and hybrid vehicles become more economically viable. But their day is coming. In fact, in a recent meeting I had with General Motors executives in Detroit, I was told that the company sees fuel cell technology becoming a viable power source in the next 10 to 15 years. We are talking reality. It is not science fiction to think that our children and grandchildren will see a time when the roads are traveled by cars that run on hydrogen and give off only water.

An amendment from the Finance Committee will help encourage the development of these new technologies, providing an estimated $2.1 billion in tax incentives for the use of alternative vehicles and alternative motor fuels.

We are doing a lot right now to try and move away from the use of oil in this country and bring down our demand for it through research, incentives, and many other things. Encouraging these new fuel sources is worthwhile, but until they become more widely adopted and cost effective, we will need to continue relying on oil to move people across town and across the country and to move raw materials and finished goods.

As I have mentioned, much of this oil comes from foreign sources. We must increasingly compete against other nations for this oil. As demand grows in response to the expanding world economy, the world economy is growing. For example, at one time, China produced enough oil to meet their domestic needs and still have some left over to export. Today, they import oil.

What if there was an opportunity in the United States to greatly reduce our dependence on foreign oil by using domestic sources of oil? Fortunately, with the amendment offered by Senator MURKOWSKI, we have that opportunity. For over 40 years, Congress has debated whether or not to develop the Arctic National Wildlife Refuge, or ANWR. Senator STEVENS' words yesterday were eloquent and very informative on the history of ANWR. I suggest that those who did not hear the Senator, take the time to read his remarks in the CONGRESSIONAL RECORD. His remarks should help them to make a better decision on this amendment.

As Senator STEVENS reminded us, this debate is about our national and economic security, but, sadly, the reality of ANWR has always been misconstrued and used as a political tool. I have to say, those who are opposed to allowing a small portion of ANWR to be used to help meet our energy needs have done an admirable job in trying to sway public opinion. Unfortunately, they have incorrectly painted this as a wholesale abandonment of the Alaskan wilderness.

Thus far, they have had vast success in muddying the facts. Today, though, I will make clear what ANWR is, what we are talking about, and what limited, precise oil exploration in ANWR means for our Nation.

Created in 1960, ANWR was expanded to 19 million acres in 1980 by the Alaska National Interest Land Conservation Act. While designating 8 million of the original acreage as wilderness, Congress treated the 1.5 million acres of ANWR's Coastal Plain very differently. I am sure Senator STEVENS may remind us again, but back in 1980 Congress debated the same subject. At that time, Mark Hatfield, the ranking minority member and Henry Jackson, Chairman of the Energy Committee, wrote a letter urging their colleagues to support exploration in ANWR because, and I quote:

> One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of the Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our Nation in this time of energy crisis.

They also said that the issue:

> . . . is not just an environmental issue, it is an energy issue. It is a national defense issue. It is an economic issue. It is not an easy vote for one constituency that affects only a remote, faraway area. It is a compelling national issue which demands the balanced solution crafted by the Energy and Natural Resources Committee.

I agree with the points raised in this letter. This is a national security issue as well as an economic security issue. When President Carter signed the Alaska National Interest Land Conservation Act in 1980, he stated this legislation:

> . . . strikes a balance between protecting areas of great beauty and value and allowing development of Alaska's vital oil and gas and mineral and timber resources.

Section 1002 of the Act mandated a study of the Coastal Plain, or 1002 area, and its resources. After almost 7 years of researching the wildlife and the impact of oil development, the study recommended full development and described the area as ''the most outstanding petroleum exploration target in the onshore United States.''

The report recommended full development of this area while also stating that it is the most biologically productive part of ANWR. This means that in 1987, when the report was issued, it was believed that proper environmental steps, combined with technology, which is now 15 years old, would not significantly harm the wildlife.

However, the report did say that if the entire area were leased and oil were found, then there would be major effects on the wildlife. But no one here is talking about that. We are talking about 2,000 acres for oil exploration—2,000 acres out of 1.5 million acres. That is less than one-half of 1 percent of the total area.

This is one of the biggest misrepresentations about this debate. The entire area of ANWR's Coastal Plain is about the size of the State of South Carolina. To the casual observer, he or she thinks drilling means drilling throughout the entire refuge, but it is really just a 2,000-acre site. That is about the size of Dulles International Airport. If you look at this map, you can see just how small the area is compared to the vast wilderness of the Alaska wilderness and ANWR.

The two major concerns of the ANWR debate—and the issues that divide the two sides—are the environment and oil. While we know a lot about the wildlife and impact of oil development, we only have estimates about oil because the prohibition on drilling prevents a definitive answer to the question.

We know that the central Arctic caribou herd has grown from 3,000, when development began at Prudhoe Bay, to as high as 23,000 caribou. We know that development on Prudhoe Bay, which was discovered in 1967, would be 64-percent smaller if built today. We know

that a drill pad that would have been 65 acres in 1977 can be less than 9 acres today. We know that Alaskan oil companies now build temporary ice pads, roads, and airstrips instead of using gravel. We know that the pictures in the commercials and magazines refer to ANWR as ''America's Serengeti.'' They must not be talking about the Coastal Plain, for this area is a winter wasteland, where temperatures regularly reach 70 degrees below zero for 9 months of the year, with 58 consecutive days of darkness.

We also know that the Coastal Plain is along the same geological trend as the productive Prudhoe Bay, and it is the largest unexplored, potentially productive onshore basin in the United States. But nobody knows for sure what is under there because we are prohibited from finding out.

In addition to the initial 1987 report, the Department of the Interior has issued assessments in 1991, 1995, and 1998 based on updated data from the U.S. Geological Survey. According to the USGS, it is estimated that the Coastal Plain holds between 5.7 billion and 16 billion barrels of recoverable oil, with an expectancy of about 10.3 billion barrels. The Coastal Plain can hold more than that, though. For example, the North Slope, was originally thought to contain 9 billion barrels of oil, but it has produced 13 billion barrels to date.

What if there isn't any oil? We know that technology is so advanced for Arctic drilling that there can be hardly, if any, environmental damage from exploratory drilling. For example, an exploratory well drilled in 1985 in the area adjacent to the Coastal Plain did not affect the wildlife. If the area does have as much oil as estimated, the benefit could be great. To put the numbers in perspective, Texas has proven reserves of 5.3 billion barrels. There is a 95-percent chance that ANWR will yield more oil than all of Texas and a 5-percent chance that there is three times as much oil as in Texas.

One of the half-truths being spread by those opposed to this amendment is that there is only 6 months of oil in the Coastal Plain. This is misleading because it assumes no other sources of oil—no imports, no other domestic supply—except from ANWR. The real truth is that, according to the Department of Energy, ANWR's oil supply would last between 30 to 60 years.

Last week, Iraq, one of the ''axis of evil'' nations, announced a suspension of oil exports. Iraq supplies more than 9 percent of the 8.6 million barrels of oil we import every day. It is a longstanding U.S. policy not to allow oil to be used as a political weapon. We cannot be held hostage to external interests or pressures. Iraq's embargo last week shows there are some countries that still think they can apply pressure in this manner.

I am not upset at the fact Iraq shut its spigot because I have little doubt we will make up whatever dropoff occurs from other sources. Frankly, I think it is incredible that we send $24 million a week and $4.5 billion a year to a nation that is clearly an enemy of the United States and over which our military flies regular combat missions. It doesn't make sense.

Iraq's action puts the embargo card back on the table as a weapon to try to shape American opinion and Government policy. Who is to say other leaders in the Middle East might not take the same step in the future? We know who they are today. But who are they going to be tomorrow, particularly in light of growing Muslim extremism. Some of my colleagues may say since all our oil does not come from the Middle East, we can look to other nations. That is true, and one such supplier, Venezuela, is currently undergoing political and labor strife which has a tremendous impact on its oil industry. Indeed, reports by Venezuela's Industrial Council earlier this week indicated that 80 percent of the country's oil industry has been shut down. When Chavez retook the Presidency, oil prices went up almost 5 percent out of fear he will keep a tight rein on the production volume.

It is not out of the question to say our Nation may once again face the long lines we experienced during the 1973 oil embargo. You would have thought we would have learned our lesson and worked to develop other oil. However, we have seen our oil imports rise from 35 percent in 1973, and we are now at 58 percent. We have made very little progress in achieving our energy independence in the nearly three decades since the 1973 embargo.

We had the chance to make significant progress in 1995 when the Senate approved exploratory drilling in ANWR. Unfortunately, President Clinton vetoed the bill. Had he not, the Energy Information Administration estimates that oil could have been flowing to us by as early as next year.

When ANWR is developed, the Energy Information Agency projects that peak production rates could range from 650,000 barrels to 1.9 million barrels per day. The lowest of this estimate would replace the 613,000 barrels per day we imported from Iraq in 2000. The highest estimate would replace 76 percent of the 2.5 million barrels a day we import from the Persian Gulf in 2000.

It is very simple: We need to break our dependence on unreliable foreign energy sources. If the enemies of America are willing to take out the World Trade Center and the Pentagon, does anybody doubt that if they had a chance to impact our energy supply, they would do it?

Shouldn't we be able to at least find out how much oil is in ANWR especially with this commonsense environmentally sensitive amendment? The amendment includes many environmental protections, such as seasonal limitations, reclamation of land to its prior condition, use of the best available technology—including ice roads, pads, and airstrips for exploration, and more.

Our dependency on foreign nations also threatens our economic security. Price shocks and manipulation from OPEC between 1979 to 1991 are estimated to have cost the U.S. economy about $4 trillion, while petroleum imports cost the United States more than $55 billion a year and account for over 50 percent of our trade deficit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. VOINOVICH. I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 3 additional minutes.

Mr. VOINOVICH. Mr. President, development of the Coastal Plain will bring up to $350 billion into the U.S. economy and create up to 735,000 jobs at home. In my state of Ohio, the number of jobs created is estimated at 52,000 for the petroleum industry and 31,000 for other jobs, such as oilfield and pipeline equipment manufacturing, telecommunications and computers, and engineering, environmental and legal research. These are real jobs for the people in my State, in spite of the fact we are so far away from Alaska.

The economic impact for oil development in Alaska is not a surprise; we are experiencing it even today. It has meant a great deal to our State and to many other States.

I also wish to point out that we have the support of Alaska's citizens and elected officials. We have heard from both of Alaska's U.S. Senators. We have heard from the Inupiat Eskimos who live and own 92,000 acres of Coastal Plain. Twenty years ago, they were opposed to this, but now are for it.

We cannot continue to rely on unstable foreign sources to meet our energy needs. The events of September 11 made it clear who our enemies are, yet we continue to do business with them and support their terrorist activities by buying oil from them. We know we have the resources domestically to reduce our addiction to foreign oil. Now is the time to tap them.

This amendment is economically sound, it is environmentally responsible, and it responds to our long-term national security needs. It is my fervent hope that my colleagues will recognize these facts and support this amendment to allow for oil exploration in ANWR, just as they did in 1995 and 1980.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for 7 minutes prior to the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 7 minutes.

Ms. CANTWELL. Mr. President, I rise today in opposition to this amendment, which would open up the Arctic National Wildlife Refuge to oil development. I believe drilling in ANWR is a

short-term, environmentally unconscionable fix that fails to address our Nation's real malady: Our dependence not just on foreign oil, but our overdependence on oil itself.

I believe there is no way to justify drilling in ANWR in the name of national security. Oil extracted from the wildlife refuge would not reach refineries for 7 to 10 years and would never satisfy more than 2 percent of our Nation's oil demands at any one time.

Thus, it would have no discernable short-term or long-term impact on the price of fuel or our increasing dependence on OPEC imports. Put another way, the amount of economically recoverable oil would temporarily increase our domestic reserves by only one-third of 1 percent, which would not even make a significant dent in our imports, much less influence world prices by OPEC.

An ''ANWR is the Answer'' energy policy fails to recognize the fundamental truth: we cannot drill our way to energy independence.

The United States is home to only 3 percent of the world's known oil reserves, and unless we take steps necessary to increase the energy efficiency of our economy and, in particular, the transportation sector, this Nation's consumers will remain subject to the whims of the OPEC cartel. To suggest that drilling in the Arctic is the answer is to ignore the facts and creates a complacency that truly jeopardizes our economic and energy security.

Furthermore, I believe the recent U.S. Geological Survey report on the biological value of the Arctic National Wildlife Refuge Coastal Plain and the impacts of oil and gas development on resident species reinforces what many of us have argued from the beginning. Drilling in the Arctic represents a real and significant threat to a wide range of species including caribou, snow geese, musk oxen, and other wildlife. This report represents sound science. It was peer reviewed and summarizes more than 12 years of research.

In stark contrast, the Department of the Interior's recent release of a new two-page memo, which purports to examine the impacts of ''more limited drilling'' in 300,000 acres of ANWR, was prepared in 6 days. One report, 12 years of research; the other report, just 6 days.

Essentially, in this report the administration decided to dispute its own scientists and say drilling in ANWR was acceptable. I disagree with that.

Rather than drilling in ANWR, I believe our task is to craft a balanced policy that will permanently strengthen our national security and energy independence. We need an energy policy that endows America with a strong and independent 21st century energy system by recognizing fuel diversity, energy efficiency, the great assets that distributed generation will create in the future, and environmentally sound domestic production as a permanent solution to our Nation's enduring energy needs. We are making some progress on these goals within this bill.

Obviously, one of the most important provisions the Senate has thus far debated involves the expedited construction of a natural gas pipeline from Alaska's North Slope to the lower 48 States. There are at least 32 trillion cubic feet of natural gas in existing Alaskan fields, and building a pipeline to the continental United States would create thousands of jobs, provide a huge opportunity for the steel industry, and help prevent our Nation from becoming dependent on foreign natural gas, from many of the same Middle Eastern countries from which we import oil.

It is very important that we make this investment in new natural gas and in job development. Adopting energy efficient technologies can significantly advance our national and economic security. For example, a Department of Energy report, and these are amazing figures, but this Department of Energy report stated that automakers commonly use low-friction tires on new cars to help them comply with fuel economy standards. However, because there are no standards or efficiency labels for replacement tires, most consumers unwittingly purchase less efficient tires when the originals wear out, even though low-friction tires would only cost a few dollars more per tire and actually would save the average American driver about $100 worth of fuel over the 40,000 mile life of the tires.

Fully phased in, better replacement tires would cut gasoline consumption of all U.S. vehicles by about 3 percent, saving our Nation over 5 billion barrels of oil over the next 50 years, the same amount the U.S. Geological Survey says can be recovered from ANWR.

Unfortunately, I also believe we have thus far missed the single most important opportunity in this bill for truly enhancing our nation's energy security and minimizing our foreign oil dependence. That is, we have missed the opportunity to put in place real and meaningful CAFE standards, which would increase the efficiency of our Nation's vehicles and decrease our foreign oil dependence. I continue to believe the only way to permanently ensure our Nation's security is to look beyond 19th century policies that continue our country's reliance on extraction and combustion of fossil fuels.

Now is the time to launch the transition to a new, 21st century system of distributed generation based on renewable energy sources and environmentally responsible fuel cells. Imagine today if a significant portion of American homes and businesses produced their electricity from these renewables.

I think about the last crisis in the 1970s when our overdependence on foreign oil and high prices changed the dynamic in how many homes were heated with oil and made significant reductions. Our country needs to make those same changes today.

These are policies that will make our energy system truly secure and independent. I agree our national security depends in part on the United States becoming less dependent on foreign energy resources, and that we must develop more domestic supplies and a better balance of renewable energy that will also make us less dependent on nonrenewable fossil fuels. It would be a mistake to look at this ANWR debate in only one way, and to not invest in our country's new sources of energy. Therefore, I cannot support this amendment, and I urge my colleagues to oppose it in the name of national security, to move ahead onto new energy sources and a 21st century energy policy.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I ask unanimous consent to speak for 30 minutes as allocated under the previous order.

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

Ms. LANDRIEU. Mr. President, with all due respect to my dear friend and wonderful colleague from Washington, I rise to oppose the position she has outlined and to support the amendment by the Senator from Alaska. I think it is very important for us to spend time on this issue. One of the previous speakers said: Why would we spend so much time on this issue? Why would the Senate, all 100 Members of the greatest deliberative body in the world today, spend so much time on this issue?

The answer is because this is not a small matter. This is not an insignificant debate. This is not a minor point. This is a major point in the debate on the future of this Nation and in what our energy policy is going to look like and how we can strengthen and improve upon it.

It is said that beauty is in the eye of the beholder. But given what I have heard in this Chamber, I say that balance must be in the eyes of the beholder as well because those of us both for and against this amendment continue to say we are for a balanced policy. Yet we argue the different aspects of what balance really is. So I am going to give it one more shot by saying what I think balance is.

The Senators from Alaska have done a magnificent job of making clear that we are not for drilling everywhere; we support a balance.

When this area was created, the areas in dark yellow, light yellow and green, there was a balance in the creation of this piece of land, land that is as large as the State of South Carolina. Here we have a balance: part of a refuge set aside for wildlife of all kinds, and a small part where we could drill. Why would we want to drill here? Because it is the largest potential onshore oilfield in the entire United States. It is not a minor field. It has major resources of

oil potentially, as well as gas. So a balance was struck. A deal of sorts was created.

We said let's set aside a huge piece of land for a refuge, for a wilderness area, and then let's set aside a part of it to drill.

The reason I feel so strongly about opening this section of ANWR to drilling—and it took me a while to come to this position because I have heard a lot of other arguments—is because of this precedent I feel this will set. If we overturn the original dual intent of ANWR and block all drilling there, where will we stop? Instead of adding to production in the United States, either on our shores or off of our shores, we keep taking places off of the map for production. We are not going in the right direction, and we need to change course. That is why this is so important.

I have said this 100 times. The Senator from Alaska has said it, the senior Senator from Louisiana did a magnificent job of saying it this morning, but let me also quote from a person we all respect—both Democrats and Republicans—Richard Holbrooke, whom we know well. I would say there would be no disagreement in this Chamber that this man is an expert in international relations and national security policy. I will read what he said in February this year:

> Our greatest single failure over the last 25 years—

Not one of our great failures, not something that we should have done a little better—

> was our failure to reduce our dependence on foreign oil—which would have reduced the leverage of Saudi Arabia.

Why does he say this? Because of headlines such as these: ''Suicide Bomber Kills 6 as Powell's Talks Begin,'' ''Chavez Reclaims Power in Venezuela,'' ''Powell Meets Arafat, Makes Little Progress.''

Mr. Holbrooke knows the uncertainty of the Middle East and we are all learning of the difficulties in Venezuela. He represented our country in the United Nations. He knows what it takes for America to be strong to get to the negotiating table free to make the best decisions we can. He knows our energy policy is in lockstep with our national security policy.

We have a chance to reverse course and not make the same mistake again. Let's have a balance.

Again, we have in ANWR the original intent to have some refuge area, some wilderness area, and some drilling area. Not all drilling. Not drilling everywhere, but where we can. An area for wildlife, for general recreation, and one for the bottom line, businesses, workers, companies, and our economy. This is balanced. Instead, we get no more drilling, a moratorium.

Let me show the other moratoria in the country. In addition to Alaska being taken off the map, we have—Democrats and Republicans are both guilty here—imposed moratoria along the entire east and west coasts of the United States. There are places in the interior States where, because of rules, regulations, slow permitting, lawsuits, and filings on behalf of certain groups, the production has slowed down, forcing us to continue to increase our imports, year after year. These imports do not always come from friendly nations, from nations that share our values, but sometimes from nations that are in direct opposition to U.S. foreign policy and the democratic values for which we stand.

My second point is, are we asking something of Alaska that we have not asked of other States? The senior Senator from Louisiana showed this chart, and Senator MURKOWSKI showed it earlier. It is worth showing again. We are only asking to allow drilling in the kind of places where other States are already allowing it. Drilling is taking place in nine refuges in Texas; 12 in Louisiana; 1 in Mississippi, 1 in Alabama. You can see the rest. These are ongoing drilling operations in refuges.

Someone in my office the other day, a great labor leader from Louisiana, asked: Senator, why are people against drilling? I was trying to explain. I said: Some people said this area is the last great place. He said: Would you tell them America is full of great places? Louisiana has great places.

I loved when he said, ''America is full of great places.'' There are great places in all of our States. We will preserve them. We will fight to keep them wilderness when we can. But when we refuse to tap domestic sources of oil and gas that would help our Nation, help our economy, create jobs, and release us from our dangerous dependency on imported oil and gas, it just makes no sense to me.

We have been spending a lot of time on this issue because it is at the heart of the debate. We have a weak production policy and, I might say, a weak conservation policy. That is the wrong direction. We need to turn around and go the other way: Strong production and strong conservation. If we don't, I predict there will be a huge price to pay. We will pay it one way or another, either through the lives of servicemen, or through compromised foreign policy. Americans know this. There is no free lunch. We don't seem to know that inside the beltway, but working Americans of all stripes, of all political backgrounds, understand that. It is important. It is about balance. And we need it.

People say ANWR will not produce a lot of oil, that it will not come online for several years—and I agree it will take time. But there is enough oil, even using the lowest estimates, to replace the oil we get from Saudi Arabia for about 8 to 10, maybe 8 to 12 years.

Ask the American people, Would you like to drill on our own land, land that we control, land that we set regulations on, and that we can depend on, or do you want to continue to import oil from Saudi Arabia for 15 years? I don't think there would be many Americans who would choose the latter.

The third good reason is jobs. We continue to make decisions in this Congress that keep Americans from getting good paying jobs. Every time they want to apply for a job, there may as well be a sign that says: Congress doesn't think we should drill. So go look elsewhere for work.

I don't know about the Presiding Officer, but I have thousands of people in Louisiana who want to work. I have heard Senators say 60,000 jobs doesn't matter. This Senator believes 60,000 jobs is a lot of jobs. We should allow more production, which will lead to more than 60,000 jobs. We should promote investments in conservation and alternative fuels. There are lots of jobs, in science and other high-end jobs, associated with alternative fuels. Why not have good jobs for both production and conservation? Why turn down these job-making opportunities when it is so important to produce jobs for people in Louisiana, for people in Alaska, for people in Delaware, for people in New Mexico? I don't understand it.

We can create good, skilled jobs, where people can make a very good living working 40 or 50 hours, overtime, onshore, offshore, whereby they can buy a home, contribute to their community, send their children to get an equal or better education than they did. I think it is very important.

The fourth reason we need to support drilling in ANWR besides the fact we need it, besides the fact it is balanced, besides the fact we are doing it in many other States in the same way we would be asking Alaska to contribute, besides the fact that it means thousands and thousands of good-paying jobs that people in America would like and need at this time, it is the right thing to do for our environment. I mean that sincerely. I know I said some things on the floor about some environmental organizations, and I believe their positions, with all due respect to the great work they have done, are leading this country in the wrong direction.

I work very well with environmental groups in Louisiana and many of our environmental groups around the Nation. But I will say it again: When we drill and extract resources in America, we can do it in the most environmentally sensitive way in the world. Why? Because we have the strictest rules and regulations.

Even the former executive director of the Sierra Club agrees, and he is on the record saying that by pushing production out of America, all we are doing is damaging the world's environment.

We have the best rules and the best laws. We have a free press and the ability, to punish those who pollute the environment.

That does not happen in other places around the world, places without the same confidence in the law that we can have here in the United States. So the pro-environmental position—and I

mean this sincerely—is to drill and explore and extract resources where we can watch it, where we can control it and where we can make sure it is done correctly.

If I am wrong I would like someone to come to the floor and tell me: Senator, you are not thinking clearly about this.

Apart from the many troubled parts of the world where production is taking place, I don't know where else we would drill. And the saddest part of that to me, or the most hypocritical part of that to me, is that we consume more than everyone else. If we were not consuming that much, I would say fine. But we go to poorer countries with less infrastructure, fewer rules, and weaker laws and enforcement, not because they need the oil but because we need it. And we degrade the environment and support illegitimate regimes because we will not drill in our own country. I do not understand it.

I will make another point about Louisiana. I have heard some of my colleagues come to the floor and say: I will not drill in ANWR, but boy I will come drill in the Gulf of Mexico.

I want to show the map of these States that are net producers of energy. There are only a few of us. There are only 15. There are only 15 States in the entire country, just 15, that produce at least 50 percent of the energy they consume. You can see the States represented here.

We love all of our States, wish them all well, and we are all part of this great Union, but the red States on this chart produce less than half the energy they consume, which means they do not produce oil, they do not produce gas, they do not produce nuclear, they do not produce wind, solar, or hydro, but they want their lights to come on whenever they want and they want to power their businesses and industries.

Nobody can look at this map and say this is fair. I know there are products produced in some States that other States do not produce. I am clear. But there are no moratoria on growing corn, no moratoria on growing cotton. People are not opposed to that or think it harms the environment to grow corn or grow wheat. But we have a policy growing in this country that we do not want to produce anything but we want to continue to consume.

I am for strong conservation measures. I voted against the proposal to reduce CAFE standards, not because I don't agree with the goal, but because the method was wrong. It would have cost too many jobs in my State. There is a better way to get there. I would vote for even more stringent measures but not that particular measure.

There are strong conservation measures that I and many Members support. But this attitude has to change. We have to have an attitude among all of these States that you either reduce your consumption significantly or you decide how to produce the energy. You have your choice. You can produce it any way you want. But what you cannot do is sit on the sideline, complain and complain, prevent other States from drilling, and then just continue to consume.

I have an amendment. I am thinking about offering this. I hope people who vote against ANWR will think about ways we can encourage our States, in a fair way, to make their own choices about how they would like to generate more energy or consume less, and to put it in balance, so our Nation can truly achieve energy independence. I hope we can do that.

Let me show one more chart. This is the Gulf of Mexico. You can see the red areas here where there is active drilling. We have been doing this now for 50 years. We have made some mistakes. I am the first one to admit it. We didn't know all the things that we know now back in the 1940s and 1950s.

We did not have the science and the technology. But we have made tremendous progress, and we in Louisiana are happy to produce hundreds of millions of barrels of oil and gas, and host pipelines that light up the Midwest and New York and California. We want to do it. We are proud of the industry, and we are getting better and better at it every day.

But it is grossly unfair for our State, and Mississippi and Alabama and Texas, to bear the brunt of this production when other States don't want to produce. Then, to pour salt on the wound, we get no portion of the revenues that are generated. Taxpayers may not realize this, but the royalties that come into the Treasury every time you produce a natural resource can keep our personal income taxes lower.

When we do not drill, royalties do not come into the Treasury, so taxes have to go up to support Government. So a fifth really good reason to explore natural resources is so we can bring money into the Treasury, again in a very balanced approach, and keep taxes minimal for taxpayers.

However, all that money that goes to the Federal Treasury right now, from production in Louisiana, Texas, Mississippi, and Alabama, is not shared with those States. Since 1950, we sent $120 billion to the Federal Treasury. Louisiana, which has produced the lion's share of the offshore production for the whole Nation, has not received a penny.

This is a true story. I know my time is almost to the end, but I am going to end with a couple of points on this. Two years ago the mayor of Grande Isle, a tiny little place down here at the foot of Louisiana, told me of a lot of their unique problems.

The mayor called me and said: Senator, I have a problem. I don't have a sewer system and a water system that is able to bring the fresh water that I need. I have children in school drinking rainwater out of a barrel, dipping a cup into a barrel, drinking the rainwater, because we do not have the right sewer and water system. Because it is a small town, they do not have the necessary resources. I was sitting in my office in Washington thinking about these children dipping that cup and drinking that rainwater. I know if they just looked up and out just a few miles they could see a rig, producing the Nation's oil and gas. The money it produces is not going to help them get a sewer system which they desperately need. It will not help these children get a road so that when it floods or the weather is bad they can get to school. That money is coming all the way up to Washington for us to spend on all the States in the Nation.

When I ask to have a sewer system for them, I have to come back, ask and plead for money from the budget to get the kids in Grande Isle a drinking water system. That isn't fair.

I will propose and will continue to propose that we have more drilling and that the communities that host drilling share in those revenues. We need infrastructure for the people and families living there, for the workers and the businesses that are participating, and for the associated environmental impacts, which can be minimal. Sometimes they are a little more challenging. But with good science and the old yankee ingenuity and southern ingenuity, we can get that done for the people of our State.

In conclusion, I have given five good reasons why this is so important.

Let me close by reading something out of the Atlantic Monthly, ''The Tales of a Tyrant'', written by Mark Bowden, author of ''Black Hawk Down.'' We are familiar with the incident. Many of us have seen the movie. It is very riveting. I would like to read about the kind of people from whom we are getting our oil.

Wearing his military uniform, he walked slowly to the lectern and stood behind two microphones, gesturing with a big cigar. His body and broad face seemed weighted down with sadness. There had been a betrayal, he said. A Syrian plot. There were traitors among them. Then Saddam took a seat, and Muhyi Abd al-Hussein Mashhadi, the secretary-general of the Command Council, appeared from behind a curtain to confess his own involvement in the putsch. He had been secretly arrested and tortured days before; now he spilled out dates, times, and places where the plotters had met. Then he started naming names. As he fingered members of the audience one by one, armed guards grabbed the accused and escorted them from the hall. When one man shouted that he was innocent, Saddam shouted back, ''Itla! Itla!''—''Get out! Get out!'' (Weeks later, after secret trials, Saddam had the mouths of the accused taped shut so that they could utter no troublesome last words before their firing squads.) when all of the sixty ''traitors'' had been removed, Saddam again took the podium and wiped tears from his eyes as he repeated the names of those who had betrayed him. Some in the audience, too, were crying—perhaps out of fear. This chilling performance had the desired effect. Everyone in the hall now understood exactly how things would work in Iraq from that day forward.

If we cannot get enough of the Senate to vote in favor of this amendment,

in spite of articles like this, because of movies that we see, because of headlines like this, and the disruptions not only in the Mideast but in Venezuela, I don't know what will make the Members of this Senate decide that we must produce where we can produce. We can set aside lands where we can set aside land, create jobs for our people and security for our Nation.

I am giving the best I can give. I don't think we have the votes. But I submit this for the RECORD, and hope people will reconsider their positions.

Mr. BINGAMAN. Madam President, under the unanimous consent, I believe the Senator from Wisconsin is the next Senator to speak.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I rise to oppose the amendments offered by my colleagues from Alaska, Mr. MURKOWSKI and Mr. STEVENS. I oppose these amendments for several reasons, and I rise to share my concerns with my colleagues.

Energy security is an important issue for America, and one which my Wisconsin constituents take very seriously. The bill before us initiates a national debate about the role of domestic production of energy resources versus foreign imports, about the tradeoffs between the need for energy and the need to protect the quality of our environment, and about the need for additional domestic efforts to support improvements in our energy efficiency and the wisest use of our energy resources. The President joined that debate with the release of his national energy strategy earlier this Congress. The questions raised are serious, and differences in policy and approach are legitimate.

I join with the other Senators today who are raising concerns about these amendments. Delegating authority to the President to opening the refuge to oil drilling does little to address serious energy issues that have been raised in the last few months.

Though proponents of drilling in the refuge will say that it can be done by only opening up drilling on 2,000 acres of the refuge, that is simply not the case. The President will decide whether the entire 1½ million acres of the Coastal Plain of the refuge will be open for oil and gas leasing and exploration. Exploration and production wells can be drilled anywhere on the coastal plain.

I infer that when proponents say that only 2,000 acres will be drilled, they are referring to the language in the amendment which states, and I am paraphrasing, ''the Secretary shall . . . ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.''

That limitation is not a clear cap on overall development. It does not cover seismic or other exploration activities, which have had significant effects on the Arctic environment to the west of the Coastal Plain. Seismic activities are conducted with convoys of bulldozers and ''thumper trucks'' over extensive areas of the tundra. Exploratory oil drilling involves large rigs and aircraft.

The language does not cover the many miles of pipelines snaking above the tundra, just the locations where the vertical posts that support the pipelines literally touch the ground. In addition, this ''limitation'' does not require that the two thousand acres of production and support facilities be in one contiguous area. As with the oil fields to the west of the arctic refuge, development could and would be spread out over a very large area.

Indeed, according to the United States Geological Survey, oil under the Coastal Plain is not concentrated in one large reservoir but is spread in numerous small deposits. To produce oil from this vast area, supporting infrastructure would stretch across the Coastal Plain. And even if this cap were a real development cap, what would this mean? Two thousand acres is a sizable development area. The development would be even more troubling as it is located in areas that are actually adjacent to the 8 million acres of wilderness that Congress has already designated in the arctic refuge which share a boundary with the Coastal Plain.

The delegation of authority to open the refuge is controversial, and make no mistake, it will generate lengthy debate.

I have also heard concerns from the constituents in my state who have paid dearly for large and significant jumps in gasoline prices. Invoking the ability to drill in response to a national emergency does not add to gasoline supplies today, nor does it do anything to address the immediate need of the Federal Government to respond to fluctuations in gas prices and help expand refining capacity. In some instances, there were reports of prices between $3 to as high as $8 per gallon in Wisconsin on September 11 and 12, 2001. The Department of Energy immediately assured me that energy supplies were adequate following the terrorist attacks, and these increases are being investigated as possible price gouging by the Department of Energy and the State of Wisconsin. With adequate energy resources, constituents need assurances that these unjustified jumps can be monitored and controlled.

And I, along with many other Senators, have constituents who are concerned about the environmental effects of this amendment, and what it says about our stewardship of lands of wilderness quality.

I also oppose opening the refuge for what it will do to the Energy bill as a whole. This measure contains important provisions that we need to enact into law. In light of the tragic events of September 11, a key element of any new energy security policy should be to secure our existing energy system—from production to distribution—from the threat of future terrorist attack. Americans deserve to know that the Senate has protected the existing North Slope oil rigs and pipelines from attack. Americans deserve to know that the Senate has considered measures to reduce the vulnerability of above ground electric transmission and distribution by providing needed investments in siting of below ground direct current cables, in researching better transmission technologies, and in protecting transformers and switching stations. Americans want us to review thoroughly the security of our Nation's domestic nuclear powerplant safety regimes to ensure that they continue to operate well. Finally, Americans living downstream from hydroelectric dams want to know that they are safe from terrorist initiated dam breaching. We must assure them that this existing infrastructure is secure.

These were issues that the House did not address on August 2, 2001, when it passed its bill, because the terrorist attacks of September 11, were obviously unthinkable at that time. These are issues that drilling in the refuge does not address. But we are a changed country in response to September 11, and these are very real issues today, issues that must be addressed.

In addition, there have been significant technological changes in the last few months that can help us reduce our dependence upon foreign oil. On September 19, 2001, a model year 2002 General Motors Yukon that can run on either a blend of 85 percent ethanol and 15 percent conventional gasoline or conventional gasoline alone rolled off the line in my hometown of Janesville, WI. The 2002 model year Tahoes, Suburbans and Denalis with 5.3 liter engines will be able to run on either fuel. But while my constituents could buy a vehicle that can run on a higher percentage of ethanol fuel, there isn't a place open today to buy that fuel in Wisconsin. We could go a long way under this bill to reducing dependence on foreign oil by using domestic energy crops and biomass more wisely, and we should pass this bill to reflect our new technological capacity.

I also oppose this amendment because there is a lingering veil of concern that special corporate interests would benefit over our citizens by this amendment. Oil companies receive a good deal of financial assistance in the form of tax breaks from the Federal Government to encourage development of domestic oil supplies. I have spoken out, for example, against the percentage depletion allowance in the mining of hardrock minerals, and its use in the oil sector dwarfs the hardrock tax break.

This longstanding tax break allows those in the oil business to, in effect, write off all of their losses. The ostensible reason for the depletion allowance is to encourage exploration of oil

drilling sites, which, presumably, no one would do without such a tax break.

The oil industry argues that other businesses are allowed to depreciate the costs of their manufacturing. But this tax break goes well beyond the costs of deducting capital equipment. For example, a garment manufacturer can only deduct the original cost of a sewing machine, whereas an oil well can produce tax deductions as long as it keeps producing oil. So this deduction can amount to many times the cost of the original drilling and exploration. The depletion allowance is currently set at 15 percent of gross income.

The current cost to the U.S. Treasury for the depletion allowance exceeds $1 billion a year. This deduction can, in some cases, amount to 100 percent of the company's net income, which means that all profitability comes from Government tax subsidies.

But just in case there is anyone in the oil industry not enjoying sufficient profitability, Congress has come up with a number of other cushions against the risks of capitalism. Big Oil can immediately deduct 70 percent of the costs of setting up an operation of the so-called intangible drilling cost deduction. Other industries have to deduct such costs over the life of the operation, so this amounts to another interest-free loan from the Treasury. It also amounts to a double deduction, since the depletion allowance is supposed to compensate the poor oil producer for the costs of risking a dry well. Repealing this deduction would save more than $2.5 billion over the next 5 years.

Another tax subsidy encourages oil companies to go after oil reserves that are more difficult than usual to extract, such as those that have already been mostly depleted, or that contain especially viscous crude. This, of course, is more expensive than normal oil drilling. Thus the ''enhanced oil recovery'' credit helps to subsidize those extra costs. The net effect of this is that we taxpayers are paying for domestic oil that costs almost twice as much as foreign supplies.

The combined effect of the depletion allowance, the intangible drilling cost deduction, the enhanced oil recovery credit, and other subsidies can sometimes exceed 100 percent of the value of the energy produced by the subsidized oil. This makes no economic sense at all. I make these points because the taxpayers already give the oil sector a great deal of assistance, and now we are being asked to give up additional public lands as well.

Before we allow the President to open more public lands, I think we should be mindful of the help these industries are already getting.

I also am concerned about the effect of a decision to open the refuge to oil drilling on resources that we have already designated for special protection. The 19-million-acre Arctic National Wildlife Refuge contains 8 million acres of wilderness that Congress has already designated. The amendment proposes to essentially trade wilderness designation for other areas in the refuge, 1.5 million acres in the southern portion of the refuge for the 1.5-million-acre Coastal Plain. The existing wilderness areas in the refuge, however, are immediately adjacent to the Coastal Plain. I am concerned that the President would permit drilling on the Coastal Plain of the refuge before Congress considers whether or not the Coastal Plain should be designated as wilderness. Establishment of drilling on the Coastal Plain would be allowing a use that is generally considered to be incompatible with areas designated as wilderness under the Wilderness Act. We have had very little discussion about the effect of drilling in the refuge on the wilderness areas that we have already designated. I want colleagues to be aware that the drilling question threatens not only our ability to make future wilderness designations in the Coastal Plain but also could endanger areas that we have already designated as wilderness in the public trust.

Colleagues should keep in mind that the criteria established in this amendment that the President must certify in his determination to open of the Coastal Plain as a source of oil do not include any new developments or changes in the geological information or economics that affect potential development of Arctic resources. The United States Geological Survey has already reconsidered those factors in its 1998 reassessment of the Arctic Refuge Coastal Plain's oil potential. Rather, the current discussion, in my view, is prompted by the rhetoric and opportunistic efforts of those interests that have long advocated drilling in the Arctic Refuge, to exploit the current response with regard to terrorism.

If drilling may impair our ability to make a decision about the present and future wilderness qualities of the refuge, if the refuge does not contain as much oil as we thought, and if opening the Coastal Plain to drilling may do little to affect our current domestic prices, why, then, are we considering doing this? The facts don't point toward drilling in the refuge: the refuge may not contain as much oil as we think, and opening the Coastal Plain to drilling may have only a minor effect on our current domestic prices.

I raise these issues because I have grave concerns about the arguments that oil drilling and environmental protection are compatible. I traveled, a while ago, through the Niger Delta region of Nigeria by boat, where I observed firsthand the environmental devastation caused by the oil industry. The terrible stillness of an environment that should be teeming with life made a very powerful impression on me. These are the same multinational companies that have access to the same kinds of technologies, and though they are operating in a vastly different regulatory regime, I was profoundly struck by the environmental legacy of oil development in another ecologically rich coastal area.

For these reasons, I oppose this amendment. I appreciate the fundamental concern that we need to develop a new energy strategy for this country. I do disagree strongly, however, with drilling in this location, which I feel is deserving of wilderness designation. I think this bill achieves its objectives without damaging the refuge, and I encourage colleagues to oppose these amendments.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, the majority leader has authorized me to announce there will be no rollcall votes this evening.

I would like to make a unanimous consent request. I have spoken to both managers of the bill. We have, in the unanimous consent queue that is now established, Senator DORGAN speaking for 20 minutes. Senator DORGAN is not going to speak. So in place of that 20 minutes, I ask unanimous consent to amend the order to put in Senator STABENOW for 10 minutes and Senator MURRAY for 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I am continually amazed by the ability—and I am sorry my friend from Wisconsin has left the Chamber—to generalize because that is what we are doing here. There is a generalization that somehow the oil industry's application in Africa is perhaps applicable to Alaska. These tactics I find unacceptable because, first of all, we have invited many Members of this body to come up and see for themselves.

You might not like oilfields. That is the business of each and every Member. But the best oilfield in the world is Prudhoe Bay. It is 30-year-old technology. What bothers me about this general criticism is nobody seems to care where oil comes from as long as they get it. The Senator from Wisconsin generalized on several aspects, implying that somehow the limitation in this bill of a 2,000-acre disturbance was broader than that.

Let me read what is in the bill. It ensures that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support pipelines, does not exceed 2,000 acres on the Coastal Plain. I don't know what could be more understood than that statement.

Furthermore, to suggest that exploration is a permanent footprint on the land begs the issue. Here is what exploration looks like in the summertime on a particular area that was drilled. The

reality will show you that the footprint is certainly manageable. To suggest somehow that that particular activity, because of the advanced technology, is incompatible with this area is really selling American ingenuity, technology, and American jobs short.

The Senator from Wisconsin didn't indicate at all the concern of the jobs associated with this. He didn't concern himself as to where we would get the oil. He simply said he didn't think it should come from this area. He talked about the flow of technology, refuge and wilderness.

Let me show you the map one more time. It has been pointed out again and again, but perhaps some Members are not watching closely enough. They simply assume that the ANWR Coastal Plain is wilderness. Congress specifically designated it as a specific area outside the wilderness. It is the 1002. Only Congress can open it. It is the Coastal Plain.

Within ANWR there are almost 8.5 million acres of wilderness. There are 9 million acres of refuge and 1.5 million in the Coastal Plain. What we proposed—and nobody has mentioned—is the creation of another 1.5 million acres of wilderness.

It is time that Members, before they come to the Chamber, familiarize themselves with what is in the amendment. It is a 2,000-acre limitation. Not too many people want to recognize that. They suggest the entire area is at risk. That is ridiculous. We have an export ban. Oil from the refuge cannot be exported. We have an Israeli exemption providing an exemption for exports to Israel, under an agreement we have had which expires in the year 2004. We are going to extend it to the year 2014.

As I have indicated, we have a wilderness designation, an additional 1.5 million acres which would be added to the wilderness out of the refuge. Here is the chart that shows that. We are adding to the wilderness.

If that doesn't salve the conscience of some Members who believe that is the price we should pay, I don't know what does.

Finally, we have a Presidential finding. This amendment does not open ANWR. ANWR is opened only if the President certifies to Congress that exploration, development, and production of the oil and gas resources in ANWR's Coastal Plain are in the national economic and security interests of the United States.

We leave all kinds of things up to the President around here. Declarations of war are often, in effect, handled by the President rather than the Congress—in the informal stage, at least. We think it is a pretty important responsibility. We are giving that responsibility to the President. Yet those from the other side, I don't know whether they begrudge, distrust, or whatever, because it happens to be in the President's energy proposal that we open up the area, and that is good enough for me.

The amendment does not open ANWR. It will only be opened if the President certifies to the Congress that exploration, development, and production of oil and gas resources of the ANWR Coastal Plain are in the national economic and security interests of this country.

What does that mean? It means different things to different people, I suppose one might say. From the standpoint of at least my interpretation from the former senior Senator from Oregon, Mark Hatfield, the statement I opened with, I would vote to open up ANWR anytime rather than send another young man or woman to fight a war in a foreign land over oil. We did that in 1992. We lost 148 lives. At that time, we were substantially less dependent on imported oil.

Make no mistake about it. Our minority leader, Senator LOTT, indicated in his statement the vulnerability of this country. Our Secretary of State has not been able to bring the parties together in the Mideast. It remains volatile. The situation in Venezuela is unclear. The estimates are this Nation has lost 30 percent of the available crude oil imports that we previously enjoyed—that is an interruption—as a consequence of Saddam Hussein terminating production for 30 days. We have reason to believe Colombia is on the verge of some kind of an interruption which will terminate the oil through their pipeline. This is a crisis.

The reason you don't see Members coming down here and saying, ''I guess we had better do something about it now,'' is very clear. The shoe is not pinching enough. The prices are not high enough. I would hate to say there are not enough lives at risk.

Members could very well rue the day on this vote, recognizing the influence of America's environmental community on this issue. I think everyone who is familiar with oil development in Alaska understands that we consume this oil that we produce in Alaska. It is jobs in America. It is U.S. ships built in American shipyards. These are the facts. By not recognizing the real commitment we have to doing business in America, we are going to have to get that oil overseas.

When the Senator from Wisconsin generalizes about oilfields, he doesn't give us the credit for the advanced technology moving from Prudhoe Bay to the next major oilfield we found in Alaska called Endicott. Endicott was 56 acres. It was the 10th largest producing field. Those are the kinds of technological advancements we have in this country.

As a consequence, I am prepared to continue to respond to those inaccuracies. It is a shame we have to subject ourselves to the pandering associated with interpretations that have nothing to do with the extent of the risk associated to our national security at this time.

The risk is very real. The risk may go beyond the risk associated with just a political view of this issue. In this amendment, we are giving the President of the United States the authority to make this determination. I would like to think every Member of this body values not only the President but his office to see what is in the best interest of our country, our Nation, and our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

RECESS

Mr. BIDEN. Madam President, I ask unanimous consent that the Senate recess for up to 3 minutes so our colleagues may have a chance to meet His Excellency, President Andres Pastrana, President of the Republic of Colombia, and His Excellency Juan Manuel Santos, Minister of Finance.

President Pastrana's term ends in the next 2 months. We just had him before the Foreign Relations Committee. In all the years I have been on that committee, as I said to my colleagues today and I say to my colleagues here, we have never had a better friend of America as a head of state from any country more so than President Pastrana.

One distinction that marks his service to his country and to the entire region is that when we lose elections here, we get a pension. When you run for election, stand for election, and take a stand in Colombia, you often literally get kidnapped or killed.

I have become a personal friend of the President, and I visited with him and his family. I cannot tell you how much I admire and marvel at his personal courage and that of the other officials in Colombia who have fought to keep the oldest democracy in the hemisphere just that—a democracy.

I ask that the Senate recess for up to 3 minutes for my colleagues to be able to meet the President and the Minister of Finance of Colombia. I ask unanimous consent that we recess for up to 3 minutes.

There being no objection, the Senate, at 5:30 p.m. recessed and reassembled at 5:34 p.m. when called to order by the Presiding Officer (Ms. CANTWELL).

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise to oppose the proposal to drill in the Arctic National Wildlife Refuge. With all due respect to my colleagues on the other side, who I know feel strongly, I feel strongly as well and have been involved with this issue since my time in the House of Representatives, where I consistently cosponsored legislation that would not allow drilling to occur.

It is important that we continue to stress the fact that drilling in ANWR will not create energy independence and that we are talking about, even if

we started drilling tomorrow, the first barrel of crude oil would not make it to the market for at least 10 years. So it would not affect our current energy needs. There is a real question in all of the debate going on about the concerns that are immediately in front of us. This is not the answer to that.

We are talking about whether or not, on the one hand, we risk the environmentally sensitive Coastal Plain for the equivalent of just 6 months' worth of usage or consumer usage in the United States. And this is not something that will be available for use for 10 years. It doesn't make sense to me.

I think that in this energy bill, when we are trying to look to the future, we ought not to be going to the past in terms of trying to drill our way to energy security and independence.

According to the EIA, an independent analytical agency within the Department of Energy, drilling in the Arctic Refuge is projected to reduce the amount of foreign oil consumption by the United States in 2020 from 62 percent to 60 percent—a whopping 2-percent difference by 2020. This certainly is not going to address our energy needs. Drilling in the Arctic Refuge will not really make a dent in the question of the overdependence on foreign oil. Even John Brown, the CEO of BP Amoco, admitted in an interview on ''60 Minutes'' back in February that it was ''simply not possible for the U.S. to drill its way to energy independence.'' That is why we have a proposal in front of us that is comprehensive.

I would like to, once again, commend the sponsor and the leader on this issue, Senator BINGAMAN, for not only his leadership in coming forward with a broad plan that moves us to the future, but also his patience during this process, as we have moved through all of the amendments and the different comments in which each of us have been involved.

When we look at the tradeoff, I simply don't believe it is worth it. Drilling in the Arctic Refuge will lead, potentially, to environmental damage. The proponents of drilling claim that the modern techniques are clean and would cause no environmental damage.

First, drilling accidents do happen. Over the past several years, across the Nation, there have been accidents due to poor maintenance, equipment failure, human error, even sabotage. Certainly, in this time of concern about terrorism, we need to be concerned about that as well. In these accidents, crude oil was dumped into our rivers, our lakes, our streams, and wetlands, and often dangerous hydrogen sulfide gas was released into the air as well.

This doesn't seem to be a good tradeoff for the equivalent of 6 months' worth of oil that we cannot actually begin to use for 10 years. We can create more jobs and help our U.S. steel industry and help our economy and make other kinds of positive benefits without drilling in the Arctic Refuge.

There are more than 35 trillion cubic feet of natural gas immediately available in the existing oilfields on the Alaskan North Slope. Currently, natural gas is produced with this oil but is reinjected, as we all know, back into the ground because there is no pipeline to bring it to the lower 48 States. Constructing the Alaskan natural gas pipeline will create more than 400,000 new jobs and provide a real opportunity to the U.S. steel industry, which, I might add, is incredibly important in my State of Michigan, where we are concerned about an integrated steel industry from the iron ore mines in the upper peninsula of Michigan to our steel mills.

This pipeline would require up to 3,500 miles of pipe and 5 million tons of steel. The Alaska natural gas pipeline also would provide natural gas to American consumers for at least 30 years and would be a stabilizing force on natural gas prices.

We can do that. We agree on that. We can move in this direction. It creates jobs. It adds to the availability of energy sources and does not risk one of the most important, pristine, environmentally sensitive areas in our country.

There are other, better supply options available to us. Currently, as we all know, in the Gulf of Mexico, it is a source of 25 percent of the crude oil produced in the United States, 29 percent of the natural gas, and there are 32 million acres in the western and central portions of the Gulf of Mexico under lease but not developed. Why are we not talking about those areas?

In addition, the oil industry is extremely optimistic about the prospects of finding additional oil reserves in the National Petroleum Reserve in Alaska where we are already drilling. In fact, the three largest oil discoveries in the last 10 years were made in the National Petroleum Reserve in Alaska. So we have options.

I am always perplexed in this debate to hear why this is the focal point of the administration's energy plan, this one piece of land, when we do have other options, and we have other options for creating jobs as well.

We also know that conservation and investment in new technologies are the real solutions. Given relatively small amounts of oil available in the Arctic Refuge, it does not make sense to endanger this 1.5-million-acre Coastal Plain that is the biological heart of this pristine national treasure.

An energy policy such as the Senate energy bill that encourages conservation and investments in new technologies can help us come closer to achieving independence within 10 years.

I am very proud of what is happening in Michigan as it relates to alternative fuels, agriculture, and also what we are doing in terms of technologies that are important for our future.

The bottom line is the Arctic National Wildlife Refuge is one of the most pristine places in the United States. This tradeoff is not worth it. We can meet our energy needs in other ways that look to the future. We can create important jobs for our people in other ways with the natural gas pipeline. We have other opportunities to drill that do not involve risking this important part of our heritage. Our ability to pass this area on to our children and to protect it is very important.

When we look at all of the various wildlife species, all of the animals and birds that are involved in this area of land and the habitat involved, I cannot imagine that we, in fact, will be serious about risking this fragile and irreplaceable national treasure.

I hope my colleagues will join with us in protecting this area for the future of our children and our grandchildren, and that we will move forward in the other parts of this energy bill and the other opportunities we have to lessen our dependence on foreign oil and create the economic and energy security that we all would like.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I rise today in opposition to cloture on these amendments. I want to say a few words about the energy bill in general, and then I want to explain my opposition to drilling in the Arctic National Wildlife Refuge.

Our country needs a comprehensive energy policy, and certainly that policy needs to recognize the current importance of oil, gas, and coal exploration. But to ensure America's energy security for the future, it should support energy efficiency, conservation, clean and renewable energy sources, and it should help diversify our energy sources.

Overall, I have to say I am disappointed in the direction in which this energy bill is heading because it has been diverted from achieving these important goals. I am disappointed because we had an opportunity to make progress on our long-term challenges.

This bill started off in the right direction. Unfortunately, after many amendments, it is now a far different bill, and I believe it does not respond adequately to the challenges we face either in my home State of Washington or nationally.

It focuses too heavily on coal and natural gas. It does too little to diversify our energy sources.

It does not meaningfully raise fuel economy standards, and it does not protect electricity customers. In fact, it creates considerable uncertainty in electricity markets. It pursues electricity deregulation despite the hard lessons learned through our recent experiences in California and with Enron.

It takes regulatory authority away from the States and gives it to the Federal Energy Regulatory Commission.

And it does not do enough to encourage investments in our transmission systems.

Overall, this energy bill reflects the way we have treated energy policy for decades. We have not addressed the long-term problems. Instead, we wait until there is a crisis, and then we are stuck at looking at bad, short-term fixes like drilling in ANWR. We have not dealt with our long-term dependence on oil. We have not invested enough in renewable energy. We have not diversified our energy resources, and we have not put enough financial incentives behind conservation.

The responsible way to address our energy problems is to focus on the long-term solutions like reducing our need for oil and investing in clean and renewable energy sources.

Unfortunately, much of this bill continues to largely endorse the past practices of short-term fixes that do not address many of the real long-term problems.

Today we are being asked to damage a sensitive ecosystem and spoil one of our national treasures for the sake of oil production. We cannot drill our way out of energy problems. That is a fact.

I ask my colleagues: At what point do we say ''enough is enough''? Today we are being asked to allow the President to authorize exploration in a critical wildlife refuge. Where will we and future generations be asked to drill tomorrow?

To get out of these short-term traps, we need to invest in long-term solutions, such as diversifying our energy sources.

This bill started with a strong renewable portfolio standard which would have diversified our energy sources. After many changes, however, these standards are now no better than the current pathways we have. To me, that is a missed opportunity. We should be doing more to diversify our energy sources.

Currently, Washington State and the Pacific Northwest are very dependent on hydroelectric power to meet our energy needs. This dependence contributed to severe price spikes during last year's drought and California's disruption of the west coast energy market.

I fear that in our rush to address last year's energy shortfall, we in Washington State are now becoming overreliant on natural gas. Diversifying our energy resources will help us prevent future price swings. Developing other resources like wind, biomass, solar, and geothermal energy will protect us from future shortages and will ensure our communities and economy they can continue to grow.

However, rather than enacting a strong renewable portfolio standard, this bill will continue the failed strategy of digging more, burning more, and conserving less.

I refer next to the electricity title in this energy bill. The Presiding Officer is from Washington State and she knows we have worked on and agreed to many amendments. However, electricity consumers in this underlying bill do not appear to be protected. I think we are moving too quickly to deregulate electricity markets and to create regional transmission organizations. From the California energy crisis to the collapse of Enron, the events of the last few years have highlighted the importance of moving slowly with electricity legislation.

In Washington State, our regional transmission system has more than 40 major bottlenecks. There are many other parts of the Nation that also have major bottlenecks, and we need to fix them.

We can build all the generation facilities we need but still not have power because the transmission capacity is inadequate.

With all of the problems we are experiencing in our transmission systems, this is not the time to dramatically alter the way electricity markets are regulated and function.

With regard to electricity legislation, I think we should proceed very cautiously.

I will now turn to the debate over drilling in the Arctic National Wildlife Refuge, which I strongly oppose. For the record, I have heard from many residents of my State on this issue. They have called me, sent me letters, faxes, e-mails, and a clear majority oppose drilling in ANWR.

I will vote against oil exploration in ANWR because the potential benefits do not outweigh the significant environmental impacts. The Arctic National Wildlife Refuge is an important and unique national treasure. In fact, it is the only conservation system in North America that protects the complete spectrum of Arctic ecosystems. It is the most biologically productive part of the Arctic Refuge, and it is a critical calving ground for a large herd of caribou, which are vital to many Native Americans in the Arctic. Energy exploration in ANWR would have a significant impact on this unique ecosystem. Further, development will not provide the benefits being advertised.

The proponents of this measure argue that over the years energy exploration has become more environmentally friendly. While that may be true, there are still significant environmental impacts for this sensitive region. Exploration means a footprint for drilling, permanent roads, gravel pits, water wells, and airstrips. We recognize that our economy and lifestyle require significant energy resources, and we are facing some important energy questions. However, opening ANWR to oil and gas drilling is not the answer to our energy needs.

Many people are incorrectly stating the exploration of ANWR will reduce our dependence on foreign oil. As a nation, the only way to become less dependent on foreign oil is to become less dependent on oil overall. The oil reserves in ANWR—in fact, the oil reserves in the entire United States—are not enough to significantly reduce our dependence on foreign oil.

There are four ways to really reduce our need for foreign oil. First, we can increase the fuel economy of our automobiles and light trucks. Higher fuel economy standards will reduce air pollution, reduce carbon dioxide emissions, save consumers significant fuel costs, and reduce our national trade deficit.

In addition, cars made in the United States will be more marketable overseas if they achieve better fuel economy standards. Last month, many of us in the Senate tried to raise CAFE standards, but our efforts were defeated.

A second way to reduce our need for foreign oil is to expand the use of domestically produced renewable and alternative fuels. That will reduce emissions of toxic pollutants, create jobs in the United States, and reduce our trade deficit.

Third, we can invest in emerging technologies such as fuel cells and solar electric cars. The United States has always led the world in emerging technologies, and this should not be any different.

Fourth, we can also increase the energy efficiency of our office buildings and our homes.

These four strategies will reduce our dependence on foreign oil and protect one of our Nation's most precious treasures.

The proponents of drilling in ANWR have argued it will help our national security, and I want to comment on that. Back in 1995, the same proponents of drilling in ANWR fought to lift the ban on exporting North Slope oil. Prior to 1995, oil produced on American soil, on the North Slope of Alaska, was, by law, headed for domestic markets. This export ban had been in effect for over 20 years. In 1995, some Members worked to lift that ban. On the other hand, I helped lead a bipartisan filibuster, with Mr. Hatfield, a great Senator from the State of Oregon, to keep the export ban in place because it served our Nation's interest. Since that debate first took place, I have become even more convinced that sending our oil to overseas markets is the wrong policy for our country.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. I ask for 3 additional minutes.

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

Mrs. MURRAY. It is recognized that gasoline prices in west coast States are frequently among the highest in the Nation. It is estimated that since 1995 more than 90 million barrels of Alaskan oil have been exported overseas. Approximately half of that oil went to Korea, a quarter of it went to Japan, and the remaining went to China and Taiwan. I would respectfully suggest to the administration and the proponents of drilling in ANWR that if this debate were really about providing Americans with our own oil or about denying Saddam Hussein the means to develop his evil plans, here in the Senate we would be considering reimposing the export ban.

The administration has been silent on reimposing that ban, the House has been silent on reimposing the ban, and I doubt the Senate will move on it either.

Now I suspect that someone from the other side is going to stand up and say that the House-passed ANWR bill precludes the exportation of oil from ANWR and that the pending amendment limits the exportation of ANWR oil except to our friends in Israel. But it will be easy for proponents to do an end run around those provisions.

First, the export ban would have to survive in conference. Even if it survives, oil companies will still be allowed to export more of the oil they drill from other parts of Alaska where the ban does not exist.

The proponents will say there have not been any recent exports of North Slope oil. The fact is that as soon as the economics line up, we will add to the 90 million barrels already sent overseas.

Let us remember that the amount of oil in ANWR is too small to significantly improve our current energy problems, and, further, the oil exploration in ANWR will not actually start producing oil for as many as 10 years.

Exploring and drilling for oil and gas in ANWR is not forward thinking. It is a 19th century solution to a 21st century problem.

For all of these reasons, I oppose energy exploration in the Arctic National Wildlife Refuge, and I continue to have strong concerns about the energy bill as it is currently written.

I yield back my time.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Idaho.

Mr. CRAIG. Mr. President, many of us who have come to this Chamber over the last 24 hours to speak on this most important issue have approached it from a variety of points of view, all of them with some degree of logic that points out a frustration, if not a legitimate concern, about the energy supply of our country.

A few moments ago, the Senator from Michigan was speaking about ANWR, that it was only a moment in time that would pass quickly and that we ought to be much more interested in other sources of energy.

While she was speaking, I was thinking of a trip I recently made to her State, to Dearborn, MI, to the laboratories of Ford Motor Company, and there, for a period of time, I had the opportunity to visit with their engineers and scientists and look at what clearly is some of the latest technology that the laboratories of Ford Motor Company are employing toward future transportation.

One of those is a much touted, much talked about hydrogen fuel cell. Someday in the future, many of our cars might well be fueled by that fuel cell, generating the electricity that would drive the electric motors in the hubs of the wheels of that car.

I drove that car. I had the privilege to take it out on the track at Dearborn and drive it around the track. It was an exciting experience, to think that this vehicle could be my future, my children's and my grandchildren's future, as a form of transportation. Very clean; a drop of water now and then emitting from the tailpipe of that car.

So it is an exciting concept, to think we have invested, taxpayers have invested in future technologies that someday may be available to the consuming public as a form of transportation.

Let me talk about the rest of the story, about which the engineers and the scientists huddled around the hydrogen fuel cell at Ford Motor Company talked. They talked about the tens of billions of dollars it would take to build the infrastructure to fuel the hydrogen fuel cell that would have to be spread across the country, comparable to the gas station on every corner of America today that fuels the gasoline-powered cars.

Had we thought about that? Well, I had not thought about it to that extent, that it would take decades to build that kind of infrastructure so that driving a hydrogen fuel cell car would be as convenient as the gas-powered car we drive today. Certainly, whether it be Seattle, WA, or Boise, ID, I am not confident we would want to drive to one spot, one location only, to fuel our hydrogen car. I am sure we would want it at least as nearly convenient as fueling our gas-powered car of the day. That was one issue.

The other issue is a very real problem in the minds of American drivers today as to the acceptability of hydrogen cars. It is a little thing called ''boom,'' a fear that it might blow up. It is a false fear. The hydrogen fuel cell car would not blow up because it is a very safe form of energy. But the reality and the public perception is there. A decade of information, hundreds of millions of dollars invested in experiments and public relations and education and experience is all going to be part of that equation.

What happened the day I drove that $6 million prototype hydrogen-fueled cell car at Dearborn, MI, taught me something. It taught me we do not instantly do new things around here; we don't instantly have a new hydrogen-fueled cell car. Its day will come, and I do believe it might. It clearly is environmentally clean, and it would be important for our economy.

Yes, the economy will create hundreds of thousands of jobs and invest billions of dollars to get us into new forms of transportation. However, they predicted at Ford Motor Company that we were literally decades away, if not double decades, from a hydrogen-fueled cell car.

I say to the Senator from Michigan whose economy depends on the employment of the auto industry to make her State go, what do you do in the meantime, if you don't have the fuel to drive the engines of the cars that the workers in Dearborn, MI, produce today? That is part of what the Senator from the State of Michigan represents.

I guess you let them be unemployed. If gas goes up to $3 or $4 a gallon, certainly the kind of vehicle, if not the quantity of vehicles that are produced in Michigan today and by the auto industry around the country, is going to dramatically change. Some would say that is perfectly fine, that is the way the marketplace ought to work, and, therefore, who cares? I think the Senator from Michigan cares. I know the Senator from Idaho cares because in Idaho, driving from Boise, ID, to Twin Falls, ID, is not around the corner. A few minutes down the road is 2½ hours. It is 250 miles. To go anywhere in my State means driving a couple hundred miles. My State is 600-plus-miles long. By the way, that is from here to Boston. And it is about 550 miles wide at the widest.

My State is a mile-intensive State. People travel long distances. Transportation is critically important. Large, safe automobiles that consume a certain amount of energy are necessary and important.

Important to my State, which is now becoming a manufacturing State and a processing State, are the products we produce which have to get to places like Chicago, to the Detroit, the New York, and the Minneapolis-St. Paul because we feed a world economy. If we cannot get the product we produce to that economy at a reasonably priced way, then either we go out of production or it gets produced closer to that marketplace.

The point I am making and the point that has been made by many today is we are an energy-dependent economy; we are an energy-dependent society. We use a great deal of it. We are wealthy because of it. We are free because of it. We have great flexibility as a country because of it. We are powerful because of it. And we can help other freedom-loving people around the world because of our capacity to not only use energy but produce energy.

Yet today we have heard many coming to the floor opining the fact that production was somehow bad in the name of the environment, in the name of the critter, in the name of the pretty little plant, in the name of life after, in the name of generational concerns, in the name of something. Someone has found a reason not to produce additional energy for this country. Yet their very presence on the floor, the very wealth that has created this country was, in part, a direct result of the abundance of reasonably priced, reliable energy.

When I listen to some of my colleagues, a fundamental thought goes through my mind. Don't they get it? Don't they understand the jobs that are created in their State are based on a certain economic equation and that if you adjust that equation arbitrarily or you deny its right to be in place, you run the risk of destroying that job and dramatically changing the economy of the country? Don't they get it?

What happens if we get $3-a-gallon gas in this country? What happens to the cost of doing business in this country? What happens to the thousands and thousands of people who no longer have a job because of that in this country? Don't they get it? Or is praying at the altar of a creature, a plant, a concept, an idea so much more important that somehow we stand back and deny the right of this country to produce the energy it needs reasonably, presently, and in an environmentally sound way?

Don't they get it? Yeah, they get it. We all get it. My wife told me last night: Don't you get emotional over this issue; you really shouldn't; keep your cool. I am trying to, but it is very frustrating for me to suggest to my grandchildren that because of a public policy they are going to be denied certain rights, certain freedoms, certain flexibilities within their lifetime that I had within my lifetime because my forefathers recognized the importance of producing, recognized the importance of abundance, and recognized the importance of wealth generation for this country.

That is the bottom line of the debate we are involved in tonight. It is the fundamental debate that has gone on for the last 4 weeks on the floor of the Senate about a national energy policy.

The first opportunity I had to visit with President-elect George W. Bush, the first opportunity our assistant leader, who has just come to the Chamber, had a chance to visit with President-elect George W. Bush was in TRENT LOTT's office. The issue in Florida had just been solved. The President-elect was in town. He was beginning to put together his Cabinet. He came to the Hill to visit with us. I will never forget that. We were all so very proud and excited about his Presidency. He said: I campaigned on education. I campaigned on tax cuts. I campaigned on the general well-being and the economy of this country and that I would lead these issues before the Congress and before the American people. But let me tell you what is important now. What is important is a national energy policy for this country that gets us back into the business of producing energy. He said: The first thing I am going to do is ask Vice President-elect DICK CHENEY to head up an energy task force. We will make recommendations to you in Congress, and we hope you will move a national energy policy as quickly as possible for the country. We all agreed it was a high priority for our Nation to get back in the business of producing energy.

That was a priority of this President then. It is now. It is a priority of Republicans in the Senate. It is a priority of many of my colleagues on the other side of the aisle.

In establishing national energy priorities, I have changed over the years. I used to think that maybe this was the right way to go and this wasn't and you could do this but you couldn't do that. I don't agree with that anymore. The policy ought to create the incentives and the opportunities to drive all forms of energy. Conservation ought to be a part, and it is now a part of this legislation. New technologies clearly ought to be a part, and we ought to provide the kind of tax incentives that create the investment that brings the capital that drives new technologies. We have put several billion dollars into new technologies in the last several years: in photovoltaics and wind and the hydrogen fuel cell car that I talked about that I have had the opportunity to drive, all of that is moving forward. All of it is out there in somebody's future. But probably not in my lifetime, at least not all of it, and certainly not some of it. But we ought to be doing all of that. We ought to be utilizing our coal with new clean coal technology. It drives 60 percent of electrical generation today.

My hydro dams in Idaho and in the Columbia and Snake River systems ought not be threatened. They ought to be retrofitted and managed in a way that they are fish friendly, but they ought to be allowed to produce megawatts—10 percent of the national base.

What about nuclear? We have included nuclear in this bill, and we are enhancing it—we are reauthorizing Price-Anderson—another 20 percent of the base. If we believe in climate change and global warming, we are probably going to want nuclear to be a greater portion of that mix in time.

So why on the floor of the Senate tonight are we picking and choosing and saying this but not this? Do we know better? No, we do not know better. But we do know that as we have grown increasingly energy dependent on someone else's production, we have lost our flexibility as a country, we have lost our ability to shape domestic and foreign policy, and in the end, we will lose a little bit of our freedom because our sovereignty, our ability as a country to make those kinds of decisions that drive our economy and shape our attitude and our relationships with our foreign neighbors is, in fact, freedom.

''Oh, it is a freedom argument tonight?'' You're darned right it is. Somebody is saying you don't need to produce the 15 or 20 billion barrels of oil in the ANWR, or the 7 or the 8 or the 10—we don't know how much is there, but we know there is a lot there. But if we did, one example about the freedom I am talking about, or the flexibility in foreign policy, if we did produce ANWR—bring it into the pipeline, make it available to our refineries, allow it to go to the pump for you and me to put in our gas tanks—we could turn to Saddam Hussein, who just turned his pumps off last Tuesday, and say: Keep them off. We don't need your oil anymore. We don't need to buy 720,000 barrels a day from you for $4.2 billion a year so you can use that money to pay Palestinian families to allow their kids to be human bombs. We don't need to let you do that anymore. Most importantly, we are not going to pay for it.

Our policy today, or the absence of striving toward the form of relative energy independence is, in fact, allowing that policy. Shame on us. Bad policy. But, somehow, over the years, in this state of ambivalence toward production, toward self-sufficiency, we have wandered off toward Saddam Hussein. On any given day it can be anywhere from 55 to 60 percent dependency.

''My goodness, Alaska is just a drop in the bucket.'' Some say it will drop our dependency on foreign sources 14 percent for the next 20 years. I'll bet Colin Powell, in the last week, wished he had 14-percent greater capacity to bring off a peace settlement or a cease-fire between Palestine and Israel. That would have been a phenomenally larger advantage.

''Oh, it is only 14 percent.'' Since when did that not count? I think it counts. You cannot be cavalier about this issue.

Now let's talk environment. I do not make little of the environment. I live in a beautiful State. We have very strict environmental standards in my State, and we adhere to them and we believe in them. But we also believe in production. In the 1970s, when we drilled the North Slope of Alaska under the most strict environmental conditions ever imposed on an oilfield, we did it and we did not hurt the environment.

You have heard speeches in this Chamber today and yesterday about the abundance of the caribou herd and all the successes there. A cousin of mine was a foreman for Peter DeWitt. He helped build the pipeline. We were visiting the other night about the phenomenal technicalities involved in building that pipeline, but they got it done.

It was the first time; it was never done before. But Congress said do it cleanly, do it sound environmentally, and they did and that pipeline is 55, 60 miles away from the field we are talking about now.

We are not going to hurt the environment. The technologies of today, slant drilling and all of those new employments of technology within the energy field, weren't there in the 1970s, and we did it well then. We will do it better today.

It is not a matter of hurting the environment; it is a matter of not doing anything. That is the debate here. Do it or do not do it. Take the environmental equation out of it.

If you do not do it, why then are they arguing? Why would anyone take that point of view? I suggest because there are some esoteric attitudes, if you do that you slow down economic growth, you discourage this, and the world changes. It is kind of a cave and a candle syndrome: Find everybody a cave to live in and have candlelight for their reading. You will not have to have all these other goodies that we call the

marketplace, and somehow the world is going to be a better place.

I think not. I think we ought to talk about the differences and the tradeoffs. We ought to talk about the jobs.

My colleagues from Alaska and those who have analyzed this matter would suggest anywhere from 250,000 to 700,000 jobs could be created. Since when did jobs become a dirty environmental idea? I think it is a clean idea. I think it puts food on the tables of a lot of folks. It allows them to buy houses and cars and a college education for their kids. That sounds like a clean idea to me, and somehow someone is suggesting that is a bad idea.

The point here is simple. It ought not be that frustrating. None of us should struggle that mightily about it. It is producing energy for this economy, doing it in a wise and responsible way, doing it in an environmentally sound way, and, oh yes, doing it where it is. You have to go to the oil to get the oil.

We know there is oil under the ANWR in Alaska. The work has already been done. The EIS is already in place. The seismograph estimates a substantial volume. It is the natural and responsible next step in the development of the oil reserves of the State of Alaska and for this country.

We are going to choose to buy from outside the country, if we do not develop. We will continue to buy even if we do develop, but we will buy less. We will be a little more independent. We will create a lot of jobs. We will put $70 billion in the U.S. Treasury, and hundreds of billions of dollars will remain in the U.S. economy. To me, that just makes a heck of a lot of good sense.

I hope the amendments to this energy bill dealing with ANWR that are on the floor are agreed to. I hope we can vote for them. I hope at least nobody will hide behind a procedural effort. It ought to be up or down, yes or no, are you for it or are you against it? If you are against it and you can justify it—and, obviously, those who speak against it can—then so be it. That is the way we shape public policy in the Senate: honestly, fairly, and hopefully aboveboard for all the American citizens of our great country to see.

I believe we ought to explore ANWR. I believe we ought to develop it. I think this country needs it. I think we are better for it. We will be a stronger nation, we will be more independent, we will have greater flexibility, we will create more jobs, we will get greater opportunities for our kids and our grandkids, and our environment will remain clean and sound and the Porcupine caribou herd will flourish and the world will go on.

But it will be different if we cannot do that. We will be less free, more dependent, with less flexibility. The job of Colin Powell and his colleagues will be even more difficult because we have less independence to engage our friends and our enemies in trying to create a safer world. That is part of the issue. That is part of the debate.

My colleague from Oklahoma is in the Chamber ready to speak. It is an important issue. I hope all of us will take seriously the vote that we will be casting, I believe tomorrow, on cloture on this most important issue. In my opinion, it is a generational issue that comes before the Senate at this time.

I yield the floor.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. NICKLES. Mr. President, I wish to thank my colleague, Senator CRAIG from Idaho, for his speech. I also compliment Senator MURKOWSKI for his leadership in trying to put together a good energy bill, as well as Senator STEVENS. Both have made extensive speeches on the need for exploration in Alaska. I happen to respect both individuals very much.

I happen to have accepted one of their invitations to visit the area. And I believe all Senators received this invitation as well. I encourage my colleagues to do so.

I think there is a long tradition in the Senate where we have given home State Senators great latitude in making decisions that impact their States primarily. I am kind of bothered by the number of people who are coming out against drilling in ANWR without ever being there, without ever visiting the people, and without knowing the real impact.

Alaska happens to be one of the prettiest States in the Nation. It is one of the largest. I have been to several points in Alaska, including the Prudhoe Bay area and the ANWR area. Alaska contains beautiful scenic areas. However, the ANWR area, and particularly the coastal region, is not one of the prettier areas of Alaska. On the whole, although, it is a beautiful State.

When I heard people say we can't mess up this pristine wilderness, I was thinking that maybe they did not visit the area. Again, many States have gorgeous scenic views, and Alaska probably more than any other State. But this particular area can be drilled. It can be explored in an environmentally safe and sound manner without disturbing the environment and without disturbing wildlife.

I compliment the home State Senators. I wish people would listen to them. I think too many people have been listening to special interest groups that are trying to raise money on this issue without giving attention to some of the serious national and State problems.

We have real national problems. We are importing 60 percent of our oil today. We are spending about $100 billion a year overseas. We are shipping that money overseas to buy imported oil. That 60-percent figure means that we are very dependent on other countries for our livelihood. We have evidence of this in the past when we had curtailments. We had a curtailment in 1973 of 26 percent. There was an Arab oil embargo. This caused long lines at the gas stations as oil prices rose dramatically. In addition, unemployment went up as factories stalled and subsequently shut down. We even had schools closed. We had people who weren't able to get heat. We experienced this in 1973 when we were importing 26 percent and in 1979 when we were importing 44 percent. At that particular time, the OPEC countries didn't like our policy—sometimes our policy concerning Israel—so they wanted to teach us a lesson. They curtailed oil shipments to the United States.

Today we find ourselves vulnerable to the hardships we experienced in the past. We are currently importing 60 percent. That number continues to rise. It makes us very vulnerable. Without energy security, we don't have national security.

It is incumbent upon us to do something. President Bush, to his credit, and Vice President CHENEY's, to his credit, formulated a national energy policy—the first administration to do so in decades. The House, to their credit, last June passed a bipartisan energy bill. My compliments to them.

Many of us in the Senate wanted to pass a bipartisan energy bill. I have been on the Energy Committee for 22 years. Every major energy piece of legislation we passed has been bipartisan—every single one.

We passed a bill deregulating natural gas prices. It took years, but we did it.

In the Finance Committee, we passed a bill to eliminate the windfall profits tax. We passed a bill to repeal the Fuel Use Act. We passed a bill to eliminate the Synthetic Fuels Corporation.

Many of those mistakes that were made during the Carter administration were enacted by the Democratic Congress which needed to be repealed. And we repealed them in a bipartisan fashion.

We started marking up the energy bill. All of a sudden, the majority leader tells the chairman of the Energy Committee not to have a markup. So the bill we have before us, in my opinion, is in desperate need of improvement. It is 590 pages. It was never marked up in committee.

I have been on the committee for 22 years. I was never able to offer an amendment on this bill.

Some people say: Why have you been on this energy bill for so long? We have to rewrite the bill on the floor. Why are you spending so much time on ANWR? Guess what. If we had marked the bill up in committee, we would have ANWR in there. We had the votes. I suspect the reason the majority leader told Senator BINGAMAN not to mark up the bill is because he is adamantly opposed to exploration in ANWR. He may well have victory on the floor tomorrow. We will find out. I hope he is proud.

What about the hundreds of thousands of jobs that wouldn't be created because we will not have exploration? What about the billions of dollars that we are shipping overseas to little countries, such as Iraq, that really aren't

our best friends? Because he is continuing that policy—he is continuing the dependency, in some cases, on very unstable and unreliable sources of oil.

Our national energy is tied to our energy security, and we are taking steps to secure ourselves. We could reverse our actions significantly by allowing exploration in ANWR. But the majority leader may be successful in keeping it off.

My guess is, if we had done the bill as we have done every single bill for the last 20-some years in committee, that it would have been in the bill, and it would have stayed in the bill. I think the majority leader knows that. Maybe his tactic will be successful, but he has totally disrupted the precedents and the standard of using committee procedures to mark up bills.

We have committees and a process in which they follow. Why disenfranchise 20-some Senators from marking up a bill? This offends me. This bill has 590 pages. The first bill we considered had 539 pages.

Again, no Senator got to mark up either bill. This was put together by the majority leader. This was put together by Senator BINGAMAN. No other Senators I know of got to mark it up because there wasn't a markup held.

Where is the committee report? The standard procedure in taking up a bill is that we will have a committee report and allow individual Senators to make comments supporting or opposing the bill's provisions.

However, since we seem to have skipped this process, we have to dig through the bill and find out what is in it. This legislative language and not the easiest language to read. There is no common English explanation for it, as we have in almost every major bill.

I am very offended by the process. It was done I think primarily to avoid having a vote on ANWR, or making it impossible for us to put ANWR in. We will have to put ANWR in. It will take 60 votes. If we had ANWR in a committee bill, it would only take 50 votes.

The majority leader is able to use the rules and maybe bypass the entire committee structure so he can have a victory. Congratulations. Tell that to the hundreds of thousands of people who don't get a job because we are not going to explore ANWR. Hundreds of thousands of jobs?

Wait a minute. How many things can we do here? Senator MURKOWSKI has said many times that this will create thousands and thousands of jobs. One estimation is that it might create 250,000 jobs, while others offer higher estimates.

How many times can we pass a bill that will say if we do this we are going to be able to reduce our dependency on foreign sources, and, instead of spending $100 billion overseas, billions of those dollars can stay in the United States—that will stay with U.S. companies, that will be American made, that will be American owned—and where the dividends, royalties, and payments will go to workers and employees of American companies? How many times do we have that opportunity?

The majority leader may be successful in stopping it, but it makes us more dependent. It makes us more vulnerable to countries such as Iraq and other countries that might be upset with our Middle East policies.

I disagree with that very strongly. I disagree very strongly with countless Senators. I would love to know how many Senators have never been up there and are making decisions that say: I know better than Senator MURKOWSKI; I know better than Senator STEVENS.

I know that both Senator STEVENS and Senator MURKOWSKI have been there several times.

I happen to have been there, I think, once. I learned a great deal. I have been to Kaktovik, and I talked to the villagers. They are all in favor of it. They are more concerned about their environment than anyone else. They live there 365 days a year. Yet we are going to deny them an economic livelihood? I think that is a serious mistake.

I have heard countless people say: We can't do this because of the environmental impact. We are talking about 2,000 acres—2,000 acres—out of a land mass that is 19.6 million acres. And 2,000 acres may be about the size of an average airport, compared to 19 million acres, about the size of South Carolina. That is a very small percentage, very little negative impact, if you consider the impact to be negative in the first place. We have hundreds or thousands of wells in my State of Oklahoma, as Texas and Louisiana do also. We have not seen considerable negative impacts.

A pipeline, is that so bad? You ought to look at a interstate pipeline map and see how many pipeline miles are across the State of Louisiana, Texas, Oklahoma, Kansas. You don't know they are there, but they are there. And people act like that would just desecrate this beautiful area. I just question that.

As a matter of fact, I look at the ANWR Coastal Plain, and it would take just a small connection to be able to tie into the TransAlaska Oil Pipeline. This small connection would be about 100 miles long.

I look at the gas pipeline, and I heard the Senator from Michigan say, oh, she is all in favor of the gas pipeline. That is all new pipeline, and that is about 3,000 miles. The pipeline we are talking about is maybe 100 miles, connecting from ANWR to the oil pipeline that is already built. The oil pipeline is about 800 miles.

Now we are talking about a 3,000-mile pipeline, almost all of it new, going through a lot of virgin territory that has never had roads, never had a pipeline on it. This is the gas pipeline that a lot of people are saying would do 100 times the environmental damage of what we are talking about, connecting to the oil pipeline that is already there—100 times the environmental damage.

I heard somebody say, what about the caribou, or what about the wildlife in the area? I remember flying up there and looking around and looking at the wildlife. Alaska is a gorgeous State that has a lot of wildlife. In that particular Coastal Plain area, when I was there, I did not see hardly any wildlife. I could see more wildlife in my State of Oklahoma or the State of Louisiana in any square mile than what I saw at the time I happened to visit there. I did not visit there when the caribou were migrating in.

I care about the caribou. I saw a lot of caribou at Prudhoe Bay. I remember when Prudhoe Bay was originally built, there was about 3,000 caribou. Today, there are 20-some thousand. The caribou herds have multiplied dramatically. I think there are up to 27,000 caribou in the Prudhoe Bay area, about 9 times what there was 25 years ago. So the caribou have been protected fairly well. They have multiplied significantly and have proven not only to survive but to survive quite well with the TransAlaska Pipeline. I am sure they could survive with this small little junction from the ANWR area to the Prudhoe Bay pipeline.

So people who are raising these facades, ''Well, we can't disturb the wildlife,'' ''We can't disturb the natural environment,'' what are you doing supporting the gas pipeline that is 3,000 miles through virgin territory versus a pipeline that might be 100 miles connecting ANWR to the TransAlaska Pipeline? That does not make sense. That is absurd. I am just shocked by some of the false arguments that are being raised.

I do want to create jobs. I do want to make us less dependent on foreign sources. I do not want Saddam Hussein, who is now talking about having an oil embargo against the United States for 30 days because he doesn't like our policies in the Middle East—I don't want him to hold any type of economic leverage over the United States. Right now we are importing about a million barrels per day from Iraq, from Saddam Hussein.

Guess what. The production we expect to receive from ANWR is about a million barrels a day, except that it is estimated to last 20, 30, 40 years.

The Prudhoe Bay production that we have had for the last 25 years grew to a couple million barrels a day. Now it has declined to about a million barrels per day. So we have excess capacity of a million barrels, and ANWR could help complement that. Then we would have 2 million barrels per day coming down the TransAlaska Pipeline. That is over 25 percent of our domestic production. Our country—our Nation—needs that for national security. So to deny this, I believe, is a national security issue.

So we should give deference to our home State colleagues of Alaska. We should listen to their advice, and we should allow exploration in ANWR.

I urge my colleagues to consider doing what is right for America, what is right for our country, what is right for our national security, and, frankly, what is right for Alaska.

This project is supported overwhelmingly by Alaskans because they believe they need it, both economically and for the national security implications as well.

So I urge my colleagues, tomorrow, to support Senator MURKOWSKI and Senator STEVENS and allow exploration in the ANWR area.

Mr. President, one final comment I will make, and that is, there is an amendment pending—I guess we may have a vote on it—dealing with money going to help the steel industry cope with some of the difficulties they have. Some people call them legacy costs, but it is picking up health costs for retirees.

I think that is a serious mistake. I do not know why the Federal Treasury or the taxpayers should have to take general revenue money, or money coming from this pipeline to pay pension costs or health care costs for one particular industry. If you are going to do it for this industry, then what about the textiles, what about auto workers, what about railroad workers?

You have a lot of industries that have a lot of retirees who are struggling with paying their pensions and/or health care plans. They made those contracts. Is the Federal Government responsible to come in and assume all the costs of those contracts? If so, we have real serious problems. If we are going to do it for one, how can we not do it for another? I think it would be a serious mistake and set a serious precedent that I hope we don't follow. So I urge my colleagues to vote no on the steel legacy amendment, as it has been called.

However, I urge my colleagues, with every fiber in my being, to support exploration in ANWR, the Murkowski amendment. Let's listen to the Senators from the State of Alaska. They know this issue inside and out, far better than anybody else. They have been there countless times. Let's follow their advice and open up ANWR for exploration.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, we are now debating energy policy in the Senate that will affect the lives of generations to come, so we must make sure that our approach is comprehensive and balanced. We cannot allow poor energy policy proposals to be used as a smokescreen for an unwillingness to focus on the harder long-term issues. Drilling in the Alaskan National Wildlife Refuge is one such bad policy proposal.

It is impossible for the United States to ''drill'' its way out of oil dependency. The United States has 3 percent of the world's oil reserves but consumes 25 percent of the world's oil. The Arctic refuge contains less than 6 months of economically-recoverable oil and that oil would not be available for 10 years. This means that drilling in ANWR would not provide any immediate energy relief for American families.

Further, the claim that drilling in ANWR would create thousands of jobs is excessive. The job estimates used to support drilling in the Arctic refuge were developed by the American Petroleum Institute, API, in 1990 and are insupportable. According to the Congressional Research Service and other recent independent studies, the API used exaggerated estimates and questionable economic analysis.

More than 95 percent of Alaska's North Slope is open to oil and natural gas exploration or development today. In 1999, the Clinton administration opened nearly 4 million acres of the National Petroleum Reserve-Alaska to oil and gas drilling and signed a bill lifting the ban on the export of Alaska North Slope oil, a move strongly supported by industry. This action opened 425 tracts on 3.9 million acres, an area more than twice the size of ANWR. As a result of improved technologies and renewed interest in the North Slope, the lease sale returned more than $104 million in bonus bids, 50 percent of which will go to the Federal Government, and 50 percent to the State of Alaska. The oil industry should explore and develop the National Petroleum Reserve-Alaska before there is any consideration of opening ANWR.

As population and the economy grow, so does the demand for energy. We do need to keep the United States at the forefront of innovative energy production. The efficient use of energy has to be our primary goal and we need to create incentives to conserve. There are many ways to do this. Midwestern farmlands are ideal for growing high-yield ''energy crops,'' including soybeans grown in Michigan, to help power our economy. Corn grown in the Midwest can be used to produce ethanol, a cleaner burning fuel for vehicles. While there are barriers that must be overcome to bring these alternative sources of power on line, we should support renewable energy programs by offering incentives to those who use them.

Further, a new generation of automotive technology is under development that offers great promise in our quest to achieve greater fuel efficiency. Technologies such as hybrid vehicles, which use an internal combustion engine in combination with a battery and electric motor, and fuel cells, which are devices using hydrogen and oxygen to create electricity and heat, should help to dramatically improve fuel economy and protect our environment.

Drilling in our pristine wilderness will not alter our dependence on foreign oil, it will only alter our protected wilderness. We have a responsibility to promote a balanced energy plan that invests in America's future and protects our environment, not one that damages a unique and irreplaceable wilderness.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I got an e-mail from my oldest son, who told me he was surprised by the comments of the Senator from Minnesota concerning this issue being a political issue and politics as usual. I am not surprised. But I did tell him I think the Senate has changed.

Before I go to my other remarks, I would like to relate to the Senate what happened to me as a young Senator, a young appointed Senator. I came here in 1968, and by the springtime of 1969, Senator Gordon Allott of Colorado, who was a friend from the days when I was in Washington at the Interior Department. When I left I was Solicitor, and I was very close to Gordon Allott. He was a personal friend as well as the person I worked with in the Eisenhower administration.

He said he thought it would be good if I would meet with some of the older Senators and talk about life in the Senate. So I said I would, and a day or two later, Senator Allott said they were going to gather up in Senator Eastland's office. At that time it was on the third floor. I think it was room 306, just above what has been one of the leader's offices on the second floor.

As I walked in, I found that I was facing eight of the senior Senators. I hadn't been around long. I had been familiar with Senate activity. But it was a very interesting meeting: Senator Eastland of Mississippi, Senator Allott of Colorado, Senator Cotton of New Hampshire, Senator Paul Fannin of Arizona, Senator Hruska of Nebraska. I believe the others were Senator Long of Louisiana, Senator Randolph of West Virginia, and Senator Talmadge of Georgia.

Those were different days. They were days when there was a different feeling in the Senate. These were eight senior Senators, four from each side. Obviously, they enjoyed one another's company. Those were the days when, late in the afternoon, there were a few refreshments on the table in Senator Eastland's office. He said to me: Why don't you help yourself, son. I did, and I sat down. And Senator Allott said to me they just thought they ought to talk to me a little bit about how it was easy to get along in the Senate if one understood the Senate.

For instance, the conversation went to the point of the fact that we were a new State, a young State that had only been in the Union for 10 years. They wanted to make sure I understood the Senate. Senator Allott told them I had been around during the Eisenhower days. I had been with the liaison to the

Senate. They said they wanted me to understand relationships in the Senate.

We talked about senatorial courtesy and what it means to have a right to be consulted concerning appointments to your State. We talked about just the idea of the aisle as a separation between individual Senators; this is a place where, if you are going to be here, you ought to know who you are working with, and they welcomed a newcomer, an appointed Senator, to visit with them on how they felt about the Senate.

It was one of the most interesting conversations of my life. The point got around to a new State and the prerogatives of a new State. One of the things they told me was very simple: If you and your colleague agree on an issue that affects your State, for instance, land in your State, you let us know because we believe you know more about your State than we do, and we are going to rely on you; we are going to rely on you to make the judgments on Federal actions that affect your State, and only your State.

I thought about that last night. I have listened to people here over the years talk about the rights of their States and what has happened to their States and what might happen to their States.

I don't think any State has lived through what we have lived through in the first years of our statehood. We have been denuded of jobs—I will talk about the people who have done it—by a group that takes advantage of the division of the country in order to achieve objectives they could not achieve but for the divisions that exist in the Senate today. It is truly a split Senate. Relationships between the majority and minority are strained more than I have ever seen them.

We have a situation where the two of us, since 1981, have sought the fulfillment of a commitment made to us in 1980, and it is apparent now that it will be denied—not permanently; we still will have a chance to come back at this again. This bill will not forever forbid the concept of oil and gas leasing in the Arctic Plain of Alaska, but it will not happen until there is an act of Congress to authorize it to proceed.

In terms of the relationships of the Senate, I raised the question: What about other Senators? Are we to presume that the concept of the Senate relying upon the two Senators from that State, if they agree on an issue pertaining to their State, the Senate will listen to them? I don't think so.

I think we have seen really a split in the Senate intentionally caused by the radical environmental organizations of the country that think they really control the country now. I will show you; they probably do. They probably do much more than the public believes.

Senator WELLSTONE said today that he had meetings with the Gwich'in people because of the pristine wilderness, and they live in the area. I beg to correct the Senator. The Gwich'ins live on the south slope of the Arctic range. They are Canadian Indians, at least part of a Canadian tribe of Indians called the Gwich'ins. They have land in Alaska. They opted not to participate in the great land settlement of the Alaska Native lands settlement. They opted out. They took their land and did not want to rely in any way on the Federal Government.

As a matter of fact, right after they took their land, rather than participate in the land claims settlement, they put their land up for oil and gas leasing. No one wanted to lease it. They put their land up for coal leasing. They do have a lot of coal. And no one wanted to lease it.

As a matter of fact, we hardly ever heard from the Gwich'ins about this issue until they were hired by one of the environmental organizations, and they have become the spokesmen for the environmental organizations as a representative of the Alaska Native people. But they are Canadian Indians who live in Alaska.

The Alaska Native people, the Alaska Federation of Natives, and particularly the great Eskimo community on the Alaska North Slope, support drilling in the 1002 area of the Alaska Coastal Plain. They live in the area. The Gwich'ins do not. The people who own land within this area at Kaktovik, the Eskimo people, violently support this. They want it to happen. They have been denied the right by Federal order to drill on their own land, and our bill removes that impediment.

I have tried my best to explain why we went into the concept of looking at the steel legacy program. One Senator said he thought my effort was not real, not authentic, and I sought to take advantage of the hopes and pains of his people. If I had been here, I would have taken a point of personal privilege. That is an accusation of immoral conduct on the part of a Senator—were it true. It is not true.

Who made that linkage? The people who don't want to work with us. They know my amendment would provide a cashflow to the steelworkers who are currently going to be denied their medical care that they thought they were going to get. One Senator said: It is only $1 billion. It is only $1 billion. Well, we are getting $1.6 to $2.7 billion, we believe, in the bonus bids. And they only get $1 billion. Between now and 2005, they only get $1 billion. They get $8 billion over 30 years. If it is cynical, it is cynical because of the people who don't want to face up to their own responsibility.

We need that steel. We can't build this gas pipeline from Alaska, 3,000 miles from the North Slope to Chicago, unless we have steel. We can't have steel unless the steel companies of this country survive. They are not going to survive under the current circumstances.

As I said yesterday, 30 steel companies have gone bankrupt in the year 2000. Do the people who represent those areas understand their State? I understand mine. My State is bankrupt because the last administration closed down our mines, our timber operations, oil and gas activity, and our cruise ships. They have closed us down and want us to be a national park.

I am trying to represent my people, but I just hope these people here don't come in and accuse me of having taking action to take advantage of the hopes and pains of people.

I hope I am here then. I hope I am here then. We will have a discussion then. One said that drilling can't help because they thought that the legacy fund could not be solved by the moneys that would come from drilling in ANWR. I never said they would be solved. I never said they would be solved. I said we could provide a plug in that fund to keep them going until we got production from the Arctic Plain, and then we could go up to a total of $18 billion in 30 years to make that fund sound.

Now, it is one thing to not agree with a Senator who is trying to put two things together. By the way, let me remind the Senate that the great civil rights legislation of this country was introduced by Everett Dirksen of Illinois as a rider to another bill. It was a rider to another bill. It was the military structure and school bill. He added the civil rights legislation.

From some people on the other side, you would think the Democratic Party started civil rights in this country. The person who introduced the major bill was Everett Dirksen of Illinois, working with Lyndon Johnson when he was majority leader. Johnson called up the bill so that Everett Dirksen could offer that amendment. It was in February 1960.

In terms of other debates, when we were talking about the Foreign Military Sales Act of 1970, John Sherman Cooper of Connecticut and Senator Frank Church of Idaho offered an amendment to limit military operations in Cambodia. That became a substantial change in that bill. It became two bills, and, because they were joined together, they passed.

In 1982, we joined the Trade Reciprocity and Dividend Withholding Acts, and the proponents of both succeeded in bringing them together in the Senate. It is not unknown for a Senator to suggest that two separate pieces of legislation ought to be joined together in order to make a coalition of Senators who believe in an objective.

I take umbrage to some of the comments made by those people who don't have the guts to come forward and represent their own people. I would represent my people here until I die. We have done that. We have gone to the wall. I am accused of being the pork chief, or the chief porker around here. Why? Because my State is almost dead

due to the actions of the last administration in shutting down our timber industry, oil and gas industry, mining industry, and the cruise ships' total opposition to the State of Alaska in terms of any kind of development on Federal land, whether it was within or without the great withdrawals we have been talking about.

When we entered into that agreement in 1980, person after person—Senator MURKOWSKI and I read them—including the President, said we have reached an understanding so that the land can be preserved that needed to be preserved, but Alaska can go forward with development of oil and gas and timber and mining. They said that. They acknowledged it in public that there was a deal—a deal.

A deal, to me, is not a bad word. Up our way, when we make a deal, we shake hands. We don't have to have an act of Congress if you give a man your word, your promise. As Robert Service said, ''A promise made is a debt unpaid.''

Congress made a promise to Alaska that this land would be opened to oil and gas. It was shown in that environmental impact statement that there would be no permanent harm to the fish and wildlife area.

Now along comes this environmental group that has to be the most horrendous thing that I have gotten into. I wish I had more time for this, and some day I will take a lot more time for it. I think, because of these people, we have lost that ambiance on the floor.

In the days of Senator Mansfield, we used to have dining groups. Mansfield encouraged us to get together. As young Senators from both sides of the aisle, we would invite people from the other side of the aisle to our homes for dinner. At least three times a year we used to have dinner with other Senators in each other's homes. We got to know one another. We took them to our States. We would travel with each other. We disagreed here on the floor and we did our job representing our people; but we were friends.

Many Senators right now are not going to have many friends in the Senate after this year is over. It is because of what is happening now—this great division, turning everything into political issues. We are told that on every issue the President has to have 60 votes—not a majority, but every one of the President's programs has to have 60 votes in order to stop the opposition of the majority.

That is not like the days of Mike Mansfield or Lyndon Johnson. Lyndon Johnson cooperated with President Eisenhower. Mike Mansfield cooperated with President Nixon and President Ford. Where is the spirit of cooperation from the majority?

I think it is high time people understood what is going on here. It is going to have a long-term impact on the Senate, as far as this Senator is concerned. I still have my friends over there, and I love them. By the way, they are still my friends. They understand what we are doing. They are the Senators from the old days who understand that when two Senators agree concerning an issue in their State, they ought to be listened to by the Senate. They don't always agree, but they certainly should not be attacked.

Let's talk about the fundraising groups. We have some charts. Fundraising groups started off as philanthropic organizations that raise money to help achieve conservation objectives. They have been the subject of a review by the Sacramento Bee. Why do I look at that? They happen to own our largest newspaper, the Anchorage Daily News. We came across some of these articles that I will ask to put in the RECORD.

The Institute of Philanthropy suggests that fundraising expenses not exceed 35 percent. This is the percentage of environmental groups' donations used to raise more money, not for environmental protection. The National Parks Conservation Association uses 41 percent of the money they raise to raise more money; the Sierra Club, 42 percent; Defenders of Wildlife, 50 percent; Greenpeace, 56 percent; National Park Trust, 74 percent. So 75 cents out of every dollar goes to raise more money, not to help the parks.

Are these philanthropic, eleemosynary institutions? Are they? No. They are organizations that are now there to participate in the management of them. Let me show you, for instance, the annual income of these groups. This is just income of the presidents of philanthropic organizations. They are not the President of the United States, but you will see that several make more than the President of the United States. All but one makes more money than any Member of Congress. They are out raising money from people. They send them letter after letter, and they spend more money to go out and get more money, and they raise more money than they do for their objectives. Look at what they do with what is left.

The median household income in the United States in 2000 was $42,148; that is the income of a husband and wife in a household in the year 2000. The Sierra Club's executive director makes $138,000, which is conservative. All they really do now is raise money. That is a pretty good income. The president of the Earth Justice Legal Defense Fund makes $157,000. They raise money so they can sue—not in terms of doing anything for the conservation; they are protesters. Defenders of Wildlife, $201,000. The president of the Wilderness Society, $204,000; that is Fred Gaylord Nelson. He has graduated to a better salary. President, National Audubon Society, $239,000. World Wildlife Fund, $204,000. National Wildlife Federation, $247,000.

What is eleemosynary about that? Are these volunteers to save the world?

These are people in it for what they can get out of it, and what they get out of it is both money for themselves and money to contribute to people who support them. We will get into that, too.

This is the amount of mailings sent annually by these groups. These are mailings, in the millions, for more fundraising, not money to notify people of a problem: the Audubon Society, 7 million; Greenpeace, 8; the Sierra Club, 10.5; Defenders of Wildlife, 11; the National Wildlife Federation, 12.5; National Parks and Conservation, 17; World Wildlife, 19; Nature Conservancy, 35. They mail about 160 million mailings a year. The response is 1 to 2 percent.

I wonder who owns the mailing companies. I have to look into that. Somebody is making money on just the mailings from these people. What are they doing?

One hundred sixty million mailings, how many trees does that take, Mr. President? They are stopping us from cutting our trees in Alaska. From where are they getting that paper? They are not recycling it all. This group has in mind controlling what the Government does with regard to Federal lands in particular.

Who spends more to protect the environment? This is from the ''Environmental Benefits of Advanced Oil and Gas Exploration and Production Technology'' published in the Clinton administration. This is not this administration. This is the Clinton administration.

It is clear that the oil and gas industry spent $8 billion, in this 1 year, 1996. That is more than EPA's entire budget for 1996 and 333 percent more than all environmental groups put together. The oil and gas industry spends more to protect the environment by the Clinton administration's findings than all environmental groups put together. The environmental groups spent $2.4 billion in 1996. That is their total spending, and we have seen most of this is spent to raise more money—this is from environmental groups—not to protect the environment, but to raise more money and pad their own wallets.

It is amazing, as I look at law firms around the country. They are advertising to get contributions to protect the environment, and what they are really doing is taking contributions and paying themselves to represent protest groups. It is an interesting connection to the environment. I am not sure that is advancing the cause of the environment.

In any event, they are really soliciting money for their own salaries, which in my day in practicing law would have been thought to be unethical. It is not unethical now, I guess.

Mr. President, I ask unanimous consent that a series of articles from the Sacramento Bee be printed in the RECORD. They were written by a Bee staff writer in April of last year. The first is called ''Green Machine.'' Tom Knudson's article says:

Dear friend, I need your help to stop an impending slaughter. Otherwise, Yellowstone

National Park—an American wildlife treasure—could soon become a bloody killing field. And the victims will be hundreds of wolves and defenseless wolf pups.''

So begins a fund-raising letter from one of America's fastest-growing environmental groups—Defenders of Wildlife.

The article goes on:

In 1999, donations jumped 28 percent to a record $17.5 million. The group's net assets . . . grew to $14.5 million, another record. And according to its 1999 annual report, Defenders spent donors' money wisely, keeping fund-raising and management costs to . . . 19 percent of expenses.

But there is another side to Defenders' dramatic growth.

Pick up copies of its federal tax returns and you'll find that its five highest-paid partners are not firms that specialize in wildlife conservation. They are national direct mail and telemarketing companies—the same ones that raise money through the mail and over the telephone for nonprofit groups, from Mothers Against Drunk Driving to the U.S. Olympic Committee.

You'll also find that in calculating its fund-raising expenses, Defenders borrow a trick from the business world. It dances with digits, finds opportunity in obfuscation. Using an accounting loophole, it classifies millions of dollars spent on direct mail and telemarketing activities not as fund-raising but as public education and environmental activism.

Sounds like another Enron to me.

Again, I ask unanimous consent this series of articles be printed in the RECORD.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Apr. 23, 2001]

MISSION ADRIFT IN A FRENZY OF FUND RAISING

(By Tom Knudson)

''Dear Friend, I need your help to stop an impending slaughter. Otherwise, Yellowstone National Park could soon become a bloody killing field. And the victims will be hundreds of wolves and defenseless wolf pups!''

So begins a fund-raising letter from one of America's fastest-growing environmental groups—Defenders of Wildlife.

Using the popular North American gray wolf as the hub of an ambitious campaign, Defenders has assembled a financial track record that would impress Wall Street.

In 1999, donations jumped 28 percent to a record $17.5 million. The group's net assets, a measure of financial stability, grew to $14.5 million, another record. And according to its 1999 annual report, Defenders spent donors' money wisely, keeping fund-raising and management costs to a lean 19 percent of expenses.

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Take away that loophole and Defenders' 19 percent fund-raising and management tab leaps above 50 percent, meaning more than half of every dollar donated to save wolf pups helped nourish the organization instead. That was high enough to earn Defenders a ''D'' rating from the American Institute of Philanthropy, an independent, nonprofit watchdog that scrutinizes nearly 400 charitable groups.

Pick up copies of IRS returns for major environmental organizations and you'll see that what is happening at Defenders of Wildlife is not unusual. Eighteen of America's 20 most prosperous environmental organizations, and many smaller ones as well, raise money the same way: by soliciting donations from millions of Americans.

But in turning to mass-market fund-raising techniques for financial sustenance, environmental groups have crossed a kind of conservation divide.

No allies of industry, they have become industries themselves, dependent on a style of salesmanship that fills mailboxes across America with a never-ending stream of environmentally unfriendly junk mail, reduces the complex world of nature to simplistic slogans, emotional appeals and counterfeit crises, and employs arcane accounting rules to camouflage fund raising as conservation.

Just as industries run afoul of regulations, so are environmental groups stumbling over standards. Their problem is not government standards, because fund raising by nonprofits is largely protected by the free speech clause of the First Amendment. Their challenge is meeting the generally accepted voluntary standards of independent charity watchdogs.

And there, many fall short.

Six national environmental groups spend so much on fund raising and overhead they don't have enough left to meet the minimum benchmark for environmental spending—60 percent of annual expenses—recommended by charity watchdog organizations. Eleven of the nation's 20 largest include fund-raising bills in their tally of money spent protecting the environment, but don't make that clear to members.

The flow of environmental fund-raising is remarkable. Last year, more than 160 million pitches swirled through the U.S. Postal Service, according to figures provided by major organizations. That's enough envelopes, stationery, decals, bumper stickers, calendars and personal address labels to circle the Earth more than two times.

Often, just one or two people in 100 respond.

The proliferation of environmental appeals is beginning to boomerang with the public, as well. ''The market is over-saturated. There is mail fatigue,'' said Ellen McPeake, director of finance and development at Greenpeace, known worldwide for its defense of marine mammals. ''Some people are so angry they send back the business reply envelope with the direct mail piece in it.''

Even a single fund-raising drive generates massive waste. In 1999, The Wilderness Society mailed 6.2 million membership solicitations—an average of 16,986 pieces of mail a day. At just under 0.9 ounce each, the weight for the year came to about 348,000 pounds.

Most of the fund-raising letters and envelopes are made from recycled paper. but once delivered, millions are simply thrown away, environmental groups acknowledge. Even when the solicitations make it to a recycling bin, there's a glitch: Personal address labels, bumper stickers and window decals that often accompany them cannot be recycled into paper—and are carted off to landfills instead.

''For an environmental organization, it's so wrong,'' said McPeake, who is developing alternatives to junk mail at Greenpeace. ''It's not exactly environmentally correct.''

The stuff is hard to ignore.

Environmental solicitations—swept along in colorful envelopes emblazoned with bears, whales and other charismatic creatures—jump out at you like salmon leaping from a stream.

Open that mail and more unsolicited surprises grab your attention. The Center for Marine Conservation lures new members with a dolphin coloring book and a flier for a ''free'' dolphin umbrella. The National Wildlife Federation takes a more seasonal approach: a ''Free Spring Card Collection & Wildflower Seed Mix!'' delivered in February, and 10 square feet of wrapping paper with ''matching gift tags'' delivered just before Christmas.

The Sierra Club reaches out at holiday time, too, with a bundle of Christmas cards that you can't actually mail to friends and family, because inside they are marred by sales graffiti: ''To order, simply call toll-free . . .'' Defenders of Wildlife tugs at your heart with ''wolf adoption papers.'' American Rivers dangles something shiny in front of your checkbook: a ''free deluxe 35 mm camera'' for a modest $12 tax-deductible donation.

The letters that come with the mailers are seldom dull. Steeped in outrage, they tell of a planet in perpetual environmental shock, a world victimized by profit-hungry corporations. And they do so not with precise scientific prose but with boastful and often inaccurate sentences that scream and shout:

From New York-based Rainforest Alliance: ''By this time tomorrow, nearly 100 species of wildlife will tumble into extinction.''

Fact: No one knows how rapidly species are going extinct. The Alliance's figure is an extreme estimate that counts tropical beetles and other insects—including ones not yet known to science—in its definition of wildlife.

From the Wilderness Society: ''We will fight to stop reckless clear-cutting on national forests in California and the Pacific Northwest that threatens to destroy the last of America's unprotected ancient forests in as little as 20 years.''

Fact: National forest logging has dropped dramatically in recent years. In California, clear-cutting on national forests dipped to 1,395 acres in 1998, down 89 percent from 1990.

From Defenders of Wildlife: ''Won't you please adopt a furry little pup like 'Hope'? Hope is a cuddly brown wolf . . . Hope was triumphantly born in Yellowstone.''

Facts: ''There was never any pup named Hope,'' says John Varley, chief of research at Yellowstone National Park. ''We don't name wolves. We number them.'' Since wolves were reintroduced into Yellowstone in 1995, their numbers have increased from 14 to about 160; the program has been so successful that Yellowstone officials now favor removing the animals from the federal endangered species list.

Longtime conservationist Peter Brussard has seen enough.

''I've stopped contributing to virtually all major environmental groups,'' said Brussard, former Society for Conservation Biology president and a University of Nevada, Reno, professor.

''My frustration is the mailbox,'' he said. ''Virtually every day you come home, there are six more things from environmental groups saying that if you don't send them fifty bucks, the gray whales will disappear or the wolf reintroductions in Yellowstone will fail . . . You just get supersaturated.

''To me, as a professional biologist, it's not conspicuous what most of these organizations are doing for conservation. I know that some do good, but most leave you with the impression that the only thing they are interested in is raising money for the sake of raising money.''

Step off the elevator at Defenders of Wildlife's office in Washington, D.C., and you enter a world of wolves: large photographs of wolves on the walls, a wolf logo on glass conference room doors, and inside the office of Charles Orasin, senior vice president for operations, a wolf logo cup and a toy wolf pup.

Ask Orasin about the secret of Defenders' success, and he points to a message prominently displayed behind his desk: ''It's the Wolf, Stupid.''

Since Defenders began using the North American timber wolf as the focal point of its fund-raising efforts in the mid-1990s, the organization has not stopped growing. Every year has produced record revenue, more members—and more emotional, heart-wrenching letters.

''Dear Friend of Wildlife: It probably took them twelve hours to die. No one found the wolves in the remote, rugged lands of Idaho—until it was too late. For hours, they writhed in agony. They suffered convulsions, seizures and hallucinations. And then—they succumbed to cardiac and respiratory failure.''

''People feel very strongly about these animals,'' said Orasin, architect of Defenders' growth. ''In fact, our supporters view them as they would their children. A huge percentage own pets, and they transfer that emotional concern about their own animals to wild animals.

''We're very pleased,'' he said. ''We think we have one of the most successful programs going right now in the country.''

Defenders, though, is only the most recent environmental groups to find fund-raising fortune in the mail. Greenpeace did it two decades ago with a harp seal campaign now regarded as an environmental fundraising classic.

The solicitation featured a photo of a baby seal with a white furry face and dark eyes accompanied by a slogan: ''Kiss This Baby Good-bye.'' Inside, the fund-raising letter included a photo of Norwegian sealers clubbing baby seals to death.

People opened their hearts—and their checkbooks.

''You have very little time to grab people's attention, said Jeffrey Gillenkirk, a veteran free-lance direct mail copywriter in San Francisco who has written for several national environmental groups, including Greenpeace. ''It's like television: You front-load things into your first three paragraphs, the things that you're going to hook people with. You can call it dramatic. You can call it hyperbolic. But it works.''

The Sierra Club put another advertising gimmick to work in the early 1980s. It found a high-profile enemy: U.S. Secretary of the Interior James Watt, whose pro-development agenda for public lands enraged many.

''When you direct-mailed into that environment, it was like highway robbery,'' said Bruce Hamilton, the club's conservation director. ''You couldn't process the membership fast enough. We basically added 100,000 members.''

But environmental fund raising has its downsides.

It tends to be addictive. The reason is simple: Many people who join environmental groups through the mail lose interest and don't renew—and must be replaced, year after year.

''Constant membership recruitment is essential just to stay even, never mind get bigger,'' wrote Christopher Bosso, a political scientists at Northeastern University in Boston, in his paper: ''The Color of Money: Environmental Groups and the Pathologies of Fund Raising.''

''Dropout rates are high because most members are but passive check writers, with the low cost of participating and translating into an equally low sense of commitment,'' Bosso states. ''Holding on to such members almost requires that groups maintain a constant sense of crisis. It does not take a cynic to suggest . . . that direct mailers shop for the next eco-crisis to keep the money coming in.''

That is precisely how Gillenkirk, the copywriter, said the system works. As environmental direct mail took hold in the 1980s, ''We discovered you could create programs by creating them in the mail,'' he said.

''Somebody would put up $25,000 or $30,000, and you would see whether sea otters would sell. You would see whether rain forests would sell. You would try marshlands, wetlands, all kinds of stuff. And if you got a response that would allow you to continue—a 1 or 2 percent response—you could create a new program.''

Today, the trial-and-error process continues.

The Sierra Club, which scrambles to replace about 150,000 nonrenewing members a year out of 600,000, produces new fund-raising packages more frequently than General Motors produces new car models.

''We are constantly turning around and trying new themes,'' said Hamilton. ''We say, 'OK, well, people like cuddly little animals, they like sequoias.' We try different premiums, where people can get the backpack versus the tote bag versus the calendar. We tried to raise money around the California desert—and found direct mail deserts don't work.''

And though many are critical of such a crisis-of-the-month approach, Hamilton defended it—sort of.

''I'm somewhat offended by it myself, both intellectually and from an environmental standpoint,'' he said. ''And yet . . . it is what works. It is what builds the Sierra Club. Unfortunately the fate of the Earth depends on whether people open that envelope and send in that check.''

The vast majority of people don't. Internal Sierra Club documents show that as few as one out of every 100 membership solicitations results in a new member. The average contribution is $18.

''The problem is there is a part of the giving public—about a third we think—who as a matter of personal choice gives to a new organization every year,'' said Sierra Club Executive Director Carl Pope. ''We don't do this because we want to. We do it because the public behaves this way.''

Fund-raising consultants ''have us all hooked, and none of us can kick the habit,'' said Dave Foreman, a former Sierra Club board member. ''Any group that gives up the direct mail treadmill is going to lose. I'm concerned about how it's done. It's a little shabby.''

Another problem is more basic: accuracy. Much of what environmental groups say in fund-raising letters is exaggerated. And sometimes it is wrong.

Consider a recent mailer from the Natural Resources Defense Council, which calls itself ''America's hardest-hitting environmental group.'' The letter, decrying a proposed solar salt evaporation plant at a remote Baja California lagoon where gray whales give birth, makes this statement:

''Giant diesel engines will pump six thousand gallons of water out of the lagoon EVERY SECOND, risking changes to the precious salinity that is so vital to newborn whales.''

Clinton Winant, a professor at Scripps Institution of Oceanography who helped prepare an environmental assessment of the project, said the statement is false. ''There is not a single iota of scientific evidence that suggest pumping would have any effect on gray whales or their babies,'' he said.

The mailer also says:

''A mile-long concrete pier will cut directly across the path of migrating whales—potentially impeding their progress.''

Scripps professor Paul Dayton, one of the nation's most prominent marine ecologist, said that statement is wrong, too.

''I've dedicated my career to understanding nature, which is becoming more threatened,'' he said. ''And I've been confronted with the dreadful dishonesty of the Rush Limbaugh crowd. It really hurts to have my side—the environmental side—become just as dishonest.''

Former Mexican President Ernesto Zedillo halted the project last year. But as he did, he also criticized environmental groups. ''With false arguments and distorted information, they have damaged the legitimate cause of genuine ecologists.'' Zedillo said at a Mexico City news conference.

A senior Defense Council attorney in Los Angeles, Joel Reynolds, said his organization does not distort the truth.

''We're effective because people believe in us,'' Reynolds said. ''We're not about to sacrifice the credibility we've gained through direct mail which is intentionally inaccurate.''

Reynodls said NRDC's position on the slat plant was influenced by a 1995 memo by Bruce Mate, a world-renowned whale specialist. Mate said, though, that his memo was a first draft, not grounded in scientific fact.

''This is a bit of an embarrassment,'' he said. ''This was really one of the first bits of information about the project. It was not meant for public consumption. I was just kind of throwing stuff out there. It's out-of-date, terribly out-of-date.''

There is plenty of chest-thumping pride in direct mail, too—some of it false pride. Consider this from a National Wildlife Federation letter: ''We are constantly working in every part of the country to save those species and special places that are in all of our minds.''

Yet in many places, the federation is seldom, if every, seen.

''In 15-plus years in conservation, in Northern California, Nevada, Idaho, Oregon and Washington, I have never met a (federation) person,'' said David Nolte, who recently resigned as a grass-roots organizer with the Theodore Roosevelt Conservation Alliance—a coalition of hunters and fishermen.

''This is not about conservation,'' he said. ''It's marketing.''

Overstating achievements is chronic, according to Alfred Runte, an environmental historian and a board member of the National Parks Conservation Association from 1993 to 1997.

''Environmental groups all do this,'' he said. ''They take credit for things that are generated by many, many people. What is a community ccomplishment becomes an individual accomplishment—for the purposes of raising money.''

As a board member, Runte finds something else distasteful about fund raising: its cost.

''Oftentimes, we said very cynically that for every dollar you put into fund raising, you only got back a dollar,'' he recalled. ''Unless you hit a big donor, the bureaucracy was spending as much to generate money as it was getting back.

Some groups are far more efficient than others. The Nature Conservancy, for example, spends just 10 percent of donor contributions on fund raising, while the Sierra Club

spends 42 percent, according to the American Institute of Philanthropy.

Pope, the Sierra Club director, said it's not a fair comparison. The reason? Donations to the Conservancy and most other environmental groups are tax deductible—an important incentive for charitable giving. Contributions to the Sierra Club are not, because it is a political organization, too.

''We're not all charities in the same sense,'' Pope said. ''Our average contribution is much, much smalller.''

Determining how much environmental groups spend on fund raising is only slightly less complex than counting votes in Florida. The difficultly is a bookkeeping quagmire called ''joint cost accounting.''

At its simplest, joint cost accounting allows nonprofit groups to splinter fund-raising expenditures into categories that sound more pleasant to a donor's ear—public education and environmental action—shaving millions off what they report as fund raising.

Some groups use joint cost accounting. Others don't. Some groups put it to work liberally, others cautiously. Those who do apply it don't explain it. What one group labels education, another calls fund raising.

''You use the term joint allocation and most people's eyes glaze over,'' said Greenpeace's McPeake. The most sophisticated donor in the world ''would not be able to penetrate this,'' she said.

Joint cost accounting need not be boring, however.

Look closely and you'll find sweepstakes solicitations, personal return address labels, free tote bag offers and other fund-raising novelties cross-dressing as conservation. You also find that those who monitor such activity are uneasy with it.

David Ormsteadt, an assistant attorney general in Connecticut, states in Advancing Philanthropy, a journal of the National Society of Fundraising Executives: ''Instead of reporting fees and expenses as fund-raising costs, which could . . . . discourage donations, charities may report these costs as having provided a public benefit. The more mailings made—and the more expense incurred—the more the 'benefit' to society.''

The Wilderness Society, for example, determined in 1999 that 87 percent of the $1.5 million it spent mailing 6.2 million membership solicitation letters wasn't fund raising but ''public education.'' That shaved $1.3 million off its fund-raising tab.

One of America's oldest and most venerable environmental groups, the Wilderness Society didn't just grab its 87 percent figure out of the air. It literally counted the number of lines in its letter and determined that 87 of every 100 were educational.

When you read in the society's letter that ''Our staff is a tireless watchdog,'' that is education. So is the obvious fact that national forests ''contain some of the most striking natural beauty on Earth.'' Even a legal boast—''If necessary, we will sue to enforce the law''—is education.

''We're just living within the rules. We're not trying to pull one over on anybody,'' said Wilderness Society spokesman Ben Beach.

Daniel Borochoff, president of the American Institute of Philanthropy, the charity watchdog, said it is acceptable to call 30 percent or less of fund-raiding expenses ''education.'' But he deemed that the percentages claimed by the Wilderness Society, Defenders of Wildlife and others were unacceptable.

''These groups should not be allowed to get away with this,'' Borochoff said. ''They are trying to make themselves look as good as they can without out-and-out lying. . . . This doesn't help donors. It helps the organization.''

At Defenders of Wildlife, Orasin flatly disagreed. The American institute of Philanthropy ''is a peripheral group and we don't agree with their standards,'' he said. ''We don't think they understand how a nonprofit can operate, much less grow.''

Even the more mainstream National Charities Information Bureau, which recently merged with the Better Business Bureau's Philanthropic Advisory Service, rates Defenders' fund raising excessive.

''We strongly disagree with (the National Charities Information Bureau),'' said Orasin. ''They take a very subjective view of what fund raising is. We are educating the public. If you look at the letters that go out from us, they are chock-full of factual information.''

But much of what Defenders labels education in its fund raising is not all that educational. Here are a few examples—provided to The Bee by Defenders from its recent ''Tragedy in Yellowstone'' membership solicitation letter:

Unless you and I help today, all of the wolf families in Yellowstone and central Idaho will likely be captured and killed.

It's up to you and me to stand up to the wealthy American Farm Bureau . . .

For the sake of the wolves . . . please take one minute right now to sign and return the enclosed petition.

The American Farm Bureau's reckless statements are nothing but pure bunk.

''That is basically pure fund raising,'' said Richard Larkin, a certified public accountant with the Lang Group in Bethesda, Md., who helped draft the standards for joint cost accounting. ''That group is playing a little loose with the rules.''

Defenders also shifts the cost of printing and mailing millions of personalized return address labels into a special ''environmental activation'' budget category.

Larkin takes a dim view.

''I've heard people try to make the case that by putting out these labels you are somehow educating the public about the importance of the environment,'' he said. ''I would consider it virtually abusive.''

Not all environmental groups use joint cost accounting. At the Nature Conservancy, every dollar spent on direct mail and telemarketing is counted as fund raising.

The same is true at the Sierra Club. ''We want to be transparent with our members,'' said Pope, the club's director.

Groups that do use it, though, often do so differently.

The National Parks Conservation Association, for example, counts this line as fund raising: ''We helped establish Everglades National Park in the 1940s.'' Defenders counts this one as education: ''Since 1947, Defenders of Wildlife has worked to protect wolves, bears . . . and pristine habitat.''

''It's a very subjective world,'' said Monique Valentine, vice president for finance and administration at the national parks association. ''It would be much better if we would all work off the same sheet of music.''

At the Washington, D.C.-based National Park Trust, which focuses on expanding the park system, even a sweepstakes solicitation passes for education, helping shrink fund-raising costs to 21 percent of expenses, according to its 1999 annual report.

Actual fund-raising costs range as high as 74 percent, according to the American Institute of Philanthropy, which gave the Trust an ''F'' in its ''Charity Rating Guide & Watchdog Report.'' Borochoff, the Institute's president, called the Trust's reporting ''outrageous.''

''Dear Friend,'' says one sweepstakes solicitation, ''The $1,000,000 SUPER PRIZE winning number has already been pre-selected by computer and will absolutely be awarded. It would be a very, very BIG MISTAKE to forfeit ONE MILLION DOLLARS to someone else.''

Paul Pritchard, the Trust's president, said the group's financial reporting meets nonprofit standards. He defended sweepstakes fund raising.

''I personally find it a way of expressing freedom of speech,'' Pritchard said. ''I can ethically justify it. How else are you going to get your message out?''

Mr. STEVENS. Mr. President, the article goes on to say:

No allies of industry, they have become industries themselves, dependent upon a style of salesmanship that fills mailboxes across America with a never-ending stream of environmentally unfriendly junk mail, reduces the complex world of nature to simplistic slogans, emotional appeals and counterfeit crises, and employs arcane accounting rules to camouflage fundraising as conservation.

It goes on to say:

Six national environmental groups spent so much on fund-raising and overhead they don't have enough left to meet the minimum benchmark for environmental spending—60 percent of annual expenses—recommended by charity watchdog organizations. Eleven of the nation's 20 largest include fund-raising bills in their tally of money spent protecting the environment, but don't make that clear to members.

The direct mail costs that we have seen can go up to 74 percent of the total money received and is being reported to members as money spent to protect the environment. Are these the people the Senate ought to believe? They are the ones the people on the other side have been quoting all day. That is why we are raising it. They have been quoting them as the sources for the information they present to the Senate—all these things are going bad in Alaska, all these tragedies that have happened to Alaska. What they do not mention is the human tragedy that has happened to Alaska.

This article was printed on April 23, 2001. I hope Senators will read this and all other Sacramento Bee articles in this series. In fact, I think the Sacramento Bee ought to receive an award for them. They are enormous in terms of their reach.

The Sierra Club, for instance, one time said:

By this time tomorrow, nearly 100 species of wildlife will tumble into extinction.

They sent that to retired people and to working people who believe in protecting the environment. This says, as a matter of fact:

No one knows how rapidly species are going extinct. The Alliance's figure is an extreme estimate that counts tropical beetles and other insects—including ones not yet known to science—in its definition of wildlife.

And the Defenders of Wildlife are raising money.

This article says:

We will fight to stop reckless clear-cutting of the national forests in California and the Pacific Northwest that threatens to destroy the last of America's unprotected ancient forests in as little as 20 years.

As a matter of fact: Clear-cutting the forests has stopped. It is down 89 percent from 1990, and yet they wrote that letter after the timber cutting stopped.

Again, I urge Members of the Senate to read these articles written by the Sacramento Bee. It is high time someone started looking into them, and we will do that later.

Mr. President, I have another series of articles from the Sacramento Bee. This time it is called ''Litigation Central.''

It says the ''flood of costly lawsuits raises questions about motive.'' I refer to this article of April 24, 2001.

It says, in part:

Suing the government has long been a favorite tactic of the environmental movement—used to score key victories for clean air, water and endangered species. But today, many court cases are yielding an uncertain bounty for the land and sowing doubt even among the faithful.

''We've filed our share of lawsuits, and I'm proud of a lot of them,'' said Dan Taylor, executive director of the California chapter of the National Audubon Society. ''But I do think litigation is overused. In many cases, it's hard to identify what the strategic goal is, unless it is to significantly reshape society.''

The suits are having a powerful impact on Federal agencies. They are forcing some government biologists to spend more time on legal chores than on conservation work. As a result, species in need of critical care are being ignored. And frustration and anger are on the rise.

It goes on:

During the 1990s, the government paid out $31.6 million in attorney fees for 434 environmental cases brought against Federal agencies. The average award per case was more than $70,000 [for attorneys fees alone]. One long-running lawsuit in Texas involving the endangered salamander netted lawyers for the Sierra Club and other plaintiffs more than $3.5 million in taxpayer funds.

It is a growth industry, suing the Federal Government for an environmental cause, mythical or otherwise.

Lawyers for the industry and natural resource users get paid for winning environmental cases.

As a matter of fact, the environmental groups are not shy about asking for money. This is from this article:

They earn $150 to $350 an hour . . . In 1993, three judges on the U.S. Circuit Court of Appeals in Washington were so appalled by one Sierra Club Legal Defense Fund lawyer's flagrant overbilling that they reduced her award to zero.

The lawyer had claimed too much money.

I see the Senator from Iowa is in the Chamber. Does he have a timeframe problem?

Mr. GRASSLEY. I would like to speak on ANWR for about 10 minutes if I could, or a little bit less.

Mr. STEVENS. I do not want to keep the Senator waiting. I have a lot more than that to speak. I ask unanimous consent that I be able to yield to the Senator from Iowa for 10 minutes without losing the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. First of all, I thank the Senator from Alaska for his kindness.

I have heard discussed in the Senate this area of Alaska being about 19 million acres, and I have heard that there was only going to be drilling in about 2,000 acres of that 19 million acres. Two thousand acres out of 19 million acres is not very many acres.

My State of Iowa is about 55,000 square miles, and that multiplies out to about 35 million acres. So 19 million acres would be a little bit more than half of my State of Iowa. I know how big the State of Iowa is. I do not want to claim that I know how big the State of Alaska is, but I know how big the State of Iowa is because I travel every year to all 99 counties to hold at least one meeting in each county.

I know how much 2,000 acres happens to be because that would be about 3 square miles in the neighborhood of my farm in Iowa. Take 3 square miles out of my State of Iowa and it is practically nothing. So I do not know what the big deal is about drilling on 2,000 acres in the State of Alaska or even in the State of Iowa. It would be equivalent to about a pinprick on a map of the State of Iowa. That is the way I see it.

I say to the Senator from Alaska, to me, this ends up almost as a no-brainer. From the facts we have heard, that this will supply enough oil for my State of Iowa for 126 years—I have also heard it would be equivalent to the amount of oil we would bring in from Saudi Arabia for 30 years. I think I have heard the figure of 55 years is the amount of oil that would come from Saddam Hussein. I have also heard my colleagues say we send $4.5 billion a year to Iraq for oil.

If all of this is correct—I do not believe that it has been refuted. I have not heard all the debate. But it really comes down to whether or not we would like to get our energy from areas that we control in the United States, or we want to get oil from unstable governments around the world, and whether or not we ought to save that $4 billion for America, spend it in America, or spend it with Saddam Hussein.

I also believe when we do drill in Alaska—and the Senator from Alaska does not have to respond to this unless I am wrong, but I believe when we drill in Alaska, there are very rigorous environmental rules that have to be followed.

We hear about the pristine areas of Alaska, and I do not dispute that, but do we not also have pristine areas in Siberia? I assume that whether it is Alaska or whether it is Siberia, there is going to be more oil added to the world pool of oil because it is going to be needed.

So would people in the United States rather have us drill under the strict environmental rules of the United States as they would apply in Alaska or would they rather have us let the Russians drill in Siberia where I know there was oil floating out of pipelines for long periods of time—and I do not know whether it has ever been cleaned up—and where there would be little concern about the environment in Siberia where Russia would be drilling?

I would think people in America would rather have us drill under the strict guidelines of the environmental requirements of the United States than they would in a country that does not have such guidelines, particularly considering these are considered pristine environmental areas, whether it is in Alaska or whether it is anywhere in the Arctic area of the world. I think you would have to look at them the same way.

So I have come to the conclusion, I want to tell the Senator from Alaska, not just from listening to him but listening to other people and studying this, that I happen to think he is right on this issue. I think we have an opportunity not only on this issue but on a lot of parts of this legislation to pave the way for a balanced, long-term national energy strategy that will increase U.S. energy independence and limit the stranglehold foreign countries have on American consumers. A comprehensive energy strategy must strike a balance among development of conventional energy sources and alternative, renewable energy and conservation.

I think the President's approach of incentives for production, incentives for conservation, and incentives for alternative and renewable fuels is a very balanced energy program. It is a program that, No. 1, incentives for renewables take care of the short-term needs of the country, and in the case of the second and third points, conservation and renewables take care of the long-term energy needs of our country.

During the past few weeks, I have had an opportunity to express my strong support for renewable fuel provisions included in this bill which require a small percentage of our Nation's fuel supply to be provided by renewable fuels such as ethanol and biodiesel.

As a domestic renewable source of energy, ethanol and biodiesel can increase fuel supplies, reduce our dependence on foreign oil, and increase our national economic security. But they can't do it alone, and it can't be done overnight. That is why we need short-term solutions and we need long-term solutions.

The Senate has had an opportunity to consider renewable portfolio standards, which I believe will go a long way to promote renewable energy resources for electrical generation. However, that is only part of a solution.

As ranking member of the Senate Finance Committee, I have had an opportunity to work with Chairman BAUCUS to develop an energy-related tax amendment that includes provisions for development of renewable sources of energy such as wind and biomass and

incentives for energy-efficient appliances and homes. The tax package, however, unlike the underlying energy bill, recognizes that a balanced energy plan can't overlook the production of traditional energy sources such as oil and gas.

Developing domestic oil resources is vital to our national security. The United States is dependent upon foreign countries for over 58 percent of our oil needs. We are currently dependent upon Saddam Hussein, which I already referred to but, more specifically, for about 750,000 barrels of oil a day or 9 percent of our U.S. oil imports.

Last week, as we have been reminded during this debate, Iraq stopped its exports of 2.5 million barrels a day in response to developments in the Middle East, further driving up crude oil prices. It is important that Americans know that last year alone, we spent $4.5 billion of our money to pay for Saddam Hussein's oil, thereby providing funding to help Iraq with its war machine.

The United States has the resources on our land that could reduce or eliminate the stranglehold Saddam Hussein has on our economy. By developing our resources in Alaska, we could produce 10 billion barrels of oil and perhaps as much as 16 billion barrels of oil. This amount could replace the oil I have referenced from Saudi Arabia or the oil from Iraq for a long period of time. So for the sake of our national security, we ought to be developing our own natural resources at home.

Opponents have made claims that opening ANWR to oil development would do tremendous environmental harm. But, again, I repeat for my colleagues, 2,000 acres out of 19 million acres is a no-brainer. Only the best environmental technology will be used for exploration and development, leaving the smallest possible footprint.

Opponents have also argued that oil development in ANWR will hurt wildlife. Remember the warnings from environmental groups about the danger to the caribou if we developed Prudhoe Bay? They were wrong. Since the development, we have had increases in herd size. I ask my colleagues, what is better for the environment: Developing resources in the United States, using the toughest environmental standards ever imposed, or importing foreign oil produced without much consideration for the environment?

We must do more to develop in an environmentally sensitive way the resources God has given us in stewardship. I hope my colleagues will join with me to support this approach to opening Alaska and ensuring that the bill before the Senate does more to protect our national security and to reduce our dependence upon foreign oil.

I thank my colleague from Alaska. I yield the floor.

Mr. STEVENS. Mr. President, last night at the Library of Congress I ran across this ad. I was going to talk about it later, but I wanted the Senator to see this. This is an ad on one of the displays in the Library of Congress. Millions of acres in Iowa and Nebraska were put up for sale by the Burlington and Missouri River Railroad Company.

I will develop later that the West was opened, really, because President Lincoln offered $1 million and every odd section of the right-of-way for the first railroad to link the east and west coasts of the United States. We don't think in terms of that now. Once those railroad companies got a hold of the land, they put it up for sale. They put it up for sale at $2.50 an acre and let people have 10 years' credit to pay for it. That is what stimulated the development of the West. That is what stimulated the expansion of the United States.

What have they done in my State, one-fifth of the land mass in the United States? They have blocked us at every turn, withdrew lands with economic potential, blocked us from using our own lands that had economic potential, closed our mines, closed our pulp mills, closed our timber mills, canceled the permits of the wildcat well drillers for oil and gas. We have lost the American dream of private ownership of lands in Alaska.

I thought the Senator might be interested in that. It is a very interesting exhibit at the Library of Congress. It includes some of the artifacts of the history of our great country, including the great move to make land available to those people who developed the transportation system. Talk about blending. Here is the transportation system of the United States, the first railroad to go from east to west across the United States. Persons who built that obtained every odd section along the right-of-way of the railroad, and from that came the expansion to the west.

People complain about my suggestion that we join together oil development in the Arctic Plain and the future of the great steel industry of the United States.

I am pleased to have received this letter addressed to me:

> We write as members of the House with a strong interest in the steel industry to convey our strong support of your efforts to resolve the legacy cost burden of the domestic steel industry, and especially your efforts to assist the steel industry's retirees and their dependents.
>
> As you know, the domestic steel industry has significant unfunded pension liabilities as well as massive retiree health care responsibilities that total $13 billion and cost the steel industry almost $1 billion annually. These pension and health care liabilities pose a significant barrier to steel industry consolidation and rationalization that could improve the financial condition of the industry and reduce the adverse impact of unfairly traded foreign imports.
>
> It has come to our attention that a unique opportunity has arisen in the Senate to remove this barrier to rationalization while assisting the retirees, surviving spouses, and dependents of the domestic steel industry. It is our understanding that you have offered an amendment to the energy bill this week which will break the impasse on the legacy problem.
>
> Once again, we would like to extend our wholehearted support to you in this endeavor. We look forward to working with you to find a viable solution to bring a sense of security to the over 600,000 retirees, surviving spouses, and dependents before the end of the 107th Congress.

I ask that that letter be put on every desk. It is a bipartisan letter signed by an equal number of Democratic Members and House Members in the House of Representatives.

I go back to the comments about the Sacramento Bee articles. On August 19, the article by Thomas Knudson, titled ''Old Allies Now Foes in Alaska's Oil Battle'':

Environmentalists come under fire for their impassioned efforts to bar drilling in a wildlife refuge.

It details the problems. For instance, JIM CLYBURN of South Carolina, who voted for oil drilling in Alaska's Arctic National Wildlife Refuge, is chairman of the Congressional Black Caucus and sided with the Bush administration. This article points out that in the House the pro-drilling side won 223 to 206. The Senate is expected to take up the matter this fall.

The [environmental] rhetoric has been an insult to us, CLYBURN told an energy trade journal. A lot of us don't feel obliged to be purists on this issue.

How many times can you cry wolf and have your audience still believe in you? said Mark Buckley, a commercial fisherman and member of the National Audubon Society in Kodiak, Alaska, who opposes Audubon's anti-drilling stance.

This article goes on to point out, in terms of environmental groups' advocacy against this, advocacy mail-in campaigns on roadless areas, national forests, and genetically modified crops. At least eight major groups are circulating letters on the single topic of the Arctic Refuge drilling.

It is a very meaningful article about the way these environmental groups really single out those who support drilling in the Arctic Plain. It is, one of the balanced articles that deals with the question of this drilling.

As the Senator from Iowa said, 2,000 acres out of 1.5 million acres is not very much. It is 3 square miles.

Here is a nice one: Yours Free When You Contribute $10 Or More . . . our polar bear tote bag.

It's the perfect way to show you're working to Keep the Arctic Wild and Free.

If you complete the enclosed reply form and return it with your membership gift of $10 or more, you get a little tote bag. It says: Keep The Arctic Wild & Free.

It is available only to NRDC members, but it is a concept of what we are looking at. For that membership, you can join the club. They do not tell you that 75 percent of their money is not spent for conservation.

The next article I want to talk about was published on November 11 of last

year. It talks about the people who live on the slope, on the North Slope. It says:

Like detectives, the two Inupiat Eskimos gathered all the information they could about the Alaska Wilderness League, a relatively new arrival to the environmental community far away in Washington, D.C.

From Bloomberg News, the St. Paul Pioneer Press and other sources, Tara Sweeney and Fenton Rexford read about a group that was passionate, self-assured and actively working to halt oil drilling in the Arctic National Wildlife Refuge with a blend of environmental activism—such as street theater and letters to the editor—and lobbying politicians.

But when they examined the league's federal tax return, they discovered a group that portrayed itself in a different manner: as a tax-exempt charity focusing on science and education.

''The Alaska Wilderness league sponsored two educational trips to the Arctic refuge . . .'' its tax form says. ''The Alaska Wilderness League supported the 'Last Great Wilderness' slide show, seen by thousands of people to educate them'' about the refuge.

Rexford, a leader of the Eskimo village of Kaktovik—the only permanent human settlement on the refuge—was astonished.

''What they do and what they tell the IRS they do are two different things,'' said Rexford, who favors oil drilling. Last month, he made his views known to the IRS itself, filing a complaint in which he and other village leaders allege the League is violating tax law by ''devoting substantially all of its resources'' to lobbying.

In filing the complaint, Rexford did more than challenge the Alaska Wilderness League. He also struck at a vital support system for environmental groups: their 501(c)(3) tax status. [We are going to go after that too, Mr. President.] That status saves nonprofits millions in corporate and other taxes, makes them eligible for foundation funding and allows contributors to deduct donations from their own income taxes.

Rexford and Sweeney said they got the idea from IRS audits of the Heritage Foundation and other conservative nonprofits during the Clinton administration. In June, they watched with interest as the Frontiers of Freedom Institute, a pro-business think tank, filed an IRS complaint against Rain Forest Action Network, a tax-exempt group that scales skyscrapers to protest logging.

The League's executive director responded angrily to the Inupiat attack.

''The Kaktovik Inupiat Corporation either has been misinformed by its friends in the oil industry about the law or it has deliberately distorted the facts in a cynical attempt to intimidate America's conservation groups,'' said director Cindy Shogan.

''We have a right to represent the interest of our members . . . so long as our legislative advocacy activities stay within specified IRS limits,'' Shogan said. ''We fully comply with all IRS laws.''

But Rexford—who hunts whales, seals and caribou for subsistence—said it is Shogan who is misinformed. He said the Inupiat corporation ''has not solicited information from the oil industry, nor will we. It is apparent that the AWL simply cannot fathom that a native-owned organization has enough intelligence and talent to think independently and .. file a complaint of this nature.''

Most environmental groups are 501(c)(3)'s, which means they can receive tax-deductible contributions but can spend only a small portion on lobbying. The spending limit varies. But in many cases, it ranges from 12.5 percent to 20 percent—and cannot exceed $1 million.

A handful of others, such as the Sierra Club and Greenpeace, are 501(c)(4)'s, which means their contributions are not tax-deductible but they can spend what they want on lobbying. Based on its federal tax return for 2000, the Alaska Wilderness League does not run afoul of spending limits on lobbying. On that return, the League reported spending $81,283 to influence legislation, well under its legally allowable limit of $130,623.

The essence of the Inupiats' complaint is that the League spends most of its money on lobbying but disguises it as education and science. As evidence, they cite League letter-writing and phone campaigns targeting federal lawmakers in several states, testimony before Congress and League-sponsored ''junkets'' for members of congress to the Arctic refuge.

Another one of these articles on December 9 said:

Log onto the Web sites of the National Wildlife Federation, the Wilderness Society and other environmental groups and you learn that the struggle to save the Arctic National Wildlife Refuge in Alaska from oil drilling is about more than protecting the environment.

''It is also a human rights issue since the indigenous Gwich'in Indians rely on this important area for their subsistence way of life,'' say the Wilderness Society's Web site: *www.wilderness.org*.

But this fall, Petroleum News Alaska—a trade journal—reported a story that environmental groups have not publicized: Over the border in Canada, the Gwich'in Tribal council joined forces with an oil firm to tap into energy resources on their lands.

This very same tribe that is paraded around as being the spokesman for Alaska Native people, they drilled on their lands in Canada for oil and gas. They formed a partnership.

''It's time for us to build an economic base,'' said Fred Carmichael, president of the tribal council in Inuvik, Canada. That is the Gwich'in tribal council.

Two Senators said they talked to the Alaska Native people who opposed it and said they just assumed all Alaska Natives opposed it. It is not true at all.

The Eskimos have an opposite point of view, this article says.

They say drilling can be carried out in concert with the caribou. But their position is discounted by environmental groups because the Inupiats have extensive ties with oil companies through their own tribal business: the Arctic Slope Regional Corporation.

''The national debate has placed us as caricatures—us, as the tools of the oil industry, and them—the Gwich'in—as caretakers of the environment,'' said Richard Glenn, vice president, lands, for the Arctic Slope Regional Corporation. ''It's unfortunate. And it's not accurate.''

I believe these articles ought to be written by those people who are visited by the Gwich'in.

It says:

But in Alaska, most Alaska natives actually support drilling. In 1955, the Alaska Federation of Natives, which represents 400 of the village corporations and is the state's largest native organization, passed a resolution in favor of tapping the refuge's energy resources.

It says simply:

''Environmental groups are using the Gwich'in to advance their own agenda. That's as simple as I can put it,'' Tetpon said.

That is John Tetpon, the federation's director of communications.

I hope Senators will read some of these things that have been written about these people who are bringing these stories about what is going on in our State. It is a very difficult problem.

I particularly call the attention of the Senate to the article on April 24 of last year because it points out that litigation central, these lawsuits, are not only costing the defendants a lot of money, they are costing the Federal Government a lot of money and they are taking a lot of people who should be working on the environment into courtroom after courtroom after courtroom to defend against these lawsuits that are brought. For what? In order to get the attorney's fees paid by the winning side in the environmental litigation. In some instances, they do not have to win.

These environmental groups are currently raising $9.5 million a day, $3.5 billion a year, and you can see where it is going by our charts. It is not going to improve the conservation, it is going to pay salaries—it is going to pay very large salaries—and it is going to make mailings to raise more money.

I commend the entire series of Sacramento Bee articles to Senators for further reading from April 22, 2001 through April 5, 2001. Further investigative articles were printed on November 11, 2001, December 9 and December 18, 2001. They are excellent articles and they expose what is really happening in the environmental movement in America today.

I don't know how to say it other than to say I am appalled that so many people in the Senate rely on them as presenting facts. They do not present facts. They present positions and look for arguments to support them.

I think it is time that we tried to get back to the concept of reliance upon the people from the State. I said that before. If the Senate would listen to the two Senators from Alaska concerning what is going on in Alaska, the country would be better off, and so would Alaska. We live there.

Most of the people who criticize us have never been there and won't go there. Particularly, they won't go there in the wintertime.

I told the Senate yesterday that when I took my great friend, the late Postmaster General, up there one time, we pulled up to the postal substation at Prudhoe Bay. The digital thermometer showed minus 99. There was a wind chill factor. I didn't have the courage to tell him it wouldn't go below 100. That was as far down as it would go. It was digital. The wind chill and the temperature had a factor greater than minus 100 degrees.

How many people want to go up there and go around up there? The old people

live there. The Eskimos live there year-round in that climate. We have learned how to exist and how to care for ourselves in our environment. I have not really been in that too long myself, frankly. I am not that acclimated to it.

I think the real problem is that no one here understands that we don't drill in the Arctic in the summertime. It is not a summertime operation. You can't get vehicles across the tundra. We wouldn't want to do it. It would leave scars. We don't leave scars. They did in times gone by, but everybody learned from the mistakes of the past. We wait until it is frozen. We take water in, spray water, create an ice road, gravel the top of that, and put more water on top of that to make a compact ice road. We use it until the springtime when it starts to break up, and they don't bring things across that road anymore. As a matter of fact, most in the State don't use gravel. They only place gravel is used is where they have to have some traction going up the hills. There are not many hills, by the way.

I want to go back again to this problem of steel. I want to first take the occasion to thank the great labor leaders of this country who took time to join us yesterday in a press conference across from the doors of the Senate.

We had Terry O'Sullivan of the Laborers; Mr. Sullivan of the Building Trades Department; Marty Malonie of the Pipefitters; Frank Handly of the Operating Engineers; Joe Hunt of the Iron Workers; Terry Turner of the Seafarers; Mike Sacco, President of the Seafarers; Mano Frey, President of the Alaska AFL-CIO; Jerry Hood, President of the Alaska Teamsters and special assistant to President James Hoffa of the National Teamsters Union.

They came to speak to the members of their unions through the press to urge them to contact their Senators and ask them to support the drilling in the Arctic Plain. They know it means jobs.

I just heard the Senator from Massachusetts say that at most it is only 1 percent of the world's reserves—only 1 percent. These are the same people who not 6 months ago were saying ANWR could only produce oil that would sustain the United States for 6 months. The projection they have on this is the projected estimated reserve. The projected reserve in Prudhoe Bay was 1 billion barrels. We have already produced 13 billion barrels, and we believe there is another 15 years there—about a third more. We will have produced 20 billion barrels when the estimate was reported that the world's reserves were 1 billion barrels. So much for reserves.

The real issue is jobs. That is why these labor leaders were with us—jobs. They know we are talking about jobs. When we send our money to Saddam Hussein to buy oil from Iraq, we don't involve American jobs. We have to find some way to sell something abroad to bring those dollars back or we have an imbalance of trade. We have had that for a long time. It harms our economy and currency. But we are exporting jobs as we import oil.

That is why they were there. They were there in order to get us to understand that they want to help us deal with the creation of jobs that would come from pursuing the oil and gas potential of that area.

They were great friends of Scoop Jackson. They understood, as he understood, the Arctic from the point of view of jobs. Jackson did not oppose drilling in the Arctic. As a matter of fact, he and Senator Tsongas made it possible for us to be here today arguing to proceed as was intended in 1980.

We have added to this the idea of the pending second-degree amendment—the amendment I offered which the Senator from Minnesota said is a sham amendment. Raising the visibility of the needs of the steelworkers and the coal workers is not a sham amendment. You may not agree with it, but it is offensive to call it a sham amendment. It is only sham because they won't support it. If they supported it, it would be very valid, even from their point of view.

The question is, Can we find a way to reverse the trend that prevents the building of the pipeline necessary to bring the already discovered and measured gas from Prudhoe Bay to the Midwest? We know it is there—50 to 70 trillion cubic feet. I don't have the exact figures because it was reinjected into the ground. It was estimated to be 50 to 70 trillion cubic feet of gas produced from the oil since 1968. The gas has been reinjected into the ground. We need a 3,000-mile pipeline.

We are trying to find some way to ask people to address the question of how to maintain a steel industry that can support a pipeline of that size—1,500 miles of gathering pipelines, thousands of valves, hundreds of trucks, hundreds of backhoes, and hundreds of pieces of road-building equipment to build access to these areas. It is enormous. It is the largest gas delivering plan in the world. It is projected to be the largest private enterprise project in the history of man—totally financed by private enterprise. But if private enterprise doesn't survive in the steel industry, we are not going to have that pipeline in the timeframe that we need it. If we started it in 2003, the first gas would be coming through in about 2010 or 2011. Knowing that the environmental opposition will sue, that will add 6 years to that. We are talking about between 2015 and 2020 making that gas available to the U.S.

That is why I brought that poster here, to ask people to think ahead. Lincoln, one of our greatest Presidents, thought about how to connect the east coast and the west coast of the United States. He conceived the idea himself to offer a bounty incentive to the railroad industry to build the railroad from the east coast to the west coast. He got Congress to approve it, and they paid for it. One million dollars was to be paid to the first railroad that completed a coast-to-coast railroad. Every section along the right-of-way was loaned by the Federal Government.

The problem of the country today is the people living in these States don't know the policies that led to their private enterprise as compared to the policies that led to our serfdom under the Federal Government.

We thought when we became a State that we had a right—and we did have a right—to 103.5 million acres to be selected from vacant, unappropriated and unreserved Federal land. To us, that meant as of the day we became a State in January of 1959.

To the people in the Congress, in 1980, it meant those lands that were left after they had reserved 104 million acres for special purposes for these elite areas. You can't get to them. As I said before, only three of them can be reached by road. Most of them don't have an airport. You fly in by float plane, or you hike in. They are recreational areas for the elite few of the world.

But, in any event, they withdrew them, preventing the State from getting lands it was going to select, preventing the Natives from getting the lands they were going to select from the Alaska Native Lands settlement.

People ask: Why were people disturbed? That 1980 act took away from the 365-million-acre pool of lands that were available to be selected for the State and Native settlements, and reserved them—directly contrary to the historical policy of the United States to make Federal lands available for sustaining the private enterprise economy.

By what these people are doing now, we are going to be a dependent colony of the United States. We are going to be dependent upon having someone, in a position such as mine, who can add to the budget the moneys that are necessary for survival in Alaska.

The real problem about this is that, when you look at the basic law, it is July 1, 1862, that led to that. It led to that. Following that, in 1984, the Federal Government issued a table of grants to States. I want to put this in the RECORD because it shows what every single State has received. There is no question that, as the Nation moved West, the policies of the United States were to enhance the development of the private sector, as I have said before.

We end up with a situation, where as of 1983, 3 years after that act was passed, the Federal Government still owned 87.9 percent of Alaska. The part that we own is subject to control through acts such as the 1980 act. So it really does not matter. I think that the development of these lands, and the use of Federal lands, is a question we ought to explore sometime in the future.

But for now I would like to put in the RECORD the table that shows the grants to the States, from 1803 to 1984, showing what happened in the other 49

States—48 States. Hawaii had the same problem. Hawaii really was not treated properly in terms of their lands. Mr. President, I ask unanimous consent that the table be printed in the RECORD.

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

TABLE 4.—GRANTS TO STATES, 1803-FISCAL YEAR 1984

[Amounts in acres]

State	Purpose									
	Common schools	Other schools	Other institutions	Railroads	Wagon roads	Canals and rivers	Miscellaneous improvements (not specified)	Swamp reclamation	Other purposes	Total
Alabama	911,627	383,785	181	2,747,479		400,016	97,469	441,666	24,660	5,006,883
Alaska	106,000	112,064	1,000,000						103,351,187	104,569,251
Arizona	8,093,156	849,197	500,000						1,101,400	10,543,753
Arkansas	933,778	196,080		2,563,721			500,000	7,686,575	56,680	11,936,834
California	5,534,293	196,080		320			500,000	2,194,196	400,768	8,825,657
Colorado	3,685,618	138,040	32,000				500,000		115,946	4,471,604
Connecticut		180,000								180,000
Delaware		90,000								90,000
Florida	975,307	182,160		2,218,705			500,000	20,333,430	5,120	24,214,722
Georgia		270,000								270,000
Idaho	2,963,698	386,686	250,000						654,064	4,254,448
Illinois	996,320	526,080		2,595,133		324,283	209,086	1,460,164	123,589	6,234,655
Indiana	668,578	436,080			170,580	1,480,409		1,259,271	25,600	4,040,518
Iowa	1,000,679	286,080		4,706,945		321,342	500,000	1,196,392	49,824	8,061,262
Kansas	2,907,520	151,270	127	4,176,329			500,000		59,423	7,794,669
Kentucky		330,000	24,607							354,607
Louisiana	807,271	256,292		373,057			500,000	9,505,335		11,441,955
Maine		210,000								210,000
Maryland		210,000								210,000
Massachusetts		360,000								360,000
Michigan	1,021,867	286,080		3,134,058	221,013	1,250,236	500,000	5,680,312	49,280	12,142,846
Minnesota	2,874,951	212,160		8,047,469			500,000	4,706,591	80,880	16,422,051
Mississippi	824,213	348,240		1,075,345			500,000	3,348,946	1,253	6,097,997
Missouri	1,221,813	376,080		1,837,968			500,000	3,432,561	48,640	7,417,062
Montana	5,198,258	388,721	100,000						276,359	5,963,338
Nebraska	2,730,951	136,080	32,000				500,000		59,680	3,458,711
Nevada	2,061,967	136,080	12,800				500,000		14,379	2,725,226
New Hampshire		150,000								150,000
New Jersey		210,000								210,000
New Mexico	8,711,324	1,346,546	750,000			100,000			1,886,848	12,794,718
New York		990,000								990,000
North Carolina		270,000								270,000
North Dakota	2,495,396	336,080	250,000						82,076	3,163,552
Ohio	724,266	699,120			80,774	1,204,114		26,372	24,216	2,758,862
Oklahoma	1,375,000	1,050,000	670,000							3,095,760
Oregon	3,399,360	136,165			2,583,890		500,000	286,108	127,324	7,032,847
Pennsylvania		780,000								780,000
Rhode Island		120,000								120,000
South Carolina		180,000								180,000
South Dakota	2,733,084	366,080	250,640						85,569	3,435,373
Tennessee		300,000								300,000
Texas		180,000								180,000
Utah	5,844,196	556,141	500,160						601,240	7,501,737
Vermont		150,000								150,000
Virginia		300,000								300,000
Washington	2,376,391	336,080	200,000						132,000	3,044,471
West Virginia		150,000								150,000
Wisconsin	982,329	332,160		3,652,322	302,931	1,022,349	500,000	3,361,283	26,430	10,179,804
Wyoming	3,470,009	136,800	420,000						316,431	4,342,520
Total	77,629,220	16,707,787	4,993,275	37,128,851	3,359,188	6,102,749	7,806,555	64,919,202	109,780,866	328,427,693

Mr. STEVENS. Mr. President, we are in a situation where one provision of our bill—it is in our amendment and in Senator MURKOWSKI's underlying amendment—grants the Kaktovik village the right to drill on their land. They have land that is owned by their Native village. It was part of the 1971 settlement. Their people settled their claims against the United States by accepting conveyance of lands that were due to them. Each village was given the township in which it was located and further lands depending on population.

But for this village only, in the State of Alaska, there is a Federal law in another provision of basic law that says they cannot drill on their land, I believe it says, until the 1002 area is authorized to be drilled by the Federal Government. In the old days we would have said that shows the forked tongue of the Federal Government.

It told them they had a settlement. It told them they got the right to their lands. It gave them fee title to the surface. It gave the subsurface to their regional organization. But they cannot use it. Why? Because of the policy with regard to the 1002 area. But even there, it was, again, an imposition on the private structure of our State.

I think the great problem I have here is what is going to happen now to the steel industry. I have raised the issue, and, apparently, I may have done more harm than good, according to some people, at least if you listen to the Democratic Senators; that is what they are saying. I don't know what good they are doing for them.

I challenge the Democratic Senators to come up with a proposal to find a funding stream to save the rights of the steelworkers and the coal workers and be within the budget and not subject to points of order and the possibility of being passed. With their help, this would pass. With their opposition, it is not going to pass. I know that.

But what happens to the steelworkers? What happens to the future of our gas pipeline if there is no steel industry in the United States? You can't even plan ahead. You can't order ahead. I said yesterday, you have to order ahead a piece of that big 52-inch diameter, one-inch-thick pipe, and test it to see if this new concept of a chemically treated pipe will withstand the pressures it has to withstand in order to have gas pumped 3,000 miles to the market.

That is not going to exist. The assets of the steel industry are going to be burdened by the claims of the working people who have retired and who will be put out of work between now and 2004. And it makes no sense. It makes no sense that there are over 600,000 who are out of their health care. And the Democratic leadership is promising a vote on steel legacy costs with no source of money. Where is the money? Where are the bucks? Where are the dollars? They have a solution, but no one has mentioned from where the money is going to come. Where can they find a cash stream that will come in from a new source, replacing the money we send out to Saddam Hussein? We would take that money and use a portion of the moneys that come to the Federal Government from that activity in the Alaska Coastal Plain and solve the problem of the steel industry and the steelworkers and let them proceed to reorganize the steel industry of the United States.

Two weeks ago, I am told, 82,000 retirees of LTV Steel lost their health care benefits. Another 100,000 are coming. Bethlehem Steel and U.S. Steel—

chapter 11—could go in chapter 7 bankruptcy. No other steel company, other than Bethlehem Steel, could have rolled the steel to repair the U.S.S. *Cole* after it was attacked by terrorists. It is in bankruptcy facing extinction. And I am criticized for trying to find some way to solve the problem that might lead them further down that road to extinction.

I am happy to tell the Senator from those States that I will vote for any plan they can come up with which is funded and within the budget and does not raise taxes that will solve the problems of their retirees. I challenge them to come up with that program. They have criticized my suggestion, a legitimate, bona fide attempt to meld two basic issues that should be before this Senate. We used to call that win-win. It is lose-lose now. We lose; the steelworkers, the coal workers lose, too.

They are not voting one way or the other in my State. I have coal workers, but there is no steel in my State. I am not involved in that. It is not a political issue, as far as I am concerned.

I have not told very many people, but I worked in a steel mill once. I spent 8, 9 hours a day lifting pieces of rolled steel off the belt. Others were lifting the other side. I had one side I was lifting—8½ hours a day. That was just before I entered the military to become an Army Air Corps cadet. But I have had a lot of jobs. I have had union cards, and I am proud of it.

It offends me greatly that some of these people, some of these people who never did a day's work in their life—they never dug a ditch; they never lifted steel; they never lifted concrete bags; they really never did any real manual work—don't know laborers. They appeal to them politically, but they don't know them.

The laboring people want a check. They want a job. They do not want a bunch of BS from the people who represent them. They want their benefits to be secured. They depend upon their Government to see it is done.

I do not think they are offended at me for suggesting this. I have not had one call from any steelworker or coal worker saying: Hey, guy, what are you doing messing up our future? No way. The people are accusing me of being crass. And opportunists are afraid of their own future, these Senators who won't face up to representing their people. I am tired of being accused of doing something wrong by trying to help them.

This is the testimony of a Leo Gerard of the U.S. Steelworkers. He opposes this amendment because of his commitments in the past, but he gives the story of what happened to the health care and pension benefits of the great steel industry. It is quite a story. He points out that there are subsidies in other countries for these. We subsidize agriculture. We subsidize so many things through entitlements.

We don't face up to the problem of what we do about retirees who lose their benefits because of the failure of the economic system. I don't think it is wrong to think about how to use new revenues that come to the Federal Government by virtue of legitimate Federal action and seeking development on Federal lands, how we can use those revenues to meet this crisis as outlined by Mr. Gerard.

I will not include this testimony because he agrees with me. He doesn't agree with me, but he does point out the plight of these people he represents. Many of them are retirees who—how can I say this gracefully—are approaching my age. They are at the point where they are going to need help by the Federal Government one way or the other.

Mr. President, I ask unanimous consent to print the testimony of Mr. Gerard in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SCHUMER). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. STEVENS. I say to you in closing—I won't be talking on this amendment again, I don't think—the Senators who represent coal and steelworkers have made their own choice. The environmental movement is more important to them than the unemployed workers and retirees who lose their benefits in their States. That is the fact. They don't like it, but that is the fact.

I yield the floor.

EXHIBIT 1

TESTIMONY OF LEO W. GERARD, PRESIDENT UNITED STEEL WORKERS OF AMERICA BEFORE THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR & PENSIONS, MARCH 14, 2002

Madam Chair and distinguished members of the Committee, thank you for your invitation to appear before you today to discuss the health care and pension crisis facing several hundred thousand steelworkers across the nation.

By every measure, the American steel industry is in crisis. As of today, 32 U.S. steel companies representing nearly 30 percent of U.S. steelmaking capacity have filed for bankruptcy. Twenty-one steelmaking plants are idled or shutdown representing the loss of 25 million tons or 19 percent of this nation's steelmaking capacity.

Some analysts mistakenly believe that minimills (which produce steel by melting scrap in electric are furnaces) haven't been hurt by unfair trade and record low prices, it is noteworthy that fifteen of these 21 shutdowns are minimills. In fact, shut down steel capacity is almost evenly divided between integrated steelmakers and minimills.

Steel prices have fallen to the lowest levels in twenty years. The December, 2001 composite average of steel prices published by Purchasing Magazine had declined by $140 per ton or 33 percent from the average between 1994 and 1997. The industry posted a combined operating loss of $1.3 billion during the first nine months of 2001.

How did this happen?

The USWA warned our policymakers as early as 1997 that the Asian economic crisis and the collapse of the Russian economy would, if not dealt with correctly, lead to a flood of imported steel. The delay by our own government in responding to the crisis made matters considerably worse. The events of 1997 and 1998 were only the latest in what the U.S. Department of Commerce has identified as thirty years of predatory unfair trading practices and government subsidies by many of our trading partners.

Some today suggest that the American steel industry must be restructured, as if this had not already happened before. Between 1980 and 1987, the American steel industry underwent a painful restructuring, eliminating 42 million tons of steelmaking capacity. Over 270,000 jobs were eliminated. Many workers were forced to take early retirement based on the promise of a pension and continued health care benefits. The tax base in steel communities in Pennsylvania, Ohio, Indiana, West Virginia, Minnesota, and elsewhere shrank as workers went from earning paychecks to collecting unemployment benefits. Some local communities have never recovered from the last steel crisis.

Yes at the same time that our American steel industry has been contracting and downsizing our foreign competitors have been adding additional steelmaking capacity. OECD data indicates that foreign steel producers had excess raw steel production capacity amounting to over 270 million metric tons. That is more than twice the total annual steel consumption in the United States. Recent multilateral talks in Paris on reducing global overcapacity have revealed that despite the reductions in U.S. capacity, our trading partners fully expect the U.S. steel industry to continue to downsize even further. The Paris talks are instructive for they illustrate yet again that multilateral negotiations are no substitute for strong enforcement of our own trade laws, including Section 201 and our anti-dumping laws.

The testimony which you have heard today from steelworkers and retirees from Maryland, Pennsylvania, and Minnesota illustrates the depth of concern across the nation by our active members and retirees. They have worked hard and given the best years of their lives to this industry. Now, they are simply asking that promises made become promises kept.

At the end of 1999, American steel's retiree health care benefit obligation totaled an estimated $13 billion. Health care benefits for 600,000 retired steelworkers, surviving spouses, and dependents annually cost domestic steel producers an estimated $965 million or $9 per ton of steel shipped. Another 700,000 active steelworkers and their dependents rely upon the domestic steel industry for health care benefits. The average steel company has approximately 3 retirees for every active employee—nearly triple the ratio for most other major basic manufacturing companies. Several steel companies have retiree health care costs that are substantially higher than the industry average. Our active members and retirees are concentrated most heavily in Pennsylvania, Ohio, Indiana, Maryland, Illinois, West Virginia, Minnesota, and Michigan, but they live all across the nation.

In the U.S. up to now, we have made a public policy choice in favor of employment-based health insurance coverage rather than guaranteed national health insurance. This means that when an employer goes bankrupt or liquidates its operations, absent a social safety net, workers are at risk of losing their health insurance and access to health care services. Regrettably, thousands of steelworkers from Acme, Laclede, Gulf States, CSC, Northwestern Steel and Wire, and various other steel companies are now facing this terrible prospect.

The USWA is very proud of its record in negotiating decent health care coverage for both its active workers and its retirees. In 1993, our union made history when we negotiated pre-funding of retiree health care in

the iron ore industry. Benefits provided to steel industry retirees are equivalent and, in some cases, more modest, than benefits provided to retirees from other basic manufacturing companies, such as Alcoa, Boeing, and General Motors.

These plans typically include cost containment provisions, such as deductibles, co-payments, pre-certification requirements, coordination with Medicare, and incentives to utilize managed care. Most of our retirees pay monthly premiums from 25 to 40 percent of their retiree health care benefit, plus several hundred dollars a year in deductibles and co-payments. Retiree premiums from major medical coverage vary by employer due to differences in demographics, regional health care costs, utilization, and design of the plan. The USWA estimates that the average major medical premium during 2001 was approximately $200 per month for a non-Medicare eligible couple and $150 a month for a Medicare-eligible couple.

American steel's international competitors do not bear a similar burden. In one form or another, foreign producers' retiree health care costs are offset by government subsidies.

In Japan, the government provides government-backed insurance programs. Government subsidies cover some administrative costs and contributions to Japan's health care programs for the elderly.

In the United Kingdom, the UK's National Health Service is 85 to 95 percent funded from general taxation with the remainder coming from employer and employee contributions.

In Germany, health care is financed through a combination of payroll taxes, local, state, and federal taxes, co-payments, and out-of-pocket expenses, along with private insurance. Insurance funds with heavy loads of retired members received governmental subsidies.

In Russia, de facto government subsidies exist. While Russian steel companies theoretically pay for workers' health care, the national and local governments allow companies not to pay their bills—including taxes and even wages. At the end of 1998, Russian steel companies owed an estimated $836 million in taxes. According to the Commerce Department report, the Russian government's ''systematic failure to force large enterprises to pay amounts to a massive subsidy.''

The U.S. is the only country in the industrial world in which the health care benefits of retirees are not assumed by government to facilitate consolidation in one form or another. It is now very clear that American steelworker retirees stand to be hit twice by the collapse of the steel industry since a majority of them were forced into retirement (350,000)—many prematurely—during the massive restructuring of the steel industry during the late 1970s and the 1980s. First, they lost their jobs before they were ready to retire, and now they may lose their health care and a significant portion of their pension now that they are ready to retire. Our own government's inadequate enforcement of our trade laws is the principal reason that steelworkers and steelworker retirees' health care benefits are now at risk.

Because our government has allowed this unlevel and unfair trade environment to develop and consume our industry, government now has a responsibility to our steelworkers and retirees and to the steel industry to help craft a solution to this problem.

Why is action needed?

Retirees under age 65 and older active employees who have been displaced by plant shutdowns are not yet covered by Medicare.

They cannot purchase COBRA continuation coverage because companies are not obligated to provide COBRA coverage when they no longer maintain a health care plan for employees actively at work. Steel companies which have filed for Chapter 7 bankruptcy (i.e., liquidation) have already moved to terminate health care plans for their workers and retirees.

They cannot afford COBRA premiums even when such coverage is available.

They cannot afford commercially-available health insurance coverage.

Many cannot meet insurability requirements (and may not have continuous coverage under HIPAA).

Many have difficulty in finding new jobs that pay similar wages or benefits.

Why is action needed for retirees age 65 and over?

Because Medicare has significant gaps in its coverage. Medicare also has significant deductibles and co-payments. There is no coverage for expensive outpatient prescription drugs. Also, health care providers often do not accept Medicare reimbursement rates as full payment, at which point they go after the retiree for full payment.

Medicare Supplemental Insurance (''Medigap'') is available, but it is costly and has limited prescription drug coverage. The most comprehensive of the Medigap supplements (Plan J) covers only 50 percent of prescription drug costs and limits drug benefits to $3,000 per year.

The average retiree receives a monthly pension benefit of less than $600 to $700 per month. Most surviving spouses receive monthly benefits under $200 per month.

Finally, Medicare HMOs (or as they are sometimes referred to ''Medicare+Choice'') are available only in limited areas of the nation.

Some who have looked at this problem, particularly with respect to access to prescription drugs, have said the Bush Administration's proposed ''Medicare Prescription Drug Card'' might be a possible solution. The proposed card would provide discounts of 10 to 25 percent from retail drug prices.

But low income drug assistance is limited to people below 150 percent of the Federal poverty level. That's an individual with an annual income of $12,000 or a couple with a combined annual income of $15,000. In fact, more than half of Medicare beneficiaries would not qualify for Low-Income Drug Assistance. The Low-Income Drug Assistance proposal does not describe how premiums would be set nor does it describe the level of out-of-pocket expenses (i.e., deductibles or co-payments) to be paid by Medicare recipients. Also, states would be required to assume 10 percent of the cost of the Low-Income Drug Assistance proposal at a time when nearly every state is facing budget deficits because of the recession and sharply-rising costs for their Medicaid programs.

The Bush Administration is also considering tax credits as a device for helping the uninsured. Under this proposal, a refundable tax credit of $1,000 to $3,000 (depending on family size) would be made available to individuals without employer-provided health insurance. The problem here is that the tax credits are too small to make health insurance. The problem here is that the tax credits are too small to make health insurance affordable. A ''Family USA'' study found that a healthy 25-year-old woman pays an average of $4,734 per year for coverage under a standard health plan, compared to the $1,000 tax credit offered.

Until the steep increases in health care costs can be contained, the real value of any refundable tax credit will diminish year by year. A recent report from the Centers for Medicare and Medicaid Services, which is an arm of the Department of Health and Human Services, says that health care costs are expected to grow at a rate of 7.3 percent annually between now and 2011. That means that by 2011, Americans will be spending $9,216 per person on health care, or about double what they spent in 2000. The nation's health care bill could reach $2.8 trillion, or 17 percent of the nation's gross domestic product, by 2011.

Clearly, this problem is not going to go away.

While the United Steelworkers was pleased that the President took a step toward reigning in steel imports by imposing variable tariffs on steel products in the recent Section 201 case, the President pointedly chose not to address the matter of the retirement and health security of steelworkers and our retirees. He is apparently leaving this unfinished business in Congress' hands.

Let me state this very clearly. It is the view of the United Steelworkers of America that the pension and health care commitments made to our active workers and retirees must be honored. These issues are every bit as important to us as the recent Section 201 determination on restraining foreign steel imports.

Our active members as well as our retirees look to you for action. We will work with you and your colleagues in both the House and Senate continuously until this problem is solved and we will not relent in our efforts.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I am not going to be debating the specific amendment on the floor now but, rather, a context in which I believe this amendment and most other aspects of this energy legislation should be considered.

There are three principles I would like to discuss at this hour of the evening. First is, when should we, the Congress of the United States, adopt an energy policy? When can we legislate dispassionately, not in response to an immediate emergency?

Second, an energy policy for when? It makes a considerable difference if we are developing a policy for the next 10 years as opposed to what I think should be the more appropriate timeframe, at least the next 50 years, that we are legislating not for ourselves but for our grandchildren.

And third, an energy policy should include a recognition of other affected issues—economic, environment, and more.

A persistent problem in crafting energy policy is the fact that our willingness to act is greatest in the midst of a crisis, a disruption, or spikes in prices. History has repeatedly shown us that energy crises are the worst time to try to solve our problems. Short-term policy initiatives that deal with things such as market upheavals are often counterproductive. They respond to temporary circumstances. They might be political; they might be economic. They could even be climactic.

California blackouts were the initial impetus for the energy legislation we have today. Those blackouts are now hopefully a thing of the past. Yet we now are casting this issue as how to respond to the threat from Saddam Hussein, that he will cut off supplies from Iraq.

Even if there were silver bullets that the Congress could use to deal with these short-term energy disruptions, Congress often moves too slowly to shoot those bullets in the right direction to hit the right target.

Long-term measures, such as promoting energy efficiency and launching new forms of energy production, don't have time to affect the market if these conditions are temporary.

It would seem to me that the solution to this problem is both logical and obvious. The solution, however, goes against our natural inclinations. The time to address energy issues is between crises, when there is a better chance to do something that will actually work.

If I could refer on this special day, the 54th anniversary of the establishment of the State of Israel, to an event which occurred in that region of the world and is recorded in the Book of Genesis. It is Joseph's interpretation of the Pharaoh's dream about 7 good years followed by 7 lean years.

What Joseph's interpretation teaches us is that if we are going to deal with famine, the time to do so is not when the famine has commenced but, rather, the time to do so is during those years of plenty, to set aside for the lean years that will surely be ahead.

The core of a wise energy policy is to avoid a focus on the here and now and look over the 50-year horizon. The focus should not be on us, the current generation but, rather, should be on the well-being of our grandchildren.

An astute public official once said:

> If we ever go into another world war, it is quite possible that we would not have access to the petroleum reserves held in the Middle East. But in the meantime, the use of those middle eastern reserves would prevent the depletion of our own domestic petroleum reserves.

That wise public official was Navy Secretary James Forrestal. And the date of his wise statement was 1946.

Forrestal's statement was remarkable in several respects. First, he was looking beyond the next year to what would be happening over the next half century, setting a good example for the kind of thinking to which we should repair as we ask the question: What kind of an energy policy for America, for when?

Second, James Forrestal suggests that we can't change the inevitable. We are not going to be able to produce our way out of the challenges created by our appetite for oil. If we were to take a 50-year view as Mr. Forrestal suggested, what are the challenges we must overcome?

First, there is no likely scenario that will alter the reality that most of the oil consumed in the United States from today into the future will come from foreign sources. Shares of imported oil have been rising steadily for years. Proposals such as those before us in the past few days might slow this trend, but they will not reverse it.

Second, we will likely see the need to dramatically reduce greenhouse gases that are the by-product of fossil energy use.

There is definitive evidence that greenhouse gases impact our climate and our environment. Because greenhouse gases accumulate in the atmosphere and remain there for decades, or longer, we must commence action now in order to avoid unrestrainable consequences in the future.

We must prepare by taking steps to ensure that strong, early action will avoid the need for drastic, expensive, and maybe unavailable steps when it is too late.

Third, we must develop and utilize alternative fuels, both as a means of reducing our total fossil fuel consumption and the greenhouse gases which are an outgrowth of the use of fossil fuel. Alternatives are an important component of a diverse national environmental portfolio. They represent a solution to our dependence on fossil fuels and environmental problems associated with fossil fuels. Alternatives are critical in a policy that does not believe we should focus our energy goals on draining America first.

I suggest that there are some opportunities in an enlightened energy policy for our Nation. There are three points contained in the energy bill upon which I believe we can all agree. I will point to these as the core of an intelligent energy policy.

Point No. 1: We know we need to increase storage in the Strategic Petroleum Reserve in order to provide a greater cushion against disruption in oil supplies. Since the price of oil fell in the mid-1980s, we have missed many opportunities to build petroleum reserves at a time when we can do so relatively inexpensively. One reason may have been the false sense of security that the end of the Persian Gulf war brought in the early 1990s.

During that period, we were able to replace the lost production from Iraq and Kuwait with only a minor release from the Strategic Petroleum Reserve. Why did this seem to happen so effortlessly? Primarily because we were fortunate to have allies, such as the Saudis, increase their production. The Saudis have been good allies on numerous occasions, but do we really want to have an energy policy for the next 50 years that depends upon the good will of our allies and their own uninterrupted excess capacity?

One of the positive aspects of the President's strategy for energy is his announced support for filling the Strategic Petroleum Reserve to its current capacity. This act alone will not solve our problems, but it is a good first step and should be implemented. A larger reserve will not eliminate our vulnerabilities, but it will reduce the economic impacts of disruptions and threats from abroad.

Point No. 2: We must use the energy we have available as efficiently as possible. Energy efficiency cannot be accomplished in one giant step. It takes time for manufacturers to modernize their means of production. It takes even longer for equipment stock to turn over so that customers are buying the more efficient product.

What we need is steady progress. This is a marathon, not a 100-yard sprint. We cannot rely solely on research and development. Low average energy prices in the United States limit the economic incentives to research and develop fuel-saving technologies. More broadly, the entire marketplace does not fully reflect environmental and long-term strategic concerns.

In order to mitigate these realities, we have used efficiency standards for automobiles and appliances to achieve national goals. These standards have allowed us to make significant strides in reducing energy use. During the 1990s, while we made significant progress in some areas, such as the efficiency of refrigerators, we have moved backward in the area that is the largest consumer of fossil fuels, which is transportation. During this period, numerous technological advances for automobiles were introduced and widely implemented, such as airbags, crumple zones, and all-wheel drive. But none of these advances was aimed at increasing the efficiency, increasing the gas mileage of the vehicle.

Now we are on the verge of additional technologies coming to the market, such as the electric hybrid vehicle which is making its debut to very promising reviews. Let's assure the American people that some of these technological advances will go to reducing the amount of money we spend on petroleum. In the appliances market, we can reduce the summer peak loads of electricity by insisting on greater efficiency for air-conditioners. It will take years for new, more efficient models to completely absorb the market. The sooner we start, the sooner we will begin to see the results.

Point No. 3: We must increase the share of alternative sources of energy. If we try to do this all at once, the economic cost will be high. But if we opt for a steady progress toward greater use of alternative energy sources, we can expand our energy options and do so at a reasonable cost. We also must do this with flexibility. We are a diverse nation of States. Each State, each locale, has conditions that make it different from others. Those differences often impact on the ways in which States can participate in national initiatives, including the efforts to increase the use of alternative energy and thus reduce the reliance on fossil fuel.

Point No. 4: We should strive for diversity in our energy sources. Renewables will contribute to that diversity. Another area that I believe has and, in the future, will contribute to that diversity is commercial nuclear power. It wasn't long ago that commercial nuclear power was providing 25 percent of our Nation's electric generation. Today, it is down to 20 percent and

sliding lower. At the same time, that proportion of energy that used to be provided by nuclear is being provided by natural gas. While there are some compelling environmental reasons that natural gas is an attractive energy source for electric production, it contributes to the depletion of an important American natural resource, to use an energy source which is a direct provider of energy, to become an indirect provider of energy by converting natural gas into electric generation. I applaud the provisions of this legislation that will, hopefully, begin to re-energize a safe and secure contribution to the diversity of our electric generation capacity through nuclear.

In the coming years, we will see ups and downs in energy prices. We have been on a roller coaster for the past several months, seeing some of the highest and some of the lowest gasoline prices in recent memory. We will likely see times of turmoil. We are likely to see oil increasingly being used as a weapon in geopolitical disputes. We are likely to see times of calm. During those times, energy seems to be the least of our worries.

But we have before us now an opportunity, an opportunity to create an energy policy for the next generations of Americans, the next generations of citizens of this planet. We are given the opportunity to develop an energy policy that can help us leave a cleaner, safer, more prosperous world, and a world in which energy is used to serve human purposes, not as a source of intimidation.

Our grandchildren will thank us.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have spoken to the Senator from Alaska. The Senator from Alaska indicated he wishes to speak for some time tonight, and I have indicated to him we have a few matters we need to do to close the business of the Senate for today.

Mr. REID. Mr. President, I ask unanimous consent that at 9:45 a.m. on Thursday, April 18, following the opening proceedings, the Senate resume consideration of S. 517 and that there be debate until 11:45 a.m. with respect to the cloture motions filed, with the time equally divided and controlled between the two leaders or their designees; further, that the time from 11:25 a.m. to 11:45 a.m. be controlled as follows: 11:25 a.m. to 11:35 a.m. under the control of the Republican leader, or his designee; and from 11:35 a.m. to 11:45 a.m. under the control of the majority leader, or his designee; that at 11:45 a.m., without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the Stevens second-degree amendment No. 3133, that the mandatory quorum required under rule XXII be waived; provided further that Members have until 10:45 a.m. to file any second-degree amendments.

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

ORDERS FOR THURSDAY, APRIL 18, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:45 a.m. on Thursday, April 18; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill.

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

ADDITIONAL STATEMENTS

THE 4TH ANNUAL NATIONAL BREAST CANCER CONFERENCE FOR AFRICAN AMERICAN WOMEN

• Mr. LEVIN. Mr. President, during the weekend of April 19, 2002, as we commemorate Cancer Awareness Month, hundreds of women from around the country will gather in my home town, Detroit, MI, to celebrate breast cancer survivorship among African American women. This is a very special group of women, in that they are all survivors of the most common type of cancer of women in the United States. I take great pleasure in welcoming them to Detroit and want to bring to your attention, the many accomplishments of the sponsoring organizations and the goals of this conference.

The 4th Annual National Breast Cancer Conference, which is sponsored by the Karmanos Cancer Institute, Detroit's nationally renowned cancer treatment center and breast care center, and Sisters' Network, Inc. presents an aggressive agenda focusing on the survivorship of African American Women who have, and who will encounter the challenge of breast cancer, a disease which has claimed far too many lives of the members of any community, but within the African American community, 28 percent more than other ethnic groups. According to a recent report appearing in the Journal of the National Cancer Institute, researchers said that studies have shown that black women are more likely to be diagnosed with late stage breast cancer and to have a shorter survival time than white women. We should all find these statistics unacceptable. During this conference, with the guidance of medical professionals from around the country, including Detroit's own Dr. Lisa Newman, Associate Director of the Waltz Comprehensive Breast Center, there will be discussions on how to eradicate all of those barriers women of the African American community face when assaulted by this dreaded disease.

I am proud to acknowledge the work and dedication of Cassandra Woods, my Michigan Chief of Staff, who is the president of the Greater Metropolitan Detroit Chapter of Sisters' Network, Inc, and a breast cancer survivor and the national president and founder of the Network, Ms. Karen Jackson. These women and the members of the 37 chapters from around the country are committed to increasing local and national attention to the devastation that breast cancer has in the African American community. These women believe that through education, advocacy, research, and support for each other, they can make a marked difference in breast cancer outcomes and the rate of survival among their sisters.

I applaud this effort, I support this effort, and I ask my colleagues to join me in wishing the best of outcomes for this conference and with the challenges ahead.•

THE UNITED STATES/RUSSIAN PLUTONIUM DISPOSITION AGREEMENT

• Mr. DOMENICI. Mr. President, I rise today to bring the Senate's attention to a matter of tremendous international importance to our efforts to prevent the terrorists' use of weapons of mass destruction.

I wish to talk about the United States/Russian plutonium disposition agreement, a commitment between our two countries to each permanently dispose of 34 metric tons of plutonium from nuclear weapons. Thirty-four tons is enough material to make over 4,000 nuclear weapons.

I was pleased to help develop aspects of that agreement during several interactions with the Russian leadership of Minatom, both here and in Russia. I was in Moscow with our President in 1998 when the first agreement was initialed. I believe this agreement represents one the most significant accomplishments between the United States and Russia in the last 10 years in our joint efforts to keep the material and technology of weapons of mass destruction out of the hands of those that seek to do us harm.

The agreement basically commits the United States and Russia to turning 34 tons of plutonium into fuel that can be burned in commercial nuclear power plants. In this way, electricity is produced and the used fuel is left in a condition that makes it unusable in the future for nuclear bombs. Facilities will be built in both the United States and Russia to perform this work.

Our Government completed a 4-year process to decide what type of facilities was needed for this disposition mission, and where those facilities should be built. The United States considered four sites, Washington State, Idaho, Texas, and South Carolina, and after a vigorous competition in which the State of South Carolina lobbied very hard to get the mission, the decision was made to site the disposition facilities in South Carolina.

Now, South Carolina is hesitating. The plutonium disposition agreement

is being imperiled by the unwillingness of the State of South Carolina to reach an agreement with the Department of Energy on taking shipment of the plutonium identified for disposition and building the required facilities.

It is appropriate for the Governor of South Carolina to insist on every assurance that his State will be treated fairly, and will not simply become the permanent storage site for unwanted nuclear material if for some reason the plutonium agreement should fall apart.

But the Governor has done that, he has succeeded, he has won. He should be congratulated.

The Governor has gotten the Secretary of Energy to provide South Carolina all of the assurances they never got from the Clinton administration, including full funding for the MOX program, a strict construction schedule, and a number of mechanisms, including statutory language and other measures, to ensure that the agreement will be legally enforceable.

However, the Governor is apparently insisting that this matter should be thrown to the courts and resolved through the mechanism of a court ordered consent decree. Putting the courts in charge of executive branch non-proliferation and foreign policy affairs will slow our ability to meet our goals of reducing Russian nuclear material stockpiles, and will allow others who are opposed to the program's goals have a voice in their implementation. Ultimately, I fear America's national security will be undermined.

Further delay in reaching agreement with South Carolina will undermine the United States/Russian plutonium disposition agreement. We must move forward with the construction of the MOX plant that will be used to dispose of the plutonium at issue in order to honor our commitments to the Russian Federation. That will be very difficult, if not impossible, in the face of litigation from the Governor of the State where the plant will be located.

The Russians will not go along to reduce their plutonium inventory unless we do. A failure in this program means more material may end up on the black market where terrorists could have access to it.

For 50 years now the State of South Carolina, like my home State of New Mexico, has hosted some of the most important facilities within our nuclear weapons complex. For 50 years, tens of thousands of the sons and daughters of South Carolina proudly toiled in relative anonymity so that the rest of the country, and the world, could enjoy the peace provided by our nuclear shield during the long, dark days of the Cold War. I am proud of the citizens of South Carolina and their unique service for our county.

Today, the children and grandchildren of the previous generations of South Carolina heroes have a tremendous opportunity to almost literally, as the prophet Isaiah said, ''beat their swords into plowshares and their spears into pruning hooks.'' They stand on the cusp of a grand new opportunity to lead the world community in converting nuclear weapons to electric power while at the same time keeping the material out of the hands of would be terrorists.

We must go forward with this important agreement. Thus, I will close today by urging both the Secretary of Energy and the Governor of South Carolina to work together to resolve their differences, move out together, and not threaten this effort by resorting to litigation.●

NATIONAL LIBRARY WEEK

● Mr. SARBANES. Mr. President, as a strong supporter of Federal programs to strengthen and protect libraries, I am pleased to recognize April 14—20 as National Library Week. This is the 44th anniversary of this national observance and its longevity is evidence of the great importance our Nation places on libraries, books, reading and education.

National Library Week grew out of 1950's research that showed a troublesome trend—Americans were spending more money on radios and television and less on buying books. The American Library Association and the American Book Publishers joined forces and introduced the first National Library Week in 1958 in an effort to encourage people to read and to use their libraries.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the principle of a free and open exchange of ideas, much like the Constitution itself. Libraries continue to be an integral part of all that our country embodies: freedom of information, an educated citizenry, and an open and enlightened society.

I firmly believe libraries play an indispensable role in our communities. They promote reading and quench a thirst for knowledge among adults, adolescents, and children. More importantly, they provide the access and resources to allow citizens to obtain timely and reliable information that is so necessary in our fast-paced society. In this age of rapid technological advancement, libraries are called upon to provide not only books and periodicals, but many other valuable resources as well audio-visual materials, computer services, Internet access terminals, facilities for community lectures and performances, tapes, records, videocassettes, and works of art for exhibit and loan to the public.

Libraries provide a gateway to a new and exciting world for all the place where a spark is often struck for disadvantaged citizens who for whatever reason have not had exposure to the vast stores of knowledge and emerging technology available to others. In this information age, they play a critical role in bridging the digital divide. Many families cannot afford personal computers at home, yet the role of computers has become almost necessary to a basic educational experience. The children of these families would suffer without the access to emerging technology that libraries provide to all patrons regardless of income. In addition, special facilities libraries provide services for older Americans, people with disabilities, and hospitalized citizens.

During National Library Week, I wish to salute those individuals who are members of the library community and work so hard to ensure that our citizens and communities continue to enjoy the tremendous rewards available through our libraries. Library staff, volunteers and patrons work to ensure existing libraries run smoothly and have adequate resources, as well as advocate for increased funding and new libraries.

I am proud that Maryland is a State of readers. Recent statistics show that Maryland citizens borrowed more public library materials per person than those of almost any other State, nearly 9 per person. In addition, 67 percent of the State's population are registered library patrons. We are lucky to have 24 public library systems, providing a full range of library services to all Maryland citizens and a long tradition of open and unrestricted sharing of resources. The State Library Network that provides interlibrary loans to the State's public, academic, special libraries and school library media centers has enhanced this policy. Marylanders have responded to this outstanding service by showing their continued enthusiasm and support for our public libraries. I have worked closely with members of the Maryland Library Association, colleges and universities and others involved in the library community throughout the State, and I am very pleased to join with them and citizens throughout the Nation in this week's celebration of ''National Library Week.'' I look forward to continuing this relationship with those who enable libraries to provide the unique and vital services available to all Americans.●

PASSAGE OF THE HEALTH CARE SAFETY NET AMENDMENTS OF 2001 (S. 1533)

● Mr. KENNEDY. Mr. President, almost 39 million Americans wake up each morning, hoping that they or their families do not face illness or a serious accident—because they have no health insurance. Many more are underinsured and do not have access to a good health provider. They awake hoping that they and their loved ones will not get sick. For many, falling ill can mean financial ruin, or even death, because they cannot afford the critical health services they need.

During this time when our country struggles through the worst economic downturn in a decade, we must find innovative ways to provide access to

health care for our most vulnerable citizens. States are facing more than $40 billion in deficits, unemployment is up, and the number of uninsured are rising.

Today, we offer Americans hope. I am proud that the U.S. Senate has joined together in passing the Health Care Safety Amendments of 2001. This bill reauthorizes two critical programs that serve our poorest populations—the health centers program and the National Health Service Corps. It also creates the Healthy Communities Access Program, HCAP. By bringing together public and private providers, HCAP will help improve the coordination of services for communities' most vulnerable populations.

At a time when our health care system too often treats people as statistics, this Nation's community health centers and our health professionals working through the National Health Service Corps treat them as patients who deserve the best available health care. They know their communities, they understand their concerns, they know their names, and they speak their languages.

For more than 30 years, these programs have provided health care to Americans who have no where else to go for services. In fact, it is difficult to imagine what health care in the United States would be like today without them. Without their extraordinary achievements, millions of the most vulnerable Americans would not receive the health care they need to live healthy and productive lives. Without the health centers and the National Health Service Corps, there would be higher rates of tuberculosis, infant mortality, AIDS, substance abuse, and many other debilitating conditions in our low-income neighborhoods. Without these two programs, the Nation's emergency rooms would be flooded with even more patients seeking primary care.

Despite their extraordinary accomplishments, far too often these health centers and providers struggle each day just to keep their doors open. That is why this legislation is so important.

Over the years, our community health centers have more than proven their worth. And as a result, last year, health centers received more support than ever before. We set a goal of doubling the Federal financial commitment to community health centers over the next 5 years. We need to continue expanding these programs and get more health professionals on the ground in health centers in America's small farming communities, urban centers, and sprawling suburbs.

And we must continue our commitment to the Healthy Communities Access Program. HCAP plays a very important role in our health care safety net. From the physician in private practice to the community health centers to the hospitals, all will work hand-in-hand to coordinate their efforts to reach the vast number of Americans who fall between the cracks in today's health care system. We must ensure that we continue to fund this program to help safety net providers develop innovative ways to coordinate the care for the uninsured and underinsured. We should not put this important safety net program at risk of receiving lower levels of funding.

I commend President Bush for making the health centers program and the National Health Service Corps a priority in his 2003 budget, and I hope the administration will support the bipartisan HCAP program. I also commend Senator FRIST, Senator JEFFORDS, and the members of our committee for their hard work on this bill.

For more than 30 years, I have been inspired by those who invest their lives in caring for Americans who have no place to turn for health care. I thank my colleagues today for passing the Safety Net bill which will aid our health centers and doctors in delivering critical health care services in our poorest communities. In doing so, we not only offer the tools for ensuring healthier lives, but we provide hope for millions of struggling families.●

TRIBUTE TO COLONEL TIMOTHY A. PETERSON

● Mr. SHELBY. Mr. President, I wish to recognize and pay tribute to Colonel Timothy A. Peterson, Chief, Senate Liaison Division, Office of the Chief of Legislative Affairs, and Department of the Army who will retire on June 1, 2002. Colonel Peterson's career spans over 28 years, during which he has distinguished himself as a soldier, scholar, leader and friend of the United States Senate.

A New York native, Colonel Peterson graduated from the United States Military Academy in 1974 and was commissioned as a lieutenant in the Field Artillery Branch of the U.S. Army. During his career he has commanded soldiers from the battery through the installation level. At Schofield Barracks in Hawaii, he commanded the 7th Battalion, 8th Field Artillery Regiment of the 25th Infantry Division and later served as the Installation Commander of the U.S. Army Garrison at Fort Dix, NJ. As a scholar Tim Peterson has sought opportunities to improve himself throughout his career. In addition to teaching mathematics to cadets at the United States Military Academy, he has served as an American Political Science Association Congressional Fellow and a Army Senior Fellow, Secretary of Defense Corporate Fellowship, as well as receiving advanced degrees from the University of Puget Sound, University of Washington, the Salve Regina College and the U.S. Naval War College.

Since September 1999, Tim Peterson has served with distinction as the Chief Army Senate Liaison. He has superbly represented the Chief of Legislative Liaison, the Army Chief of Staff, and the Secretary of the Army while promoting the interests of the soldiers and civilians of our Army. His professionalism, mature judgement, sage advice and interpersonal skills have earned him the respect and confidence of the Members of Congress and Congressional staffers with whom he has worked on a multitude of issues affecting our Army, its soldiers and civilians. In almost 3 years on the Hill, Tim Peterson has been a true friend of the United States Senate and the Congress. Serving as the Army's primary point of contact for all Senators, Congressional Committees and their staffs, he has assisted Congress in understanding Army policies, operations, requirements and priorities. As a result, he and his staff have been extremely effective in providing prompt, coordinated and factual replies to all inquiries and matters involving Army issues. In addition, he has personally provided invaluable assistance to Members and their staffs while planning, coordinating and accompanying Senate delegations traveling worldwide. His substantive knowledge of the key issues, keen legislative insight and ability to effectively advise senior Army leaders have directly contributed to the successful representation of the Army's interests before Congress.

Throughout his career, Colonel Tim Peterson has demonstrated his profound commitment to our Nation, a deep concern for soldiers and their families and a commitment to excellence. Colonel Peterson is a consummate professional whose performance in over 28 years of service has personified those traits of courage, competency and integrity that our Nation has come to expect from its professional Army officers.

I ask my colleagues to join me in thanking Colonel Peterson for his honorable service to our Army, its soldiers and the citizens of the United States. We wish him and his family well and all the best in the future.●

TRIBUTE TO INTEGRITY LODGE #51

● Mr. TORRICELLI. Mr. President, I rise today to recognize the Integrity Lodge #51 Prince Hall Masons, who will be celebrating 100 years of service to the community of Paterson, NJ, this month.

Prince Hall Masons, the founders of this organization, are the oldest African American fraternity in the United States. This celebration will truly highlight the contributions as well as the many accomplishments that this fine organization has made to its community.

Under the direction of Prince Hall Masons, the Integrity Lodge has enjoyed countless success stories. The Integrity Lodge has been recognized for guiding and providing leadership to African Americans. Additionally, the Integrity Lodge has made countless charitable contributions which in turn have positively affected many lives.

Through the efforts of this group of people, the community of Paterson has been enriched. I am confident that there are many lives that this organization has changed and I am sure that they find victories on a daily basis. It is my firm belief that the Integrity Lodge will continue this fine tradition of community service in the years to come, and will serve with distinction as tireless advocates on behalf of Paterson, NJ.

I congratulate the Integrity Lodge #51 for their 100 years of dedicated service.●

KLAMATH FOOD BANK

● Mr. SMITH of Oregon. Mr. President, I rise today to give tribute to some Oregon heroes. Over the past year, I have come to the Senate floor on several occasions to describe the tragic events in the Klamath Basin last year. Today, I wish to salute some of the heroes, who when watching their neighbors in need, responded with great compassion and service to their community.

In April of last year, the farm economy of Klamath Falls was sent into a tailspin when the decision was made to forego water deliveries to farmers in favor of protecting threatened and endangered fishes. Almost overnight, the devastating effects of the water shutoff began to be felt. In one month's time, the number of families seeking assistance from the local food bank jumped by seven hundred.

The response from the surrounding community was incredible. Farmers, car dealerships, coffee shops, gas stations, banks, schools, and countless others came together to lend their support to folks in the Klamath Basin. On June 15 of last year, Joe Gilliam, President of the Oregon Grocers Association, with the help of grocers from around the State, gathered 240,000 pounds of food. This food helped feed the community for nearly two months.

In August, Oregon Senator and farmer Gary George of Pendleton, Oregon decided that he too had to do something. He set out and, with the help of Oregonians In Action, raised $30,000. Also in August, K-Dove Radio, Perry Atkinson and his son Oregon Senator Jason Atkinson, and sixty churches in the Medford area, joined together in collecting 27,000 pounds of food. They delivered it in two twenty-four-foot Ryder trucks.

The examples of kindness go on and on. For as tragic as the situation last year in the Basin was, Oregonians from around the State responded with an equal level of benevolence. With the help of hundreds of community volunteers and under the direction of Niki Sampson, the Klamath Falls-Lake County Food Bank has distributed 830,000 pounds of food and non-food products.

This has been a very emotional year, and as a U.S. Senator and as an Oregonian, I am very proud of how the people in my State have responded. The generosity shown by so many truly reaffirms one's faith in the goodness of people. In my mind, every single person who volunteered his or her time or resources is a hero. Today, I salute the workers, the volunteers, and all those who gave of themselves to help this community in need.●

VENEZUELA

● Mr. KENNEDY. Mr. President, I rise regarding recent events in Venezuela and my concern that the response of the administration was inconsistent with our foreign policy goal of promoting democracy abroad.

On April 12, following anti-government protests by civil opposition sectors, supported by parts of the military, President Hugo Chavez was briefly forced to resign power. The civil-military movement named businessman Pedro Carmona as interim president, and he then took steps which further undermined constitutional order, dissolving the legislature and the Supreme Court. Instead of protesting these clear violations of democratic order, the U.S. found itself virtually alone in the region in seemingly welcoming the undemocratic change in government in Venezuela.

Latin American presidents, meeting in Costa Rica, quickly condemned the coup as contrary to democratic obligations of members of the Organization of American States. Their action had nothing to do with support for President Chavez, whose radical declarations and friendly links to Cuba and Iraq had caused discomfort in the region and in Washington.

However, the American government did not acknowledge that a coup had occurred and referred to the action as ''a change in the government.'' After 2 days, the lack of full support inside the Venezuelan military, the extreme nature of the actions of the interim president in voiding Venezuela's democratic institutions, and the clear opposition of hemispheric leaders resulted in Chavez being reinstated to the presidency.

The Inter-American Democratic Charter, which the United States and the other members of the Organization of American States agreed to last year, commits all member governments to condemn and investigate the overthrow of any democratically elected OAS member government. These events tested the resolve of Western Hemisphere leaders in their support of democracy, and Latin American leaders responded decisively. Unfortunately, the American government failed the test.

Our government must support changes of government through a constitutional process, not military means. America's failure to condemn the illegal overthrow of a democratically elected leader in Venezuela has seriously undermined our credibility in the Western Hemisphere.

The United States must be a leader in promoting the strengthening of democracy in our hemisphere. We can do this by abiding by the OAS charter and by working within the OAS to maintain close scrutiny of democracies at risk.

The Secretary-General of the OAS, Dr. Cesar Gaviria, arrived in Venezuela this week to evaluate the latest developments and explore how the OAS can support Venezuela in its efforts to strengthen democracy. As a member of the OAS, our government should strongly and unequivocally support Secretary-General Gaviria's mission. We must also support the right of the voters of Venezuela to decide their political future. At the same time, President Chavez should fully respect individual freedoms, including freedom of the press, due process, and the rule of law. The OAS should continue to monitor the situation in Venezuela closely, and the U.S. Government should renew its commitment to democracy and democratic standards in the region.●

TRIBUTE TO TASK FORCE 2–153, ARKANSAS NATIONAL GUARD

● Mr. HUTCHINSON. Mr. President, it is my distinct honor and privilege to recognize the ''Arkansas Gunslingers.'' Task Force 2–153, commanded by Lieutenant Colonel Steve Womack, made military history on January 13, 2002 by becoming the first pure Army National Guard unit to represent the United States in performing the Multinational Force and Observer, MFO, mission on the Sinai peninsula in Egypt which was born out of the 1979 Camp David Peace Accords.

Soldiers of the 2nd Battalion, 153rd Infantry headquartered in Searcy, AR, along with other elements of the 39th Infantry Brigade were mobilized October 8, 2001 as part of President Bush's Homeland Defense initiative and the War on Terrorism. Under the strong leadership of Lieutenant Colonel Womack, Major Franklin Powell and Command Sergeant Major John Hogue, Task Force 2–153 exceeded all post-mobilization, pre-deployment, and post-deployment requirements. This accomplishment is particularly noteworthy given that these citizen-soldiers were given this critical and highly visible assignment just 90 days prior to deployment, at most, half the time to prepare routinely given to Regular Army units. When called upon by their commander in chief, this proud group of Arkansans literally lived up to their motto: ''Let's Go''!

It is with great pride that I have risen today to pay tribute to the more than 500 soldiers who make up the Arkansas Gunslingers. They have selflessly put their private lives on hold to answer the call of duty. Their presence on the Sinai Peninsula is a powerful symbol of peace. The people of Arkansas are grateful for their service, and extremely proud that they have been chosen to represent the United States of America in this important mission.●

COMMEMORATING THE 54th ANNIVERSARY OF ISRAEL'S STATEH0OOD

• Mr. GRAHAM. Mr. President, on this date 54 years ago, the State of Israel was founded. Today, all over the world, friends of Israel are observing this anniversary of Israel's independence.

The United States, under President Harry S. Truman, was the first country to formally recognize the State of Israel in 1948. We have a legacy of a special relationship based on shared values, among them support for democracy and human rights.

Preservation of the integrity, vitality and sovereignty of Israel is the cornerstone of U.S. policy in the Middle East, as well as a fundamental prerequisite for winning the global War on Terrorism.

On this day, when Israel and its allies should be celebrating, instead we see daily acts of violence and acts of terrorism that have led to the loss of innocent lives. The ability of the people of Israel and of the region to lead normal lives has been shattered.

The United States is committed to leading the international community in ending the conflict and beginning the slow walk back to negotiations for peace.

I urge President Bush and his Administration to recognize the importance of ongoing U.S. engagement in the Middle East at this crucial time. As the world's sole remaining superpower and the leader of the efforts to eradicate terrorism from the Earth, our commitment to allies such as Israel cannot and must not falter.

Once a framework for peace is in place, and we pray that day will soon come, there should be no question that the United States recognizes we will be called upon to play an ongoing role in the region, and we are prepared to accept that role.

Again, we offer our congratulations to the State of Israel on its 54th anniversary. And we assure our Israeli brothers and sisters that we share with them their quest for peace and the dream of turning swords into plowshares so that they can raise their children and grandchildren in a region of harmony.•

HONORING INSIGHT COMMUNICATIONS IN LOUISVILLE, KENTUCKY

• Mr. BUNNING. Mr. President, today I rise to offer a proper salute to Insight Communications of Louisville, KY. The Cable Television Public Affairs Association recently presented Insight with the coveted Beacon Award in the category of education for introducing their ''Young Women's Technology Fellowship'' initiative to the Louisville Community.

The Fellowship initiative, which arose from a partnership established between Oxygen Media and Insight Communications, was a two-month after-school program designed to provide advanced technical training and resources to twelve motivated young women who would typically be denied access to this level of technical education. During the curriculum, the young women were instructed to design an online magazine devoted to social issues. In the process, the girls were able to learn valuable computer applications as well as technical and journalistic skills while paying appropriate attention to social issues affecting the Louisville/Jefferson County community.

I applaud the efforts of Insight Communications and Oxygen Media. I would also like to thank these two organizations for their enduring commitment to education and service. The Fellowship program was an excellent forum for young women to not only learn invaluable technical and journalistic skills but also provide the community with pertinent information surrounding existing social issues.•

NATURAL GAS TRANSMISSION LINES AND ENHANCED COST RECOVERY

• Mr. BREAUX. Mr. President, the demand for natural gas is expected to increase tremendously in this country over the next 15 years. By some accounts demand for natural gas will go from approximately 23 trillion cubic feet in 2000 to over 31 trillion cubic feet by 2015, a 34 percent increase. The existing natural gas transmission infrastructure simply cannot accommodate this increased demand.

Natural gas offers an environmentally friendly and secure source of energy, and we must ensure that we have the infrastructure in place to meet this increased demand. Otherwise, we could suffer adverse environmental consequences and undermine the potential for economic growth, which depends upon safe and secure sources of energy. Natural gas also has the added advantage of reducing our dependence on foreign energy sources, which in today's environment, is a major advantage.

The Senate Finance committee took several steps to address this issue. Improving the depreciation period for natural gas distribution lines and clarifying that natural gas gathering lines are seven-year property is a step in the right direction. However, I am concerned that the bill we are now considering, as well as the House-passed energy legislation, does not address cost recovery for natural gas transmission lines. Reliable estimates indicate that we will have to build over 38,000 miles of additional transmission lines, a fifteen percent increase over current capacity, to deliver the increased amount of natural gas that will be required to meet the increased demand over the next fifteen years. My concern is that if the Congress determines that enhanced cost recovery is necessary to generate the additional investment required to meet this enormous demand, that it is necessary to address the entire natural gas delivery system, including both distribution and transmission lines.

There is no doubt that the demands for capital investment in this area are very large indeed. Industry studies show that the natural gas industry will require almost $50 billion in new investment for pipeline transmission lines over the next fifteen years, over $3.2 billion per year, to meet this demand. These expenditures also include the United States portion of an Alaskan Gas Pipeline, which offers tremendous potential for this country in meeting its energy needs.

These are daunting sums. I am very concerned whether this capital can be raised in both the current economic climate and under our current cost recovery system. Over the past year, the companies we depend upon to raise the capital required to build these transmission lines lost over $60 billion in market capitalization. This situation will impede their ability to raise the necessary capital in the market. Accelerated depreciation will help alleviate this problem by increasing cash flow, thus reducing a company's need to borrow money to build additional pipelines and lower the cost of capital that must be borrowed to complete the projects. Our committee recognized as much, as did the House, when it chose to lower the depreciation period for natural gas transmission lines from 20 to 15 years. I supported this decision, but we may not be able to utilize fully this increased distribution capacity if we do not take similar steps regarding transmission. After all, natural gas will not arrive at the distribution point unless the transmission infrastructure is sufficient to handle the increased amount of natural gas required.

There is no question that the capital investment required to ensure that we have adequate transmission pipelines to deliver natural gas is very significant. There is also no question that Congress needs to examine the entire delivery system to ensure that the benefits of any improved cost recovery are utilized efficiently and do not produce unwanted bottlenecks.

I think it would be appropriate for us to review carefully the need for shorter depreciation periods not just for distribution lines but for natural gas transmission lines as well when this matter goes to conference. Any decisions regarding natural gas depreciation must be made with an eye towards their effect on the system as a whole, including transmission lines.•

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 last 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 July 21, 1991 in Brattleboro, VT. A lesbian woman was struck by an attacker who was heard to say ''There's another . . . queer.'' The assailant, Lauralee Akley, 19, was charged with committing a hate-motivated crime in connection with the incident.

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

INTERNATIONAL BROADCASTING

● Mr. BIDEN. Mr. President, last month the former Chairman of the Federal Communications Commissions, Newton Minow, delivered the Morris I. Liebman Lecture at Loyola College in Baltimore.

Mr. Minow's address was entitled ''The Whisper of America,'' and is focused on the need for the United States to significantly increase the resources it devotes to international broadcasting.

I believe Mr. Minow makes a very thoughtful case for expanding our efforts in this area. In order that it may be available to a wider audience, and to call it to the attention of my colleagues, I ask unanimous consent that it be printed in the RECORD.

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

THE WHISPER OF AMERICA

In World War II, when the survival of freedom was still far from certain, the United States created a new international radio service, the Voice of America. On February 24, 1942, William Harlan Hale opened the German-language program with these words: ''Here speaks a voice from America. Every day at this time we will bring you the news of the war. The news may be good. The news may be bad. We will tell you the truth.''

My old boss, William Benton, came up with the idea of the Voice of America. He was then Assistant Secretary of State and would later become Senator from Connecticut. He was immensely proud of the Voice of America. One day he described the new VOA to RCA Chairman David Sarnoff, the tough-minded and passionate pioneer of American broadcasting. Sarnoff noticed how little electronic power and transmitter scope the VOA had via short-wave radio, then said, ''Benton, all you've got here is the whisper of America.''

Although The Voice of America, and later other international radio services, have made valuable contributions, our international broadcasting services suffer from miserly funding. In many areas of the world, they have seldom been more than a whisper. Today, when we most need to communicate our story, especially in the Middle East, our broadcasts are not even a whisper. People in every country know our music, our movies, our clothes, and our sports. But they do not know our freedom or our values or our democracy.

I want to talk with you about how and why this happened, and what we must do about it.

First, some history:

At first, the Voice of America was part of the Office of War Information. When the war ended, the VOA was transferred to the Department of State. With the beginning of the Cold War, officials within the government began to debate the core mission of the VOA: Was it to be a professional, impartial news service serving as an example of press freedom to the world? Or was it an instrument of U.S. foreign policy, a strategic weapon to be employed against those we fight? What is the line between news and propaganda? Should our broadcasts advocate America's values-or should they provide neutral, objective journalism?

That debate has never been resolved, only recast for each succeeding generation. In August 1953, for example, our government concluded that whatever the VOA was or would be, it should not be part of the State Department. So we established the United States Information Agency, and the VOA became its single largest operation.

A few years ago, Congress decided that all our international broadcasts were to be governed by a bi-partisan board appointed by the President, with the Secretary of State as an ex- officio member.

This includes other U.S. international broadcast services which were born in the Cold War, the so-called ''Freedom Radios.'' The first was Radio Free Europe, established in 1949 as a non-profit, non-governmental private corporation to broadcast news and information to East Europeans behind the Iron Curtain. The second was Radio Liberty, created in 1951 to broadcast similar programming to the citizens of Russia and the Soviet republics. Both Radio Free Europe and Radio Liberty were secretly funded by the Central Intelligence Agency, a fact not known to the American public until 1967, when the New York Times first reported the connection. The immediate result of the story was a huge controversy, because the radios had for years solicited donations from the public through an advertising campaign known as the Crusade for Freedom. Such secrecy, critics argued, undermined the very message of democratic openness the stations were intended to convey in their broadcasts to the closed, totalitarian regimes of the East.

In 1971, Congress terminated CIA funding for the stations and provided for their continued existence by open appropriations. The stations survived and contributed to American strategy in the Cold War. That strategy was simple: to persuade and convince the leaders and people of the communist bloc that freedom was better than dictatorship, that free enterprise was better than central planning, and that no country could survive if it did not respect human rights and the rule of law. Broadcasting into regimes where travel was severely restricted, where all incoming mail was censored, and all internal media were tools of state propaganda, Radio Free Europe and Radio Liberty communicated two messages that conventional weapons never could—doubt about the present and hope for the future.

They did so against repeated efforts by Soviet and East European secret police to sabotage their broadcast facilities, to create friction between the stations and their host governments, and even to murder the stations' personnel. In 1962, I personally witnessed an effort by Soviet delegates to an international communications conference in Geneva to eliminate our broadcasts to Eastern Europe. Because I was then Chairman of the Federal Communications Commission, the Soviets assumed I was in charge of these broadcasts. I explained that although this was not my department, I thought we should double the broadcasts.

Listening to the radios' evening broadcasts became a standard ritual throughout Russia and Eastern Europe. Moscow, no matter how hard it tried, could not successfully jam the transmissions. As a result, communism had to face a public that every year knew more about its lies. In his 1970 Nobel Prize speech, Aleksander Solzhenitsyn said of Radio Liberty, ''If we learn anything about events in our own country, it's from there.'' When the Berlin Wall fell, and soon after the Soviet Union crumbled, Lech Walesa was asked about the significance of Radio Free Europe to the Polish democracy movement. He replied, ''Where would the Earth be without the sun?''

Radio Free Europe and Radio Liberty continue to broadcast, from headquarters in downtown Prague, at the invitation of Vaclav Havel. The studios are now guarded by tanks in the street to protect against terrorists.

With very little money, Congress authorized several new services: Radio Free Asia, Radio Free Iraq, Radio Free Iran, Radio and TV Marti, Radio Democracy Africa, and Worldnet, a television service that broadcasts a daily block of American news. After 9/11, Congress approved funding for a new Radio Free Afghanistan. What most people don't know is that this service is not new—Congress authorized funds for Radio Free Afghanistan first in 1985, when the country was under Soviet domination. Even then the service was minimal—one half-hour a day of news in the Dari and Pashto languages. When the Soviets withdrew, we mistakenly thought the service was no longer needed. We dismantled it as the country plunged into chaos. We are finally beginning to correct our mistakes with a smart new service in the Middle East called ''The New Station for the New Generation.''

Indeed, as the Cold War wound down, we forgot its most potent lesson: that totalitarianism was defeated not with missiles, tanks and carriers, but with ideas—and that words can be weapons. Even though the Voice of America had earned the trust and respect of listeners for its accuracy and fairness, our government starved our international broadcasts. Many of the resources that had once been given to public diplomacy—to explaining ourselves and our values to the world—were eliminated. In the Middle East, particularly, American broadcasting is not even a whisper. An Arab-language radio service is operated by Voice of America, but its budget is tiny and its audience tinier—only about 1 to 2 percent of Arabs ever listen to it. Among those under the age of 30—60 percent of the population in the region—virtually no one listens.

As we fell mute in the Cold War's aftermath, other voices grew in influence.

AL JAZEERA

In the past few months, Westerners began to learn about Al Jazeera as a source of anti-American tirades by Muslim extremists and as the favored news outlet of both Osama bin Laden and the Taliban. The service had its beginnings in 1995, when the BBC withdrew from a joint venture with Saudi-owned Orbit Communications that had provided news on a Middle East channel. The BBC and the Saudi government clashed over editorial judgments, and the business relationship fell apart. Into the breach stepped a big fan of CNN, Qatar's Emir, Sheikh Hamed bin Khalifa Al Thani. He admired CNN's satellite technology and decided to bankroll a Middle East satellite network with a small budget. He hired most of the BBC's anchors, editors and technicians, and Al Jazeera was born.

Al Jazeera means ''the peninsula'' in Arabic, and the name is fitting. Just as Qatar is a peninsula, the station's programming protrudes conspicuously into the world of state-controlled broadcasting in the Middle East. Several commentators, including many Arabs, have sharply criticized the service for being unprofessional and biased. CNN and Al Jazeera had a dispute this year and terminated their cooperative relationship.

Well before September 11, Al Jazeera had managed to anger most of the governments in its own region. Libya withdrew its ambassador from Qatar when Al Jazeera broadcast an interview with a critic of the Libyan government. Tunisia's ambassador complained to the Qatari foreign ministry about a program accusing Tunisia of violating human rights. Kuwait complained after a program criticized Kuwait's relations with Iraq. In Saudi Arabia, officials called for a ''political fatwa'' prohibiting Saudis from appearing on any Al Jazeera programming. In March 2001, Yasser Arafat closed Al Jazeera's West Bank news bureau, complaining of an offensive depiction of Arafat in a documentary. Algeria shut off electricity to prevent its citizens from watching Al Jazeera's programs. Other countries deny Al Jazeera's reporters entry visas.

And of course, our own country has plenty to complain about Al Jazeera.

Al Jazeera came to our notice first because a 1998 interview with Osama bin Laden called upon Muslims to ''target all Americans.'' Al Jazeera broadcast the tape many times. As the only network with an office in Afghanistan, Al Jazeera was the only one the Taliban allowed to broadcast from the country. On October 7, 2001, the network's Kabul office received a videotape message from Osama bin Laden, which it transmitted around the world. Hiding in caves, Osama could still speak to the world in a voice louder than ours because we allowed our story to be told by our enemies.

Forty years ago, I accompanied President Kennedy on a tour of our space program facilities. He asked me why it was so important to launch a communications satellite. I said, ''Mr. President, unlike other rocket launches, this one will not send a man into space, but it will send ideas. And ideas last longer than people do.'' I never dreamed that the ideas millions of people receive every day would come from Al Jazeera.

THE GLOBAL MEDIA MARKETPLACE

Whatever one thinks of Al Jazeera, it teaches an important lesson: The global marketplace of news and information is no longer dominated by the United States. Our own government, because it has no outlet of its own in the area, is looking into buying commercial time on Al Jazeera to get America's anti-terrorism message out. And because of privatization and deregulation in the international satellite business, a huge number of Americans now have direct access to Al Jazeera through the EchoStar satellite service.

The point is simply this: Whether the message is one of hate or peace, in the globalized communications environment it is impossible either to silence those who send the message, or stop those who want to receive it. Satellites have no respect for national borders. Satellites surmount walls. Like Joshua's Trumpet, satellites blow walls down.

That was the last lesson of the Cold War. In Beijing, the Chinese government would not begin its brutal sweep through Tianamen Square until it thought the world's video cameras were out of range. In Manila, Warsaw and Bucharest, dissenters first captured the television station—the Electronic Bastille of modern revolutions. In Prague, a classic urban rebellion became a revolution through television. The Romanian revolution was not won until television showed pictures of the Ceaucescus' corpses and scenes of rebels controlling the square in Bucharest. In the final days of the Soviet Union, the August 1991 coup against President Mikhail Gorbachev failed when video of the supposedly ill president was broadcast by satellite around the world. Those satellites, Gorbachev later said, ''prevented the triumph of dictatorship.'' Now, we have the newer technologies of the internet and e-mail—technologies the Voice of America and the Freedom Radios use with enthusiasm without adequate support.

What we have failed to realize is that the last lesson of the Cold War is also the first lesson of the new global information age. We live now in a world where we are the lone superpower, and the target of envy and resentment not just in the Middle East but elsewhere. Terror is now the weapon of choice.

But if you believe we are only in a war against terrorism, you are only half-right. Nation-states can sponsor terrorism and provide cover to terrorists, but the war against terrorism is asymmetric. This is my friend Don Rumsfeld's favorite word—asymmetric. This means that war is not waged by a state against another state per se, but against an ideology. Think of the campaign of the past few months. The enemy has been a band of religious zealots and the Al Qaeda terrorists they harbor, not the people of Afghanistan. President Bush has been emphatic and effective on this point, as have Prime Minister Tony Blair and other world leaders.

Asymmetry also refers to the strategies and tactics used by those who cannot compete in a conventional war. In an asymmetric war, it is not enough to have Air Forces to command the skies, Navies to roam the seas, or Armies to control mountain passes. Although the Cold War led to staggering advances in military technology to win the battles, there is not a corresponding change in our government's use of communications technology to win the peace.

Asymmetry, in other words, is not limited to what happens on the battlefield. While U.S. Special Operations forces in Afghanistan use laptops and satellites and sophisticated wireless telecommunications to guide pilots flying bombing missions from aircraft carriers in the Arabian Sea, we still use obsolete, clumsy and primitive methods, such as short-wave radio, to communicate to the people.

Here is another incongruity: American marketing talent is successfully selling Madonna's music, Pepsi Cola and Coca Cola, Michael Jordan's shoes and McDonald's hamburgers around the world. Our film, television and computer software industries dominate their markets worldwide. Yet, the United States government has tried to get its message of freedom and democracy out to the 1 billion Muslims in the world and can't seem to do it. How is it that America, a nation founded on ideas—not religion or race or ethnicity or clan—cannot explain itself to the world?

In the months since September 11, Americans have been surprised to learn of the deep and bitter resentment that much of the Muslim world feels toward us. Our situation is not just a public relations problem. Anyone who has traveled the world knows that much anti-American sentiment springs from disagreements with some of our economic and foreign policies. Our support of authoritarian regimes in the Muslim world has not endeared us to the people who live there. And there is no more poisonous imagery than that of Palestinians and Israelis locked in mortal and what seems to be never-ending combat.

Still, the United States has an important story to tell, the story of human striving for freedom, democracy and opportunity. Since the end of the Cold War, we have failed to tell that story to a world waiting to hear it on the radio and see it on television. We have failed to use the power of ideas.

Within days of the Taliban's flight from Kabul, television was back on the air in the country. The Taliban had not only banned television broadcasts, but confiscated and destroyed thousands of TV sets. They hung the smashed husks of TV sets on light poles, along with videocassettes and musical instruments, as a warning to anyone who might try to break the regime's reign of ignorance. And yet no sooner were the Taliban driven from the city than hundreds of TV sets appeared from nowhere. Even in the midst of a totalitarian, theocratic regime, there had been a thriving underground market for news and information. Television antennas were quickly hung outside of windows and on rooftops. The antennas are like periscopes, enabling those inside to see what is happening outside.

Where were we when those people needed us? Where were we when Al Jazeera went on the air? It was as if we put on our own self-created burka and disappeared from sight. The voices of America, the voices of freedom, were not even a whisper.

THE NEW CHALLENGE

I believe the United States must re-commit itself to public diplomacy—to explaining and advocating our values to the world. As Tom Friedman put it in his New York Times column not long ago: ''It is no easy trick to lose a PR war to two mass murderers—(Osama bin Laden and Saddam Hussein) but we've been doing just that lately. It is not enough for the White House to label them 'evildoers.' We have to take the PR war right to them, just like the real one.''

There are two leaders of both parties who need our support in this fight for aggressive, vigorous public diplomacy. Illinois Republican Congressman Henry Hyde, chairman of the House International Relations Committee, wants to strengthen the Voice of America and the many Freedom Radio services that broadcast from Cuba to Afghanistan. Democratic Senator Joseph Biden, Chairman of the Senate Foreign Relations Committee, is on the same page. He has developed legislation known as ''Initiative 911'' to give special emphasis to more programming for the entire Muslim world, from Nigeria to Indonesia.

In November, Congress finally set aside $30 million to launch a new Middle East radio network. The AM and FM broadcasts (not short wave) will offer pop music—American and Arabic—along with a mix of current events and talk shows. The proposal to fund Radio Free Afghanistan is for $27.5 million this year and next, and will allow about 12 hours a day of broadcasting into the country. The goal is to make our ideas clear not just to leaders in the Muslim world, but to those in the street, and particularly the young, many of whom are uneducated and desperately poor, and among whom hostility toward the United States is very high.

These efforts are late and, in my view, too timid. They are tactical, not strategic. They are smart, not visionary. The cost of putting Radio Free Afghanistan on the air and underwriting its annual budget, for example, is less than even one Commanche helicopter. We have many hundreds of helicopters which we need to destroy tyranny, but they are insufficient to secure freedom. In an asymmetric war, we must also fight on the idea front.

Bob Shieffer put the issue well not long ago on CBS' ''Face the Nation'':

''The real enemy is not Osama, it is the ignorance that breeds the hatred that fuels his cause. This is what we have to change. I realized what an enormous job that was going to be the other day when I heard a young Pakistani student tell an interviewer that everyone in his school knew that Israel was behind the attacks on the Twin Towers and everyone in his school knew all the Jews who worked there had stayed home that day.

''What we have all come to realize now is that a large part of the world not only misunderstands us but is teaching its children to hate us.''

Steve Forbes, who once headed the Broadcasting Board of Governors, put the issue even more bluntly: ''Washington should cease its petty, penny-minded approach to our international radios and give them the resources and capable personnel to do the job that so badly needs to be done right. . . . What are we waiting for?''

THE PROPOSAL

What are we waiting for? I suggest three simple proposals. First, define a clear strategic mission and vision for U.S. international broadcasting. Second, provide the financial resources to get the job done. Third, use the unique talent that the United States has—all of it—to communicate that vision to the world.

First, and above all, U.S. international broadcasting should be unapologetically proud to advocate freedom and democracy in the world. There is no inconsistency in reporting the news accurately while also advocating America's values. The real issue is whether we will carry the debate on the meaning of freedom to places on the globe, where open debate is unknown and freedom has no seed. Does anyone seriously believe that the twin goals of providing solid journalism and undermining tyranny are incompatible? As a people, Americans have always been committed to the proposition that these goals go hand in hand. As the leader of the free world, it is time for us to do what's right—to speak of idealism, sacrifice and the nurturing of values essential to human freedom—and to speak in a bold, clear voice.

Second, if we are to do that, we will need to put our money where out mouths are not. We now spend more than a billion dollars each day for the Department of Defense. Results in the war on terrorism demonstrate that this is money well invested in our national security.

Whatever Don Rumsfeld says he needs should be provided by the Congress with pride in the extraordinary service his imaginative leadership is giving our country. As President Bush has proposed, we will need to increase the defense budget. When we do, let's compare what we need to spend on the Voice of America and the Freedom Radio services with what we need to spend on defense. Our international broadcasting efforts amount to less than two-tenths of one percent of Defense expenditures. Al Jazeera was started with an initial budget of less than $30 million a year. Now Al Jazeera reaches some 40 million men, women and children every day, at a cost of pennies per viewer every month.

Congress should hold hearings now to decide what we should spend to get our message of freedom, democracy and peace into the non-democratic and authoritarian regions of the world. One suggestion is to consider a relationship between what we spend on defense with what we spend on communication. For example, should we spend 10 percent of what we spend on defense for communication? That would be $33 billion a year. Too much. Should we spend 1 percent? That would be $3.3 billion, and that seems about right to me—one dollar to launch ideas for every $100 we invest to launch bombs. This would be about six times more than we invest now in international communications. We must establish a ratio sufficient to our need to inform and persuade others of the values of freedom and democracy. More importantly, we should seek a ratio sufficient to lessen our need for bombs.

Third, throwing money alone at the problem will not do the job. We need to use all of the communications talent we have at our disposal. This job is not only for journalists. As important as balanced news and public affairs programming are to our public diplomacy mission, the fact is that we are now in a global information marketplace. An American news source, even a highly professional one like the VOA, is not necessarily persuasive in a market of shouting, often deceitful and hateful voices. Telling the truth in a persuasive, convincing way is not propaganda. Churchill's and Roosevelt's words—''never was so much owed by so many to so few''—''The only thing we have to fear is fear itself''—were as powerful as a thousand guns.

When Colin Powell chose advertising executive Charlotte Beers as Under Secretary of State for public diplomacy and public affairs, some journalists sneered. You cannot peddle freedom as you would cars and shampoo, went the refrain. That is undoubtedly so, and Beers has several times said as much herself. But you can't peddle freedom if no one is listening, and Charlotte Beers is a master at getting people to listen—and to communicate in terms people understand.

So was another visionary in this business, Bill Benton. Before he served as Assistant Secretary of State, Benton had been a founding partner in one of the country's largest and most successful advertising firms, Benton and Bowles. To win the information war, we will need the Bentons and Beers of this world every bit as much as we will need the journalists. We have the smartest, most talented, and most creative people in the world in our communications industries—in radio, television, film, newspapers, magazines, advertising, publishing, public relations, marketing. These men and women want to help their country, and will volunteer eagerly to help get our message across. One of the first people we should enlist is a West Point graduate named Bill Roedy, who is President of MTV Networks International. His enterprise reaches one billion people in 18 languages in 164 countries. Eight out of ten MTV viewers live outside the United States. He can teach us a lot about how to tell our story.

CONCLUSION

In 1945, a few years after the VOA first went on the air, the newly founded United Nations had 51 members. Today it has 189. In the last decade alone, more than 20 countries have been added to the globe, many of them former Soviet republics, but not all. Some of these new countries, as with the Balkan example, have been cut bloodily from the fabric of ethnic and religious hatred. Some of these countries are nominally democratic, but many—especially in Central Asia—are authoritarian regimes. Some are also deeply unstable, and thus pose a threat not only to their neighbors, but to the free world. Afghanistan, we discovered too late, is a concern not only to its region, but to all of us.

In virtually every case, those whose rule is based on an ideology of hate have understood better than we have the power of ideas and the power of communicating ideas. The bloodshed in the Balkans began with hate radio blaring from Zagreb and Belgrade, and hate radio is still common in the region today. The murder of 2 million Hutus and Tutsis in central Africa could not have happened but for the urging of madmen with broadcast towers at their disposal. The same has been true of ethnic violence in India and Pakistan.

I saw this first hand in the Cuban Missile Crisis of 1962. President Kennedy asked me to organize eight American commercial radio stations to carry the Voice of America to Cuba because the VOA was shut out by Soviet jamming. We succeeded, and President Kennedy's speeches were heard in Spanish in Cuba at the height of the crisis. As we kept the destroyers and missiles out of Cuba, we got the Voice of America in because we had enough power to surmount the jamming. On that occasion, our American broadcasts were more than a whisper.

Last spring—well before the events of September 11—Illinois Congressman Henry Hyde put the need eloquently. I quote him: ''During the last several years it has been argued that our broadcasting services have done their job so well that they are no longer needed. This argument assumes that the great battle of the 20th century, the long struggle for the soul of the world, is over: that the forces of freedom and democracy have won. But the argument is terribly shortsighted. It ignores the people of China and Cuba, of Vietnam and Burma, of Iraq and Iran and Sudan and North Korea and now Russia. It ignores the fragility of freedom and the difficulty of building and keeping democracy. And it ignores the resilience of evil.''

Fifty-eight years ago, Albert Einstein returned from a day of sailing to find a group of reporters waiting for him at the shore. The reporters told him that the United States had dropped an atomic bomb on Hiroshima, wiping out the city. Einstein shook his head and said, ''Everything in the world has changed except the way we think.''

On September 11 everything changed except the way we think. It is hard to change the way we think. But we know that ideas last longer than people do, and that two important ideas of the 20th century are now in direct competition: the ideas of mass communication and mass destruction. The great question of our time is whether we will be wise enough to use one to avoid the other.●

MESSAGE FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 101. Concurrent resolution extending birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the ''Philip E. Ruppe Post Office Building.''

H.R. 3960. An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the ''Joseph W. Westmoreland Post Office Building.''

H.R. 4156. An act to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property.

H.R. 4167. An act to extend for 8 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

At 3:07 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 476. An act to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 476. An act to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calument Street in Lake Linden, Michigan, as the ''Philip E. Ruppe Post Office Building''; to the Committee on Governmental Affairs.

H.R. 3960. An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the ''Joseph W. Westmoreland Post Office Building''; to the Committee on Governmental Affairs.

H.R. 4156. An act to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property; to the Committee on Finance.

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. DURBIN:

S. 2138. A bill to provide for the reliquidation of certain entries of antifriction bearings; to the Committee on Finance.

By Mr. BINGAMAN:

S. 2139. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELMS:

S. 2140. A bill to suspend temporarily the duty on 1,2 cyclohexanedione; to the Committee on Finance.

By Mr. HELMS:

S. 2141. A bill to suspend temporarily the duty on Wakil XL; to the Committee on Finance.

By Mr. HELMS:

S. 2142. A bill to suspend temporarily the duty on primisulfuron; to the Committee on Finance.

By Mr. HELMS:

S. 2143. A bill to suspend temporarily the duty on flumetralin technical; to the Committee on Finance.

By Mr. HELMS:

S. 2144. A bill to suspend temporarily the duty on methidathion technical; to the Committee on Finance.

By Mr. HELMS:

S. 2145. A bill to suspend temporarily the duty on mixtures of lambdacyhalothrin; to the Committee on Finance.

By Mr. HELMS:

S. 2146. A bill to suspend temporarily the duty on cyprodinil technical; to the Committee on Finance.

By Mr. HELMS:

S. 2147. A bill to suspend temporarily the duty on oxasulfuron technical; to the Committee on Finance.

By Mr. HELMS:

S. 2148. A bill to suspend temporarily the duty on Paclobutrazole 2SC; to the Committee on Finance.

By Mr. HELMS:

S. 2149. A bill to suspend temporarily the duty on difenoconazole; to the Committee on Finance.

By Mr. HELMS:

S. 2150. A bill to suspend temporarily the duty on mucochloric acid; to the Committee on Finance.

By Mr. HELMS:

S. 2151. A bill to extend the duty suspension on 3,5-Dibromo-4-hydoxybenzonitril; to the Committee on Finance.

By Mr. HELMS:

S. 2152. A bill to extend the duty suspension on isoxaflutole; to the Committee on Finance.

By Mr. HELMS:

S. 2153. A bill to extend the duty suspension on cyclanilide technical; to the Committee on Finance.

By Mr. HELMS:

S. 2154. A bill to extend the duty suspension on Fipronil Technical; to the Committee on Finance.

By Mr. HELMS:

S. 2155. A bill to extend the duty suspension on 3,5-Dibromo-4-hydoxybenzonitril ester and inerts; to the Committee on Finance.

By Mr. HELMS:

S. 2156. A bill to suspend temporarily the duty on 2,4-Xylidine; to the Committee on Finance.

By Mr. HELMS:

S. 2157. A bill to suspend temporarily the duty on p-Chloro aniline; to the Committee on Finance.

By Mr. HELMS:

S. 2158. A bill to suspend temporarily the duty on 4-methoxyphenacychloride; to the Committee on Finance.

By Mr. HELMS:

S. 2159. A bill to suspend temporarily the duty on 3-methoxy-thiophenol; to the Committee on Finance.

By Mr. HELMS:

S. 2160. A bill to suspend temporarily the duty on acetyl chloride; to the Committee on Finance.

By Mr. HELMS:

S. 2161. A bill to suspend temporarily the duty on esters and sodium esters of parahydroxybenzoic acid; to the Committee on Finance.

By Mr. HELMS:

S. 2162. A bill to suspend temporarily the duty on chloroacetic acid; to the Committee on Finance.

By Mr. HELMS:

S. 2163. A bill to suspend temporarily the duty on isobornyl acetate; to the Committee on Finance.

By Mr. HELMS:

S. 2164. A bill to suspend temporarily the duty of azocystrobin technical; to the Committee on Finance.

By Mr. HELMS:

S. 2165. A bill to suspend temporarily the duty on paclobutrazole technical; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2166. A bill to suspend temporarily the duty on 1H-imidazole-2-methanol, 5-[(3,5-dichlorophenyl)thio]-4-(1-methlethyl)-1-(4-pyridinylmethyl)-(9Cl); to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2167. A bill to suspend temporarily the duty on 1H-imidazole,4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-(9Cl); to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2168. A bill to suspend temporarily the duty on 1(2H)-Quinolinecarboxylic acid, 4-[[[3,5-bis(trifluoromethyl)phenyl]methyl](methoxycarbonyl)amino]-2-ethyl-3,4-dihydro-6-(trifluoromethyl)-,ethyl ester, (2R,4S)- (9CI); to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2169. A bill to suspend temporarily the duty on Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl-ethenyl]-1H-indazol-6-yl)thio]-; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2170. A bill to suspend temporarily the duty on 1H-Pyrazole-5-carboxamide, N-[2-fluoro-5-[[3-[(1 E)-2-(2-pyridinyl)ethenyl]-1H-indazol-6-yl]amino]phenyl]1,3-di-methyl- ; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2171. A bill to suspend temporarily the duty on Disulfide,bis(3,5-dichlorophenyl)(9Cl); to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2172. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2173. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2174. A bill to suspend temporarily the duty on rhinovirus drug; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2175. A bill to suspend temporarily the duty on Pyridin, 4-[[4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1H-imidazol-1-yl]methyl]-ethanedioate (1:2); to the Committee on Finance.

By Mr. HELMS:

S. 2176. A bill to suspend temporarily the duty on Triticonazole; to the Committee on Finance.

By Mr. HELMS:

S. 2177. A bill to suspend temporarily the duty on Glufosinate-Ammonium; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2178. A bill to suspend temporarily the duty on 1H-imidazole,4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-(9Cl); to the Committee on Finance.

By Mrs. CARNAHAN (for herself and Mr. LEAHY):

S. 2179. A bill to authorize the Attorney General to make grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who were killed or disabled while serving as law enforcement or public safety officers; to the Committee on the Judiciary.

By Mr. KYL:

S. 2180. A bill to suspend temporarily the duty on Nylon MXD6; to the Committee on Finance.

By Mr. McCAIN:

S. 2181. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

By Mr. WYDEN:

S. 2182. A bill to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HUTCHINSON:

S. 2183. A bill to provide emergency agricultural assistance to producers of the 2002 crop; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX (for himself, Mr. SPECTER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. CLELAND, Mr. JOHNSON, Mr. BAUCUS, Mr. BAYH, Mrs. CLINTON, Mr. DODD, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE,

Mr. LEVIN, Mr. BINGAMAN, Mr. REED, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JEFFORDS, Mr. DAYTON, and Ms. CANTWELL):

S. 2184. A bill to provide for the reissuance of a rule relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND:

S. 2185. A bill to amend the Employee Retirement Income Security Act of 1974 to provide workers with individual account plans with information on how the assets in their accounts are invested and of the need to diversify the investment of the assets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (by request):

S. 2186. A bill to amend title 38, United States Code, to establish a new Assistant Secretary to perform operations, preparedness, security and law enforcement functions, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself and Mr. AKAKA):

S. 2187. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish health care during a major disaster or medical emergency, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BREAUX (for himself and Mr. BURNS):

S. 2188. A bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. WELLSTONE, Mr. DURBIN, Ms. MIKULSKI, Mr. SARBANES, Mr. DAYTON, and Mrs. CLINTON):

S. 2189. A bill to amend the Trade Act of 1974 to remedy certain effects of injurious steel imports by protecting benefits of steel industry retirees and encouraging the strengthening of the American steel industry; to the Committee on Finance.

By Mr. KERRY (for himself, Ms. SNOWE, Mrs. FEINSTEIN, and Mr. CHAFEE):

S. 2190. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide employees with greater control over assets in their pension accounts by providing them with better information about investment of the assets, new diversification rights, and new limitations on pension plan blackouts, and for other purposes; to the Committee on Finance.

By Mr. HELMS:

S. 2191. A bill to suspend temporarily the duty on petroleum sulfonic acids, sodium salts; to the Committee on Finance.

By Mr. HELMS:

S. 2192. A bill to suspend temporarily the duty on certain TAED chemicals; to the Committee on Finance.

By Mr. HELMS:

S. 2193. A bill to suspend temporarily the duty on Vanguard 75 WDG; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself and Mr. WYDEN):

S. Res. 244. A resolution eliminating secret Senate holds; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. BROWNBACK, and Mr. FEINGOLD):

S. Res. 245. A resolution designating the week of May 5 through May 11, 2002, as ''National Occupational Safety and Health Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 808

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 964

At the request of Mr. KENNEDY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 964, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1174

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1174, a bill to provide for safe incarceration of juvenile offenders.

S. 1248

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1526

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1526, a bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

S. 1638

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1638, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

S. 1722

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1722, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. 1748

At the request of Mr. GRAMM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1748, a bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.

S. 1751

At the request of Mr. GRAMM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1751, a bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.

S. 1769

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of 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.

S. 1787

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1787, a bill to promote rural safety and improve rural law enforcement.

S. 1924

At the request of Mr. LIEBERMAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1988

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1988, a bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 2039

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2051

At the request of Mr. REID, the names of the Senator from Nebraska

(Mr. HAGEL), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. MILLER), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2075

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2075, a bill to facilitate the availability of electromagnetic spectrum for the deployment of wireless based services in rural areas, and for other purposes.

S. 2076

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2076, a bill to prohibit the cloning of humans.

S.J. RES. 35

At the request of Mrs. FEINSTEIN, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Texas (Mr. GRAMM), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S.J. Res. 35, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Columbia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3037

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 3037 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

AMENDMENT NO. 3103

At the request of Mr. KENNEDY, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Virginia (Mr. ALLEN), the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. ENSIGN), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mr. SCHUMER), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 3103 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

AMENDMENT NO. 3129

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 3129 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2139. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today entitled the ''Community Health Workers Act of 2002'' would improve access to health education and outreach services to women in medically underserved areas in the United States-New Mexico border region.

Lack of access to adequate health care and health education is a significant problem along the United States-New Mexico border. While the access problem is in part due to a lack of insurance, it is also attributable to nonfinancial barriers to access. These barriers include a shortage of physicians and other health professionals, and hospitals; inadequate transportation; a shortage of bilingual health information and health providers; and culturally insensitive systems of care.

This legislation would help to address the issue of access by providing $6 million in grants to State, local, and tribal organizations, including community health centers and public health departments, for the purpose of hiring community health workers to provide health education, outreach, and referrals to women and families who otherwise would have little or no contact with health care services.

Recognizing factors such as poverty and language and cultural differences that often serve as barriers to health care access in medically underserved populations, community health workers are in a unique position to improve health outcomes and quality of care for groups that have traditionally lacked access to adequate services.

The positive benefits of the community health worker model have been documented. Research has shown that community health workers have been effective in increasing the utilization of health preventive services such as cancer screenings and medical follow up for elevated blood pressure. Preliminary investigation of a community health workers project in New Mexico suggests that community health workers also help to increase enrollment in health insurance programs such as Medicaid and the Children's Health Insurance Program, SCHIP.

According to an Institute of Medicine, IOM, report entitled, ''Unequal Treatment: Confronting Racial and Ethnic Disparities in Healthcare,'' ''community health workers offer promise as a community-based resource to increase racial and ethnic minorities' access to health care and to serve as a liaison between healthcare providers and the communities they serve.''

Although the community health worker model is valued on the United States-Mexico border as well as other parts of the country that encounter challenges of meeting the health care needs of medically underserved populations, these programs often have difficulty securing adequate financial resources to maintain and expand upon their services. As a result, many of these programs are significantly limited in their ability to meet the ongoing and emerging health demands of their communities.

The IOM report also notes that ''programs to support the use of community health workers . . . especially among medically underserved and racial and ethnic minority populations, should be expanded, evaluated, and replicated.''

I am introducing this legislation to increase resources for a model that has shown significant promise for increasing access to quality health care and health education for families in medically underserved communities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2139

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 ''Community Health Workers Act of 2002''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Chronic diseases, defined as any condition that requires regular medical attention or medication, are the leading cause of death and disability for women in the United States across racial and ethnic groups.

(2) According to the National Vital Statistics Report of 2001, the 5 leading causes of death among Hispanic, American Indian, and African-American women are heart disease, cancer, diabetes, cerebrovascular disease, and unintentional injuries.

(3) Unhealthy behaviors alone lead to more than 50 percent of premature deaths in the United States.

(4) Poor diet, physical inactivity, tobacco use, and alcohol and drug abuse are the health risk behaviors that most often lead to disease, premature death, and disability, and are particularly prevalent among many groups of minority women.

(5) Over 60 percent of Hispanic and African-American women are classified as overweight and over 30 percent are classified as

obese. Over 60 percent of American Indian women are classified as obese.

(6) American Indian women have the highest mortality rates related to alcohol and drug use of all women in the United States.

(7) High poverty rates coupled with barriers to health preventive services and medical care contribute to racial and ethnic disparities in health factors, including premature death, life expectancy, risk factors associated with major diseases, and the extent and severity of illnesses.

(8) There is increasing evidence that early life experiences are associated with adult chronic disease and that prevention and intervention services provided within the community and the home may lessen the impact of chronic outcomes, while strengthening families and communities.

(9) Community health workers, who are primarily women, can be a critical component in conducting health promotion and disease prevention efforts in medically underserved populations.

(10) Recognizing the difficult barriers confronting medically underserved communities (poverty, geographic isolation, language and cultural differences, lack of transportation, low literacy, and lack of access to services), community health workers are in a unique position to reduce preventable morbidity and mortality, improve the quality of life, and increase the utilization of available preventive health services for community members.

(11) Research has shown that community health workers have been effective in significantly increasing screening and medical followup visits among residents with limited access or underutilization of health care services.

(12) States on the United States-Mexico border have high percentages of impoverished and ethnic minority populations: border States accommodate 60 percent of the total Hispanic population and 23 percent of the total population below 200 percent poverty in the United States.

SEC. 3. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

''(a) GRANTS AUTHORIZED.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention and other Federal officials determined appropriate by the Secretary, is authorized to award grants to States or local or tribal units, to promote positive health behaviors for women in target populations, especially racial and ethnic minority women in medically underserved communities.

''(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may be used to support community health workers—

''(1) to educate, guide, and provide outreach in a community setting regarding health problems prevalent among women and especially among racial and ethnic minority women;

''(2) to educate, guide, and provide experiential learning opportunities that target behavioral risk factors including—

''(A) poor nutrition;

''(B) physical inactivity;

''(C) being overweight or obese;

''(D) tobacco use;

''(E) alcohol and substance use;

''(F) injury and violence;

''(G) risky sexual behavior; and

''(H) mental health problems;

''(3) to educate and guide regarding effective strategies to promote positive health behaviors within the family;

''(4) to educate and provide outreach regarding enrollment in health insurance including the State Children's Health Insurance Program under title XXI of the Social Security Act, medicare under title XVIII of such Act and medicaid under title XIX of such Act;

''(5) to promote community wellness and awareness; and

''(6) to educate and refer target populations to appropriate health care agencies and community-based programs and organizations in order to increase access to quality health care services, including preventive health services.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State or local or tribal unit (including federally recognized tribes and Alaska native villages) that desires to receive a grant under subsection (a) shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

''(A) describe the activities for which assistance under this section is sought;

''(B) contain an assurance that with respect to each community health worker program receiving funds under the grant awarded, such program provides training and supervision to community health workers to enable such workers to provide authorized program services;

''(C) contain an assurance that the applicant will evaluate the effectiveness of community health worker programs receiving funds under the grant;

''(D) contain an assurance that each community health worker program receiving funds under the grant will provide services in the cultural context most appropriate for the individuals served by the program;

''(E) contain a plan to document and disseminate project description and results to other States and organizations as identified by the Secretary; and

''(F) describe plans to enhance the capacity of individuals to utilize health services and health-related social services under Federal, State, and local programs by—

''(i) assisting individuals in establishing eligibility under the programs and in receiving the services or other benefits of the programs; and

''(ii) providing other services as the Secretary determines to be appropriate, that may include transportation and translation services.

''(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to those applicants—

''(1) who propose to target geographic areas—

''(A) with a high percentage of residents who are eligible for health insurance but are uninsured or underinsured;

''(B) with a high percentage of families for whom English is not their primary language; and

''(C) that encompass the United States-Mexico border region;

''(2) with experience in providing health or health-related social services to individuals who are underserved with respect to such services; and

''(3) with documented community activity and experience with community health workers.

''(e) COLLABORATION WITH ACADEMIC INSTITUTIONS.—The Secretary shall encourage community health worker programs receiving funds under this section to collaborate with academic institutions. Nothing in this section shall be construed to require such collaboration.

''(f) QUALITY ASSURANCE AND COST-EFFECTIVENESS.—The Secretary shall establish guidelines for assuring the quality of the training and supervision of community health workers under the programs funded under this section and for assuring the cost-effectiveness of such programs.

''(g) MONITORING.—The Secretary shall monitor community health worker programs identified in approved applications and shall determine whether such programs are in compliance with the guidelines established under subsection (e).

''(h) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to community health worker programs identified in approved applications with respect to planning, developing, and operating programs under the grant.

''(i) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under subsection (a), the Secretary shall submit to Congress a report regarding the grant project.

''(2) CONTENTS.—The report required under paragraph (1) shall include the following:

''(A) A description of the programs for which grant funds were used.

''(B) The number of individuals served.

''(C) An evaluation of—

''(i) the effectiveness of these programs;

''(ii) the cost of these programs; and

''(iii) the impact of the project on the health outcomes of the community residents.

''(D) Recommendations for sustaining the community health worker programs developed or assisted under this section.

''(E) Recommendations regarding training to enhance career opportunities for community health workers.

''(j) DEFINITIONS.—In this section:

''(1) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

''(A) by serving as a liaison between communities and health care agencies;

''(B) by providing guidance and social assistance to community residents;

''(C) by enhancing community residents' ability to effectively communicate with health care providers;

''(D) by providing culturally and linguistically appropriate health or nutrition education;

''(E) by advocating for individual and community health or nutrition needs; and

''(F) by providing referral and followup services.

''(2) COMMUNITY SETTING.—The term 'community setting' means a home or a community organization located in the neighborhood in which a participant resides.

''(3) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means a community identified by a State—

''(A) that has a substantial number of individuals who are members of a medically underserved population, as defined by section 330(b)(3); and

''(B) a significant portion of which is a health professional shortage area as designated under section 332.

''(4) SUPPORT.—The term 'support' means the provision of training, supervision, and materials needed to effectively deliver the services described in subsection (b), reimbursement for services, and other benefits.

''(5) TARGET POPULATION.—The term 'target population' means women of reproductive age, regardless of their current childbearing status.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section $5,000,000 for each of fiscal years 2003, 2004, and 2005.''.

● Mr. KYL. Mr. President, I rise today to introduce legislation that would provide for a five-year temporary suspension of the duty on imports of Nylon MXD6, through December 31, 2007.

Nylon MXD6 is polyamide, classified under Chapter 39 of the Harmonized Tariff Schedule of the United States, subheading 3908.10.10, HTSUS. It is a tough, transparent resin that is used by several companies throughout the U.S. to make packaging for food and other products.

Temporary duty suspensions, when properly utilized, are an effective way to confer ''win-win'' benefits on consumers and the economy. Suspending the duty on an imported good encourages increased supply and availability of that good, and such increases benefit U.S. consumers. So long as we first ensure that no domestic businesses will be harmed, and that the impact on Federal revenue is negligible, such temporary duty suspensions clearly make for smart trade policy.

The merits of a temporary duty-suspension bill are typically judged based on whether or not it is ''non-controversial.'' Such a bill is generally considered non-controversial only if there are no domestic producers who would be harmed by increased imports, and the revenue impact would be de minimis, that is, roughly $500,000 per year or less. Based on these criteria, this bill should not be controversial. It is my understanding that there are no domestic producers of Nylon MXD6, and that the duties paid on imports of the resin have historically been at or under $500,000.

In addition to the usual benefits of this kind of legislation, it is my understanding that the importer of Nylon MXD6, Mitsubishi Gas Chemical-America, has plans to establish a domestic production facility in the United States, and hopes to have it on-line before this proposed duty suspension would expire. Temporarily suspending the duty on the compound would help ease the company's transition to domestic production. The planned facility, in turn, would create new U.S. manufacturing jobs and contribute to our overall economic vitality. The facility would purchase domestically one of the two principal raw materials used to make the resin, and the revenue that local, state, and federal governments would collect from a permanently established, domestic production facility are likely to far outweigh the amount that will be collected through the duties imposed under current law.

This is a good bill with no substantial costs involved. I urge my colleagues to support it.●

By Mr. McCAIN:

S. 2181. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

● Mr. McCAIN. Mr. President, today, I am re-introducing legislation to establish a process to evaluate Federal subsidies and tax advantages received by corporations to ensure they are in the national interest, not the special interest. This bill, ''The Corporate Subsidy Reform Commission Act,'' is identical to a bill I introduced in previous years.

Because we face diminishing resources, we must prioritize our level of Federal spending. Therefore, corporate welfare simply must be eliminated.

There are more than 100 such corporate subsidy programs in the Federal budget today, requiring the Federal Government to spend approximately $65 billion a year.

Terminating even some of these programs could save taxpayers tens of billions of dollars each year, money that could be used to cut taxes for lower-income Americans, bolster Social Security, pay down the national debt, and strengthen our military forces.

In years past, Congress has insisted that it would eliminate the existence of this corporate welfare, but virtually no such program has been eliminated. Consequently, taxpayer dollars continue to be wasted as I speak.

The Corporate Subsidy Reform Commission Act aims to remove the special treatment given to politically powerful industries and restore all taxpayers to a level playing field. It defines inequitable subsidies as those provided to corporations without a reasonable expectation that they will return a commensurate benefit to the public.

The Act excludes any subsidies that are primarily for research and development, education, public health, public safety, or the environment. Also excluded are subsidies or tax advantages necessary to comply with international trade or treaty obligations.

The Act would create a nine-member commission nominated by the President and the Congressional leadership. Federal agencies would be required to submit to the Commission, at the time of the Administration's next budget, a list of subsidies and tax advantages that each agency believes are inequitable.

The Commission will provide recommendations to either terminate or reduce the corporate subsidies. The President has the authority under the Act to either terminate consideration of the Commission's recommendations, or submit the Commission's recommendations to the Congress as a legislative initiative.

The Congress would then have four months to review the Commission's recommendations that have been endorsed by the President. At that time, the actions of all involved committees in each respective legislative body would be sent to the floor for debate, under expedited procedures.

Many Federal subsidies and special-interest tax breaks for corporations are unnecessary, and do not provide a fair return to the taxpayers who bear the heavy burden of their cost. If a corporation is receiving taxpayer-funded subsidies or tax breaks that are unsupported by a compelling benefit to the public, the subsidy should be ended.

Does it make sense for the Agriculture Department to spend $80 million a year on a program, the Market Access Program, that subsidizes the overseas advertising campaigns of cash-strapped corporations such as Pillsbury, Dole, and Jim Beam?

Why should the Commerce Department spend $211 million a year on the Advanced Technology Program to give research grants to consortiums of some of the largest and richest high-tech companies in this Nation?

Where is the accountability to taxpayers here? They have been shortchanged at the expense of the special interests. This undermines our Nation's fiscal house, and impairs Congress' ability to respond to truly urgent needs such as health care, education, debt reduction, and national security.

Unfortunately, the pervasive system of pork-barreling and special interest legislating is speeding along unabated in Washington. Instead of pursuing our Nation's priorities, both parties continue to spend without accountability. During my service in the Senate, I have worked to eliminate wasteful earmarks in appropriations bills. And yet this year alone, about $15 billion in pork barrel spending was approved by the Senate without going through any merit-based review process.

I would rather eliminate corporate subsidies and inequitable tax subsidies without resorting to a commission. But we know that the influence of the special interests will prevent that effort from succeeding unless forceful action is taken.

We need a credible process to identify corporate pork and eliminate it. This legislation is the first important step in alleviating the public burden of unnecessary corporate subsidies and tax breaks.●

By Mr. WYDEN:

S. 2182. A bill to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

● Mr. WYDEN. Mr. President, Americans today live in an increasingly networked world. The system of interlinked computer networks known as the Internet, which not so long ago was a platform used only by a relatively narrow group of academic researchers, is today a core medium of communications and commerce for many millions of Americans. According to the Commerce Department, more than half of all Americans were using the Internet by last September, and the numbers are only growing.

The spread of the Internet presents great new opportunities for the American society and economy. But there is a downside to an interconnected,

networked world: security risks. The Internet connects people not just to friends, potential customers, and sources of information, but also to would-be hackers, viruses, and cybercriminals.

Last July, after I became Chairman of the Commerce Committee's Subcommittee on Science, Technology, and Space, I chose cybersecurity as the topic for my first hearing. The message from that hearing was that cybersecurity risks are mounting. The complexity of computer networks and the breadth of functions handled online are growing faster than the country's computer security capabilities. New technologies, for example, ''always on'' Internet connections and wireless networking technologies, often make the problem worse, not better.

The events of September 11 make this matter even more urgent. The fact is, America needs to be prepared for the possibility that future terrorists will try to strike not our buildings, streets, or airplanes, but our critical computer networks.

Government can't provide a silver bullet solution to this problem. Ultimately, progress with respect to cybersecurity is going to require the energy and ingenuity of the entire technology sector.

But one thing government can and should do is support basic cybersecurity research, so that the country's pool of cybersecurity knowledge and expertise keeps pace with the new and constantly evolving risks. This is an area where government involvement is sorely needed.

That is why I am pleased to introduce today the Cyber Security Research and Development Act. Thanks to the leadership of Congressman SHERRY BOEHLERT, this legislation has already passed the House by an overwhelming bipartisan vote. I hope the Senate will be able to follow suit soon.

This legislation, which has the widespread support of the Nation's technology sector, would significantly increase the amount of cybersecurity research in this country by creating important new research programs at the National Science Foundation, NSF, and National Institute of Standards and Technology, NIST. The NSF program would provide funding for innovative research, multidisciplinary academic centers devoted to cybersecurity, and new courses and fellowships to educate the cybersecurity experts of the future. The NIST program likewise would support cutting-edge cybersecurity research, with a special emphasis on promoting cooperative efforts between government, industry, and academia.

I believe the stakes are high. In addition to the damage that cyberattacks could cause directly, the mere threat of security breaches can cripple the ongoing development of e-commerce. If the Internet is to reach its full potential, security must be improved.

I therefore urge my colleagues to join me in making cybersecurity research and development a top priority, and to work with me in moving this bill forward.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2182

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 ''Cyber Security Research and Development Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Revolutionary advancements in computing and communications technology have interconnected government, commercial, scientific, and educational infrastructures—including critical infrastructures for electric power, natural gas and petroleum production and distribution, telecommunications, transportation, water supply, banking and finance, and emergency and government services—in a vast, interdependent physical and electronic network.

(2) Exponential increases in interconnectivity have facilitated enhanced communications, economic growth, and the delivery of services critical to the public welfare, but have also increased the consequences of temporary or prolonged failure.

(3) A Department of Defense Joint Task Force concluded after a 1997 United States information warfare exercise that the results ''clearly demonstrated our lack of preparation for a coordinated cyber and physical attack on our critical military and civilian infrastructure''.

(4) Computer security technology and systems implementation lack—

(A) sufficient long term research funding;

(B) adequate coordination across Federal and State government agencies and among government, academia, and industry; and

(C) sufficient numbers of outstanding researchers in the field.

(5) Accordingly, Federal investment in computer and network security research and development must be significantly increased to—

(A) improve vulnerability assessment and technological and systems solutions;

(B) expand and improve the pool of information security professionals, including researchers, in the United States workforce; and

(C) better coordinate information sharing and collaboration among industry, government, and academic research projects.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ''Director'' means the Director of the National Science Foundation; and

(2) the term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 4. NATIONAL SCIENCE FOUNDATION RESEARCH.

(a) COMPUTER AND NETWORK SECURITY RESEARCH GRANTS.—

(1) IN GENERAL.—The Director shall award grants for basic research on innovative approaches to the structure of computer and network hardware and software that are aimed at enhancing computer security. Research areas may include—

(A) authentication and cryptography;

(B) computer forensics and intrusion detection;

(C) reliability of computer and network applications, middleware, operating systems, and communications infrastructure;

(D) privacy and confidentiality;

(E) firewall technology;

(F) emerging threats, including malicious such as viruses and worms;

(G) vulnerability assessments;

(H) operations and control systems management; and

(I) management of interoperable digital certificates or digital watermarking.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this section on a merit-reviewed competitive basis.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $35,000,000 for fiscal year 2003;

(B) $40,000,000 for fiscal year 2004;

(C) $46,000,000 for fiscal year 2005;

(D) $52,000,000 for fiscal year 2006; and

(E) $60,000,000 for fiscal year 2007.

(b) COMPUTER AND NETWORK SECURITY RESEARCH CENTERS.—

(1) IN GENERAL.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (or consortia thereof) to establish multidisciplinary Centers for Computer and Network Security Research. Institutions of higher education (or consortia thereof) receiving such grants may partner with one or more government laboratories or for-profit institutions.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this subsection on a merit-reviewed competitive basis.

(3) PURPOSE.—The purpose of the Centers shall be to generate innovative approaches to computer and network security by conducting cutting-edge, multidisciplinary research in computer and network security, including the research areas described in subsection (a)(1).

(4) APPLICATIONS.—An institution of higher education (or a consortium of such institutions) seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the research projects that will be undertaken by the Center and the contributions of each of the participating entities;

(B) how the Center will promote active collaboration among scientists and engineers from different disciplines, such as computer scientists, engineers, mathematicians, and social science researchers;

(C) how the Center will contribute to increasing the number of computer and network security researchers and other professionals; and

(D) how the center will disseminate research results quickly and widely to improve cybersecurity in information technology networks, products, and services.

(5) CRITERIA.—In evaluating the applications submitted under paragraph (4), the Director shall consider, at a minimum—

(A) the ability of the applicant to generate innovative approaches to computer and network security and effectively carry out the research program;

(B) the experience of the applicant in conducting research on computer and network security and the capacity of the applicant to foster new multidisciplinary collaborations;

(C) the capacity of the applicant to attract and provide adequate support for undergraduate and graduate students and postdoctoral fellows to pursue computer and network security research; and

(D) the extent to which the applicant will partner with government laboratories or for-profit entities, and the role the government laboratories or for-profit entities will play in the research undertaken by the Center.

(6) ANNUAL MEETING.—The Director shall convene an annual meeting of the Centers in order to foster collaboration and communication between Center participants.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the National Science Foundation to carry out this subsection—

(A) $12,000,000 for fiscal year 2003;

(B) $24,000,000 for fiscal year 2004;

(C) $36,000,000 for fiscal year 2005;

(D) $36,000,000 for fiscal year 2006; and

(E) $36,000,000 for fiscal year 2007.

SEC. 5. NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY PROGRAMS.

(a) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—

(1) IN GENERAL.—The Director shall establish a program to award grants to institutions of higher education (or consortia thereof) to establish or improve undergraduate and master's degree programs in computer and network security, to increase the number of students who pursue undergraduate or master's degrees in fields related to computer and network security, and to provide students with experience in government or industry related to their computer and network security studies.

(2) MERIT REVIEW.—Grants shall be awarded under this subsection on a merit-reviewed competitive basis.

(3) USE OF FUNDS.—Grants awarded under this subsection shall be used for activities that enhance the ability of an institution of higher education (or consortium thereof) to provide high-quality undergraduate and master's degree programs in computer and network security and to recruit and retain increased numbers of students to such programs. Activities may include—

(A) revising curriculum to better prepare undergraduate and master's degree students for careers in computer and network security;

(B) establishing degree and certificate programs in computer and network security;

(C) creating opportunities for undergraduate students to participate in computer and network security research projects;

(D) acquiring equipment necessary for student instruction in computer and network security, including the installation of testbed networks for student use;

(E) providing opportunities for faculty to work with local or Federal Government agencies, private industry, or other academic institutions to develop new expertise or to formulate new research directions in computer and network security;

(F) establishing collaborations with other academic institutions or departments that seek to establish, expand, or enhance programs in computer and network security;

(G) establishing student internships in computer and network security at government agencies or in private industry;

(H) establishing or enhancing bridge programs in computer and network security between community colleges and universities; and

(I) any other activities the Director determines will accomplish the goals of this subsection.

(4) SELECTION PROCESS.—

(A) APPLICATION.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(i) a description of the applicant's computer and network security research and instructional capacity, and in the case of an application from a consortium of institutions of higher education, a description of the role that each member will play in implementing the proposal;

(ii) a comprehensive plan by which the institution or consortium will build instructional capacity in computer and information security;

(iii) a description of relevant collaborations with government agencies or private industry that inform the instructional program in computer and network security;

(iv) a survey of the applicant's historic student enrollment and placement data in fields related to computer and network security and a study of potential enrollment and placement for students enrolled in the proposed computer and network security program; and

(v) a plan to evaluate the success of the proposed computer and network security program, including post-graduation assessment of graduate school and job placement and retention rates as well as the relevance of the instructional program to graduate study and to the workplace.

(B) AWARDS.—(i) The Director shall ensure, to the extent practicable, that grants are awarded under this subsection in a wide range of geographic areas and categories of institutions of higher education.

(ii) The Director shall award grants under this subsection for a period not to exceed 5 years.

(5) ASSESSMENT REQUIRED.—The Director shall evaluate the program established under this subsection no later than 6 years after the establishment of the program. At a minimum, the Director shall evaluate the extent to which the grants achieved their objectives of increasing the quality and quantity of students pursuing undergraduate or master's degrees in computer and network security.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $15,000,000 for fiscal year 2003;

(B) $20,000,000 for fiscal year 2004;

(C) $20,000,000 for fiscal year 2005;

(D) $20,000,000 for fiscal year 2006; and

(E) $20,000,000 for fiscal year 2007.

(b) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT OF 1992.—

(1) GRANTS.—The Director shall provide grants under the Scientific and Advanced Technology Act of 1992 for the purposes of section 3(a) and (b) of that Act, except that the activities supported pursuant to this subsection shall be limited to improving education in fields related to computer and network security.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $1,000,000 for fiscal year 2003;

(B) $1,250,000 for fiscal year 2004;

(C) $1,250,000 for fiscal year 2005;

(D) $1,250,000 for fiscal year 2006; and

(E) $1,250,000 for fiscal year 2007.

(c) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—

(1) IN GENERAL.—The Director shall establish a program to award grants to institutions of higher education to establish traineeship programs for graduate students who pursue computer and network security research leading to a doctorate degree by providing funding and other assistance, and by providing graduate students with research experience in government or industry related to the students' computer and network security studies.

(2) MERIT REVIEW.—Grants shall be provided under this subsection on a merit-reviewed competitive basis.

(3) USE OF FUNDS.—An institution of higher education shall use grant funds for the purposes of—

(A) providing fellowships to students who are citizens, nationals, or lawfully admitted permanent resident aliens of the United States and are pursuing research in computer or network security leading to a doctorate degree;

(B) paying tuition and fees for students receiving fellowships under subparagraph (A);

(C) establishing scientific internship programs for students receiving fellowships under subparagraph (A) in computer and network security at for-profit institutions or government laboratories; and

(D) other costs associated with the administration of the program.

(4) FELLOWSHIP AMOUNT.—Fellowships provided under paragraph (3)(A) shall be in the amount of $25,000 per year, or the level of the National Science Foundation Graduate Research Fellowships, whichever is greater, for up to 3 years.

(5) SELECTION PROCESS.—An institution of higher education seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the instructional program and research opportunities in computer and network security available to graduate students at the applicant's institution; and

(B) the internship program to be established, including the opportunities that will be made available to students for internships at for-profit institutions and government laboratories.

(6) REVIEW OF APPLICATIONS.—In evaluating the applications submitted under paragraph (5), the Director shall consider—

(A) the ability of the applicant to effectively carry out the proposed program;

(B) the quality of the applicant's existing research and education programs;

(C) the likelihood that the program will recruit increased numbers of students to pursue and earn doctorate degrees in computer and network security;

(D) the nature and quality of the internship program established through collaborations with government laboratories and for-profit institutions;

(E) the integration of internship opportunities into graduate students' research; and

(F) the relevance of the proposed program to current and future computer and network security needs.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry our this subsection—

(A) $10,000,000 for fiscal year 2003;

(B) $20,000,000 for fiscal year 2004;

(C) $20,000,000 for fiscal year 2005;

(D) $20,000,000 for fiscal year 2006; and

(E) $20,000,000 for fiscal year 2007.

(d) GRADUATE RESEARCH FELLOWSHIPS PROGRAM SUPPORT.—Computer and network security shall be included among the fields of specialization supported by the National Science Foundation's Graduate Research Fellowships program under section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869).

SEC. 6. CONSULTATION.

In carrying out sections 4 and 5, the Director shall consult with other Federal agencies.

SEC. 7. FOSTERING RESEARCH AND EDUCATION IN COMPUTER AND NETWORK SECURITY.

Section 3(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)) is amended—

(1) by striking ''and'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

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

''(8) to take a leading role in fostering and supporting research and education activities to improve the security of networked information systems.''.

SEC. 8. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESEARCH PROGRAM.

The National Institute of Standards and Technology Act is amended—

(1) by moving section 22 to the end of the Act and redesignating it as section 32;

(2) by inserting after section 21 the following new section:

''RESEARCH PROGRAM ON SECURITY OF COMPUTER SYSTEMS

''SEC. 22. (a) ESTABLISHMENT.—The Director shall establish a program of assistance to institutions of higher education that enter into partnerships with for-profit entities to support research to improve the security of computer systems. The partnerships may also include government laboratories. The program shall—

''(1) include multidisciplinary, long-term, high-risk research;

''(2) include research directed toward addressing needs identified through the activities of the Computer System Security and Privacy Advisory Board under section 20(f); and

''(3) promote the development of a robust research community working at the leading edge of knowledge in subject areas relevant to the security of computer systems by providing support for graduate students, post-doctoral researchers, and senior researchers.

''(b) FELLOWSHIPS.—(1) The Director is authorized to establish a program to award post-doctoral research fellowships to individuals who are citizens, nationals, or lawfully admitted permanent resident aliens of the United States and are seeking research positions at institutions, including the Institute, engaged in research activities related to the security of computer systems, including the research areas described in section 4(a)(1) of the Cyber Security Research and Development Act.

''(2) The Director is authorized to establish a program to award senior research fellowships to individuals seeking research positions at institutions, including the Institute, engaged in research activities related to the security of computer systems, including the research areas described in section 4(a)(1) of the Cyber Security Research and Development Act. Senior research fellowships shall be made available for established researchers at institutions of higher education who seek to change research fields and pursue studies related to the security of computer systems.

''(3)(A) To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(B) Under this subsection, the Director is authorized to provide stipends for post-doctoral research fellowships at the level of the Institute's Post Doctoral Research Fellowship Program and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.

''(c) AWARDS; APPLICATIONS.—The Director is authorized to award grants or cooperative agreements to institutions of higher education to carry out the program established under subsection (a). To be eligible for an award under this section, an institution of higher education shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

''(1) the number of graduate students anticipated to participate in the research project and the level of support to be provided to each;

''(2) the number of post-doctoral research positions included under the research project and the level of support to be provided to each;

''(3) the number of individuals, if any, intending to change research fields and pursue studies related to the security of computer systems to be included under the research project and the level of support to be provided to each; and

''(4) how the for-profit entities and any other partners will participate in developing and carrying out the research and education agenda of the partnership.

''(d) PROGRAM OPERATION.—(1) The program established under subsection (a) shall be managed by individuals who shall have both expertise in research related to the security of computer systems and knowledge of the vulnerabilities of existing computer systems. The Director shall designate such individuals as program managers.

''(2) Program managers designated under paragraph (1) may be new or existing employees of the Institute or individuals on assignment at the Institute under the Intergovernmental Personnel Act of 1970.

''(3) Program managers designated under paragraph (1) shall be responsible for—

''(A) establishing and publicizing the broad research goals for the program;

''(B) soliciting applications for specific research projects to address the goals developed under subparagraph (A);

''(C) selecting research projects for support under the program from among applications submitted to the Institute, following consideration of—

''(i) the novelty and scientific and technical merit of the proposed projects;

''(ii) the demonstrated capabilities of the individual or individuals submitting the applications to successfully carry out the proposed research;

''(iii) the impact the proposed projects will have on increasing the number of computer security researchers;

''(iv) the nature of the participation by for-profit entities and the extent to which the proposed projects address the concerns of industry; and

''(v) other criteria determined by the Director, based on information specified for inclusion in applications under subsection (c); and

''(D) monitoring the progress of research projects supported under the program.

''(e) REVIEW OF PROGRAM.—(1) The Director shall periodically review the portfolio of research awards monitored by each program manager designated in accordance with subsection (d). In conducting those reviews, the Director shall seek the advice of the Computer System Security and Privacy Advisory Board, established under section 21, on the appropriateness of the research goals and on the quality and utility of research projects managed by program managers in accordance with subsection (d).

''(2) The Director shall also contract with the National Research Council for a comprehensive review of the program established under subsection (a) during the 5th year of the program. Such review shall include an assessment of the scientific quality of the research conducted, the relevance of the research results obtained to the goals of the program established under subsection (d)(3)(A), and the progress of the program in promoting the development of a substantial academic research community working at the leading edge of knowledge in the field. The Director shall submit to Congress a report on the results of the review under this paragraph no later than six years after the initiation of the program.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'computer system' has the meaning given that term in section 20(d)(1); and

''(2) the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''; and

(3) in section 20(d)(1)(B)(i) (15 U.S.C. 278g–3(d)(1)(B)(i)), by inserting ''and computer networks'' after ''computers''.

SEC. 9. COMPUTER SECURITY REVIEW, PUBLIC MEETINGS, AND INFORMATION.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended by adding at the end the following new subsection:

''(f) There are authorized to be appropriated to the Secretary $1,060,000 for fiscal year 2003 and $1,090,000 for fiscal year 2004 to enable the Computer System Security and Privacy Advisory Board, established by section 21, to identify emerging issues, including research needs, related to computer security, privacy, and cryptography and, as appropriate, to convene public meetings on those subjects, receive presentations, and publish reports, digests, and summaries for public distribution on those subjects.''.

SEC. 10. INTRAMUTAL SECURITY RESEARCH.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) As part of the research activities conducted in accordance with subsection (b)(4), the Institute shall—

''(1) conduct a research program to address emerging technologies associated with assembling a networked computer system from components while ensuring it maintains desired security properties;

''(2) carry out research associated with improving the security of real-time computing and communications systems for use in process control; and

''(3) carry out multidisciplinary, long-term, high-risk research on ways to improve the security of computer systems.''.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology—

(1) for activities under section 22 of the National Institute of Standards and Technology Act, as added by section 8 of this Act—

(A) $25,000,000 for fiscal year 2003;

(B) $40,000,000 for fiscal year 2004;

(C) $55,000,000 for fiscal year 2005;

(D) $70,000,000 for fiscal year 2006;

(E) $85,000,000 for fiscal year 2007; and

(F) such sums as may be necessary for fiscal years 2008 through 2012; and

(2) for activities under section 20(d) of the National Institute of Standards and Technology Act, as added by section 10 of this Act—

(A) $6,000,000 for fiscal year 2003;

(B) $6,200,000 for fiscal year 2004;

(C) $6,400,000 for fiscal year 2005;

(D) $6,600,000 for fiscal year 2006; and

(E) $6,800,000 for fiscal year 2007.

SEC. 12. NATIONAL ACADEMY OF SCIENCES STUDY ON COMPUTER AND NETWORK SECURITY IN CRITICAL INFRASTRUCTURES.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a study of the vulnerabilities of the

Nation's network infrastructure and make recommendations for appropriate improvements. The National Research Council shall—

(1) review existing studies and associated data on the architectural, hardware, and software vulnerabilities and interdependencies in United States critical infrastructure networks;

(2) identify and assess gaps in technical capability for robust critical infrastructure network security, and make recommendations for research priorities and resource requirements; and

(3) review any and all other essential elements of computer and network security, including security of industrial process controls, to be determined in the conduct of the study.

(b) REPORT.—The Director of the National Institute of Standards and Technology shall transmit a report containing the results of the study and recommendations required by subsection (a) to the Congress not later than 21 months after the date of enactment of this Act.

(c) SECURITY.—The Director of the National Institute of Standards and Technology shall ensure that no information that is classified is included in any publicly released version of the report required by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology for the purposes of carrying out this section, $700,000.●

By Mr. HUTCHINSON:

S. 2183. A bill to provide emergency agricultural assistance to producers of the 2002 crop; to the Committee on Agriculture, Nutrition, and Forestry.

● Mr. HUTCHINSON. Mr. President, I ask unanimous consent that a copy of the ''Emergency Agricultural Assistance Act of 2002'', which I am introducing today be printed in the RECORD.

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

S. 2183

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Agricultural Assistance Act of 2002''.

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

Sec. 1. Short title; table of contents.

TITLE I—MARKET LOSS ASSISTANCE

Sec. 101. Market loss assistance.
Sec. 102. Oilseeds.
Sec. 103. Peanuts.
Sec. 104. Honey.
Sec. 105. Wool and mohair.
Sec. 106. Cottonseed.
Sec. 107. Specialty crops.
Sec. 108. Loan deficiency payments.
Sec. 109. Payments in lieu of loan deficiency payments for grazed acreage.
Sec. 110. Milk.
Sec. 111. Pulse crops.
Sec. 112. Tobacco.
Sec. 113. Livestock feed assistance program.
Sec. 114. Increase in payment limitations regarding loan deficiency payments and marketing loan gains.

TITLE II—ADMINISTRATION

Sec. 201. Obligation period.
Sec. 202. Commodity Credit Corporation.
Sec. 203. Regulations.

TITLE I—MARKET LOSS ASSISTANCE

SEC. 101. MARKET LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, use $5,603,000,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2002 under a production flexibility contract for the farm under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2002 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 102. OILSEEDS.

(a) IN GENERAL.—The Secretary shall use $466,000,000 of funds of the Commodity Credit Corporation to make payments to producers that planted a 2002 crop of oilseeds (as defined in section 102 of the Agricultural Market Transition Act (7 U.S.C. 7202)).

(b) COMPUTATION.—A payment to producers on a farm under this section for an oilseed shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary;

(2) the acreage determined under subsection (c); and

(3) the yield determined under subsection (d).

(c) ACREAGE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the acreage of the producers on the farm for an oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 1999, 2000, or 2001 crop year, whichever is greatest, as determined by the Secretary.

(2) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to a type of oilseed during the 2002 crop year but not the 1999, 2000, or 2001 crop year, the acreage of the producers for the type of oilseed under subsection (b)(2) shall be equal to the number of acres planted to the type of oilseed by the producers on the farm during the 2002 crop year, as determined by the Secretary.

(d) YIELD.—

(1) SOYBEANS.—Except as provided in paragraph (3), in the case of soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average county yield per harvested acre for each of the 1997 through 2001 crop years, excluding the crop year with the greatest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1999, 2000, or 2001 crop year, as determined by the Secretary.

(2) OTHER OILSEEDS.—Except as provided in paragraph (3), in the case of oilseeds other than soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average national yield per harvested acre for each of the 1997 through 2001 crop years, excluding the crop year with the greatest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1999, 2000, or 2001 crop year, as determined by the Secretary.

(3) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to a type of an oilseed during the 2002 crop year but not the 1999, 2000, or 2001 crop year, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average county yield per harvested acre for each of the 1997 through 2001 crop years, excluding the crop year with the greatest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 2002 crop.

(4) DATA SOURCE.—To the maximum extent available, the Secretary shall use data provided by the National Agricultural Statistics Service to carry out this subsection.

SEC. 103. PEANUTS.

(a) IN GENERAL.—The Secretary shall use not more than $55,000,000 of funds of the Commodity Credit Corporation to provide payments to producers of quota peanuts or additional peanuts to partially compensate the producers for continuing low commodity prices, and increasing costs of production, for the 2002 crop year.

(b) AMOUNT.—The amount of a payment made to producers on a farm of quota peanuts or additional peanuts under subsection (a) shall be equal to the product obtained by multiplying—

(1) the quantity of quota peanuts or additional peanuts produced or considered produced on the farm during the 2002 crop year; and

(2) a payment rate equal to—

(A) in the case of quota peanuts, $30.50 per ton; and

(B) in the case of additional peanuts, $16.00 per ton.

(c) LOSSES.—The Secretary shall use such sums of the Commodity Credit Corporation as are necessary to offset losses for the 2001 crop of peanuts described in section 155(d) of the Agricultural Market Transition Act (7 U.S.C. 7271(d)).

SEC. 104. HONEY.

(a) IN GENERAL.—The Secretary shall use $93,000,000 of funds of the Commodity Credit Corporation to make available recourse loans to producers of the 2002 crop of honey on fair and reasonable terms and conditions, as determined by the Secretary.

(b) LOAN RATE.—The loan rate for a loan under subsection (a) shall be equal to 85 percent of the average price of honey during the 5-crop year period preceding the 2002 crop year, excluding the crop year in which the average price of honey was the highest and the crop year in which the average price of honey was the lowest in the period.

(c) TERM OF LOAN.—A loan under this section shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

SEC. 105. WOOL AND MOHAIR.

(a) IN GENERAL.—The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (114 Stat. 1549, 1549A–55), to producers of wool, and producers of mohair, for the 2002 marketing year that received a payment under that section.

(b) PAYMENT RATE.—The Secretary shall adjust the payment rate specified in that section to reflect the amount made available for payments under this section.

SEC. 106. COTTONSEED.

The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2002 crop of cottonseed.

SEC. 107. SPECIALTY CROPS.

(a) DEFINITION OF SPECIALTY CROP.—In this section, the term ''specialty crop'' means any agricultural commodity, other than wheat, feed grains, oilseeds, cotton, rice, peanuts, or tobacco.

(b) GRANTS.—The Secretary shall use $150,000,000 of funds of the Commodity Credit Corporation to make a grant to each State in an amount that represents the proportion that—

(1) the value of specialty crop production in the State; bears to

(2) the value of specialty crop production in all States.

(c) USE.—As a condition of the receipt of a grant under this section, a State shall agree to use the grant to support specialty crops.

(d) PURCHASES FOR SCHOOL NUTRITION PROGRAMS.—The Secretary shall use not less than $55,000,000 of the funds made available under subsection (a) to purchase agricultural commodities of the type distributed under section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) for distribution to schools and service institutions in accordance with section 6(a) of that Act.

SEC. 108. LOAN DEFICIENCY PAYMENTS.

Section 135 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7235) is amended—

(1) in subsection (a)(2), by striking ''the 2000 crop year'' and inserting ''each of the 2000 through 2002 crop years''; and

(2) by striking subsections (e) and (f) and inserting the following:

''(e) BENEFICIAL INTEREST.—

''(1) IN GENERAL.—A producer shall be eligible for a payment for a loan commodity under this section only if the producer has a beneficial interest in the loan commodity, as determined by the Secretary.

''(2) APPLICATION.—The Secretary shall make a payment under this section to the producers on a farm with respect to a quantity of a loan commodity as of the earlier of—

''(A) the date on which the producers on the farm marketed or otherwise lost beneficial interest in the loan commodity, as determined by the Secretary; or

''(B) the date the producers on the farm request the payment.''.

SEC. 109. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) IN GENERAL.—Subtitle C of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231 et seq.) is amended by adding at the end the following:

''SEC. 138. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

''(a) IN GENERAL.—For the 2002 crop of wheat, grain sorghum, barley, and oats, in the case of the producers on a farm that would be eligible for a loan deficiency payment under section 135 for wheat, grain sorghum, barley, or oats, but that elects to use acreage planted to the wheat, grain sorghum, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producers on the farm under this section if the producers on the farm enter into an agreement with the Secretary to forgo any other harvesting of the wheat, grain sorghum, barley, or oats on the acreage.

''(b) PAYMENT AMOUNT.—The amount of a payment made to the producers on a farm under this section shall be equal to the amount obtained by multiplying—

''(1) the loan deficiency payment rate determined under section 135(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

''(2) the payment quantity obtained by multiplying—

''(A) the quantity of the grazed acreage on the farm with respect to which the producers on the farm elect to forgo harvesting of wheat, grain sorghum, barley, or oats; and

''(B) the payment yield for that contract commodity on the farm.

''(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

''(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 135.

''(2) AVAILABILITY.—The Secretary shall establish an availability period for the payment authorized by this section that is consistent with the availability period for wheat, grain sorghum, barley, and oats established by the Secretary for marketing assistance loans authorized by this subtitle.

''(d) PROHIBITION ON CROP INSURANCE OR NONINSURED CROP ASSISTANCE.—The producers on a farm shall not be eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 with respect to a crop of wheat, grain sorghum, barley, or oats planted on acreage that the producers on the farm elect, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop.''.

SEC. 110. MILK.

Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended by striking ''May 31, 2002'' each place it appears and inserting ''December 31, 2002''.

SEC. 111. PULSE CROPS.

(a) IN GENERAL.—The Secretary shall use $20,000,000 of funds of the Commodity Credit Corporation to provide assistance in the form of a market loss assistance payment to owners and producers on a farm that grow a 2002 crop of dry peas, lentils, or chickpeas (collectively referred to in this section as a ''pulse crop'').

(b) COMPUTATION.—A payment to owners and producers on a farm under this section for a pulse crop shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary; by

(2) the acreage of the producers on the farm for the pulse crop determined under subsection (c).

(c) ACREAGE.—

(1) IN GENERAL.—The acreage of the producers on the farm for a pulse crop under subsection (b)(2) shall be equal to the number of acres planted to the pulse crop by the owners and producers on the farm during the 1999, 2000, or 2001 crop year, whichever is greatest.

(2) BASIS.—For the purpose of paragraph (1), the number of acres planted to a pulse crop by the owners and producers on the farm for a crop year shall be based on (as determined by the Secretary)—

(A) the number of acres planted to the pulse crop for the crop year by the owners and producers on the farm, including any acreage that is included in reports that are filed late; or

(B) the number of acres planted to the pulse crop for the crop year for the purpose of the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

SEC. 112. TOBACCO.

(a) PAYMENTS.—The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to provide supplemental payments to owners, controllers, and growers of tobacco for which a basic quota or allotment is established for the 2002 crop year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.), as determined by the Secretary.

(b) LOAN FORFEITURES.—Notwithstanding sections 106 through 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 through 1445–2)—

(1) a producer-owned cooperative marketing association may fully settle (without further cost to the Association) a loan made for each of the 2000 and 2001 crops of types 21, 22, 23, 35, 36, and 37 of an agricultural commodity under sections 106 through 106B of that Act by forfeiting to the Commodity Credit Corporation the agricultural commodity covered by the loan regardless of the condition of the commodity;

(2) any losses to the Commodity Credit Corporation as a result of paragraph (1)—

(A) shall not be charged to the Account (as defined in section 106B(a) of that Act); and

(B) shall not affect the amount of any assessment imposed against the commodity under sections 106 through 106B of that Act; and

(3) the commodity forfeited pursuant to this subsection—

(A) shall not be counted for the purposes of any determination for any year pursuant to section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e); and

(B) may be disposed of in a manner determined by the Secretary of Agriculture, except that the commodity may not be sold for use in the United States for human consumption.

SEC. 113. LIVESTOCK FEED ASSISTANCE PROGRAM.

The Secretary shall use $500,000,000 of funds of the Commodity Credit Corporation to provide livestock feed assistance to livestock producers affected by disasters during calendar year 2001 or 2002.

SEC. 114. INCREASE IN PAYMENT LIMITATIONS REGARDING LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act (7 U.S.C. 1308(3)) that a person shall be entitled to receive for 1 or more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2002 crop year may not exceed $150,000.

TITLE II—ADMINISTRATION

SEC. 201. OBLIGATION PERIOD.

The Secretary and the Commodity Credit Corporation shall obligate funds only during fiscal year 2002 to carry out this Act and the amendments made by this Act (other than sections 106, 107, and 110).

SEC. 202. COMMODITY CREDIT CORPORATION.

Except as otherwise provided in this Act, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act.

SEC. 203. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.●

By Mr. BREAUX (for himself, Mr. SPECTER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. CLELAND, Mr. JOHNSON, Mr. BAUCUS, Mr. BAYH, Mrs. CLINTON, Mr. DODD, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE, Mr. LEVIN, Mr. BINGAMAN, Mr. REED, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JEFFORDS, Mr. DAYTON, and Ms. CANTWELL):

S. 2184. A bill to provide for the reissuance of a rule relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to join my colleague Senator BREAUX in introducing legislation which would require the Secretary of Labor to issue a new ergonomics standard within two years of the bill's enactment. The measure is similar to legislation I cosponsored last year, S. 598, but includes additional provisions to ensure that a truly protective standard is issued.

Following the overturning of the Clinton Administration's proposed ergonomics regulation by Congress in 2001, I expected the Department of Labor to issue a new rule to protect our Nation's workers. Rather than implement a new standard, however, the Department unveiled an ergonomics plan on April 5, 2002, that calls for voluntary industry guidelines, enforcement measures, and workplace outreach. I have concern that such an approach adequately addresses the safety of our Nation's workforce.

I voted in favor of the Joint Resolution of Disapproval of the proposed ergonomics standard because I had concerns over its potential cost and complexity. Last year, as Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I held two hearings on this contentious matter where I heard from witnesses on both sides of the debate. They testified that the potential costs of the rule ranged from $4.5 billion to as much as $1 trillion. There was also considerable disagreement over whether the regulation needed to be as complex as it was. I came away from these hearings with the conclusion that there was a need for promoting worker safety. But I was also concerned as to whether the entire matter ought to be substantially simpler.

I firmly believe that the best way to protect our Nation's workers from work-related musculoskeletal disorders and workplace hazards is for the Department of Labor to issue a new ergonomics standard, but one that is substantially simpler than the rule overturned last year. I had hoped that the Department would take action on its own to issue a new rule, and Secretary of Labor Elaine L. Chao left open this possibility in response to an inquiry I made prior to the ergonomics vote. She stated in a March 6, 2001, letter to me:

> Let me assure you that in the event a Joint Resolution of Disapproval becomes law, I intend to pursue a comprehensive approach to ergonomics which may include new rulemaking that addresses the concerns levied against the current standard.

The key word in her response was ''may,'' and I remain disappointed that the plan put forward by the Department of Labor does not include such a new rulemaking. For that reason, I believe it is important to press ahead with today's legislation.

• Mr. WELLSTONE. Mr. President, I am pleased to join as an original cosponsor of S. 2184, which provides for reissuance by the Department of Labor of a rule to prevent repetitive stress injuries. Too much time has passed with too little action on what is acknowledged to be the most critical workplace safety issue we face. After a year of inaction and delay, it is clear that this Administration is not serious about protecting workers from repetitive stress injury hazards in the workplace. Congress must now step in and require the Department to act.

This is a problem that affects countless numbers of workers. Each year, roughly 1.8 million workers suffer repetitive stress injuries on the job. That translates to 5000 injured workers a day, one worker injured every 18 seconds. Women suffer disproportionately from repetitive stress injuries. In particular, 67 percent of reported carpal tunnel cases and 61 percent of tendonitis cases are women, even though women comprise only 46 percent of the work force and account for only 33 percent of total workplace injuries.

Notwithstanding the gravity of the problem, this Administration and its Republican allies in Congress saw fit to overturn the ten years of effort that went into developing an OSHA standard for protecting workers from repetitive stress injury hazards in the workplace. In its place, Secretary of Labor Chao and President Bush promised a ''comprehensive plan'' to combat this serious workplace safety issue.

Yet after months of delays and inaction, what the Department of Labor has now produced is a sham. It's emphasis on voluntariness, toothless enforcement, and unnecessary and duplicative research in my view turns the clock back to before the first Bush Administration when Secretary of Labor Lynn Martin initiated the repetitive stress injury rulemaking proceeding.

Voluntary approaches alone have not protected workers from repetitive stress injuries. OSHA itself reports that only 16 percent of employers in general industry have put in place ergonomic programs to reduce hazards. Each year 1.8 million workers suffer repetitive stress injuries and recent Bureau of Labor Statistics reports show that injury numbers and rates are increasing, particularly in high risk industries and occupations.

We have been as patient as possible with this Administration, but it is clear that they have no intention of addressing this problem in a serious manner. Time is running out for the millions of workers at risk of repetitive stress injury. Congress must act now. And we must act decisively.

The bill we introduce today is a balanced approach to fashioning a repetitive stress injury standard that will benefit all workers. In particular it requires the Department of Labor to issue, within two years, a standard for addressing work-related repetitive stress injuries and workplace ergonomic hazards. The bill requires the new standard to describe in clear terms when an employer is required to take action, what actions the employer must take, and when an employer is in compliance with the standard. Under the bill's terms the new standard must emphasize prevention and cover workers at risk only where measures exist to control the hazards that are both economically and technologically feasible. The standard must be based on the best available evidence and employer experience with effective practices. Finally, the bill clarifies that the new rule cannot expand the application of state workers' compensation laws, it requires the Department of Labor to issue information and training materials, and provides the Department with authority and flexibility to issue an appropriate standard.

In sum, this bill represents a balanced and comprehensive approach to dealing with the most serious workplace safety issue we face. I urge my colleagues to join me in supporting this measure. Action on the issue of repetitive stress injury is long overdue.•

By Mr. CLELAND:

S. 2185. A bill to amend the Employee Retirement Income Security Act of 1974 to provide workers with individual account plans with information on how the assets in their accounts are invested and of the need to diversify the investment of the assets; to the Committee on Health, Education, Labor, and Pensions.

• Mr. CLELAND. Mr. President, today I am introducing a bill designed to promote investor education. The collapse of Enron has left Congress searching for answers as to how such a disaster could have happened and how it can be prevented from happening in the future. I serve on both the Commerce and Governmental Affairs Committees which are investigating Enron and a central concept I have taken away from these investigations is the importance of ensuring that investors have adequate and current information regarding their retirement plans. Employees need to be armed with knowledge in order to protect themselves and their hard earned retirement savings.

My bill would require that employee investors in company 401(k) plans receive quarterly reports detailing the contents of their 401(k) plans. Under

current law, employers are only required to provide annual reports with a statement of benefits accrued under the plan. Enron certainly illustrates what a difference a year makes. Employees should have timely access to information about their 401(k) plan, enabling them to make choices in their investments. My bill would require that employees receive quarterly reports with a specific listing of: 1. the fair market value of the assets of each investment option; 2. the percentage of plan investment in each asset; and 3. the percentage of investments in employer securities and how much of that investment came from employee contributions.

My bill would also require that quarterly reports contain a ''warning label'' informing employees of the potential danger of investing too heavily in employer stock. I believe that employees should have the ability to choose how to invest and diversify their own 401(k) plan. However, I also believe employees should be able to make informed choices. Providing employees with the basic information that investing too heavily in any one security, including their own company stock, violates commonly accepted investing principles is simple common sense. Thus, my bill requires that a warning label be provided to employees upon enrollment in a plan and included in quarterly reports that reads: Under commonly accepted principles of good investment advice, a retirement account should be invested in a broadly diversified portfolio of stocks and bonds. It is unwise for employees to hold significant concentrations of employer stock in an account that is meant for retirement savings.

We may not be able to prevent company executives from lying, cheating and stealing like the executives of Enron, though we should ensure a climate of strict enforcement to deter such behavior. However, we can arm employees with the information and tools to protect themselves and their retirement savings. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2185

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

SECTION 1. INDIVIDUAL ACCOUNT PLANS REQUIRED TO GIVE PARTICIPANTS ADEQUATE INFORMATION TO ASSIST THEM IN DIVERSIFYING PENSION ASSETS.

(a) IN GENERAL.—Section 104 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and

(2) by inserting after subsection (b) the following new subsection:

''(c)(1) The plan administrator of an applicable individual account plan shall, within a reasonable period of time following the close of each calendar quarter, provide to each participant or beneficiary a statement with respect to his or her individual account which includes—

''(A) the fair market value as of the close of such quarter of the assets in the account in each investment option,

''(B) the percentage as of such calendar quarter of assets which each investment option is of the total assets in the account,

''(C) the percentage of the investment in employer securities which came from employer contributions other than elective deferrals (and earnings thereon) and which came from employee contributions and elective deferrals (and earnings thereon), and

''(D) such other information as the Secretary may prescribe.

''(2)(A) Each statement shall also include a separate statement which is prominently displayed and which reads as follows:

'Under commonly accepted principles of good investment advice, a retirement account should be invested in a broadly diversified portfolio of stocks and bonds. It is unwise for employees to hold significant concentrations of employer stock in an account that is meant for retirement savings'.

''(B) The plan administrator of an applicable individual account plan shall provide the separate statement described in subparagraph (A) to an individual at the time the individual first becomes a participant in the plan.

''(3) Any statement or notice under this subsection shall be written in a manner calculated to be understood by the average plan participant.

''(4) For purposes of this subsection—

''(A) The term 'applicable individual account plan' means an individual account plan to which section 404(c)(1) applies.

''(B) The term 'elective deferrals' has the meaning given such term by section 402(g)(3) of such Code.

''(C) The term 'employer securities' has the meaning given such term by section 407(d)(1).''

(b) ENFORCEMENT.—Section 502(c)(1) of such Act (29 U.S.C. 1132(c)(1)) is amended by striking ''or section 101(e)(1)'' and inserting '', section 101(e)(1), or section 104(c)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on and after January 1, 2003.●

By Mr. ROCKEFELLER (by request):

S. 2186. A bill to amend title 38, United States Code, to establish a new Assistant Secretary to perform operations, preparedness, security and law enforcement functions, and for other purposes; to the Committee on Veterans' Affairs.

● Mr. ROCKEFELLER. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

This ''by-request'' bill would allow VA to create an office, directed by an Assistant Secretary, to address operations, preparedness, security, and law enforcement functions. With the increased focus on homeland security has come increased emphasis on the role that VA is expected to play in providing medical care to veterans, active duty military personnel, and civilians during disasters. In order to improve emergency preparedness without sacrificing its primary mission, caring for the Nation's veterans, the Secretary has proposed creating an Office of Operations, Security, and Preparedness to help coordinate preparedness strategies, both within VA and with other Federal, State, and local agencies.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the RECORD.

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

S. 2186

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

SECTION 1. SHORT TITLE.

SHORT TITLE.—This Act may be cited as the ''Department of Veterans Affairs Reorganization Act of 2002''.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. INCREASE THE NUMBER OF AUTHORIZED ASSISTANT SECRETARIES; REVISION OF FUNCTIONS.

Section 308 is amended:

(a) in subsection (a) by substituting ''seven'' for ''six'' in the first sentence.

(b) by adding to the end of subsection (b) the following new paragraph (11):

''(11) Operations, preparedness, security and law enforcement functions.''

SEC. 4. CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.

Section 5315 of title 5, United States Code, is amended by changing ''Assistant Secretaries, Department of Veterans Affairs (6)'' to ''Assistant Secretaries, Department of Veterans Affairs (7)''.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, April 12, 2002.

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herein a draft bill ''To amend title 38, United States Code, to increase the number of certain Officers to perform operations, preparedness, security and law enforcement functions, and for other purposes.'' We request that it be referred to the appropriate committee for prompt consideration and enactment.

America has entered into an extended war against terrorism in which the front lines include the home front as well as the foreign battlefield. The tragic events of September 11, 2001, served as a reminder that terrorists are willing and able to attack our civilian population, our centers for military command and control, and our economic system. The anthrax attacks that surfaced during October underscored our nation's vulnerability to asymmetric attacks.

National Defense and Homeland Security Offices project that terrorist attacks on the United States will continue. Terrorists may use any lethal means against domestic targets, including chemical, biological, radiological, or kinetic devices. Moreover, we can assume that terrorists and other entities supporting terrorists may use chemical or

biological weapons against U.S. military members engaged in combat operations. VA must anticipate military casualties in numbers or of a type that could tax the Department of Defense (DOD) medical system. Additionally, the United States can expect terrorists to attempt to degrade our national infrastructure by any means available to them, including sabotage and cyber warfare.

Congress has assigned to the Department of Veterans Affairs statutory functions for response to terrorist attacks and other emergencies and disasters, that are especially challenging, particularly when compared with those of some other executive branch agencies. The statutory functions include the duty to provide medical services to military personnel referred in time of war by the Department of Defense; responsibilities in four emergency support functions, as tasked under the Federal Response Plan by the Federal Emergency Management Agency under the Stafford Act; and the role of providing care to members of the community during emergencies on a humanitarian basis.

We can properly perform these responsibilities, however, only in a way that ensures the effective continuity of VA's primary mission of serving veterans.

The Department of Veterans Affairs (VA or the Department) has emerged from the events of the past few months with a heightened commitment to our statutory roles as a key support agency for disaster response and mitigation, including response to the use of nuclear, chemical, or biological weapons of mass destruction (WMD), as well as its traditional Federal Response Plan roles. Since September 11, VA has joined with other Federal agencies in greatly expanded inter-agency work. The necessary time commitment will expand further as the Homeland Security Council (HSC), Federal Emergency Management Agency (FEMA), Department of Health and Human Services (HHS), and Department of Defense (DoD) programs become fully operational and expand, and VA is asked to provide additional support.

In response, VA is reorganizing certain of its elements in order to best meet its responsibility to protect veterans, employees, and visitors to its facilities, to assure the continuity of veterans' services, while at the same time providing enhanced emergency preparedness and planning. These responsibilities, which in recent months have become even more imperative, belong to VA as a whole. They thus transcend the Administrations and the staff offices. To help ensure the Department as a whole meets these broad responsibilities, VA needs a separate, and a separately accountable, coordinating and policymaking entity. This reorganization creates a new Office of Operations, Security & Preparedness (OSP) to carry out Operations, Preparedness, Security and Law Enforcement functions. VA's experiences during the last several months of increased emergency management activities demonstrate that OSP requirements are full-time activities for an Assistant Secretary. In order to provide appropriate leadership and accountability, the reorganization places OSP under a new Assistant Secretary. Executive Branch requirements, as well as the strategic and day-to-day requirements of OSP are significant and require a full-time Assistant Secretary to provide the necessary level of executive representation and leadership and to meet time demands.

To support the establishment of this new organization, this draft bill would amend section 308 of title 38, United States Code, to increase the number of Assistant Secretaries from six to seven and would add Operations, Preparedness, Security and Law Enforcement functions to the functions and duties to be assigned to the Assistant Secretaries.

The proposed OSP will enable the Department and its three administrations—Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), and National Cemetery Administration (NCA)—to operate more cohesively in this new, uncertain environment, and will help assure continuity of operations in the event of an emergency situation. OSP will:

(a) Ensure that operational readiness and emergency preparedness activities enhance VA's ability to continue its ongoing services (Continuity of Operations);

(b) Coordinate and execute emergency preparedness and crisis response activities both VA-wide and with other Federal, State, local and relief agencies;

(c) Develop and maintain an effective working relationship with the newly established US Office of Homeland Security and reinforce existing relationships with the Department of Defense (DOD), Federal Emergency Management Agency, Department of Health and Human Services, Centers for Disease Control and Prevention, Department of Justice, and other agencies actively involved in continuity of government, counter-terrorism and homeland defense;

(d) Ensure enforcement of the law and oversee the protection of employees and veterans using VA facilities while ensuring the physical security of VA's infrastructure;

(e) Evaluate preparedness programs and develop Department-wide training programs that enhance VA's readiness and exercises.

The creation of this new organization will shift responsibility for emergency preparedness, continuity of operations, continuity of government, law enforcement, physical security, and personnel security programs from the Office of the Assistant Secretary for Human Resources and Administration (HR&A) to OSP. The Office of Security & Law Enforcement (S&LE) will be transferred from HR&A to OSP. In addition, all or part of the following functions and offices will transfer from VHA's Emergency Management Strategic Healthcare Group (EMSHG) to OSP: DOD contingency support, National Disaster Medical System, and Federal Response Plan.

The reorganization establishing OSP would create a standing, around-the-clock readiness operations capability to monitor potential and ongoing situations of concern to the Department and its administrators. It would create a more resourced and focused approach to coordinating and executing the Department's missions to respond as a key support agency in national emergencies and to provide contingency support to DOD in time of war.

This proposed organization would have the capability to meet both ongoing and projected operations center requirements, while providing sufficient personnel to address Departmental planning and policy development needs, and to conduct ongoing training and evaluation at the Departmental level. In addition, OSP would help the Department address growing inter-agency cooperation responsibilities, much of which is required to support the Homeland Security Council.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

ANTHONY J. PRINCIPI.●

By Mr. ROCKEFELLER (for himself and Mr. AKAKA):

S. 2187. A bill to amend title 38, United States Code to authorize the Secretary of Veterans Affairs to furnish health care during a major disaster or medical emergency, and for other purposes; to the Committee on Veterans' Affairs.

● Mr. ROCKEFELLER. Mr. President, I introduce legislation today to highlight, and acknowledge in law, a mission that already exists in fact: VA's role in offering health care and support to individuals affected by disasters. I am pleased to be joined in offering this legislation by my colleague on the Veterans' Affairs Committee, Senator DANIEL AKAKA.

VA's first, and most familiar, three missions include caring for our Nation's veterans, training future health care personnel, and fostering scientific and clinical research to improve future medical care. In 1982, Congress assigned to VA a fourth mission: serving as the primary medical back-up system to the Department of Defense during times of war or domestic emergencies. If necessary, VA estimates that it could make about 3200 beds available immediately, and about 5500 beds within 72 hours, to care for injured troops.

VA has expanded this Fourth Mission to encompass a much greater share of the Federal responsibility for public health during crises beyond caring for active duty military casualties. VA also serves as a supporting agency in the Federal Response Plan for domestic disasters, as a cornerstone of the National Medical Disaster System, and by managing the National Pharmaceutical Stockpile. Through these programs, VA provides personnel, supplies and medications, facilities, and, if necessary, direct patient care to communities whose resources have been overwhelmed by medical crises.

VA conducts large-scale disaster training exercises with its military partners, cooperates with other agencies to staff emergency medical teams during high-profile public events, and can deploy its group of experts in radiological medicine anywhere in the United States within a day. VA's mental health care professionals offer expertise in post-traumatic stress disorder counseling that is unparalleled anywhere in the world.

VA has responded to every major domestic disaster of the last two decades, including the Oklahoma City attack, and Hurricanes Andrew and Floyd, by sharing skilled medical staff and supplies with community caregivers. Following catastrophic flooding in Houston last year, the local VA medical center remained the only area hospital with power, and its staff extended care to rescue workers and the public. On September 11, VA physicians cared for at least 68 injured individuals in New York, and VA coordinators identified more than half of the 20,000 beds that would have been available for the care of victims in New York and Virginia through VA's community hospital partnerships. In the weeks following the terrorist attacks, VA continued to provide skilled medical specialists, including mental health professionals, to care for rescue workers and

servicemembers in New York and at the Pentagon.

The legislation that we introduce today would confer no new responsibilities or missions upon VA, but would recognize VA's already enormous contribution to public safety and emergency preparedness. As Congress continues to prepare for the threat of terrorism, it becomes increasingly important to focus not only the public health community, but those capable of providing medical care during mass casualty events.

As the largest health care system in the nation, VA medical centers can and will offer invaluable services during a public health care emergency, whether that emergency is terrorism or a natural disaster. When VA health care providers are called upon to care for disaster victims, they serve not only as part of the Federal response to emergencies, but as part of the communities in which they live. This legislation would extend the Congressional mandate calling upon VA to provide care for active duty military personnel during a disaster to recognize VA's contribution to general public safety during crises. I urge my colleagues in the Senate to join Senator AKAKA and me in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2187

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 ''Department of Veterans Affairs Emergency Medical Care Act of 2002''.

SEC. 2. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1711 the following new section:

''§ 1711A. Care and services during major disasters and medical emergencies

''(a) During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by such disaster or emergency, as the case may be.

''(b) A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

''(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(2) A disaster or emergency in which the National Disaster Medical System is activated.

''(c) The Secretary may furnish care and services under this section to veterans without regard to their enrollment in the system of annual patient enrollment under section 1705 of this title.

''(d) The Secretary may give a higher priority to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons eligible for care and services in medical facilities of the Department with the exception of—

''(1) veterans with service-connected disabilities; and

''(2) members of the Armed Forces on active duty who are furnished health-care services under section 8111A of this title.

''(e)(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the Federal Government other than the Department shall be reimbursed at such rates as may be agreed upon by the Secretary and the head of such department or agency based on the cost of the care or service furnished.

''(2) Amounts received by the Department under this subsection shall be credited to the funds allotted to the Department facility that furnished the care or services concerned.

''(f) Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section (or as soon thereafter as is practicable), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

''(g) The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1711 the following new item:

''1711A. Care and services during major disasters and medical emergencies.''.

(b) EXCEPTION FROM REQUIREMENT FOR CHARGES FOR EMERGENCY CARE.—Section 1711(b) of that title is amended by striking ''The Secretary'' and inserting ''Except as provided in section 1711A of this title with respect to a disaster or emergency covered by that section, the Secretary''.

(c) MEMBERS OF THE ARMED FORCES.—Subsection (a) of section 8111A of that title is amended to read as follows:

''(a)(1) During and immediately following a period of war, or a period of national emergency declared by the President or Congress that involves the use of the Armed Forces in armed conflict, the Secretary may furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty.

''(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty responding to or involved in such disaster or emergency, as the case may be.

''(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency follows:

''(i) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(ii) A disaster or emergency in which the National Disaster Medical System is activated.

''(3) The Secretary may give a higher priority to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons eligible for care and services in medical facilities of the Department with the exception of veterans with service-connected disabilities.

''(4) In this section, the terms 'hospital care', 'nursing home care', and 'medical services' have the meanings given such terms by sections 1701(5), 101(28), and 1701(6) of this title, respectively.''.●

● Mr. AKAKA. Mr. President, I am pleased to cosponsor the legislation offered by the Senator from West Virginia, Mr. ROCKEFELLER, to authorize the Department of Veterans Affairs, VA, existing emergency preparedness activities.

Currently, VA participates in the National Disaster Medical System, NDMS, and the Federal Response Plan through VA's Fourth Mission, mandated by Congress in 1982 to establish VA's role as the medical back-up to the military during conflicts. When VA has offered medical care to the general public during every major U.S. disaster since Hurricane Andrew, it has done so without the statutory authority to care for non-veterans and non-active-duty military personnel. The VA Emergency Medical Care Act of 2002 would give this authority.

Already an active participant in disaster response and preparedness, VA partners with the Departments of Defense and Health and Human Services and the Federal Emergency Management Agency, FEMA, to form the National Disaster Medical System, NDMS. The Act would codify and authorize VA's existing efforts to provide health care to the general public following activation of the NDMS.

VA is an emergency responder through the Federal Response Plan, a signed agreement between 27 Federal agencies and the Red Cross that coordinates Federal assistance when State and local resources are overwhelmed by a major disaster. VA serves as a support agency for four of the Emergency Support Functions outlined in the Federal Response Plan, including Mass Care and Health and Medical Services. VA is also the principle provider of mental health services to disaster survivors.

I commend the work done by VA employees in responding to national emergencies. Because of their dedication and initiative, this legislation does not create new VA programs nor authorize any additional funds. I urge my colleagues to support the Department of Veterans Affairs Emergency Medical Care Act of 2002. This legislation is a first step in acknowledging the work that VA performs now to help all Americans respond to major disasters and medical crises.●

By Mr. BREAUX (for himself and Mr. BURNS):

S. 2188. A bill to require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act; to the Committee on Commerce, Science, and Transportation.

● Mr. BREAUX. Mr. President, today, along with Senator BURNS, I am introducing the Children's Safe Sleepwear and Burn Prevention Act of 2002. This legislation is designed to prevent sleepwear-related burn injuries and reverse the 1997 decision of the Consumer

Product Safety Commission on children's sleepwear safety regulations.

In 1996, the CPSC made two principle changes to the sleepwear safety regulations. First, the Commission determined that because children age 0–9 months were not mobile, they were not at risk from fire. Consequently, the revised regulations totally exempted sleepwear for young infants from any safety regulations. Second, the CPSC decided that so-called ''tight-fitting'' sleepwear did not have to meet any fire safety requirements on the mistaken assumption that tight-fitting garments do not burn.

As a result of the Commission's action, I heard from the Shriners Hospital in Shreveport, Louisiana. The Shirners Hospitals for children operate four burn centers in the United States and treat over 20 percent of all serious pediatric burns in the country. The Shriners Hospitals conducted a study comparing the incidence of sleepwear-related burn injuries during the period 1995–1996, before the regulations were changed, to the period 1998–1999 after the changes had been put in place.

The results of the Shriners study are sobering indeed. From 1995–1996, Shriners Hospitals treated 14 children for sleepwear-related burn injuries. For the period 1998–1999, the number of children suffering from these sleepwear-related burns increased to 36, a 157 percent increase!

The Shriners Hospitals also examined pediatric burn injuries where it was impossible to determine the exact type of clothing involved or where the children was not technically wearing sleepwear but may have been using this clothing to sleep in. Over the relevant time period, the number of children suffering clothing-related burn injuries increased from 70 to 147, a 110 percent increase! Similarly, the number of pediatric burn injuries where it was impossible to determine anything about the clothing being worn because the clothing had been totally burned away increased from 218 to 311, a 43 percent increase! All told, the number of burned children treated at Shriners Hospitals increased from 302 in 1995–1996 to 494 in 1998–1999, a 64 percent increase!

The data regarding infants age 0–9 months is also revealing. In 1995–1996 Shriners Hospitals treated just five children for sleepwear-related burn injuries under nine months of age. For 1998–1999, the total number of infants suffering such injuries rose to nineteen, a 280 percent increase!

As a practical matter, almost all pediatric burn injuries involve ignition of the clothing and some other materials. While the safety regulations cannot save a child trapped in a raging inferno, a 1972 HEW study concluded that children in fires whose clothing ignited had a four to six-fold increase in mortality and morbidity compared to those who clothing did not ignite. Take, for example, a situation where the house is on fire and a parent picks up her infants and flees the burning house. Sparks are flying, but the infants garments do not ignite because they are flame resistent. If the sleepwear is not flame resistant, the sparks catch the clothing.

The Children's Safe Sleepwear and Burn Prevention Act directs the Commission to restore the safety protections that it removed in 1997. Henceforth, young infants will not have to face the dangers of using sleepwear that provides no protection whatsoever against fire. Tight-fitting or snug sleepwear will also have to meet these fire safety requirements. There is, however, more that must be done to ensure a fire safety environment for our children.

Another problem regarding the children's sleepwear regulations must be addressed. Under the CPSC's regulations, even the pre-1997 version, clothing that the manufacturer did not intend to be used as sleepwear were not required to meet the flammability safety requirements. Consequently, a manufacturer could simply label an item as day wear as sleepwear and completely avoid the safety requirements.

This legislation eliminates this ''labeling loophole'' by creating a functional definition of sleepwear for children up to seven years of age. If, as a practical matter, clothing is used for sleepwear, then should meet the safety requirements. The legislation provides some guidance as to what types of garments are used for sleepwear with some regularity such as togs, bunny suits and garments with cartoon characters that are particularly attractive to young children.

One might ask what alternatives are there to untreated cotton. Advances in technology now provide such alternatives. Cotton can be treated with a flame retardant that does not wash out because it is bonded to the cotton through a chemical process at the atomic level. The treatment adds little to the cost of children's sleepwear.

The defense of our innocent children from the dangers of sleepwear related burn injuries should be a priority. If you have ever seen a child severely burned by flaming sleepwear, you have some sense of the suffering and horror that these injuries entail. We can make these horrible burn injuries less frequent by enacting this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2188

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 ''Children's Safe Sleepwear and Burn Prevention Act of 2002''.

SEC. 2. AMENDMENTS TO CHILDREN'S SLEEPWEAR FLAMMABILITY REGULATIONS.

(a) IN GENERAL.—The Consumer Product Safety Commission (in this Act referred to as the ''Commission'') shall, with respect to the Commission's flammability standards for children's sleepwear sizes 0 through 14, promulgated pursuant to the Flammable Fabrics Act (15 U.S.C. 1191 et seq.; parts 1615 and 1616 of title 16, Code of Federal Regulations)—

(1) not enforce or enact a standard with respect to children's sleepwear that—

(A) exempts—

(i) diapers and underwear (including disposable diapers and underwear);

(ii) infant garments sizes 0 through 6X, infant garments sizes 9 months or smaller, or other garments described in part 1615.1(c) of title 16, Code of Federal Regulations; or

(iii) tight-fitting garments; or

(B) includes as a part of any definition of children's sleepwear (or of any item of such sleepwear) a standard based on the intent of the manufacturer or retailer; and

(2) provide a functional definition of children's sleepwear for ages 0 through 7 years (encompassing, at a minimum, infant and children's garment sizes 2 through 6X, as such sizes are defined by the Department of Commerce Voluntary Product Standard (previously identified as Commercial Standard CS151–50 ''Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers, and Children''), including children's clothing used with some regularity as sleepwear, such as—

(A) ''togs'';

(B) ''onesies'';

(C) body suits with snaps at the bottom for easy access to a diaper;

(D) all-in-one ''bunny'' suits with enclosed feet; and

(E) any garments sized for children ages 0 through 7 years with cartoon characters or symbols that the Commission finds are particularly attractive to young children.

(b) RULEMAKING.—Notwithstanding any other provision of law, not later than 180 days after the date of enactment of this Act, the Commission shall promulgate regulations with respect to the flammability of children's sleepwear consistent with the provisions of this Act.

(c) EFFECTIVE DATE.—Sleepwear manufactured or imported on or before the effective date of the regulations promulgated by the Commission under subsection (b) shall not be treated as being in violation of the Flammable Fabrics Act or such regulations if the sleepwear complied with the rules of the Commission in effect at the time the sleepwear was manufactured or imported.●

By Mr. ROCKEFELLER (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. WELLSTONE, Mr. DURBIN, Ms. MIKULSKI, Mr. SARBANES, Mr. DAYTON, and Mrs. CLINTON):

S. 2189. A bill to amend the Trade Act of 1974 to remedy certain effects of injurious steel imports by protecting benefits of steel industry retirees and encouraging the strengthening of the American steel industry; to the Committee on Finance.

● Mr. ROCKEFELLER. Mr. President, the American steel industry will not consolidate and will not survive without relief from their unique burden of substantial retiree health care costs. Failing to assist the American steel industry with its retiree health care costs puts our industry at a tremendous disadvantage as it competes in

the world markets. If we are to have a competitive, viable industry, we must not shirk our responsibility. In the case of steel in America, that means three things: tariffs under Section 201, as is provided for under our trade laws; legacy, retiree health, relief; and effective consolidation of the steel industry.

Earlier this year, the President imposed limited and temporary steel tariffs under Section 201. Today, I introduce the Steel Industry Consolidation and Retiree Benefits Protection Act of 2002, the Steel Legacy bill. This bill provides strong incentives for consolidation in the United States steel industry by supporting companies' retiree health care costs. This bill provides desperately needed medical care to retirees whose companies have been forced out of business by imports. This bill is critical to the preservation of the American steel industry, and it is humane to those individuals who have paid a very high price for our nation's free trade policies.

The American steel industry has been facing an unprecedented crisis since 1997, when the Asian financial crisis disrupted global steel trade and diverted much of the world's excess steel capacity to the U.S. market. Thirty-three U.S. steel companies, representing over 40 percent of domestic steelmaking capacity, have gone into bankruptcy since 1999, including such venerable names as Bethlehem Steel and LTV. Wheeling Pittsburgh Steel in my state is in the process of reorganizing. Many more steel companies have been forced into liquidation. Almost 50,000 steelmaking jobs have been lost in this country since the steel crisis began in 1998—losses that come on top of hundreds of thousands of steel job losses in the two preceding decades.

The cause of this crisis in the industry is not that demand for steel has suddenly collapsed or that the competitiveness of the American steel industry has suddenly collapsed, but because foreign steelmakers have enjoyed decades of government subsidies and protection. Those foreign subsidies have created massive global steel overcapacity, and that foreign protection has ensured that most of the world's overcapacity has been directed at the U.S. market, which has been the most open major market in the world.

The crisis our steel industry currently faces could well mean the end of steelmaking in the United States. This would have grave consequences for steel companies and steel workers, for the steel communities that depend on them, and for our nation's industrial base and our national defense. In recognition that this could not be allowed to happen, the President announced last month that he would impose temporary Section 201 tariff measures on some steel imports. These measures will help give the U.S. steel industry some breathing room to recover. I commend the President for recognizing the importance of maintaining a domestic steel manufacturing base and for taking these steps.

Still, I think it's essential to realize that the Section 201 measures are limited in their scope and duration: first, the tariffs range from 8 percent to 30 percent, far less than the level recommended by two of the ITC Commissioners and the level that I and many others in the steel industry had argued for. And these tariffs are lowered dramatically each year, and stop after only three years. The tariffs do not apply to all steel products. Because of this, foreign steel companies will be able to engage in circumvention measures to get around the tariffs, as they have with antidumping measures. Under the 201 relief, tariffs were imposed on some grades of steel, others were exempted altogether, numerous exemptions for specific steel products have been issued, and for the critical category of slab, a tariff rate quota has been imposed that is unlikely to have any positive effect whatsoever. The tariffs are not being applied across the board to all foreign steel producers; the relief exempts all steel from developing countries and from NAFTA members, who between them represent a significant portion, over a third, of overall U.S. steel imports.

We knew from the beginning of the 201 process that even in the best of circumstances, it was clear that Section 201 tariffs were going to provide only part of the solution to help the domestic steel industry respond to this crisis. But the Section 201 remedy imposed, with its exclusions and exemptions and declining tariffs, makes the need for additional measures even more compelling.

Section 201 will slow the tide of imports. But it will not resolve the other critical issues that will determine whether America's integrated steelmaking capacity survives. America's integrated steelmakers face massive ''legacy costs'' for retiree health and pension benefits, stemming from the dramatic reduction in the American steel industry's active workforce over the past two decades, which in turn results from successive Administrations' inability to negotiate an agreement for foreign governments to stop subsidizing their steelmakers. These legacy costs both hurt American steel's international competitiveness and serve as a liability that has prevented the consolidation of the fragmented domestic steel industry. Industry consolidation is another issue that must be addressed: with foreign steelmakers merging to create a new level of top tier steelmakers, American steelmakers risk being permanently consigned to the second rank, with subscale facilities and insufficient revenues to fund the necessary investment in research and technology. Finally, we must take measures to mitigate the human cost of this steel crisis, particularly the cost to retirees who worked long, hard years to earn health and pension benefits for themselves and their families, but now risk seeing all that taken away because the company that pays those benefits is threatened by unfair foreign trade practices.

The bill I am introducing today, the Steel Industry Retiree Benefits Protection Act of 2002, addresses the toughest of these problems. It guarantees the health care coverage and a very limited life insurance benefit for steel industry retirees whose employer is acquired by another steelmaker or whose employer is forced to shut down because no other steelmaker will acquire it. This will ensure that in steel communities throughout the nation, no retirees will lose their critical health benefits simply because of a crisis in the global steel industry that our government failed to avert. Equally important, this bill will address retiree legacy costs in a way that will enhance our steel industry's competitiveness, by clearing the way for the industry consolidation that is necessary and inevitable if the American steel industry is to survive.

The mechanics of the bill are fairly simple. A Federal trust fund will be established that will assume the retirees' health care and life insurance costs for steel, iron ore, and coke producers, and those who transport steel mill products for steelmaking operations, that are acquired by another company; that are in bankruptcy and attempted unsuccessfully to be acquired by another company, and thus have been closed, or are in imminent danger of closing, or have been unable to be acquired for at least two years; that are in bankruptcy and sell a significant steelmaking operation to another company; or, finally, in order to ensure that the assumption of legacy costs does not distort competition within the domestic steel industry, if a significant portion of the entire industry's legacy costs have been assumed by the Federal trust fund, all steel industry retirees and beneficiaries would be eligible to be covered by the program.

The money for the Fund to pay for these legacy costs will come from the following: steel tariff revenues; an acquired steelmaker's retiree health care trust fund assets; payments for 10 years by the qualified steel company of $5 per ton of steelmaking capacity, subject to the bill's provisions; retiree premiums; and, and appropriated funds if necessary.

In order to simplify the management of the program, retiree health benefits assumed by the Fund will be limited to Federal Blue Cross/Blue Shield health benefits, a fair and reasonable standard of health coverage. Life insurance will be limited to a one-time payment of $5,000 dollars. The program will be administered by the Secretary of Commerce and by Trustees who are designated by both management and labor.

This bill is supported by both the integrated steelmakers and by the steel unions, who understand what it will take to save the American steel industry. They know that legacy costs have been the major barrier to consolidation

of the American steel market and that it is critical that we resolve that problem if we are to preserve retiree health benefits and an integrated domestic steel industry. I am introducing this legislation with my partner as Co-Chair of the Senate Steel Caucus, Senator SPECTER. We have a history of working together on issues that are vital to the core industries in our states and the workers who have helped fuel and build this nation. I am pleased that Senators WELLSTONE, DURBIN, MIKULSKI, SARBANES, and DAYTON, and the distinguished Senate Majority Leader, who have long been champions of retirees and workers health care issues, join me today as cosponsors. We have also worked in close consultation with our colleagues on the House side, especially members of the House Steel Caucus, who share our concern that these critical legacy cost issues be addressed.

But, make no mistake, this steel legacy legislation will not happen without the active involvement of the President. This bill is fair, it is pro-competition, and there is a broad consensus that legacy cost legislation like this is absolutely necessary if we are to preserve integrated steelmaking in the United States, as well as the communities and businesses that depend on those facilities. But realistically, a program like this is only going to be enacted with the strong support and active engagement of the President.

The President's announcement of his decision on Section 201 tariffs last month was an encouraging sign that the President was committed to the preservation of the American steel industry, and his recognition that, if equipped with the right tools and competing in a fair market, the domestic steel industry can regain its former role as the world's leader. I surely hope so. But I know that without President Bush's support for a legacy cost bill, the Section 201 tariffs he announced last month will not be enough, and we will witness the erosion of a vital national asset, the American steel industry.

I appeal to the President to maintain his personal interest in the well-being of our steel industry. It is vital to our nation's economy and to our defense capability. I encourage the President to lead on this issue because surely, in these times, without his support and quick involvement, we will not be able to get a bill through this Congress. I hope the Administration will work with us here in the Senate to pass a legacy cost bill that will ensure fairness for America's retired steelworkers and a competitive future for America's integrated steel industry. We need legacy cost legislation like that outlined in the bill I am submitting today, if we are to preserve the U.S. steel industry. I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2189

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

SECTION 1. SHORT TITLE; CONGRESSIONAL FINDINGS AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Steel Industry Consolidation and Retiree Benefits Protection Act of 2002''.

(b) CONGRESSIONAL FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) The United States Department of Commerce has documented that American steelworkers and their employers have been forced over the last 30 years to compete in a global steel market in which foreign governments have engaged in market distorting practices that to this day sustain enormous overcapacity in world steel supplies.

(B) The United States International Trade Commission, in its recent investigation of steel imports to the United States under section 201 of the Trade Act of 1974, has concluded that surges of imported steel since the Asian crisis of 1997 have caused serious injury to American producers of most steel products.

(C) Since 1997, 32 American steel companies have been forced to seek bankruptcy protection, over 45,000 steelworkers have lost their jobs, and over 100,000 steel retirees have suffered a complete cutoff of vital medical and life insurance benefits.

(D) Many steel industry retirees were forced into retirement as a result of the restructurings of the 1980's and 1990's, and then, as a second blow, recently lost their retiree medical insurance.

(E) Recent steel imports have pushed steel prices to such record lows that surviving American steelmakers face imminent financial collapse, and these firms employ over 185,000 workers in family-supporting jobs and provide crucial medical coverage to hundreds of thousands of retirees and beneficiaries.

(F) As American steel companies continue to weaken or fail, a very different trend is underway in other countries where governments shoulder a substantial portion of retirement costs and foreign steelmakers are now merging into companies of unprecedented size and market influence.

(G) If the American steel industry is to survive and compete, it must transform itself from a group of relatively small producers into a consolidated market force.

(H) For many American steel companies, the ability to consolidate is undermined by the burden of retiree health and life insurance obligations.

(2) PURPOSE.—It is the purpose of this Act to ensure that—

(A) retired steelworkers receive medical and life insurance coverage, and

(B) the American steel industry can continue to provide livelihoods to tens of thousands of American workers, their families, and communities through the receipt of assistance in consolidating its position in world steel markets.

SEC. 2. ESTABLISHMENT OF STEEL INDUSTRY RETIREE BENEFITS PROTECTION PROGRAM.

The Trade Act of 1974 is amended by adding at the end the following new title:

"TITLE IX—PROTECTION FOR STEEL INDUSTRY RETIREMENT BENEFITS

''SUBTITLE A. Definitions.

''SUBTITLE B. Steel Industry Retiree Benefits Protection Program.

''SUBTITLE C. Steel Industry Legacy Relief Trust Fund.

"Subtitle A—Definitions

''Sec. 901. Definitions.

"SEC. 901. DEFINITIONS.

''(a) TERMS RELATING TO BENEFITS PROGRAM.—For purposes of this title—

''(1) RETIREE BENEFITS PROGRAM.—The term 'retiree benefits program' means the Steel Industry Retiree Benefits Protection Program established under this title to provide medical and death benefits to eligible retirees and beneficiaries.

''(2) STEEL RETIREE BENEFITS.—

''(A) IN GENERAL.—The term 'steel retiree benefits' means medical, surgical, or hospital benefits, and death benefits, whether furnished through insurance or otherwise, which are provided to retirees and eligible beneficiaries in accordance with an employee benefit plan (within the meaning of section 3(3) of the Employee Retirement Income Security Act of 1974) which—

''(i) is established or maintained by a qualified steel company or an applicable acquiring company, and

''(ii) is in effect on or after January 1, 2000.

Such term includes benefits provided under a plan without regard to whether the plan is established or maintained pursuant to a collective bargaining agreement.

''(B) RETIREE.—

''(i) IN GENERAL.—The term 'retiree' means an individual who has met any years of service or disability requirements under an employee benefit plan described in subparagraph (A) which are necessary to receive steel retiree benefits under the plan.

''(ii) CERTAIN RETIREES INCLUDED.—An individual shall not fail to be treated as a retiree because the individual—

''(I) retired before January 1, 2000, or

''(II) was not employed at the steelmaking assets of a qualified steel company.

''(b) TERMS RELATING TO STEEL COMPANIES.—For purposes of this title—

''(1) QUALIFIED STEEL COMPANY.—

''(A) IN GENERAL.—The term 'qualified steel company' means any person which on January 1, 2000, was engaged in—

''(i) the production or manufacture of a steel mill product,

''(ii) the mining or processing of iron ore or beneficiated iron ore products, or

''(iii) the production of coke for use in a steel mill product.

''(B) TRANSPORTATION.—The term 'qualified steel company' includes any person which on January 1, 2000, was engaged in the transportation of any steel mill product solely or principally for another person described in subparagraph (A), but only if such person and such other person are related persons.

''(C) SUCCESSORS IN INTEREST.—The term 'qualified steel company' includes any successor in interest of a person described in subparagraph (A) or (B).

''(2) STEELMAKING ASSETS AND STEEL MILL PRODUCTS.—

''(A) STEELMAKING ASSETS.—The term 'steelmaking assets' means any land, building, machinery, equipment, or other fixed assets located in the United States which, at any time on or after January 1, 2000, have been used in the activities described in subparagraph (A) or (B) of paragraph (1).

''(B) STEEL MILL PRODUCT.—The term 'steel mill product' means any product defined by the American Iron and Steel Institute as a steel mill product.

''(3) ACQUIRING COMPANY.—The term 'acquiring company' means any person which acquired on or after January 1, 2000, steelmaking assets of a qualified steel company with respect to which a qualifying event has occurred.

''(c) OTHER DEFINITIONS.—For purposes of this title—

''(1) RELATED PERSON.—The term 'related person' means, with respect to any person, a person who—

''(A) is a member of the same controlled group of corporations (within the meaning of section 52(a) of the Internal Revenue Code of 1986) as such person, or

''(B) is under common control (within the meaning of section 52(b) of such Code) with such person.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(3) TRUST FUND.—The term 'Trust Fund' means the Steel Industry Legacy Relief Trust Fund established under subtitle C.

"Subtitle B—Steel Industry Retiree Benefits Protection Program

''I. Establishment.

''II. Relief and assumption of liability, eligibility, and certification.

''III. Program benefits.

"PART I—ESTABLISHMENT

''Sec. 902. Establishment.

"SEC. 902. ESTABLISHMENT.

''There is established a Steel Industry Retiree Benefits Protection program to be administered by the Secretary and the Board of Trustees of the Trust Fund in accordance with the provisions of this title for the purpose of providing medical and death benefits to eligible retirees and eligible beneficiaries certified as participants in the program under part II.

"PART II—RELIEF AND ASSUMPTION OF LIABILITY, ELIGIBILITY, AND CERTIFICATION

''Sec. 911. Relief and assumption of liability.

''Sec. 912. Qualifying events.

''Sec. 913. Eligibility and certification of eligibility.

"SEC. 911. RELIEF AND ASSUMPTION OF LIABILITY.

''(a) IN GENERAL.—If—

''(1) the Secretary certifies under section 912 that there was a qualifying event with respect to a qualified steel company,

''(2) the asset transfer requirements of subsection (b) are met with respect to the qualifying event, and

''(3) the qualified steel company and any acquiring company assumes their respective liability to make any contributions required under subsection (c),

then the United States shall assume liability for the provision of steel retiree benefits for each eligible retiree and eligible beneficiary certified for participation in the retiree benefits program under section 913 (and the qualified steel company, any predecessor or successor, and any related person to such company, predecessor, or successor shall be relieved of any liability for the provision of such benefits). The United States shall be treated as satisfying any liability assumed under this subsection if benefits are provided to eligible retirees and eligible beneficiaries under the retiree benefits program provided in part III.

''(b) REQUIRED ASSET TRANSFERS.—

''(1) IN GENERAL.—The requirements of this subsection are met if the qualified steel company and any applicable acquiring company transfer to the Trust Fund all assets, as determined in accordance with rules prescribed by the Secretary, which, under the terms of an applicable collective bargaining agreement, were required to be set aside under an employee benefit plan or otherwise for the provision of the steel retiree benefits the liability for which (determined without regard to this subsection) is relieved by operation of subsection (a). The assets required to be transferred shall not include voluntary contributions, including voluntary contributions made pursuant to a voluntary employees beneficiary association trust, which are in excess of the contributions described in the preceding sentence.

''(2) DETERMINATION.—The amount of the assets to be transferred under paragraph (1) shall be determined at the time of the certification under section 912 and shall include interest from the time of the determination to the time of transfer. Such amount shall be reduced by any payments from such assets which are made after the determination by the qualified steel company or applicable acquiring company for the provision of steel retiree benefits for which such assets were set aside and the liability for which (determined without regard to this subsection) is relieved by operation of subsection (a).

''(c) CONTRIBUTION REQUIREMENTS.—

''(1) CONTRIBUTIONS BASED ON OWNERSHIP OF STEELMAKING ASSETS.—

''(A) IN GENERAL.—If there is a qualifying event certified under section 912 with respect to a qualified steel company—

''(i) the qualified steel company shall assume the obligation to pay, and

''(ii) if the qualified steel company transferred on or after January 1, 2000, any of its steelmaking assets, the qualified steel company and any acquiring company acquiring such assets as part of (or after) a qualifying event shall assume the obligation to pay,

to the Trust Fund for each of the years in the 10-year period beginning on the date of the qualifying event its ratable share of the amount determined under subparagraph (B) with respect to the steelmaking assets owned by such company or person.

''(B) AMOUNT OF LIABILITY.—

''(i) IN GENERAL.—The amount required to be paid under subparagraph (A) for any year shall be equal to $5 per ton of products described in section 901(b)(1)(A) attributable to the steelmaking assets which are the subject of the qualifying event and shipped to a person other than a related person. If 2 or more persons own steelmaking capacity or assets, the liability under this clause shall be allocated ratably on the basis of their respective ownership interests. The determination under this clause for any year shall be made on the basis of shipments during the calendar year preceding the calendar year in which such year begins.

''(ii) REDUCTIONS IN LIABILITY.—The amount of any liability under clause (i) for any year shall be reduced by the amount of any assets transferred to the Trust Fund under subsection (b), reduced by any portion of such amount applied to a liability for any preceding year. If 2 or more persons are liable under subparagraph (A) with respect to any qualifying event, any reduction with respect to assets transferred to the Trust Fund under subsection (b) shall be allocated ratably among such persons on the basis of their respective liabilities or in such other manner as such persons may agree.

''(2) FASB LIABILITY IN CASE OF CERTAIN QUALIFYING EVENTS.—

''(A) IN GENERAL.—If there is a qualifying event (other than a qualified acquisition) with respect to a qualified steel company, then, subject to the provisions of subparagraphs (C) and (D), the qualified steel company shall be liable for payment to the Trust Fund of the amount determined under subparagraph (B). If a qualified acquisition occurs after another qualifying event, such other qualifying event shall be disregarded for purposes of this paragraph.

''(B) AMOUNT OF LIABILITY.—The amount determined under this subparagraph shall be equal to the excess (if any) of—

''(i) the amount determined under the Financial Accounting Standards Board Rule 106 as being equal to the present value of the steel retiree benefits of eligible retirees and beneficiaries of the qualified steel company the liability for which (determined without regard to any modification pursuant to section 1114 of title 11, United States Code) is relieved under subsection (a), over

''(ii) the sum of—

''(I) the value of the assets transferred under subsection (b) with respect to the retirees and beneficiaries, and

''(II) the present value of any payments (other than payments determined under this subparagraph) to be made under this subsection with respect to steelmaking assets of the qualified steel company.

''(C) DISCHARGES IN BANKRUPTCY.—The amount of any liability under subparagraph (B) shall be reduced by the portion of such liability which, in accordance with the provisions of title 11, United States Code, is discharged in any bankruptcy proceeding.

''(D) NO LIABILITY IF INDUSTRY-WIDE ELECTION MADE.—If a qualifying event occurs by reason of a qualified election under section 912(d)(2)(B), then—

''(i) any liability that arose under this paragraph for any qualifying event occurring before such election is extinguished (and any payment of such liability shall be refunded from the Trust Fund with interest), and

''(ii) no liability shall arise under this paragraph with respect to the qualifying event occurring by reason of such election or any subsequent qualifying event.

''(3) JOINT AND SEVERAL LIABILITY.—Any related person of any person liable for any payment under this subsection shall be jointly and severally liable for the payment.

''(4) TIME AND MANNER OF PAYMENT.—The Secretary shall establish the time and manner of any payment required to be made under this subsection, including the payment of interest.

"SEC. 912. QUALIFYING EVENTS.

''(a) IN GENERAL.—For purposes of this title, the term 'qualifying event' means any—

''(1) qualified acquisition,

''(2) qualified closing,

''(3) qualified election, and

''(4) qualified bankruptcy transfer.

''(b) QUALIFIED ACQUISITION.—For purposes of this title, the term 'qualified acquisition' means any arms'-length transaction or series of related transactions—

''(1) under which a person (whether or not a qualified steel company) acquires by purchase, merger, stock acquisition, or otherwise all or substantially all of the steelmaking assets held by the qualified steel company as of January 1, 2000, and

''(2) which occur on and after January 1, 2000, and before the date which is 2 years after the date of the enactment of this title.

Such term shall not include any acquisition by a related person.

''(c) QUALIFIED CLOSING.—For purposes of this title—

''(1) IN GENERAL.—The term 'qualified closing' means—

''(A) the permanent cessation on or after January 1, 2000, and before January 1, 2004, by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, of all activities described in subparagraph (A) or (B) of paragraph (1) of section 901(b), or

''(B) the transfer on or after January 1, 2000, and before January 1, 2004, by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, of all or substantially all of its steelmaking assets to 1 or more persons other than related persons in an arms'-length transaction or series of related transactions which do not constitute a qualified acquisition.

''(2) COMPANIES IN IMMINENT DANGER OF CLOSURE.—A qualified closing of a qualified steel

company operating under the protection of chapter 11 or 7 of title 11, United States Code, shall be treated as having occurred if the company—

''(A) meets the acquisition effort requirements of paragraph (3),

''(B) establishes to the satisfaction of the Secretary that—

''(i) it is in imminent danger of becoming a closed company, or

''(ii) in the case of a company operating under protection of chapter 11 of title 11, United States Code, it is unable to reorganize without the relief provided under this title, and

''(C) elects, in such manner as the Secretary prescribes, at any time after the date of the enactment of this title and before the date which is 2 years after the date of the enactment of this title, to avail itself of the relief provided under this title.

''(3) ACQUISITION EFFORT REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph are met by a qualified steel company if—

''(i) the company files with the Secretary within 10 days of the date of the enactment of this title—

''(I) a notice of intent to be acquired, and

''(II) a description of the actions the company will undertake to have its steelmaking assets acquired in a qualified acquisition, and

''(ii) the company at all times after the filing under clause (i) and the date which is 2 years after the date of the enactment of this title (or, if earlier, the date on which the requirement of paragraph (2)(B) is satisfied) makes a continuing, good faith effort to have its steelmaking assets acquired in a qualified acquisition.

''(B) GOOD FAITH EFFORT.—A continuing, good faith effort under subparagraph (A)(ii) shall include—

''(i) the active marketing of a company's steelmaking assets through the retention of an investment banker, the preparation and distribution of offering materials to prospective purchasers, allowing due diligence and investigatory activities by prospective purchasers, the active and good faith consideration of all expressions of interest by prospective purchasers, and any other affirmative action designed to result in a qualified acquisition of a company's steelmaking assets, and

''(ii) a demonstration to the Secretary by the company that no bona fide and fair offer which would have resulted in a qualified acquisition of the company's steelmaking assets has been unreasonably refused.

''(d) QUALIFIED ELECTION.—For purposes of this title—

''(1) IN GENERAL.—The term 'qualified election' means an election by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, meeting the acquisition effort requirements of subsection (c)(3) to transfer its obligations for steel retiree benefits to the retiree benefit program. Such an election shall be made not earlier than the date which is 2 years after the date of the enactment of this title, and in such manner as the Secretary may prescribe.

''(2) INDUSTRY-WIDE ELECTION.—Notwithstanding paragraph (1), a qualified election shall be treated as having occurred with respect to a qualified steel company (whether or not operating under the protection of chapter 11 or 7 of title 11, United States Code) if—

''(A) the Secretary determines that at least 200,000 eligible retirees and beneficiaries have been certified under section 913 for participation in the retiree benefits program, and

''(B) the qualified steel company elects to avail itself of the relief provided under this title on or after the date of the determination under subparagraph (A).

''(e) QUALIFIED BANKRUPTCY TRANSFER.—For purposes of this title, the term 'qualified bankruptcy transfer' means any transaction or series of transactions—

''(1) under which the qualified steel company, operating under the protection of chapter 11 or 7 of title 11, United States Code, transfers by any means (including but not limited to a plan of reorganization) its control over at least 30 percent of the production capacity of its steelmaking assets to 1 or more persons which are not related persons of such company,

''(2) which are not part of a qualified acquisition or qualified closing of a qualified steel company, and

''(3) which occur on and after January 1, 2000, and before January 1, 2004.

''(f) CERTIFICATION.—

''(1) IN GENERAL.—The Secretary shall certify a qualifying event with respect to a qualified steel company if the Secretary determines that the requirements of this title are met with respect to such event and that the asset transfer and contribution requirements of section 911 will be met.

''(2) TIME FOR DECISION.—The Secretary shall make any determination under this subsection as soon as possible after a request is filed (and in the case of a request for certification as a qualified acquisition filed at least 60 days before the proposed date of the acquisition, before such proposed date).

''(3) ELIGIBILITY TO FILE REQUEST.—A request for certification under this subsection may be made by the qualified steel company or any labor organization acting on behalf of retirees of such company.

"SEC. 913. ELIGIBILITY AND CERTIFICATION.

''(a) RETIREES.—

''(1) IN GENERAL.—Any individual who is a retiree of a qualified steel company with respect to which the Secretary has certified under section 912 that a qualifying event has occurred shall be treated as an eligible retiree for purposes of this title if—

''(A) the individual was receiving steel retiree benefits under an employee benefit plan described in section 901(a)(2)(A) as of the date of the qualifying event, or

''(B) the individual was eligible to receive such benefits on such date but was not receiving such benefits because the plan ceased to provide such benefits.

''(2) CERTAIN INDIVIDUALS INCLUDED.—An individual shall be treated as an eligible retiree under paragraph (1) if the individual—

''(A) was an employee of the qualified steel company before a qualified acquisition,

''(B) became an employee of the acquiring company as a result of the acquisition, and

''(C) voluntarily retires within 3 years of the acquisition.

''(b) BENEFICIARIES.—An individual shall be treated as an eligible beneficiary for purposes of this title if the individual is the spouse, surviving spouse, or dependent of an eligible retiree (or an individual who would have been an eligible retiree but for the individual's death before the date of the qualifying event).

''(c) CERTIFICATION OF ELIGIBLE RETIREES AND BENEFICIARIES.—

''(1) IN GENERAL.—The Board of Trustees of the Trust Fund shall certify an individual as an eligible retiree or eligible beneficiary if the individual meets the requirements of this section.

''(2) ELIGIBILITY TO FILE REQUEST.—A request for certification under this subsection may be filed by any individual seeking to be certified under this subsection, the qualified steel company, an acquiring company, a labor organization acting on behalf of retirees of such company, or a committee appointed under section 1114 of title 11, United States Code.

''(d) RECORDS.—A qualified steel company, an acquiring company, and any successor in interest shall on and after the date of the enactment of this title maintain and make available to the Secretary and the Board of Trustees of the Trust Fund, all records, documents, and materials (including computer programs) necessary to make the certifications under this section.

"PART III—PROGRAM BENEFITS

''Sec. 921. Program benefits.

"SEC. 921. PROGRAM BENEFITS.

''(a) GENERAL RULE.—Each eligible retiree and eligible beneficiary who is certified for participation in the retiree benefits program shall be entitled—

''(1) to receive health care benefits coverage described in subsection (b), and

''(2) in the case of an eligible retiree, payment of $5,000 death benefits coverage to the beneficiary of the retiree upon the retiree's death.

''(b) HEALTH CARE BENEFITS COVERAGE.—

''(1) IN GENERAL.—The Board of Trustees of the Trust Fund shall establish health care benefits coverage under which eligible retirees and beneficiaries are provided benefits for health care items and services that are substantially the same as the benefits offered as of January 1, 2002, under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code, to Federal employees and annuitants. In providing the benefits under such program, the secondary payer provisions and the provisions relating to benefits provided when an individual is eligible for benefits under the medicare program under title XVIII of the Social Security Act that are applicable under such Plan shall apply in the same manner as such provisions apply to Federal employees and annuitants under such Plan.

''(2) CONTRACTING AUTHORITY.—The Board of Trustees of the Trust Fund shall have the authority to enter into such contracts as are necessary to carry out the provisions of this subsection, including contracts necessary to ensure adequate geographic coverage and cost control. The Board of Trustees may use the authority under this subsection to establish preferred provider organizations or other alternative delivery systems.

''(3) PREMIUMS, DEDUCTIBLES, AND COST SHARING.—The Board of Trustees of the Trust Fund shall establish premiums, deductibles, and cost sharing for eligible retirees and beneficiaries provided health care benefits coverage under paragraph (1) which are substantially the same as those required under the Blue Cross/Blue Shield Standard Plan described in paragraph (1).

"Subtitle C—Steel Industry Legacy Relief Trust Fund

"SEC. 931. STEEL INDUSTRY LEGACY RELIEF TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the Steel Industry Legacy Relief Trust Fund, consisting of such amounts as may be appropriated to the Trust Fund as provided in this section.

''(b) TRANSFERS TO TRUST FUND.—

''(1) IN GENERAL.—There are appropriated to the Trust Fund amounts equivalent to—

''(A) tariffs on steel mill products received in the Treasury under title II of this Act,

''(B) amounts received in the Treasury from asset transfers and contributions under section 911,

''(C) amounts credited to the Trust Fund under section 9602(b) of the Internal Revenue Code of 1986, and

''(D) the premiums paid by retirees under the program.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Trust Fund each fiscal year an amount equal to the excess (if any) of—

''(A) expenditures from the Trust Fund for the fiscal year, over

''(B) the assets of the Trust Fund for the fiscal year without regard to this paragraph.

''(c) EXPENDITURES.—Amounts in the Trust Fund shall be available only for purposes of making expenditures—

''(1) to meet the obligations of the United States with respect to liability for steel retiree benefits transferred to the United States under this title, and

''(2) incurred by the Secretary and the Board of Trustees in the administration of this title.

''(d) BOARD OF TRUSTEES.—

''(1) IN GENERAL.—The Trust Fund and the retiree benefits program shall be administered by a Board of Trustees, consisting of—

''(A) 2 individuals designated by agreement of the 5 qualified steel companies which, as of the date of the enactment of this title—

''(i) are conducting activities described in subparagraph (A) or (B) of section 901(b)(1), and

''(ii) have the largest number of retirees, and

''(B) 2 individuals designated by the United Steelworkers of America in consultation with the Independent Steelworkers Union, and

''(C) 3 individuals designated by individuals designated under subparagraphs (A) and (B).

''(2) DUTIES.—Except for those duties and responsibilities designated to the Secretary, the Board of Trustees shall have the responsibility to administer the Trust Fund and the retiree benefits program, including—

''(A) enrolling eligible retirees and beneficiaries under the program,

''(B) procuring the medical services to be provided under the program,

''(C) entering into contracts, leases, or other arrangements necessary for the implementation of the program,

''(D) implementing cost-containment measures under the program,

''(E) collecting revenues and enforcing claims and rights of the program and the Trust Fund,

''(F) making disbursements as necessary under the program, and

''(G) acquiring and maintaining such records as may be necessary for the administration and implementation of the program.

''(3) REPORT.—The Board of Trustees report to Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next 2 fiscal years. Such report shall be printed as a House document of the session of Congress to which the report is made.

''(e) TRANSFER INVESTMENT OF ASSETS.—Sections 9601 and 9602(b) of the Internal Revenue Code of 1986 shall apply to the Trust Fund.''●

● Mr. SPECTER. Mr President, I have sought recognition at this time to comment briefly on legislation that I am pleased to cosponsor with my colleague, Senator ROCKEFELLER. That legislation, the ''Steel Industry Retiree Benefits Protection Act of 2002,'' would set the Nation on a path of assuring the retirement health care benefits of the Nation's retired steelworkers and their dependants, and the survival of a domestic integrated steel industry. I crafted this bill jointly with Senator ROCKEFELLER with extensive consultation by the integrated steel industry and representatives of the United Steelworkers of America. I am pleased to note that labor and management have joined in a common effort to resolve the near-intractable problems that face the industry today, and I thank them for that spirit of cooperation and compromise.

The reasons for this legislation are succinctly stated in the findings set forth in the preamble of the bill. The domestic steel industry has been forced to compete over the last 30 years in an international marketplace in which foreign governments have subsidized both domestic production and employee healthcare costs and, simultaneously, stimulated the creation and maintenance of excess world steelmaking capacity. During the 1980's and 1990's, the steel industry adapted, but literally hundreds of thousands of steel workers were forced into early retirement as the industry streamlined productions methods. Since 1997, the situation has worsened, due to the unfair practices of overseas producers and governments and a resultant glut of foreign imports, to the point that 32 American steel companies have had to resort to bankruptcy protection, causing 45,000 steelworkers to lose their jobs and over 100,000 steel industry retirees to lose vital medical insurance benefits. Record-low steel prices place remaining steel producers, and their workers and retirees, in an increasingly untenable position.

A clear consensus now exists that the only way a domestic integrated steel industry can survive is through consolidation. It is true that the ranks of U.S. integrated producers have been decimated; one need only drive through Pennsylvania to see ample evidence of that. But a domestic industry does indeed survive. It will continue to survive only if there is further consolidation and the emergence of a relatively few domestic companies with the muscle to compete in a global marketplace with subsidized foreign behemoths. But there is a significant impediment to such consolidation: the so-called ''legacy costs'' of domestic producers which might otherwise be acquired and consolidated into larger, more efficient U.S. operations.

To summarize, a relatively healthy domestic steel producer might find the acquisition, and the continued operation, of a weaker steel company's manufacturing operations to be quite attractive but for one major problem: such operations typically are owned by companies which are weighed down by the health care costs of prior generations of retirees, retirees who are relatively young due to the premature withdrawal of workers from the rolls due to downsizing in the 1980's and 1990's. Potential acquirers of such assets have ''legacy costs'' of their own to deal with; they cannot afford to assume those of their former competitors, a result that would be unavoidable were they to simply purchase and consolidate the assets of former competitors. If we want consolidation to happen, and it is unquestionably in the Nation's self-interest that it happen; few would dispute that the common defense requires a viable domestic steel industry, potential acquirers of these assets must gain relief from the ''legacy cost'' obligations that would otherwise run with the acquired assets.

My colleagues might ask: if an acquiring steel company is relieved of these obligations, who would take them on? The answer is this: a Federally-sponsored trust fund, financed with steel tariff receipts; funds previously placed in trust by acquired companies for retiree health and life insurance benefits; fees to be paid by acquiring companies; and, yes, as necessary to cover shortfalls, appropriations. To those who say the public cannot take on these obligations, I offer the following logic: when steel producers go under, as they will if we do not act, the public may very much face exposure to these obligations via the Medicare and Medicaid programs; taking them on before the companies go under will at least assure that the defense-critical steel industry survives. It is an unpleasant choice we face, but it is one which we must face: we may either assume ''legacy cost'' obligations now and save a vital industry; or we can wait and watch a vital industry die and face up to ''legacy costs'' later.

I strongly appeal to my colleagues in the Senate to seriously consider this Hobson's choice. If they do, I trust they will come to the same conclusion that I have: we must save this industry by clearing the way for the consolidation that will be necessary to compete in the international market of the future. And we must protect those who have lost, or may yet lose, their health care benefits due to unfair competition from abroad. The steelworkers of America, many from the ''Greatest Generation'' and from my home, Pennsylvania, built the Nation in the 20th Century. They made the United States the world's only superpower. We need to assure that their post-retirement years are secure.●

By Mr. KERRY (for himself, Ms. SNOWE, Mrs. FEINSTEIN, and Mr. CHAFEE):

S. 2190. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide employees with greater control over assets in their pension accounts by providing them with better information about investment of the assets, new diversification rights, and new limitations on pension pla blackouts, and for other purposes; to the Committee on Finance.

● Mr. KERRY. Mr. President, I rise today with a great deal of pride to introduce the Senate's first bipartisan

pension reform bill since Enron's downfall ruined the lives of thousands of workers and their families. I am introducing this bill with Senator OLYMPIA SNOWE of Maine, who has worked closely with me to develop a much-needed proposal that will greatly help our nation's workers to achieve greater pension security and receive better investment information and advice. Our bill is called the ''Worker Investment and Retirement Education Act of 2002,'' or the WIRE Act. Senator SNOWE and I are pleased that Senator FEINSTEIN and CHAFEE have joined with us as original cosponsors.

As you know, Enron's bankruptcy, which caused thousands to lose their retirement savings, since their pensions were invested heavily in Enron stock, has prompted many members of Congress in both parties to introduce pension-related legislation. President Bush has also suggested several reforms. Many of these proposals share some common elements, while others contain measures that are objectionable to one side or the other. Senator SNOWE and I share the view that worker retirement protection is much too important to become another partisan issue, where the upcoming elections cloud our judgment and prevent us from passing much-needed legislation. We can, and should, pass critical pension reform this year that helps American workers fee secure about their retirement savings. In my view, the playing field has been tilted against workers for far too long, and it is unfortunate that it takes a travesty like Enron to make those of us in Congress act in their interests.

Of course, the pension issue is one that falls in the jurisdiction of two Senate committees. I strongly support Senator KENNEDY'S bill, which recently passed out of the HELP committee here in the Senate. Soon, however, the Senate Finance Committee will also consider pension reform. Given that the history of that Committee is one in which the best bills are often bipartisan, I wanted to work with Senator SNOWE to develop a pro-worker bill for the Finance Committee that can be combined with Senator KENNEDY'S bill later on.

The House of Representatives has also followed such a two-committee approach, although I have some significant reservations that the final bill that passed last week does not do enough for workers. I hope to work within the Finance Committee and with Senator KENNEDY to develop a better bill here in the Senate, so we can pass legislation this year that the President will sign. Our goal should be to pass a bill that receives a two-thirds vote in both chambers not because we think President Bush will veto it, but because we want to signal to the country that partisan politics can be pushed aside when the true interests of hard-working Americans are at stake.

Despite all of the news in recent months about corporate greed and excess, recent polls show that nearly two-thirds of the public believes that the most important issue with Enron's collapse is the loss of jobs and savings. With 38 million people controlling nearly $1.7 trillion in 401(k) plan assets, and with nearly 40 percent of large-plan assets tied up in company stock, much of which cannot be sold until workers reach a certain age, it is clear that the playing field needs to be tilted back towards workers. Our bill does just that, and because it is a complete approach, including all types of so-called ''defined contribution'' plans, as opposed to just some plans, it does so without opening any major new loopholes that would allow workers to be further exploited.

The first thing workers need out of a pension reform bill is better information, because for millions of Americans, their retirement savings is their only true asset other than their homes. Under our bill, all covered workers would be given basic, unbiased information on the basics of investing, as well as personalized information from their employers to help them know if they are adequately preparing for their retirement years. This additional information will make a huge difference to millions of workers who currently have no knowledge about the basics of investing, or if they are saving enough to live comfortably in retirement.

Next, since current law prevents most workers from receiving any sound guidance about financial planning, our bill includes the text of S. 1677, the Bingaman-Collins investment advice bill. Under this bill, millions more workers will benefit from professional, independent investment advice paid for by their employers. Workers will be able to select appropriate investments and better plan for their retirements without the creation of new conflicts of interest.

Like other bills, our bill addresses the issue of blackout periods, those times when plan participants are prevented from making changes to their asset allocations. Senator SNOWE and I believe that companies should provide adequate notice before any blackout period, our bill requires 30 days' notice, and inform workers of its expected length. In addition, blackouts should generally be limited to 30 days for plans that are heavily invested in company stock. Exemptions could be granted to small businesses or companies in unusual circumstances, such as a merger. This latter rule is one that distinguishes our bill from many of the others. But it seems common-sense to use that plans with more volatile assets, such as plans heavily invested in company stock, should be forced to end blackout periods as quickly as possible in order to minimize market risk for the workers.

Moreover, during blackout periods, management should be prohibited from selling large blocks of stock on the open market. We command President Bush for suggesting this additional protection for rank-and-file employees, and we will work with him to help it become law.

But most important, workers want and deserve a greater say in where their money is invested. Diversification is a key principle in any balanced investment strategy. Workers should be empowered with the ability to direct where their retirement savings are invested.

While the shift to more broad-based stock ownership is generally a positive trend in our society, employees should no longer be forced to buy company stock with their own contributions. In addition, if workers choose to buy company stock with their own funds, they should be able to diversify these contributions whenever they wish. It's their money, after all, and they should never be forced to relinquish control of it.

For employer contributions to retirement plans, workers should be allowed to begin diversifying these contributions once they are vested in the plan. Our bill accomplishes that goal while avoiding new loopholes by applying different diversification rules based on the type of contribution, worker payroll deduction, employer matching contribution, or employer nonmatching contribution, rather than the type of plan. We want to make sure that the situation with Enron never happens again, and the protections in our bill will accomplish that goal.

In our view, Congress should also provide special diversification rights for older workers, because the closer you are to retirement, the more you have to lose should stock prices fall. Therefore, under our bill, once a worker turns 55, he or she would be permitted to completely diversify their retirement assets, with no restrictions. This will be the case regardless of tenure with the firm, and regardless of the type of plan. Companies must notify workers of this right to diversify when the worker has reached 55 years of age, thereby giving older workers the additional layer of protection they deserve after a lifetime of work and saving.

I want to say a word about ESOPs. Employee stock ownership plans are important in that they give rank-and-file employees an ownership stake in their firms, which is largely a good thing. We should continue to encourage firms, both public and private, to include their workers in their success. Many public companies are converting parts of their 401(k)s to ESOPs to take advantage of a feature in the tax code that allows them to deduct dividends paid on the shares in the plan. However, these conversions to so-called KSOPs have downsides, in that these plans are generally more restrictive than 401(k)s when employee diversification right are concerned.

As a result, Congress must include both KSOPs and ESOPs in any new diversification rules, to the extent that the plans are at public companies. If we fail to include them, or include one but

not the other, we would open a new loophole while limiting workers rights. But again, since broader employee ownership is a generally positive development, we need to help workers without killing publicly-traded ESOPs. Our bill does so. Plus, another unique feature of the Kerry-Snowe bill is that for all workers under age 55 who choose to diversify some of their KSOP or ESOP shares, the firm will still be allowed to deduct for tax purposes the dividends that would have been paid on those shares, for the year of the sale and the following two years. This provision will smooth the transition to a more worker-friendly system.

Finally, the government should create an Office of Pension Participant Advocacy, similar to the Taxpayer Advocate Service, where both unionized and non-unionized workers can turn to voice their concerns about pension policy. The Pension Participant Advocate would issue an annual report to Congress recommending changes to the pension laws. This idea is one that appears in several bills before Congress, and it is long overdue.

All of these proposals will protect our workers, and more importantly, they will do so without prompting reductions in benefits. Businesses could still contribute stock to retirement plans. Workers will be empowered to diversify their assets, but they would not face any new rules that limit their own choices, such as a hard cap on the amount of a single stock they could own. Our bipartisan approach will ensure that workers are better off in the long run, and that's the outcome we all want.●

● Ms. SNOWE. Mr. President, I rise today to join Senator KERRY in introducing the Worker Investment and Retirement Education, or WIRE, Act of 2002. The WIRE Act seeks to empower workers by giving them control over all of the assets in their retirement accounts and ensures that, in addition to having the ability to take command of assets, they have the information they need to make sound and informed choices.

While the need for pension reform was highlighted by the recent collapse and bankruptcy of Enron, a review of pension regulations is critical for all of the approximate 48 million workers nationwide who participate in a defined contribution retirement plan.

And, as Congress sets out to review existing pension laws, we must recognize that there has been a significant shift in Americans' retirement savings vehicles over the past several years. In fact, use of what we think of as the typical ''pension'', or defined benefit plan, has fallen from one-third of all plans to one-tenth in 20 years. And, the actual number of defined benefit plans has fallen each year since 1986. Although they still account for almost 45 percent of all employer-sponsored retirement plan participants, that figure was much higher, at 74 percent, just 20 years ago.

This shift away from defined benefit plans has resulted in the explosion of participation in defined contribution plans, giving individuals the opportunity to make investment decisions according to their own needs and plans for the future. However, with this ability comes added responsibility and, depending on the investment choice, greater risk. And it is this risk that was so clearly personified by the experience of Enron employees.

On Enron's 40,000 employees, almost 21,000 were participating in the Enron Savings Plan, the 401(k) plan. These loyal employees heavily invested in Enron, only to be hit by the one-two punch of losing their jobs and losing their life savings, with the retirement savings losses amounting to over $1 billion. It is their experience that has led us to write the legislation we are introducing today.

While it is critical that the Congress ensure that such a massive loss of retirement savings never reoccurs, it is also vital that we consider reforms that empower employees, and do not discourage employers from contributing to their employees' retirement plans. As we set out to draft the WIRE Act we sought first and foremost to do no harm to the private pension system.

The WIRE Act, in seeking to increase employees' access to information and ensure that employees have the knowledge necessary to make sound investment decisions, requires that individual workers receive annual statements regarding the assets in their accounts. In addition, our legislation directs the Departments of Labor and the Treasury to produce annually a document for all employees giving them basic guidelines for retirement investing. This assures that employees receive fundamental investment information from an independent authority.

Additionally, the WIRE Act incorporates the language of the Independent Investment Advice Act of 2001, clarifying the fiduciary rules for plan sponsors who offer access to investment advice by providing companies with a safe harbor from liability if they provide qualified, independent investment advice for their workers.

Just as it is critical that we provide access to the information necessary to make informed decisions, it is essential that we increase employees' diversification rights without inhibiting an employee's ability to invest in their company.

And, certainly a review of the investment decisions of employees across the country tells us that the decision of Enron employees to invest their retirements heavily in Enron stock is not unique. In fact, the employees of many of America's leading companies, our top brand names, have chosen similarly to invest more than half of their retirement plan assets in company stock, Procter and Gamble, 94.7 percent, Sherwin-Williams, 91.6 percent, Pfizer, 88.5 percent, McDonald's, 74.3 percent, the list goes on and on.

And so where does that leave us? How does Congress balance an individual's right to make their own investment decisions, with trying to make sure that no other class of employees suffer as significant a loss as that experienced by Enron employees?

The WIRE Act proposes that the answer to these questions lies in the ability of employees to access and diversify company stock. Therefore, we create specialized diversification rights that are dependent upon the manner in which the stock was added to the employee's account.

For instance, for voluntary purchases of company stock by employees, workers should be able to diversify those shares at any time, after all, it is their own money. For employer-matching contributions made in the form of company stock, half of those shares can be diversified after three years of service, and one hundred percent can be diversified after five years of service.

Importantly, as our intent is to first do no harm to the current employer-sponsored pension system, the WIRE Act attempts to mitigate any potential loss of tax incentives enjoyed by employers for making contributions in the form of company stock when that stock is diversified. We do this by allowing employers to continue to deduct the dividends that would have been paid on employee held company stock for the remainder of that calendar year and for two additional years. This provision, which is unique to the WIRE Act, would ensure that the diversification rights given to employees does not have the unfortunate effect of reducing employer contributions to pension plans—which would be harmful to both the employees and the employers.

The bill we introduce today aims to do nothing to limit personal choice, which is the cornerstone of American beliefs, but instead empower investors with the knowledge and ability to make some of the most fundamental financial decision a person can make. However, as we begin to consider how best to empower and educate employees, it is just as essential that we do not create any disincentives for employers to stop participating in their employees' retirement security. Employers play a critical role in the retirement planning of their employees and it is critical that we encourage this role to continue.

Retirement is part of the American dream, and to that end we must do whatever we can to ensure that this dream is achievable for everyone. I look forward to working with the other members of the Finance Committee, and the Senate, to consider addressing the need for pension reform.●

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 244—ELIMINATING SECRET SENATE HOLDS

Mr. GRASSLEY (for himself and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 244

Resolved,

SECTION 1. ELIMINATING SECRET SENATE HOLDS.

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

''7. A Senator who provides notice to party leadership of his or her intention to object to proceeding to a motion or matter shall disclose the notice of objection (or hold) in the Congressional Record in a section reserved for such notices not later than 2 session days after the date of the notice.''.

Mr. GRASSLEY. Mr. President, today I am submitting, along with my colleague Senator WYDEN, a Senate resolution to amend the Senate rules to eliminate secret holds.

I know Senators are familiar with the practice of placing holds on matters to come before the Senate.

Holds derive from the rules and traditions of the Senate.

In order for the Senate to run smoothly, objections to unanimous consent agreements must be avoided.

Essentially, a hold is a notice by a Senator to his or her party leader of an intention to object to bringing a bill or nomination to the floor for consideration.

This effectively prevents the Senate leadership from attempting to bring the matter before the Senate.

A Senator might place a hold on a piece of legislation or a nomination because of legitimate concerns about that legislation or nomination.

However, there is no legitimate reason why a Senator placing a hold on a matter should remain anonymous.

I believe in the principle of open government.

Lack of transparency in the public policy process leads to cynicism and distrust of public officials.

I would maintain that the use of secret holds damages public confidence in the institution of the Senate.

It has been my policy, and the policy of Senator WYDEN as well, to disclose in the CONGRESSIONAL RECORD any hold that I place on any matter in the Senate along with my reasons for doing so.

As a practical matter, other Members of the Senate need to be made aware of an individual Senator's concerns.

How else can those concerns be addressed?

As a matter of principle, the American people need to be made aware of any action that prevents a matter from being considered by their elected Senators.

Senator WYDEN and I have worked twice to get a similar ban on secret holds included in legislation passed by the Senate.

But, both times it was removed in conference.

Then, at the beginning of the 106th Congress, Senate Leaders LOTT and DASCHLE circulated a letter informing Senators of a new policy regarding the use of holds.

The Lott/Daschle letter stated,

. . . all members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concerns.

This agreement was billed as marking the end of secret holds in the Senate and I took the agreement at face value.

Unfortunately, this policy has not been followed consistently.

Secret holds have continued to appear in the Senate.

For example, last November, it became apparent that an anonymous hold had been placed on a bill, S. 739, sponsored by Senator WELLSTONE.

This bill had been reported by the Committee on Veterans' Affairs.

However, neither Senator WELLSTONE nor Senator ROCKEFELLER, as chairman of the Committee on Veterans' Affairs, were ever informed as to which Senator or Senators had placed the hold.

The time has come to end this distasteful practice for good.

This resolution that Senator WYDEN and I are submitting would do just that.

It would add a section to the Senate rules requiring that Senators make public any hold placed on a matter within two session days of notifying his or her party leadership.

This change will lead to more open dialogue and more constructive debate in the Senate.

Ending secret holds will make the workings of the Senate more transparent.

It will reduce secrecy and public cynicism along with it.

This reform will improve the institutional reputation of the Senate and I would urge my colleagues to support the Grassley-Wyden resolution.

SENATE RESOLUTION 245—DESIGNATING THE WEEK OF MAY 5 THROUGH MAY 11, 2002, AS ''NATIONAL OCCUPATIONAL SAFETY AND HEALTH WEEK''

Mr. DURBIN (for himself, Mr. BROWNBACK, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 245

Whereas every year, more than 6,000 people die from job-related injuries and millions more suffer occupational injuries or illnesses;

Whereas every day, millions of people go to and return home from work safely due, in part, to the efforts of many unsung heroes—the occupational safety, health, and environmental professionals who work day in and day out identifying hazards and implementing safety advances in all industries and at all workplaces, thereby reducing workplace fatalities and injuries;

Whereas these safety professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, and develop safer products;

Whereas the more than 30,000 members of the 90-year-old nonprofit American Society of Safety Engineers, based in Des Plaines, Illinois, are safety professionals committed to protecting people, property, and the environment globally;

Whereas the American Society of Safety Engineers, in partnership with the Canadian Society of Safety Engineers, has designated May 5 through May 11, 2002, as North American Occupational Safety and Health Week (referred to in this resolution as ''NAOSH week'');

Whereas the purposes of NAOSH week are to increase understanding of the benefits of investing in occupational safety and health, to raise the awareness of the role and contribution of safety, health, and environmental professionals, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs;

Whereas during NAOSH week the focus will be on hazardous materials—what they are, emergency response information, the skills and training necessary to handle and transport hazardous materials, relevant laws, personal protection equipment, and hazardous materials in the home;

Whereas over 800,000 hazardous materials are shipped every day in the United States, and over 3,100,000,000 tons are shipped annually; and

Whereas the continued threat of terrorism and the potential use of hazardous materials make it vital for Americans to have information on these materials: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 5 through May 11, 2002, as ''National Occupational Safety and Health Week'';

(2) commends safety professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe ''National Occupational Safety and Health Week'' with appropriate ceremonies and activities.

• Mr. WYDEN. Mr. President, One of the Senate's most popular procedures cannot be found anywhere in the United States Constitution or in the Senate Rules. It is one of the most powerful weapons that any Senator can wield in this body. And it is even more potent when it is invisible. The procedure is popularly known as the ''hold.''

The ''hold'' in the Senate is a lot like the seventh inning stretch in baseball: there is no official rule or regulation that talks about it, but it is has been observed for so long that it has become a tradition.

The resolution that Senator GRASSLEY and submit today does not in any way limit the privilege of any Senator to place a ''hold'' on a measure or matter. Our resolution targets the stealth cousin of the ''hold,'' known as the ''secret hold.'' It is the anonymous hold that is so odious to the basic premise of our democratic system: that the exercise of power always should be accompanied by public accountability.

Our resolution would bring the anonymous hold out of the shadows of the Senate.

Senator GRASSLEY and I have championed this idea in a bipartisan manner for six years now. In 1997 and again in 1998, the United States Senate voted unanimously in favor of our amendments to require that a notice of intent to object be published in the CONGRESSIONAL RECORD within 48 hours. The amendments, however, never survived conference.

So we took our case directly to the leadership, and to their credit, TOM DASCHLE and TRENT LOTT agreed it was time to make a change. They recognized the significant need for more openness in the way the United States Senate conducts its business so TOM DASCHLE and TRENT LOTT sent a joint letter in February 1999 to all Senators setting forth a policy requiring ''all Senators wishing to place a hold on any legislation or executive calender business [to] notify the sponsor of the legislation and the committee of jurisdiction of their concerns.'' The letter said that ''written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination,'' and that ''holds placed on items by a member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day.''

At first, this action by the Leaders seemed to make a real difference. Many Senators were more open about their holds, and staff could no longer slap a hold on a bill with a quick phone call. But after six to eight months, the Senate began to slip back towards the old ways. Abuses of the ''holds'' policy began to proliferate, staff-initiated holds-by-phone began anew, and it wasn't too long before legislative gridlock set in and the Senate seemed to have forgotten what Senators DASCHLE and LOTT had tried to do.

My own assessment of the situation now, which is not based on any scientific evidence, GAO investigation or CRS study, is that a significant number of our colleagues in the Senate have gotten the message sent by the Leaders, and have refrained from the use of secret holds. They inform sponsors about their objections, and do not allow their staff to place a hold without their approval. My sense is that the legislative gridlock generated by secret holds may be attributed to a relatively small number of abusers. The resolution we are submitting today will not be disruptive for a solid number of Senators, but it will up the ante on those who may be ''chronic abusers'' of the Leaders' policy on holds.

Our bipartisan resolution would amend the Standing Rules of the Senate to require that a Senator who notifies his or her leadership of an intent to object shall disclose that objection in the CONGRESSIONAL RECORD not later than two session days after the date of the notice. The resolution would assure that the awesome power possessed by an individual Senator to stop legislation or a nomination should be accompanied by public accountability.

The requirement for public notice of a hold two days after the intent has been conveyed to the leadership may prove to be an inconvenience but not a hardship. No Senator will ever be thrown in jail for failing to give public notice of a hold. Senators routinely place statements in the CONGRESSIONAL RECORD recognizing the achievements of a local Boys and Girls Club, or congratulating a local sports team on a State championship. Surely the intent of a Senator to block the progress of legislation or a nomination should be considered of equal importance.

I have adhered to a policy of publicly announcing my intent to object to a measure or matter. This practice has not been a burden or inconvenience. On the contrary, my experience with the public disclosure of holds is that my objections are usually dealt with in an expeditious manner, thereby enabling the Senate to proceed with its business.

Although the Senate is still several months away from the high season of secret holds, a number of important pieces of legislation have already become bogged down in the swamp of secret holds this year. The day is not far off when any given Senator may be forced to place holds on numerous other pieces of legislation or nominees just to try to ''smoke out'' the anonymous objector. The practice of anonymous multiple or rolling holds is more akin to legislative guerilla warfare than to the way the Senate should conduct its business.

It is time to drain the swamp of secret holds. The resolution we submit today will be referred to the Senate Committee on Rules. It is my hope that the Committee will take this resolution seriously, hold public hearings on it and give it a thorough vetting. This is one of the most awesome powers held by anyone in American government. It has been used countless times to stall and strangle legislation. It is time to bring accountability to the procedure and to the American people.●

AMENDMENTS SUBMITTED AND PROPOSED

SA 3135. Mr. CARPER (for himself, Ms. COLLINS, Mr. LEVIN, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3136. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3103 submitted by Mr. KENNEDY (for himself and Mr. SMITH of Oregon) and intended to be proposed to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3137. Mr. CAMPBELL submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3138. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3139. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3140. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3141. Mr. DORGAN (for himself, Ms. CANTWELL, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3135. Mr. CARPER (for himself, Ms. COLLINS, Mr. LEVIN, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 23 and all that follows through page 48, line 4, and insert the following:

''(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

''(1) OBLIGATION TO PURCHASE.— After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from a qualifying cogeneration facility or a qualifying small power production facility under this section if the Commission finds that the qualifying cogeneration facility or qualifying small power production facility has access to an independently administered, auction-based day ahead and real time wholesale market for the sale of electric energy.

''(2) OBLIGATION TO SELL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to sell electric energy to a qualifying cogeneration facility or a qualifying small power production facility under this section if competing retail electric suppliers are able to provide electric energy to the qualifying cogeneration facility or qualifying small power production facility.

''(3) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party under any contract or obligation, in effect on the date of enactment of this subsection, to purchase electric energy or capacity from or

to sell electric energy or capacity to a facility under this Act (including the right to recover costs of purchasing electric energy or capacity).

SA 3136. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3103 submitted by Mr. KENNEDY (for himself and Mr. SMITH of Oregon) and intended to be proposed to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48 the following:

"SEC. 48B. BROADBAND CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

''(1) the current generation broadband credit, plus

''(2) the next generation broadband credit.

''(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

''(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

''(A) current generation broadband services are provided through such equipment to qualified subscribers, or

''(B) next generation broadband services are provided through such equipment to qualified subscribers.

''(2) LIMITATION.—

''(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

''(i) the original use of which commences with the taxpayer, and

''(ii) which is placed in service,

after December 31, 2002.

''(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

''(i) is originally placed in service after December 31, 2002, by a person, and

''(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

''(d) SPECIAL ALLOCATION RULES.—

''(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

''(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of—

''(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

''(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

''(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

''(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

''(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

''(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

''(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

''(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means a person who purchases broadband services which are delivered to the permanent place of business of such person.

''(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

''(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the wireless transmission of energy through radio or light waves.

''(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

''(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment—

''(A) a cable operator,

''(B) a commercial mobile service carrier,

''(C) an open video system operator,

''(D) a satellite carrier,

''(E) a telecommunications carrier, or

''(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

''(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to a subscriber if—

''(A) a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

''(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscribers without making more than an insignificant investment with respect to any such subscriber,

''(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

''(D) such services have been purchased by one or more such subscribers, and

''(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

''(13) QUALIFIED EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified equipment' means equipment which provides current generation broadband services or next generation broadband services—

''(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

''(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

''(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

''(iii) extends from the customer side of the headend to the outside of the unit, building,

dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

''(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

''(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

''(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

''(14) QUALIFIED EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

''(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

''(ii) incurred after December 31, 2002, and before January 1, 2004.

''(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

''(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

''(A) with respect to the provision of current generation broadband services—

''(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

''(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

''(B) with respect to the provision of next generation broadband services—

''(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

''(ii) a residential subscriber.

''(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual's dwelling.

''(17) RURAL AREA.—The term 'rural area' means any census tract which—

''(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

''(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

''(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

''(19) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

''(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

''(A) current generation broadband services have been provided by one or more providers to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

''(B) such services can be utilized—

''(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(21) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

''(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

''(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

''(B) does not include a commercial mobile service carrier.

''(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

''(24) UNDERSERVED AREA.—The term 'underserved area' means any census tract which is located in—

''(A) an empowerment zone or enterprise community designated under section 1391,

''(B) the District of Columbia Enterprise Zone established under section 1400,

''(C) a renewal community designated under section 1400E, or

''(D) a low-income community designated under section 45D.

''(25) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

''(f) DESIGNATION OF CENSUS TRACTS.—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (17), (20), and (24) of subsection (e). In making such designations, the Secretary shall consult with such other departments and agencies as the Secretary determines appropriate.''.

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit), as amended by this Act, is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following:

''(5) the broadband credit.''

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following:

''(v) from the sale of property subject to a lease described in section 48B(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48B for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.''.

(d) CONFORMING AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48A the following:

''Sec. 48B. Broadband credit.''.

(e) REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48B of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband credit under section 48B of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48B of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48B of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48B of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of section 48B of such Code.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2002, and before January 1, 2004.

SA 3137. Mr. CAMPBELL submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 17 and 18, insert the following:

Subtitle A—Energy Programs

On page 94, line 5, insert ''and nonrenewable'' after ''renewable''.

On page 109, line 5, strike ''renewable'' and insert ''tribal''.

On page 109, line 12, insert ''and nonrenewable'' after ''renewable''.

On page 109, line 14, insert ''and nonrenewable'' after ''renewable''.

On page 115, between lines 3 and 4, insert the following:

Subtitle B—Energy Development

SEC. 411. DEFINITIONS.

In this subtitle:

(1) FUND.—The term ''Fund'' means the Joint Energy Development Feasibility Fund established under section 412(g).

(2) INDIAN LAND.—

(A) IN GENERAL.—The term ''Indian land'' means any land within the limits of—

(i) any Indian reservation, pueblo, or rancheria; or

(ii) a former reservation in Oklahoma;

which is held in trust by the United States or subject to Federal restriction upon alienation.

(B) LANDS IN ALASKA.—Land in Alaska owned by an Indian tribe, as that term is defined in this subsection (3), shall be considered to be Indian land.

(3) INDIAN TRIBE.—

(A) IN GENERAL.—The term ''Indian tribe'' means any Indian tribe, band, nation or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) (43 U.S.C. 1601 et seq.) which is eligible to receive services provided by the United States because of their status as Indians.

(B) TRIBAL CONSORTIA.—For purposes of this Act only, the term ''Indian tribe'' includes a consortium of Indian entities described in subparagraph (A).

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

SEC. 412. INDIAN ENERGY DEVELOPMENT DEMONSTRATION PROJECT.

(a) PURPOSE.—The purpose of this section is to authorize the Secretary of the Interior to establish an Indian energy development demonstration project to—

(1) promote the energy self-sufficiency of the United States by encouraging the development of energy resources on Indian land;

(2) enable and encourage Indian tribes to take advantage of energy opportunities by expediting the procedures for entering into energy development agreements with respect to Indian land;

(3) meet the energy needs of members of Indian tribes by encouraging the development of energy resources on Indian land; and

(4) protect the environmental and economic interests of Indian tribes and communities located adjacent to Indian land.

(b) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term ''demonstration project'' means the demonstration project carried out by the Secretary under subsection (c)(1).

(2) DEVELOPMENT PLAN.—The term ''development plan'' means a comprehensive Indian energy development plan described in subsection (d)(1).

(3) ENERGY RESOURCE.—The term ''energy resource'' means a renewable or nonrenewable source of energy.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a demonstration project to provide for the development of energy sources on Indian land.

(2) SELECTION OF PARTICIPATING TRIBES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in accordance with such application and review procedures as the Secretary, in consultation with interested Indian tribes, shall establish, the Secretary may select not more than 25 Indian tribes to participate in the demonstration project.

(B) ADDITIONAL TRIBES.—In addition to the Indian tribes selected under subparagraph (A), the Secretary may select an additional 5 Indian tribes for each fiscal year after the date of expiration of the 1-year period referred to in subparagraph (A).

(C) APPLICATION.—An Indian tribe that seeks to participate in the demonstration project shall submit to the Secretary an application that includes—

(i) certification by the governing body of the Indian tribe that the Indian tribe has requested to participate in the demonstration project; and

(ii) a description of the reasons why the Indian tribe seeks to participate in the demonstration project, including an overview of the types of energy development projects and activities that the Indian tribe anticipates will be carried out on the Indian land of the Indian tribe under the demonstration project.

(d) COMPREHENSIVE INDIAN ENERGY DEVELOPMENT PLANS.—

(1) IN GENERAL.—The Secretary shall require each Indian tribe that participates in the demonstration project to submit to the Secretary for approval a comprehensive Indian energy development plan that—

(A) describes the manner in which the Indian tribe intends to govern activities of the Indian tribe with respect to energy sources on the Indian land of the Indian tribe;

(B) includes information relating to—

(i) the siting of energy facilities on the Indian land of the Indian tribe; and

(ii) the granting of rights-of-way for any energy-related purposes;

(C) describes how the Indian tribe will protect the environment on its land in conjunction with the development of its energy sources; and

(D) describes any proposed actions by the Indian tribe that would require approval under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

(2) PLAN APPROVAL.—

(A) GUIDELINES.—The Secretary, taking into consideration the purposes of this section, shall develop guidelines for the approval of development plans.

(B) ACTION BY THE SECRETARY.—

(i) IN GENERAL.—The Secretary shall approve or disapprove a development plan not later than 120 days after the Secretary receives the development plan.

(ii) FAILURE TO ACT.—If the Secretary fails to approve or disapprove a development plan within time period specified in clause (i), the development plan shall be considered to be approved.

(C) AGREEMENTS.—Notwithstanding any other provision of law, after approval by the Secretary of a development plan of an Indian tribe, the Indian tribe, without further approval by the Secretary, may enter into 1 or more agreements for the development of energy sources in accordance with the development plan.

(e) FEDERAL LIABILITY.—The Secretary shall not be liable for any action taken, or any failure to act, by any Indian tribe or other person in accordance with a development plan under paragraph (2), unless the Secretary, in approving the plan, has violated the trust responsibility to that Indian tribe.

(f) REPORT TO CONGRESS.—Not later than 30 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, a report that—

(1) describes the implementation and effectiveness of the demonstration project; and

(2) includes any recommendations of the Secretary relating to administrative, statutory, or other changes that are considered by the Secretary to be necessary to achieve the purposes specified in subsection (a).

(g) JOINT ENERGY DEVELOPMENT FEASIBILITY FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ''Joint Energy Development Feasibility Fund''.

(2) USE OF FUND.—The Secretary may use amounts in the Fund to—

(A) provide loans to Indian tribes to assist in—

(i) identifying energy development opportunities on Indian land;

(ii) preparing and implementing comprehensive Indian energy development plans; and

(iii) carrying out other activities consistent with the purposes of this subtitle; and

(B) make grants to Indian tribes to assist in the establishment of multi-tribal energy consulting and energy development corporations to assist Indian tribes in preparing or implementing comprehensive Indian energy development plans.

(3) INDIAN ENERGY DEVELOPMENT REGISTRY.—In consultation with the Indian tribes, the Secretary shall compile an Indian Energy Development Registry to serve as an electronic database identifying energy sources on Indian land. Prior to any related information being included in the Registry, the Secretary shall seek and secure the approval of the appropriate Indian tribe.

(4) REPAYMENT OF LOANS.—Under terms and conditions approved by the Secretary, an Indian tribe that receives a loan from the Fund shall repay the loan from the proceeds of an energy development project facilitated by the loan.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 413. LAND ACQUISITIONS FOR PURPOSES OF ENERGY DEVELOPMENT.

(a) APPLICATION.—

(1) IN GENERAL.—On submission, in accordance with section 5 of the Act of June 18, 1934 (25 U.S.C. 465), by an Indian tribe to the Secretary of an application to take land into trust for the purpose of energy development, the Secretary shall approve the application if the application meets the requirements described in paragraph (2).

(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are that—

(A) the land that is proposed to be taken into trust under the application is located within the exterior boundaries of the Indian land of an Indian tribe;

(B) the land is proposed to be taken into trust only for purposes consistent with this section; and

(C) the application contains provisions that waive any rights of the Indian tribe that submitted the application, or any other Indian tribe, to conduct gaming activities on the land in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(b) APPROVAL.—If the Secretary does not approve or disapprove an application submitted by an Indian tribe under subsection (a) within the 120-day period beginning on the date of submission of the application, the

application shall be considered to be approved.

SEC. 414. ENERGY ASSET PRODUCTIVITY ENHANCEMENT.

(a) FEDERAL WATER AND POWER PROJECTS INVENTORY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete, publish in the Federal Register, and submit in accordance with paragraph (2) a report on, an inventory of all federally-owned water projects and power projects that are—

(A) under the jurisdiction of the Secretary; and

(B) located on Indian land.

(2) REPORT.—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report that—

(A) describes the results of the inventory completed under paragraph (1);

(B) identifies potentially transferable water projects and power projects contained in the inventory completed under paragraph (1); and

(C) includes options recommended by the Secretary for the eventual ownership, management, operation, and maintenance of those projects by Indian tribes (including ownership, management, operation, and maintenance in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)).

(b) FEDERAL TRANSFERS.—

(1) IN GENERAL.—After publication of the inventory under subsection (a)(1), and on the request of an Indian tribe, the Secretary shall transfer the ownership of any water project or power project to the Indian tribe if—

(A) the project is—

(i)(I) owned by the United States; and

(II) under the administrative jurisdiction of the Secretary; and

(ii) located on the Indian land of the Indian tribe;

(B) the Indian tribe agrees to hold the United States harmless for any liability relating to ownership, management, operation, and maintenance of the project by the Indian tribe; and

(C) the Secretary determines that the transfer—

(i) is in the best interests of the United States and the Indian tribe; and

(ii) would not be detrimental to local communities.

(2) NO CHANGE IN PURPOSE OR OPERATION.—No transfer of a water project or power project under paragraph (1) shall authorize any change in the purpose or operation of the project.

SEC. 415. REVIEW OF PROVISIONS RELATING TO ENERGY ON INDIAN LAND.

(a) FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete, and submit to Congress in accordance with paragraph (2) a report on, a review of the royalty system for oil and gas development on Indian land—

(A) under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); and

(B) in accordance with leases of Indian land that involve the development of oil or gas resources on that land.

(2) REPORT.—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the findings made by the Secretary as a result of the review under paragraph (1);

(B) an analysis of—

(i) the barriers to the development of energy sources on Indian land; and

(ii) the best means of removing those barriers; and

(C) recommendations of the Secretary with respect to measures to—

(i) increase energy production on Indian land;

(ii) maximize revenues to Indian tribes and members of Indian tribes from that energy production; and

(iii) ensure the timely payment of revenues from that energy production.

(3) RECOMMENDATIONS.—The Secretary shall implement the recommendations described in paragraph (2)(C) for which the Secretary has implementation authority.

(4) IMPACTS ON INDIAN LAND.—Notwithstanding the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), an Indian tribe shall be eligible for assistance to mitigate the effects of exploration, extraction, and removal of oil or gas on Indian land to the same extent as a State is eligible for assistance for exploration, extraction, or removal of oil and gas on State land.

(b) INDIAN MINERAL DEVELOPMENT ACT REVIEW.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete, and submit to Congress in accordance with paragraph (2) a report on, a review of all activities that have been conducted on Indian land under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

(2) REPORT.—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the findings made by the Secretary as a result of the review under paragraph (1);

(B) an analysis of—

(i) the barriers to the development of energy sources on Indian land; and

(ii) the best means of removing those barriers; and

(C) recommendations of the Secretary with respect to measures to—

(i) increase energy production on Indian land; and

(ii) maximize the opportunities to develop those energy sources.

(3) RECOMMENDATIONS.—The Secretary shall implement the recommendations described in paragraph (2)(C) for which the Secretary has implementation authority.

SEC. 416. ENERGY EFFICIENCY AND CONSERVATION IN INDIAN HOUSING.

(a) FINDING.—Congress finds that the Secretary of Housing and Urban Development should promote energy conservation in housing located on Indian land that is assisted with Federal resources through—

(1) the use of energy-efficient technologies and innovations (including the procurement of energy-efficient refrigerators and other appliances);

(2) the encouragement of shared savings contracts; and

(3) other similar technologies and innovations considered appropriate by the Secretary of Housing and Urban Development.

(b) ENERGY EFFICIENCY IN ASSISTED HOUSING.—Section 202(2) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(2)) is amended by inserting ''improvement to achieve greater energy efficiency,'' after ''planning,''.

(c) TECHNICAL ASSISTANCE TO NONPROFIT AND COMMUNITY ORGANIZATIONS.—The Secretary of Housing and Urban Development, in cooperation with Indian tribes or tribally-designated housing entities of Indian tribes, may provide, to eligible (as determined by the Secretary of Housing and Urban Development) nonprofit and community organizations, technical assistance to initiate and expand the use of energy-saving technologies in—

(1) new home construction;

(2) housing rehabilitation; and

(3) housing in existence as of the date of enactment of this Act.

(d) REVIEW.—The Secretary of Housing and Urban Development and the Secretary of the Interior, in consultation with Indian tribes or tribally-designated housing entities of Indian tribes, shall—

(1) complete a review of regulations promulgated by the Secretary of Housing and Urban Development and the Secretary of the Interior to determine any necessary and feasible measures that may be taken to promote greater use of energy efficient technologies in housing for which Federal assistance is provided under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.);

(2) develop energy efficiency and conservation measures for use in connection with housing that is—

(A) located on Indian land; and

(B) constructed, repaired, or rehabilitated using assistance provided under any law or program administered by the Secretary of Housing and Urban Development and the Secretary of the Interior, including—

(i) the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(ii) the Indian Home Improvement Program of the Bureau of Indian Affairs; and

(3) promote the use of the measures described in paragraph (2) in programs administered by the Secretary of Housing and Urban Development and the Secretary of the Interior, as appropriate.

SA 3138. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 191, strike lines 8 through 11 and insert the following:

''(4) CELLULOSIC BIOMASS ETHANOL.—

''(A) IN GENERAL.—For the purpose of paragraph (2)—

''(i) except as provided in clause (ii), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel; and

''(ii) 1 gallon of cellulosic biomass ethanol shall be considered the equivalent of 2 gallons of renewable fuel if the cellulosic biomass ethanol is derived from agricultural residues.

''(B) CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE.—

''(i) IN GENERAL.—The Secretary of Energy may make grants to merchant producers of cellulosic biomass ethanol to assist such producers in building eligible facilities for the production of cellulosic biomass ethanol.

''(ii) ELIGIBILE FACILITIES.—A facility shall be eligible to receive a grant under this paragraph if the facility—

''(I) is located in the United States; and

''(II) uses cellulosic biomass ethanol feed stocks derived from agricultural residues.

''(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph such sums as may be necessary for fiscal years 2003, 2004, and 2005.''.

SA 3139. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 204, strike line 15 and all that follows through page 205, line 8 and insert the following:

''Notwithstanding any other provision of federal or state law, a renewable fuel, as defined by this Act, used or intended to be used as a motor vehicle fuel, or any motor vehicle fuel containing such renewable fuel, shall be subject to liability standards no less protective of human health, welfare and the environment than any other motor vehicle fuel or fuel additive.''.

SA 3140. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike Title III and insert the following:

SEC. 301. ALTERNATIVE CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Powers Act (16 U.S.C. 797) is amended by adding at the end the following:

''(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States under subsection (e), and the Secretary of the department under whose supervision such reservation falls (in this subsection referred to the 'Secretary') shall deem a condition to such license to be necessary under the first proviso of such section, the license applicant may propose an alternative condition.

''(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the license applicant, that the alternative condition—

''(A) provides for the adequate protection and utilization of the reservation; and

''(B) with either—

''(i) cost less to implement, or

''(ii) result in improved operation of the project works for electricity production as compared to the condition initially deemed necessary by the Secretary.

''(3) The Secretary shall submit into the public record of the Commission proceeding with any condition under subsection (e) or alternative condition it accepts under this subsection a written statement explaining the basis for such condition, and reason for not accepting any alternative condition under this subsection, including the effects of the condition accepted and alternatives not accepted on energy supply, distribution, cost, and use, air quality, flood control, navigation, and drinking, irrigation, and recreation water supply, based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others.

''(4) Nothing in this subsection shall prohibit other interested parties from proposing alternative conditions.''

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

(1) inserting ''(a)'' before the first sentence; and

(2) adding at the end the following:

''(b)(1) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under this section, the license applicant or the licensee may propose an alternative to such prescription to construct, maintain, or operate a fishway.

''(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the licensee, that the alternative—

''(A) will be no less protective of the fishery than the fishway initially prescribed by the Secretary; and

''(B) with either—

''(i) cost less to implement, or

''(ii) result in improved operation of the project works for electricity production as compared to the fishway initially prescribed by the Secretary.

''(3) The Secretary shall submit into the public record of the Commission proceeding with any prescription under subsection (a) or alternative prescription it accepts under this subsection a written statement explaining the basis for such prescription, and reason for not accepting any alternative prescription under this subsection, including the effects of the prescription accepted or alternative not accepted on energy supply, distribution, cost, and use, air quality, flood control, navigation, and drinking, irrigation, and recreation water supply, based on such information as may be available to the Secretary, including information voluntarily provided in a timely manner by the applicant and others.

''(4) Nothing in this subsection shall prohibit other interested parties from proposing alternative prescriptions.''

SA 3141. Mr. DORGAN (for himself, Ms. CANTWELL, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2917 by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, after line 10, insert:

SEC. 824. FUEL CELL VEHICLE PROGRAM.

Not later than one year from date of enactment of this section, the Secretary shall develop a program with timetables for developing technologies to enable at least 100,000 hydrogen-fueled fuel cell vehicles to be available for sale in the United States by 2010 and at least 2.5 million of such vehicles to be available by 2020 and annually thereafter. The program shall also include timetables for development of technologies to provide 50 million gasoline equivalent gallons of hydrogen for sale in fueling stations in the United States by 2010 and at least 2.5 billion gasoline equivalent gallons by 2020 and annually thereafter. The Secretary shall annually include a review of the progress toward meeting the vehicle sales of Energy budget.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I seek the unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April, 17, 2002, at 2 p.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on subsistence hunting and fishing issues in the State of Alaska.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 17, 2002, at 2:30 p.m., to hold an open hearing on the nomination of John L. Helgerson to be Inspector General of the Central Intelligence Agency.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on ''Should the Office of Homeland Security Have More Power? A Case Study in Information Sharing'' on Wednesday, April 17, 2002, at 9:30 a.m., in Dirksen 226.

Witness List

Panel I: Mr. Vance Hitch, Chief Information Officer, Department of Justice, Washington, DC; Mr. Eugene O'Leary, Acting Assistant Director for the Information Resource Division, Federal Bureau of Investigation, Washington, DC; and Mr. Scott Hastings, Deputy Associate Commissioner for Information Resources, Immigration and Naturalization Service, Washington, DC.

Panel II: Mr. Leon Panetta, Director, Panetta Institute, Monterey Bay, California; Mr. George J. Terwilliger III, Partner, White & Case, Washington, DC; Mr. Philip Anderson, Senior Fellow, International Security Program, Center for Strategic and International Studies, Washington, DC; and Mr. Paul C. Light, Vice President and Director, Governmental Studies, Brookings Institute, Washington, DC.

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

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

the Judiciary Subcommittee on the Constitution, Federalism & Property Rights be authorized to meet to conduct a hearing on ''Applying the War Powers Resolution to the War on Terrorism,'' on Wednesday, April 17, 2002, at 2 p.m., in SD–226.

Panel: Mr. John Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, Washington, DC; Mr. Louis Fisher, Senior Specialist in Separation of Powers, Congressional Research Service, Library of Congress, Washington, DC; Mr. Alton Frye, Presidential Senior Fellow and Director, Program on Congress and Foreign Policy, Council on Foreign Relations, Washington, DC; Mr. Michael Glennon, Professor of Law and Scholar in Residence, The Woodrow Wilson International Center for Scholars, Washington, DC; Mr. Douglas Kmiec, Dean of the Columbus School of Law, The Catholic University of America, Washington, DC; Ms. Jane Stromseth, Professor of Law, Georgetown University Law Center, Washington, DC; and Ms. Ruth Wedwood, Edward B. Burling Professor of International Law and Diplomacy, Yale Law School and The Paul H. Nitze School of Advanced International Studies, Washington, DC.

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

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent an intern in my office, Tanya Balsky, be allowed privileges on the floor for the day.

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

Mrs. MURRAY. I ask unanimous consent that Christopher Jackson, a fellow in my office, be granted the privilege of the floor for the duration of the debate on the energy bill, S. 517.

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

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the statement of the Senator from Alaska, which is for debate only, as we have discussed.

Mr. MURKOWSKI. Mr. President, reserving the right to object, I have been notified there may be another Republican who will speak.

Mr. REID. I am going to include that.

If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the statements of the Senator from Alaska, Mr. MURKOWSKI, and the Senator from Texas, Mr. GRAMM, and that their statements be for debate only.

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

Mr. REID. Mr. President, let me take a minute and say I appreciate very much the courtesy of the Senator from Alaska. He has been here for days. With his courtesy, I can go home a couple hours before he can, and I appreciate that very much.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. MURKOWSKI. I thank my good friend, the majority whip from Nevada. I am sure at some point in time the situation will be reversed, and we will be on a Nevada issue of some torturous nature, Yucca Mountain or some such issue, and he will be here through the evening time.

I recognize the hour is late, and I also recognize the issue before us is the crux of the energy debate. It is the so-called lightning rod known as ANWR.

It has been interesting to be here today and participate with a number of Senators, almost all of whom have never been to my State and visited ANWR. They certainly had some strong opinions about it. One has to question where those opinions may have come from, but I am sure they meant well and their own convictions as they stated them were reflective of information they had.

I am going to spend a little time tonight on information and education. Make no mistake about it, Mr. President, you and I both know we are speaking to an empty Chamber. On the other hand, I appreciate the courtesy of your attention and that of the staff who is still with us.

We have a different audience out there, and we do not know who they are, but I think it is fair to say that from the debate here, a lot of Members of this body are not too well informed on the factual issues in my State of Alaska. Senator STEVENS and I have attempted to change that by a characterization that we think is representative of the facts associated with resource development in our State.

I hope as we address whatever audience may be out there, that they, too, recognize certain realities of those of us who have been elected by our constituents to represent their interests. It is in that vein that I speak to you tonight, Mr. President.

I guess this all started in the sense of a slippery slope when Republicans lost control of this body. We had a vote on ANWR in 1995. It passed in the omnibus bill. President Clinton vetoed it. At that time, control of the Senate was in Republican hands, 55 to 45. Now it is 50 to 49 in favor of the Democrats. This is a clear reality, and I am sure it will be reflected in the cloture votes tomorrow.

One could say that the salvation of ANWR is pretty much directed by the Republican Party. That certainly has been the case in the past, and it appears to be the case today. We will see where it is tomorrow.

The last time we had an ANWR vote, it was a simple majority. We were not faced with a cloture vote. We were not faced with having to overcome 60 votes. Equity is equity and rules are rules, and I understand that. But the manner in which this occurred is particularly offensive to me because I happened to be at the beginning of this year the chairman of the Energy and Natural Resources Committee. One of my goals, of course, was to present before that committee that I chaired the ANWR amendment, debate it, and vote it out.

Then we had a little change of structure in the Senate in June and, as a consequence, the Republicans lost control of the Senate. I still had hopes because some of my Democratic friends had actually visited ANWR and they were convinced it could be opened up safely. As a consequence of the chronology of that, I had assumed we would take up the energy bill in the committee of jurisdiction, debate it, come up with amendments, and present it on the floor of the Senate.

Had that been done, we would not have been required to have a 60-vote point of order on a cloture vote, and we all know that, but that was not the case because I can only assume through a recognition of the exposure that the Republicans had lost control of the Senate and the recognition of the availability of the rules that the Democratic leadership found a way to get around that.

What they did is they simply took the energy bill away from the committee of jurisdiction and proceeded to introduce it on the floor of the Senate, as is the prerogative of the majority leader.

Whether it is crooked or not, whether you feel bad or not, it is within the rules of this body and, as a consequence, it was done.

That presented the dilemma that Senator STEVENS and I faced in proceeding. It was a little more complex than that because it put a burden on other Members, as well, because the other Members clearly, as we got into the intricacies of the energy bill, were faced with an educational process of electricity, alternative energy sources, some relatively complex issues that ordinarily would be addressed in the vein of the committee process, and go to the floor with specific recommendations and block bases of support.

In any event, to get to the bottom line, we are faced with the reality that we now need 60 votes because it was structured that way. There was no other way to avoid it because we simply could not get a simple majority vote for the reason we had to add the ANWR amendment in, and in so doing, we were under the exposure of cloture.

Had it been in the bill, we would have been faced with the much more favorable alternative of a simple majority. So that is where we are today.

I think it is important to reflect a little bit on where the amendments are relative to what is before us. As I think

everyone is quite familiar with by now, we have a second degree, and the second degree is very specific in its recognition of what it does. It specifically states that any proceeds from the development of ANWR, which would result from the leases and the royalty bids, would go to the steel industry.

I think the rationale for this is quite evident. The steel industry is in a difficult position. We have seen a decline of that industry. People have indicated from time to time there are a couple of things we have to have as a nation. One is steel. One is energy. One is food. We have seen our steel industry reduced dramatically in the last couple of decades to the point where the viability of the American steel industry is clearly in question.

What we had was an opportunity to meld two projects together. This would address jobs, this would address the opportunity to revitalize the American steel industry, because, as has been pointed out, with the discovery of natural gas in Prudhoe Bay, we came across about 36 trillion cubic feet of natural gas.

I am going to point out the general area of Prudhoe Bay. As a consequence of that discovery of gas, the question was: When and how can it be developed?

It was found as a consequence of developing the Prudhoe Bay oilfield. As we developed the oilfields, we found more gas. We did not have any way to take that gas to market. So we began to develop some proposals.

The blue line on the chart indicates the proposed route of the TransAlaska gasline. That line is estimated to be about 3,000 miles long. It would go ultimately to the Chicago city gate. It would move about 4 billion cubic feet a day and have a capacity of about 6 billion cubic feet a day. I have to be careful with the numbers because the design capacity is in the trillions. The movement per day is in the billions.

As a consequence, it would be the largest construction project ever undertaken in North America. The cost is estimated to be about $20 billion.

We have had some experience because we built an oil pipeline that traversed a significant portion of Alaska. That oil pipeline is seen on this particular chart. It goes from Prudhoe Bay to Valdez. All of that pipe came from Japan, Korea, and Italy. Why? Because we did not make 48-inch oil pipe.

With this other proposal I have outlined, the obvious opportunity for the American steel industry, for rejuvenation, is, who is going to make this pipe? This is going to be 52-inch pipe. It is going to be X–80 to X–100 steel. That is the tinsel strength of the steel. The significance of that is obvious. Somebody is going to build it. If it is not built in America, where is it going to be built? I assume Japan, Korea, Taiwan perhaps.

Is there a way we could build that steel in this country, stimulate the rejuvenation of the industry and, as a consequence of the opportunity, recognize that we were probably going to generate somewhere between $10 billion and $12 billion over 30 years from the royalties and lease sale of ANWR? Why not put it into the steel industry?

The second-degree amendment that is pending and will be voted on first tomorrow, which should be of great interest to the steel industry and the unions, as well as some 600,000 current retirees who, I understand, are in jeopardy of losing their health care benefits, would be an opportunity to address that.

We structured a revenue split for the second-degree amendment. Initially, it would contribute to the steel legacy program approximately $8 billion. Recognizing that there is a shortfall in the United Coal Mine Workers combined benefit funds, there was a proposal that a billion dollars would go into that fund.

Some people are going to criticize this and say this is a way to buy votes; this is a way to take money from the Federal Treasury.

I encourage Members to reflect a little bit on what our obligation is to those who depend on Medicare. Many of those people will fall into that category, if they are not already there. Obviously, we have an obligation to consider how to take care of those that have contributed into retirement funds and found those funds not adequately funded for the benefits.

So as we address the merits of how this effort is structured, we should consider a more positive contribution, and that is the $232 million that is proposed for commercial grants for the retooling of the industry so they can address competitively a large project like the $5 billion natural gas pipeline, some 3,000 miles of pipeline.

Further, there was funding for $155 million of labor training. There was also another $160 million for conservation programs, for maintenance of park and habitat restoration. That is what the second-degree amendment is all about. It says the money that is recognized from the sale of leases and royalties from ANWR, which is Federal land, will go back and rejuvenate the steel industry so it can get back on its feet and again address its opportunity to participate in the continued development of steel products in this country as opposed to having them imported.

As the Presiding Officer knows, this administration just granted a 30-percent protective tariff on steel. So clearly they have an opportunity, they have kind of a comfort zone, if they are willing to recognize the benefits of this.

I understand some Members said we are going to take this up separately anyway, but the fallacy in that argument is where is the money going to come from? There is no identification of the funds. If we do not open ANWR, we are not going to have that availability of this $10 billion to $12 billion. What is going to be done about rejuvenating the steel industry? What is going to be done about the prospects of a major order for 3,000 miles of pipe? I guess we will just shrug and say: Well, there goes another contract overseas that could have been done by American labor.

So that is the second degree we are going to be voting on first tomorrow.

In line with that, I have been handed a letter from PHIL ENGLISH and BOB NEY, both Members of Congress:

U.S. CONGRESS,
Washington, DC April 17, 2002.

Hon. TED STEVENS,
Senator, Washington, DC.

DEAR SENATOR STEVENS: We write as members of the House with a strong interest in the steel industry to convey our strong support of your efforts to resolve the legacy cost burden of the domestic steel industry, and especially your efforts to assist the steel industry's retirees and their dependents.

As you know, the domestic steel industry has significant unfunded pension liabilities as well as massive retiree health care responsibilities that total $13 billion and cost the steel industry almost $1 billion annually. These pension and health care liabilities pose a significant barrier to steel industry consolidation and rationalization that could improve the financial condition of the industry and reduce the adverse impact of unfairly traded foreign imports.

It has come to our attention that a unique opportunity has arisen in the Senate to remove this barrier to rationalization while assisting the retirees, surviving spouses, and dependents of the domestic steel industry. It is our understanding that you have offered an amendment to the energy bill this week which will break the impasse on the legacy problem.

Once again, we would like to extend our wholehearted support to you in this endeavor. We look forward to working with you to find a viable solution to bring a sense of security to the over 600,000 retirees, surviving spouses, and dependents before the end of the 107th Congress.

Sincerely,

Phil English, Bob Ney, Steven LaTourette, Robert Aderholt, George Gekas, Jack Quinn, John Shimkus, Frank Mascara, Ralph Regula, Alan Mollohan, William Lipinski, and Melissa Hart.

Mr. MURKOWSKI. There is an expression from a dozen or so House Members saying this is an opportunity. You might not get it again. We have identified significant funding to rejuvenate the steel industry, take care of the retirees, and put it back on its feet.

As we address the amendment, I want to make sure everybody understands what is in it. There have been generalizations from the other side that this is simply a second-degree amendment which takes any funds that would open up ANWR and provides for the rejuvenation of the steel industry, while the first degree would be an up-down vote on opening ANWR.

First of all, this amendment does not open ANWR. ANWR would only be opened if our President certifies to Congress that the exploration, development, and production of oil and gas resources in the ANWR Coastal Plain are in the national economic and security interests of the United States.

It is pretty simple. The President of the United States has to certify that

the ANWR Coastal Plain should be open. Then the Secretary of the Interior will implement a leasing program. Then the following will apply.

I don't want to hear any more that this is an up-down vote to open ANWR. It is to give our President extraordinary authority, almost a declaration of war. Don't we trust him and his Cabinet to make a determination that this is in the national security interests of this Nation? I certainly trust our President to make that finding. The President has to certify to us, the Congress, that exploration, development, and production are in the national economic and security interests. I can state now it is certainly in the national security interests relative to the situation in the Middle East where we are 58-percent dependent on imported oil. I will get into that later. The stimulation of the steel industry alone substantiates that particular cover.

We will look at what is in this. There is a Presidential finding. The President has the authority. We are giving it to him. He has to come to Congress and certify, again, production is in the national economic and security interests.

We have mandated a 2,000-acre limitation on surface disturbance. It is that simple. That is what it means, 2,000 acres. We have an export ban. Oil from the refuge cannot be exported.

I heard a conversation the oil will be exported or has been exported. The natural market for Alaskan oil is the west coast of the United States. We have a chart that demonstrates where Alaskan oil goes. It goes to the nearest refining areas. This chart shows Alaska and Valdez. It shows it goes to Puget Sound in the State of Washington, it goes to San Francisco, Los Angeles, and some to Hawaii. We do not see a line to Japan. We exported some to Japan. It was excess to the west coast refineries. That is the economics of it. Why send it further? Can you get more for it? That is kind of hard to figure because you bring it over from Iraq or from Saudi Arabia when you have it in proximity relative to Alaska.

The other thing unique about this oil, it could only go in U.S. ships because of the Jones Act, mandating carriage between two American ports be in U.S.-flagged vessels. These are American jobs. Every one of the ships was built in a U.S. yard. Every one of those is crewed by U.S. crews and carries an American flag. And 85 percent of the total tonnage in the American merchant marine is in the Alaskan oil trade. Bring oil from Saudi Arabia, you could bring it from Iraq, you can bring it in a foreign ship. What happens in Seattle, Puget Sound, San Francisco, Los Angeles? Talk about all the conservation you want, but you will still bring oil because the world and America moves on oil. That is the only transportation method.

This issue of export is not a factor because it is banned. It says it cannot be exported, with one exception, and that is to Israel. We have had with Israel an oil supply agreement that expires in the year 2004. We are extending that to the year 2014.

Where is the Israeli lobbying group? I will throw a few in the Record: the Zionist Organization of America, Americans For A Safe Israel, B'Nai B'rith International.

I ask unanimous consent these letters be printed in the RECORD.

Thee being no objection, the letters were ordered to be printed in the RECORD, as follows:

ZIONIST ORGANIZATION OF AMERICA,
New York, NY, November 26, 2001.

Hon. FRANK MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: On behalf of the Zionist Organization of America—the oldest, and one of the largest, Zionist movements in the United States—we are writing to express our strong support for your efforts to make our country less dependent on foreign oil sources, by developing the oil resources in Alaska's Arctic National Wildlife Refuge.

At time when our nation is at war against international terrorism, it is more important than ever that we work quickly to free ourselves of dependence on oil produced by extremist dictators. Such dependence leaves the United States dangerously vulnerable.

Your initiative to develop the vast oil resources of Alaska will make it possible to rid America of this dependence and thereby strengthen our nation's security.

Sincerely,

MORTON A. KLEIN,
National President.
DR. ALAN MAZUREK,
Chairman of the Board.
DR. MICHAEL GOLDBLATT,
Chairman, National Executive Committee.
SARAH STERN,
National Policy Coordinator.

AMERICANS FOR A SAFE ISRAEL,
New York, NY, November 30, 2001.

Attention: Brian Malnak
Hon. FRANK H. MURKOWSKI,
U.S. Senate Hart Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: Americans for a Safe Israel is a national organization with chapters throughout the country and a growing membership including members living in other countries. AFSI was founded in 1971, dedicated to the premise that a strong Israel is essential to Western interests in the Middle East.

We have many Middle East experts on our committees, who have authored texts on Israel and the Arab states and have appeared in television interviews, forums, and on newspaper op-ed pages. U.S. senators and representatives have been guest speakers at AFSI annual conferences.

Americans for a Safe Israel is strongly in support of your amendment which would permit drilling for oil in the ANWR area of Alaska. Your eloquence in addressing the Senate yesterday and this morning should have convinced the undecided that the arguments offered by senators in the opposition, or by environmental activists, are not based on the facts or realities in the ANWR and of our need for energy independence.

We at Americans for a Safe Israel would be pleased if you would include our organization among American Jewish organizations in support of your amendment regarding oil exploration in the ANWR.

Sincerely,

HERBERT ZWEIBON,
Chairman, Americans for a Safe Israel.

B'NAI B'RITH INTERNATIONAL,
Washington, DC, March 12, 2002.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write to you as the US Senate debates national energy legislation, a critical national security issue, in support of both modest Corporate Average Fuel Economy increases and the environmentally safe exploration and extraction of petroleum from the Arctic National Wildlife Refuge. Together Washington will lessen the nation's reliance on foreign energy sources, now estimated at close to 60 percent of our consumption.

We endorse the recent compromise proposal to bring required fuel economy ratings for vehicles—including sport utility vehicles now subject to a lower standard—up to 35 miles per gallon by 2015. As you know, under current federal regulations automakers are required to achieve an average of 27.5 mpg for new passenger cars, and only 20.7 mpg for new light-duty trucks. The reinstitution of a meaningful CAFE standard will serve as a hallmark of America's conservation policy; the National Academy of Sciences concluded recently that CAFE requirements have resulted in a savings of ''roughly 2.8 million barrels of gasoline per day from where it would be in the absence of CAFE standards.''

Similarly, it must be recognized that conservation alone is not a meaningful answer to the new realities our nation faces. Ending our dependency on oil and natural gas from dictorial regimes and authoritarian governments that actively sponsor international terrorist groups—including al-Qaeda and other movements that threaten our nation's most cherished principles—requires increasing domestic production, too. Such a plan includes exploration and extraction in the Arctic refuge. While B'nai B'rith International sympathizes with some of the environmental issues that have been raised regarding that area's future, we believe that, in wartime, our number one priority must be to take all credible steps necessary to protect our national security interests. Replacing up to 30 years worth of oil imports from Saudi Arabia or 50 years of oil imports from Iraq will provide critical leverage for American foreign policy in the years to come.

To be sure, it will be several years before both of these important proposals will have a discernable impact on US energy policy. At this time there is every reason to believe that we will still be fighting terrorists who seek to destroy our nation. Accordingly, it is imperative that both measures are enacted into law at the earliest opportunity so that by decade's end America will be less reliant on foreign energy and enjoy greater national security.

Sincerely,

RICHARD D. HEIDEMAN,
International President.

Mr. MURKOWSKI. A few of the national Jewish organizations recognize what is happening currently, and that is oil is funding terrorism.

We all remember September 11 when, for the first time, an aircraft was used as a weapon. Now we have statements from people such as Saddam Hussein. What is he saying? Oil is a weapon.

Are we contributing to those weapons? Yes, we are. Here is, currently, an

example. Perhaps it is extreme and perhaps a little inappropriate, but where and who funds the suicide bombers in Israel? We know who funds them. Oil. Who has the oil? Saddam Hussein. Saddam Hussein, via American oil purchase. When we go to the gas station, we should think of our responsibility because our responsibility goes beyond filling our gas tank. Where do we get some of our oil? There is 58 percent that comes from overseas.

How much do we get from Saddam Hussein currently? A million barrels. How much did we get September 11? It was 1.1 million on September 11, the highest of any other time.

This is off the Bank of Baghdad, $25,000, which is what he is paying the suicide bombers. He used to pay $10,000. That is an incentive that could reach our shores. That is some of the vulnerability we have as we look at the consequences of increasing our dependence on imported oil.

This Senator from Alaska understands we are not going to eliminate our dependence, but if we make a commitment, we will open ANWR; we will reduce our dependence; we will send a very strong message not only to Saddam Hussein but OPEC and that cartel over there. It is illegal to have a cartel in this country. That cartel over there, we are going to send them a message that we mean business about reducing our dependence.

Do you know what OPEC did not so long ago? They got together, had their cartel meeting, said we want the price to go up, and said we are going to put a floor and ceiling, $22 as a floor, $28 as a ceiling. How do they do it? By controlling the supply. It is just that simple because we are addicted to Mideast oil.

Here is another photo of our friend, Saddam Hussein. Here is where it comes from. It has been increasing all the time—1.1 million, that was from Energy Information, September 2001. Here is where we get our oil: Iraq, Persian Gulf, OPEC. American families are counting on them, I guess.

That is why we have to protect Israel. That is why we are extending, in this legislation, the U.S. oil supply arrangement through the year 2014.

Furthermore, we are going to increase wilderness. What we are going to do is we are going to take the 1002 area, which everybody has concluded is at great risk, although Alaskans believe it can be developed responsibly—that is 1.5 million acres—what we are going to do is add another 1.5 million from a refuge and put it in in perpetuity, so we are going to increase this wilderness area from about 9 million acres to about 10.5 million acres. We think that is a fair trade. Yet not one Member of the other side has acknowledged that is of any significance.

I can only assume the other side has been pretty well—I won't say brainwashed, but there have been some convincing arguments from our extreme environmental friends. Somehow, more wilderness is not the answer. It is simply to kill ANWR. And the rationale is obvious: ANWR has been a cash cow and these organizations have milked it for all it is worth.

To give some idea, we have a State that is pretty big. It is one-fifth the size of the United States. We have a map here that gives some idea of the comparison. This is a comparative scale. Alaska over the United States, the comparative scale, it will run roughly from Florida almost to California. It will run almost from the Canadian border to almost the Mexican border. It is a big chunk of real estate. I don't see anybody from Texas here, but it is 2.5 times the size of Texas.

It is a big piece of real estate, and it is an important piece of real estate, but it has a small population, a very small population. As we look at that population and recognize that over 75 percent support opening ANWR, we begin to reflect a little bit on what this debate is all about. It is all about a theory that there has to be somewhere, someplace, in the minds of a lot of Americans, that is untouched, where there is no footprint, that only the hand of God has caressed.

We all respect, obviously, the well-meaning environmental groups. But as far as our State is concerned, we believe we have been overexposed because a few years ago, we counted up the number of environmental groups that had offices in Alaska, primarily Anchorage. There were about 62. The last time I looked there were over 90. These are organizations that are located outside that have offices in Alaska. They have young environmental lawyers who are almost coming up to do a missionary commitment. They file an injunction on any project anywhere, a log dump, a driveway, wetlands—you name it.

As a consequence, we think we have done a pretty good job in Alaska. We think we have responsible development. We think Prudhoe Bay is the best oilfield in the world. I said in this Chamber time and time again: You might not like oilfields, but Prudhoe Bay is the best in the world.

Americans do not seem to care where their oil comes from as long as they get it. If it comes from the scorched Earth fields of Iraq or Iran, it doesn't make any difference. We can do it right. And we have done it right because Prudhoe Bay is the best in the world and it is 37-year-old technology.

We can go to newer fields such as Endicott, 53 acres—that is the footprint. How many acres do we have in Alaska, 356 million?

Here is a State far to the north. Most people have never been to it. Then in our State we have this Arctic area, the ANWR area way up in the top, that ANWR area. If you are going to take a trip up there, you better have $5,000 in your pocket or go on one of the environmental groups' funded trips because that is what it costs to get up after Fairbanks, charter into the area. Have somebody take care of you as you enjoy your wilderness experience because you just don't wander around in that area. It is very harsh.

Here we have this area in the northern part of the United States, and we have the extraordinary outside influences of these outside groups dictating terms and conditions. They made it a business because it is a big business. They generate millions of dollars in membership and dollars.

Why do they do it? Because it enhances their organizations. It gives them a cause, and they make a contribution. I am not suggesting they do not, but it has gotten to be a big business, and as a consequence Alaska is a little overexposed because if you look at this other chart, you can get an appreciation of what was done in 1980. We are recognizing all these areas of Alaska that are scratched in blue are Federal withdrawals. They are parks. They are wilderness. We have 56 million acres of wilderness, more than the entire State of California. We appreciate and manage our wilderness areas appropriately. But that is a pretty good chunk of Federal land to have withdrawn because you happen to be a public land State.

Maybe we should have cut a better deal when we came into the Union in 1959. Maybe we were a little naive. Maybe we trusted big government.

What we got is this, and this was the land claims settlement in 1980. What they did is they were very crafty. They said: All right, you have 356 million acres in your State. We think the State ought to have 104 million acres in the Statehood Compact. They said: Your Native people ought to have 40 million acres, so that leaves you with 250 million acres or thereabouts for the Federal Government.

Instead of letting the new State go ahead and select the land, automatically the lands were frozen under Carter. So the Federal Government got the first selection instead of the State. But here is what I want to point out.

You see that little red line? You see right in between the two blues? That is the only access our State has north and south, the only access, and that is where our pipeline has to go and that is where our gasline has to go because we cannot get access across Federal parks, wilderness areas—refuges. We cannot do it without congressional action and that is what we are doing right tonight. We are trying to get congressional action to open up that little oilfield up there.

That did not happen by accident. That did not happen on the free will of the people of Alaska. That was gerrymandered by people who did not want Alaska developed.

If you go east and west, you can see they almost crossed over. There are a few little areas—we have a mine now. Do you know how many mines we have in Alaska? We have one major gold mine, one major zinc and lead mine, and Red Dog, and at Greens Creek we

have a large silver mine. We have three major mines in this huge area. We used to have four times those in the State.

Do you know how many pulp mills we have? Zero. I don't know how many you have in New York, but I do know that New York cuts more wood for firewood than we cut as commercial timber in the State of Alaska. Yet we have the largest of all the national forests: 16 million acres in the Tongass—all this area. As a matter of fact, we live in the forests. Some people think we live in the dark forests. But Juneau, our State capital, is in the State forest. Ketchikan is in the forest; Wrangell, Petersburg, Haines, Skagway, Sitka, Yakutat, Cordova—they are in the forest.

(Mr. DAYTON assumed the Chair).

Mr. MURKOWSKI. Why didn't we get a land selection there? We thought we could trust the Forest Service. We thought we could work in harmony. We rue the day, but here it is, and we have to live with it. We have to come to the Congress and plead for understanding. We have to, as one State, take on the whole national environmental community that has one cause—stop development in Alaska, because of their membership and dollars.

What we have attempted to do in this amendment is add more wilderness—1.5 million acres. We are adding to the Coastal Plain, as the chart indicates.

What else do we do? We impose strict environmental protections in this legislation.

I don't hear anyone on the other side of the aisle commenting as to the adequacy or inadequacy.

We impose seasonal limitations to protect the denning migration of the animals.

Some ask: What about the polar bear? Are we going to protect the polar bear? The polar bear, for the most part, den on the ice. They do not den on land. The greatest protection we have for the polar bear is the marine mammal law. Polar bears are marine animals. You can't take them as trophies. You can't shoot them. If you want to shoot them, you go to Russia or Canada. But you can't do it in Alaska. These bears get along pretty well. You have seen this picture time and time again. You have been very patient. These are a few of the bears. They do not happen to be polar bears. They are grizzly bears and brown bears. They are walking on top of the pipeline because it is easier for them to walk on the pipeline. They are not threatened. You can't take a snow machine in there. You can't hunt in there. We think these are pretty responsible conservation efforts.

A further provision is that the leasers must reclaim the land and put it back to its prior condition. That means it has to be put back in its natural state.

What does it look like in Alaska after you drill a well? Let me show you what it looks like in the Arctic. The only problem is we only have about 2 ½ months where it looks like this. There is the tundra. There is the little Christmas tree. Where are they talking about these big gravel roads? It isn't done anymore. We use technology. That is it. It is a nice road. There is the well. It is pretty bleak country. Some people say you couldn't find oil in a better place. That is reality.

We require use of ice roads, ice pads, and ice airstrips for exploration. If the oil isn't there, you are not going to see a track. We prohibit public use on all pipeline access and service roads. We require no significant adverse effect on fish and wildlife and no significant impact. We require consolidation of facility siting. Tell me where in the world oil is developed that you have these kinds of restrictions.

Further, we give the Secretary of the Interior the authority to close areas of unique character at any time after consultation with the local community.

Here we have structure. There are two amendments. The second-degree amendment would fund rejuvenation of America's steel industry and address the steel legacy by funding so that our steel industry can resurrect itself, be internationally competitive, and participate in the largest construction project in the history of North America, the building of a 3,000-mile pipeline. The order alone is worth $5 billion.

The first-degree amendment opens the area up so that the leases can be sold and so that the funds can be designated—$8 billion to the legacy, $1 billion to the United Mine Workers, and commercial grants for $232 million to retool the industry; labor training, $115 million; and conservation for National Park Service maintenance and backlog, et cetera. We think that is pretty good balance.

We wish we had a few more days on this issue. We might be able to further communicate to the American public really what we are trying to do.

Again, the first-degree is not an authorization to open. We give that authority to the President. The President has the determination to open it.

We don't have the level of support we had hoped. It is pretty hard for one State to compete with national environmental groups. But we are not giving up because sooner or later ANWR will be opened.

I can only guess, as you can, the consequences of this vote tomorrow because we don't know what the future holds. We do know there is an inferno in the Mideast. We do know we are importing 58 percent of our oil. We know Saddam Hussein is obviously up to no good with the money he generates from oil sales to the United States. We know he pays his Republican Guards to keep him alive. We also know he is developing weapons of mass destruction. We just do not know when we are going to have to deal with it or how.

We are enforcing that aerial no-fly zone over Iraq. We have bombed them three times since the first of the year, and several times last year he attempted to shoot us down. We have the lives of our men and women at risk. We take his oil and go use it to bomb him. He takes our money, pays his Republican Guard to keep him alive, and he develops these weapons of mass destruction.

We look back to September 11 and say: Gee, if we had only had the intelligence, we would have averted that tragedy at the World Trade Center, the Pentagon, and saved the brave people in the aircraft as they tried to take it over before it went down in Pennsylvania.

We know there is a threat from Saddam Hussein. We don't know when or how. But do we wait?

These are grave responsibilities for our President and the Cabinet and the Joint Chiefs of Staff. These are real. But every time we go to the gas station, we are buying Iraqi oil—some of it, at least. He gets billions. What does he do with it?

Here is that check again. We know he is doing that. He has a reward out.

Where is the principle of the United States, for heaven's sake? Why do we succumb to do business with a tyrant? There is a principle involved here. If you or I were in business, we wouldn't do it. We would say: Hey, enough is enough. Let us send a message out here.

We can go down a million rabbit trails for excuses as to why we shouldn't or couldn't open this area. These are all things that are tied together. Some Members obviously don't want to talk too much about it because it is not a pleasant subject. But for the Israelis who are on a bus who are innocent bystanders, and suddenly a young woman gets on the bus rigged with a bomb, and it blows up, believe me, that is a set of facts. That is why so many of the Jewish organizations are saying enough is enough; we ought to stop importing from Iraq.

I have an amendment pending which I am going to bring up. We are going to have a vote on it because the leader gave me a commitment to have a vote on it—that we ought to sanction oil imports from Iraq. Isn't it rather ironic? He has already done it to us, because he said last week he was going to terminate production for 30 days. What happens? The supply goes down and the price goes up.

I don't know, but the way I read it, charity begins at home. We certainly should not be doing business with this guy just because we need more oil.

I know my critics will say: Well, Senator MURKOWSKI, you are not going to get any relief for awhile. I am talking about sending a message that we mean business about reducing our dependence on Iraq. That is going to be a strong message.

I have heard my colleagues on the other side saying that there is no significant potential in ANWR that would offset our imports. Let me show you a chart. We have lots of charts. This is

going to be a show and tell. We are probably going to go through every chart we have because this is probably going to be the only time we have that opportunity.

But this is a chart that shows what happened to imports when we opened Prudhoe Bay. This might be a little tricky, but let me just show you. The blue line at the bottom is Alaskan oil production from 1973 through 1999. We started small, and the blue line running across the chart shows the production, and then in 1977, more production—and then more production, more production. We were producing 2 million barrels a day. That was 25 percent of the total crude oil produced in the United States. That is how much it was.

As the blue line shows, in 1988, 1989, production at Prudhoe Bay began to decline. And it declined and declined, and now it is a little over a million barrels a day.

So what happened, as depicted by the red line, is interesting, though, because that shows our total imports. We started out, per the chart, at roughly 3 million barrels a day, and we kept going up and up and up; and then, suddenly, at the peak, we opened up Prudhoe Bay. So those who say ANWR is not going to make any difference, I defy them to counter this reality.

Look at what happened to our imports. They dropped. Why? Because we increased production domestically. We did not relieve our dependence on imported oil, no, not by any means, but we clearly reduced our imports.

Now, what has happened? And we have more conservation. You can go out and buy a 50-mile per gallon car. But we are using more. Why are we using more? Well, it is just the harsh reality that oil imports are taking place because other production in the United States is in decline, and we are using more oil. It is just a harsh reality.

As we look at this chart, we recognize that we can refute the generalization that ANWR isn't going to make any difference with the reality that it will make a difference. It will make a big difference.

So let's take that chart down and reflect on how much oil might be there.

We have had some discussion about the Energy Information Administration, the EIA, providing an analysis of the effect of ANWR on U.S. domestic oil production and the net imports of crude oil. And we have had it all over the ballpark.

From the EIA report of February 11, for purposes of addressing ANWR's impact on national security, crude oil imports—which is an accurate measure, since ANWR provides only crude oil—this is what they project regarding domestic production of ANWR. Assuming the U.S. Geological Service mean case for oil in ANWR, there would be an increase of domestic production of 13.9 percent.

I have heard the Senator from Massachusetts communicate some 3 percent. All I can do is submit for the RECORD the EIA USGS mean case of a 13.9-percent increase of domestic production.

Assuming the USGS high case for oil in ANWR—the high case is a 16-billion-barrel reserve—that would be a 25.4-percent increase in domestic production. That is a pretty big percentage. That is about 25 percent.

You have to put this in perspective. I have a hard time doing this with those in opposition because they do not want to sit still long enough to reflect on what this means.

How much oil is it?

For Washington, it is 66 years; for Minnesota, it is 85 years; for Florida, it is 30 years—this is a lot of oil—for New York, it is 35 years; for Rhode Island, 570 years; for Delaware, it is 46 years; for West Virginia, it is 260 years, for Maryland, it is 98 years; for the District of Columbia, it is 1,710 years; for Maine, it is 235 years. I could go on and on. You can all see your individual States. Where is Massachusetts on there? There it is: 87 years. I want to make sure Massachusetts gets in there. I do not want to leave Massachusetts out. For Alaska, it is 87 years.

So there is a lot of oil. But how does it compare, say, with my generalization that Prudhoe Bay has provided, for the last 27 years, somewhere between 20 and 25 percent of the total crude oil? Well, you can only do that by applying the projections associated with ANWR, which are somewhere between 5.6 billion and 16 billion barrels. If you take halfway—10 billion barrels—it is as big as Prudhoe Bay because Prudhoe Bay was supposed to be 10 billion barrels, but it produced 13 billion barrels. So it is significant, make no mistake about it. I want to put that argument to rest once and for all. It will make a difference in reducing our imports.

So, as we talk about this, and we find that most of the critics have never been there, and we look at some of the things that Alaska's oil development does for other States, such as providing them with a secure source of oil, that is defended by the U.S. Navy—I am talking about oil from Alaska and the west coast of the United States—it clearly is a reliable supply.

I have addressed the reality that Prudhoe Bay is the best oilfield in the world.

Do you remember the pictures in 1991, 1992, of the burning oilfields of Kuwait? The fleeing Iraqi troops set more than 600 of Kuwait's 940 oil wells ablaze with explosives and sabotage. Do we have any of those pictures with us? Yes. Do you want to see an oilfield burning, set fire to? Do you know who did it? Saddam Hussein. We have heard of him a couple times tonight, haven't we? Talking about a burn, that burn is all through. It is a tough reality. Was there wildlife there? Camels, goats, other wildlife once lived there. The land is dead. Yet this is where we choose to get our oil.

Our President told Iraqi President Saddam Hussein that the United States will deal with him soon if he continues to produce weapons of mass destruction. I am sure, Mr. President, both you and I have had an opportunity to be with President George W. Bush. I do not think there is any question he means what he says. He says the U.S. ''will deal with him soon'' if he continues to produce weapons of mass destruction.

I guess the question is, When and how?

In Alaska, in the United States, we have the most stringent environmental regulations on Earth. Maybe we are not doing it right, and maybe we can do better, but we are doing it better than anybody else.

Those who suggest that somehow Prudhoe Bay is a disaster fail to recognize that it is still the best oilfield in the world. I am proud to be an Alaskan. I am proud that we can make that commitment as a State because we have two levels of environmental oversight. The State Department's environmental conservation is very prudent, some think too prudent. And we have the Federal Environmental Protection Agency, and others. But they are doing their job, and they are doing the best job in the world because they are using the best technology in the world.

We have heard other Members talk about—I think Senator GRASSLEY—some of the history of Russian oil development. Anything goes. It is to get the oil. It doesn't make any difference how much you spill or how much you drill. Workers drill too fast, too many holes, don't make proper recovery. Do we have any charts on that?

How about this? You would never see anything like that in the United States. You would never see that in Alaska. There is a puddle of oil, a busted pipeline, a disaster.

Does the United States care where America gets its oil? Evidently, nobody really cares if it is there. If it is not there, they scream. If the price is too high, they scream. If they have to wait too long to get it, wait in line around the block, they blame Government.

Since the House passed their energy bill in August, which had a provision for opening ANWR—some say the House of Representatives is pretty representative—America has imported 231 million barrels of oil from Iraq. That fact disturbs me greatly, and I would hope it disturbs my colleagues and addresses their digestion. Some of that money went straight into Saddam's pocket. I would prefer 100-percent homegrown energy because we can do it safer and better here in the United States.

As this debate continues, I hope my colleagues will take a long and hard look at the alternatives to Alaskan oil because that is what they are and what it means to the environment on a global scale. Again, I hope they will recognize Alaskan oilfields are the best in the world.

I will add a little partisan reference here from the Wall Street Journal,

April 16, 2001, just the other day. It is entitled ''Labor Revolt.'' It says:

You might not see picket lines, but a chunk of America's labor movement is staging a notable walkout—against the Democratic Party. The trend is already having consequences in Congress and could echo through November and into 2004.

Leading the revolt is James Hoffa, head of the AFL–CIO's third largest union, the 1.4 million Teamsters. Mr. Hoffa has become a key and very public supporter of [President Bush's] energy plan, which is also backed by a coalition of carpenters, miners and seafarers. He has lobbied inside Big Labor for a more neutral political bent and his officials were recently overheard giving Democrats on Capitol Hill hell for killing jobs.

This gasline and ANWR are jobs issues.

Today, some 500 Teamsters will help present the Senate amendment to drill in the Arctic National Wildlife Refuge.

We had that press conference the other day. We had hundreds of laborers out front on the issue. We had, in addition to the Teamsters, my good friend Jerry Hood. We had Ed Sullivan, president of the Building and Construction Workers, the AFL–CIO, members of the Building Trades Union, the president of Operating Engineers, and the Seafarers Union.

They are concerned about two things: They are concerned about jobs, and, obviously, they are concerned about national security interests relative to our Nation and our Nation's continued dependence on foreign oil. It is very real.

That article goes on to say:

Meanwhile, the United Auto Workers, electricians and machinists have rebelled against Democrats on issues from fuel-efficiency standards to nuclear energy.

That is going to come up at another time as we debate the nuclear industry and the future of it and what we are going to do with our waste. I know my good friend Senator REID is going to be very active in that debate because that debate affects his State. I respect that set of circumstances.

The problem with nuclear waste is nobody wants it. If you throw it up in the air, it won't stay there. It has to come down somewhere. As a consequence, we can't agree where to put it.

In my opinion, there is an answer to it; that is, you reprocess it. By so doing, you recover the plutonium, put it back in the reactors, and you vitrify the waste, which obviously has very little ability for proliferation. That is what the Japanese are doing. That is what the French are doing. Do you know why we can't do it? Because we have such an active nuclear environmental lobby, we don't allow it. So we walk around saying, what in the world are we going to do with our waste? Where are we going to put it? Nobody wants it. Nevada says they don't want it. We have decided to put it there, and so all hell is going to break loose.

Anyway, United Auto Workers, electricians, and machinists have rebelled. Why have they rebelled? They are looking at jobs.

This article goes on to say that this issue has:

. . . alienated many of old industrial unions which grow only when the private economy does. Many of these unions don't share the cultural liberalism of the Washington AFL–CIO elites, who are often well-to-do Ivy-Leaguers.

Well, there is a bit of a change among some of the unions. I suppose that happens around here, too.

But I think it is fair to conclude from this article:

Mr. Hoffa and fellow unions are now doing the same for oil-drilling in Alaska, spending heavily on ads across the country. He's vowed to ''remember'' Democrats who vote against drilling.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 16, 2001]

LABOR REVOLT

You might not see the picket lines, but a chunk of the American labor movement is staging a notable walkout—against the Democratic Party. The trend is already having consequences in Congress and could echo through November and into 2004.

Leading the revolt is James P. Hoffa, head of the AFL–CIO's third-largest union, the 1.4 million Teamsters. Mr. Hoffa has become a key and very public supporter of the Bush energy plan, which is also backed by a union coalition of carpenters, miners and seafarers. He ha lobbied inside Big Labor for a more neutral political bent and his officials were recently overheard giving Democrats on Capitol Hill hell for killing jobs. Today, some 500 Teamsters will help present the Senate amendment to drill in the Arctic National Wildlife Refuge.

Meanwhile, the United Auto Workers, electricians and machinists have rebelled against Democrats on issues from fuel-efficiency standards to nuclear energy. They follow last year's resignation from the AFL–CIO by the influential United Brotherhood of Carpenters, along with its half-million members and $4 million in annual dues.

Some of this is issue specific, but it's also a sign of deeper labor tensions. When John Sweeney took over the AFL–CIO in 1995, he turned it in a markedly more partisan and ideological direction. He aligned Big Labor with a coalition of interest groups on the cultural and big government left. This is fine with most public-sector unions (teachers especially), which grow along with government.

But this leftward tilt has increasingly alienated many of the old industrial unions, which grow only when the private economy does. Many of these unions also don't share the cultural liberalism of the Washington AFL–CIO elites, who are often well-to-do Ivy Leaguers. They resent the money being pushed into political campaigns and would rather spend more on shop-room organizing. In Mr. Sweeney's tenure, the union share of the private-sector work force has actually fallen, to 9.1%

All of these tensions have come to the surface in the energy debate, where Democrats have had to choose between the greens (enviros) and blues (unions). Senator (and would-be President) John Kerry thought he could win over the greens and suburbanites by pushing new car-mileage standards, but instead he inspired a labor rebellion. Nineteen Senate Democrats, primarily from industrial states, joined Republicans to kill Mr. Kerry's proposals.

Mr. Hoffa and fellow unions are now doing the same for oil-drilling in Alaska, spending heavily on ads across the country. He's vowed to ''remember'' Democrats who vote against drilling. And he specifically singled out New Jersey's Robert Torricelli (up for reelection this fall) and Michigan's Debbie Stabenow (a top recipient of union cash in her 2000 race). In case they don't' believe him, the Teamsters have already endorsed three GOP Congressional candidates in Michigan.

President Bush has noticed all of this, naturally, and is openly courting union support. Having won only a third of union households in 2000, Mr. Bush knows he has lots of votes to gain. Sometimes his effort runs to schmoozing, as when he made Mr. Hoffa one of his noted guests at the state of the Union. But sometimes he's bowed to political temptation and bent his principles, as with his 30% steel tariff.

Mr. Bush might keep in mind that Mr. Hoffa has helped him even though last year he ignored Teamster objections and fulfilled his campaign promise to allow Mexican trucks into the U.S. The President is also no doubt aware that Mr. Hoffa wants an end to 13 years of federal oversight into his union—which should only happen on the legal merits.

Unions are moving to the Republicans less out of love for the GOP than from disillusionment with Democrats. Democrats had better be careful or they'll give Mr. Bush the chance to form a formidable majority.

Mr. MURKOWSKI. What it does is simply say these are job issues and our business is jobs and productivity for the American people. This has become an issue where, clearly, if you look at the vote the last time that we voted on this issue in the Senate, it was 45 to 55, and ANWR was passed in the 1995 vote on the omnibus act. That is when Republicans controlled the Senate.

Well, that was then and this is now. Now we have a 50–49–1 ratio in favor of the Democrats. Clearly, we are in a situation where we don't have control. As a consequence, ANWR is in trouble because it has to overcome the 60-vote point of order. Make no mistake about that.

We have had quite a discussion throughout the day, but there are a few points that have been overlooked. One of them that bothers me the most is overlooking the people of my State, the people who are affected, the people who live in the Arctic and reside in the Coastal Plain. These are a few of the kids. There is not very many of them. There are about 300 of them in that village. But they are like your kids or your grandkids or mine: Looking for a future, looking for an opportunity for a better lifestyle, educational opportunities, sewer, water—some of the things we take very much for granted.

This is another picture of their community hall. This is Kaktovik. It is of an elder Eskimo, a snow machine, with his grandson, and a bike. That is the way it is up there.

Some Members would have you believe there is nothing there. Let me show you a picture of Kaktovik. It has been portrayed time and time again—a small community, small village. It has an airport, has some radar installations. And it is actually in ANWR. It is

in the Arctic Coastal Plain. It is in the 1.5 million acres. In fact, one oilwell has been drilled in that area.

We have another chart here that gives you a little better idea of that particular geographic area. The thing I want to make sure everybody understands is that all of ANWR, all of that 1.5 million acres is not Federal land.

These Native American citizens own 95,000 acres. That is diagrammed in the square. The only problem is, while they have title to that land, they have no authority for any access—absolutely none. Only Congress can give them that authority. We are going to be addressing that, because to have an aboriginal group of natives, American citizens, and give them land that has been their ancestral land—it has been their land to begin with; that is where they have been for generations—and not allow them to have access because everything around it is Federal land is simply wrong; it is unjust. We would not do it anywhere else in the country. You would say you are entitled to access. I know because I have been there time and time and time again.

I had the Secretary of the Interior, Gale Norton, there with me last year. So was Senator BINGAMAN. The temperature today was 95 here. A year ago, it was 77 below zero there. That caught your attention. It is a harsh environment.

My point is that only through an act of Congress will those people be allowed access to their own land. What would it take? Well, it would take some kind of a corridor across Federal land—maybe 300 feet wide. Access to what? Access just to State land. Where does State land start? Over on the other side of that yellow line. On this side is Federal land. They cannot get from there to the State land unless we do something about it.

Let me read you a little letter. This is from the Kaktovik Inupiat Corporation. These are the people who live in that village. I want to show these other pictures. I want you to get the flavor. Nobody has mentioned on that side of the aisle, during the entire debate, the dreams and aspirations of these people. You have kids going to school in the snow. Nobody shovels the snow away. They dress a little differently perhaps. They wear mucklucks. They wear fur. You have some kids up there.

Let them take a peek at that so the kids in the gallery can see it.

This is how the kids in the Arctic go to school. It is a little different. But these kids are American citizens. They are Eskimos. They have rights, dreams, and aspirations. Yet what kind of a lifestyle do they have?

Here is a letter:

> Dear Senators Daschle & Lott:
>
> The people of Kaktovik . . . are the only residents within the entire 19.6 million acres of the federally recognized boundaries of the Arctic National Wildlife Refuge. . . .

These people live right up at the top of the world in Kaktovik.

The letter goes on to say:

> [The Kaktoviks] ask for your help in fulfilling our destiny as Inupiat Eskimos and Americans. We ask that you support reopening the Coastal Plain of ANWR to energy exploration.

They are asking that we open it.

> Reopening the Coastal Plain will allow us access to our traditional lands. We are asking Congress to fulfill its promise to the Inupiat people and to all Americans: to evaluate the potential of the Coastal Plain.

These people are talking to us as landowners. They go on to say:

> In return, as land-owners of 92,160 acres of privately owned land within the Coastal Plain of ANWR, the Kaktovik Inupiat Corporation promises to the Senate of the United States:
>
> 1. We will never use our abundant energy resources ''as a weapon'' against the United States, as Iraq, Iran, Libya, and other foreign energy exporting nations have proposed.
>
> 2. We will not engage in supporting terrorism, terrorist States, or any enemies of the United States;
>
> 3. We will neither hold telethons to raise money for, contribute money to, or any other way support the slaughter of innocents at home or abroad;
>
> 4. We will continue to be loyal Alaskans and proud Americans who will be all the more proud of a government whose actions to reopen ANWR and our lands will prove it to be the best remaining hope for mankind on Earth; and
>
> 5. We will continue to pray for the United States, and ask God to bless our nation.

These are my people, Mr. President. They further state:

> We do not have much, Gentlemen, except for the promises of the U.S. government that the settlement of our land claims against the United States would eventually lead to the control of our destiny by our people.
>
> In return, we give our promises as listed above. We ask that you accept them from grateful Inupiat Eskimo people of the North Slope of Alaska who are proud to be American.

Mr. President, I don't think we would get a letter like this from any other potential supplier of oil in the Mideast. I think you would agree with me. So here we have a situation where my people are deprived of a basic right that any other American citizen would not be. It is very disappointing because the human element was not brought up once.

What we have talked about today is whether ANWR can be opened safely. There is no evidence that it cannot. Is there a significant amount of oil that could make a difference? You bet. There is more oil in ANWR than there is in all of Texas. I think the proven reserves in Texas are about 5.3 billion barrels. What are we talking about here? Are we talking about charades or about some kind of a conveyance, trying to portray to the American people that we cannot open it safely. They say it will take 10 years. We have a pipeline halfway to ANWR. Another 50 miles, we would be hooked up. They say 10 years. Come on, let's expedite the permit.

If anybody wanted to talk about history—and this was not brought up on the other side today—the arguments we are using on the floor of the Senate at 9:35 p.m. are the same arguments we used 30 years ago on the issue of whether or not to open the TransAlaska Pipeline system—not to open but to build it, because the environmental groups weren't as well organized then. But they were making a case. They said: You can't build an 800-mile fence across Alaska because if you do, you are going to build a fence that will keep the caribou and the moose on one side or the other. You are putting that pipeline in permafrost. It is a hot line, and permafrost is frozen. It is going to melt. It is going to break.

The doomsayers were wrong. The same argument here: Can't do it safety. They said the animals—look at the caribou, Mr. President. There are a few of them. That is a new picture. I want to make sure you understand that we have more than one picture. These guys are under the pipeline. Why? Why not? You see the water behind them. They are grazing. That pipeline doesn't offer them any threat.

Somebody said that is an ugly pipeline. Well, I don't know. I guess it depends on your point of view. I could probably take 10 pictures of other pipelines and we could have a contest on whose pipeline is the ugliest. But, you know, you either bury them or put them on the surface. That is all in steel. It is designed to withstand earthquakes. It is the best that the 30-year-old technology had, and we can do better now.

This is another picture. This is real. These are not stuffed. These are caribou. They are lounging around. The extraordinary thing is this is Prudhoe Bay, and we had, I believe, 3,000 animals in the central Arctic herd. Today we have somewhere in the area of 26,000. Why? You cannot shoot them, and you cannot run them down with a snow machine. They are protected. They do very well. The argument is bogus.

They say it is a different herd, a Porcupine herd. We are not going to allow any activity during the 2½ months that is free of ice and snow because you cannot move in that country. We do not build gravel roads; we build ice roads. It represents better and safer technology and does not leave a scar on the tundra.

We have made great advances as a consequence of our lessons, but it is beyond me to reflect on the opposition here other than its core opposition: We are opposed to it. The rationale behind it lacks an indepth understanding. Here is the new technology. We do not drill the way we used to. They do not go out and punch a hole straight down, and if they are lucky enough, they find oil.

We have directional drilling capability. We can drill under the Capitol and come up at gate 4 at Reagan National Airport. That is the technology we have.

We can hit these spots that are under the ground with this 3–D seismic, one footprint. That is the change. We have proven it because we built Endicott.

Nobody wants to talk about Endicott on the other side: 56 acres; produced over 100 million barrels.

I also want to touch on another myth that the Senator from Massachusetts and the Senator from New Mexico used several times relative to why do you want to go to ANWR when there are other areas. If you are going to rob somebody, you might as well go to the bank; that is where the money is.

We have the greatest prospect for discoveries, and that area is specifically in ANWR. We have what they call National Petroleum Reserve, Alaska. We have pictures of that area. This chart is a bit of a contrast because this shows the top of the world. I want to reference this with this big map. I want to reference where this area is.

Point Barrow is at the top. That is one of our Eskimo communities, and the nice thing about Point Barrow is you cannot go any further north. You fall off the top. The Arctic Ocean is right ahead. This is the National Petroleum Reserve, Alaska. It used to be Naval Petroleum Reserve, Alaska. I wish the cameras had the intensity to pick up on this to see all this gray/blue area. These are lakes within the reserve.

This is ANWR. Mr. President, do you see any lakes on the Coastal Plain? This is strategic from an environmental point of view, from the standpoint of migratory birds. Where do they go? They do not squat on the land. They go to the lakes. This is a huge mass of lakes.

The opponents are suggesting we go over there. That is fine except from an environmental point of view, we are not going to get permits in many of these areas. While there have been some discoveries right on this line within NPRA, this is where the oil happens to be because that is where the geologists tell us it is most likely to be.

We will put up lease sales in these fringe areas, but we are not going to get anything around the lakes. To suggest this area is already open is contrary to reality.

Another thing the Senator from Massachusetts says is instead of opening ANWR, we should drill anywhere but Alaska. I find that incredible. We have the infrastructure. We have an 800-mile pipeline, and we are drilling on land.

Do my colleagues know what we are doing in the Gulf of Mexico? We are in 2,000 feet of water. We have had 8,000 leases in the gulf, many of which are not currently producing. There are a lot of endangered and threatened species, including marine mammals, sea turtles, and coastal birds. I cannot fathom why the Senator from Massachusetts believes it is better to drill where there are endangered species than where we have a thriving wildlife population that obviously we take care of, as they do in the Gulf of Mexico.

What stuns me is it seems to me common sense we should develop areas where people support the development. Many of these leases sit off the coast of Florida are objectionable to the people of Florida, and I respect their objections. Yet the people of the Alaska Coastal Plain overwhelmingly support development in Alaska.

Even the Teamsters who support development in Alaska disagree with the Senator from Massachusetts that we ought to massively increase our drilling in the Gulf of Mexico overnight.

We have a lot of species in the Gulf of Mexico that are threatened or endangered: The blue whale, fin whale, humpback whale, the northern right whale, sei whale, threatened endangered sea turtles, green sea turtles, hawksbill, loggerheads, endangered beach mice which I am not familiar with, the Florida salt marsh vole, the piping plover, and the brown pelican. I am not going to bore you with these, Mr. President.

The point is, that is tough drilling in 3,000 feet of water. There is a lot of risk. On land you can contain the risk. We have done a pretty good job of it in Alaska. They have done an excellent job in the Gulf of Mexico, make no mistake about it.

As we look at some of the suggestions that are made in general, such as we go someplace else in Alaska, remember, NPRA has 90 percent of the birds on the North Slope and over 90 bird species, millions of shore birds. There they are, Mr. President. They are not in ANWR. I just do not understand why Senators suggest they will not support development in an area with more oil and less wildlife diversity. It does not make any sense at all other than those Senators have been influenced by some of the groups that clearly are using ANWR as a symbol.

Others suggest that the development of Alaska's gas—for example, I think the chairman suggested we face a growing threat from foreign dependence on natural gas. Without going into that in too much detail, we only import 15 percent of our natural gas needs compared with 58 percent of dependence on foreign oil.

Let us take a look at that because I am all for alternatives, but don't believe they do not leave a footprint. I have a chart that shows the San Jacinto. If you do not know where this is, if you are driving from Palm Springs to Los Angeles and you happen to go through Banning, the pass, this is it. It is probably the largest wind farm in the world. Look at the little windmills in the back at the bottom. There are hundreds of them. They call it Cuisinart for the birds because a bird that gets through there is lucky—if he is flying low.

There is an equivalent energy ratio. This wind farm is about 1,500 acres and produces the equivalent of 1,360 barrels of oil a day. Two thousand acres of ANWR will produce a million barrels of oil a day. There is the footprint.

How much wind power does it need to equal that of ANWR's energy? About 3.7 million acres, equivalent to all of Rhode Island and Connecticut. If one put them all on a wind farm, then they would equal about what ANWR's energy input is capable of. We have a couple more of these charts so we might as well show them.

When we talk about the Sun, we naturally think of solar. Solar is worthwhile, but it is not very good in Point Barrow, AK, because the Sun only rises in the summertime. I should not say that but in the winter it is dark for a long time.

Two thousand acres of solar panel produce the energy equivalent of 4,400 barrels of oil a day. Two thousand acres of ANWR will produce a million barrels of oil a day. So it would take 448,000, or two-thirds of Rhode Island all in solar panels to produce as much energy as 2,000 acres of ANWR.

Solar panels do have a place in Arizona, Florida, New Mexico, and other areas, but do not think America is going to be moved on solar panels.

There has been a lot of discussion taking place on ethanol. Ethanol is an alternative made from vegetable products, corn and other products that come from our farmers. Two thousand acres of ethanol farmland produce the energy equivalent of 25 barrels of oil a day. Two thousand acres will produce 25 barrels of oil equivalent a day. Two thousand acres of ANWR will produce a million barrels of oil a day, and that source is the national renewable energy lab.

Make no mistake about it, a byproduct is produced with the corn, which is the corn husk. I am not sure what one does with them, but we could speculate. It would take 80.5 million acres of farmland, or all of New Mexico and Connecticut, to produce as much energy as 2,000 acres of ANWR. So we could plant New Mexico and Connecticut in corn, I guess. The point is, these all have footprints.

We have often talked about size when we talk about Alaska. We have talked about the fact that our State has 33,000 miles of coastline. ANWR is 19 million acres, as big as the State of South Carolina. We talked about the attitude of Alaskans in supporting exploration. About 75 percent of our people support it. Why is it that the people who want to develop oil and gas are not given the opportunity? I do not know. I find it very frustrating.

I listened to some of the debate by some Members relative to domestic oil production vis-a-vis subsidized oil. They talked about the rip-off that the oil industry allegedly is guilty of in this country, but we still have the best oil industry in the world. It is a relatively high-risk oil exploration. You do not know if you are going to find it. You better find a lot of it.

Somebody suggested that it is comparable in some manner to making sewing machines, that somehow there is a relationship relative to risk. Well, if one is making sewing machines, they know what their market is. They know what it is going to cost. But when one goes out and drills for oil, they do not

know if they are going to find it. There is a lot of risk there.

As we import foreign oil, we do not know what the true cost is because there is no environmental consideration associated with the development.

I do not think anyone recognizes what we enjoy in this country as a standard of living. The standard of living is brought about by people who have prospered and have become accustomed to a standard of living that is high. The convenience of having an automobile that can accommodate a family comfortably on a long trip; modest gasoline and energy prices, that is as a consequence of the structure of our society and the makeup of the United States.

The question comes about, Do we want to substantially limit that standard of living by taxes or various increased costs of energy? I do not think so. I think those kinds of things were evident in the debate that we had earlier in the week relative to CAFE standards.

One of the things that can certainly undermine our recovery is high oil prices. Our friend Alan Greenspan, Chairman of the Fed, is taking a more guarded outlook on the U.S. economy compared with the comments he made last month about the possible consequences of sustained high oil prices on the economic recovery.

This influential gentleman told the Congressional Joint Economic Committee on Wednesday that energy prices had not yet risen to a point that would seriously sap spending but warned that a lasting surge in the cost of oil could have far-reaching consequences.

I ask unanimous consent that this article from Oil Daily be printed in the RECORD.

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

GREENSPAN: HIGH OIL CAN UNDERMINE RECOVERY

(By Sharif Ghalib)

Federal Reserve Chairman Alan Greenspan appears to be taking a more guarded outlook on the US economy compared with more sanguine comments he made last month amid the possible consequences of sustained high oil prices on an economic recovery.

The influential central bank chief told the congressional Joint Economic Committee on Wednesday that energy prices had not yet risen to a point that would seriously sap spending, but warned that a lasting surge in the cost of oil could have ''far-reaching'' consequences. He told the committee he was in no rush to raise US interest rates.

Greenspan's apparent step back may well have reflected mixed signals from recently released economic indicators and, perhaps more importantly, the recent surge in crude oil prices, which have risen nearly $2 per barrel this week.

While the preponderance of the latest economic indicators point to a faster than previously expected economic recovery in the US, recent data released on the labor market showing a slight rise in unemployment shed some doubt on the speed of the recovery.

The reported rise in unemployment was followed this week by a suggested slowdown in the US housing market, which had been expanding strongly, and—arguably more alarming—a slowdown in consumer spending. Manufacturing activity, however, has turned in its strongest expansion in almost two years.

While the so-called core rate of consumer price inflation, excluding energy and food prices, rose by a mere 0.1% in March, gasoline prices rose by a sharp 8%, the largest monthly change in six months. Fuel oil prices jumped by 2.2%, the strongest since last December.

These increases are in line with higher crude prices, reflecting mainly tensions in the Middle East, Iraq's unilateral 30-day oil embargo, and export delays in Venezuela.

Should the current oil rally continue for much longer, Opec will face mounting pressure to ease the reins on production. The group will meet in June to discuss production policy for the second half of 2002. But Iraq's embargo call, which has fallen on deaf ears among producers inside and outside Opec, may make it politically difficult for Saudi Arabia and other Muslim Opec members to increase production while fellow members Iraq withholds exports to pressure Israel.

Mr. MURKOWSKI. We have talked about oilfields. We have talked about the Arctic. We have talked about the wildlife. We have talked about the oil reserves. We have talked about the safety of development. I think we have responded to the myth that some suggest we are going to industrialize the Arctic.

I will show a chart of the Arctic in the wintertime. This area cannot be industrialized. It is just simply too harsh. Some of this is untouched because it has to be. To suggest we can have an industrial complex is totally unrealistic.

I often take this picture because it shows the harsh Arctic on a day when it is clear, but it is not clear all the time. Sometimes we have a whiteout. We can turn this picture upside down, but it is even better to turn it around because that is what it looks like when it is snowing. This is a whiteout. A lot of people do not know what kind of a condition that is. That is when one cannot tell the sky from the land because it is all the same color, and you better not fly into it. If you fly into it, you better be proficient as an instrument pilot or you will not make a round trip. That is the harsh reality.

That is what it looks like during a whiteout, which is a good portion of the time. When there is snow on the ground, there is snow in the air and no visibility. Somebody told me it is one of the best charts we have.

We talked about the footprint, talked about the accountability and how the vote will be scored. We know how the union will score the vote—as a jobs issue. We know how the environmentalists will score it—as an environmental issue. I hope Members will score it as to what is best for America. That is the issue. That is why we are here.

I have talked about jobs. If we open ANWR, we will build new ships, 19 new tankers. We will build them in California, the National Steel yard. We will build them in the South; hopefully, in Maine. This is big business, several thousand jobs in the shipyards, $4 or $5 billion into the economy alone, construction jobs, good-paying jobs, union jobs. It is not just what is in the national security interests of our Nation.

We can argue about how many jobs will be created, whether it is 50,000 or 700,000. What difference does it make? These are good jobs. We should regard each for what it is worth, providing each family with an opportunity to educate their children and provide a better life.

Speaking of a better life, those kids I talked about in Kaktovik have dreams and aspirations. Their dreams are more simple than ours. Maybe it is Halloween night. Do you know what their dreams and aspirations are? How about a little running water instead of the water well. How about a sewer system instead of a honeybucket? Do you know what a honeybucket is? We will show an arctic honeybucket. It costs about $17.

I didn't have any conversation over there as to why my people aren't entitled to running water, sewer, disposal. It is not a pleasant reality, but it is a reality. My people are tired. They want to be treated like everybody else. That is why this issue of opening ANWR has more to do than just the environmental innuendoes. It affects real people in my State. It is time they were heard.

I listened to the Senator from Massachusetts. He made a statement that he attested was made in a quote by our current Governor, which I don't believe. The quote was:

Evidence overwhelmingly rejects the notion of any relationship between Alaska North Slope crude and west coast gasoline prices.

I know the Governor doesn't believe that, and I want to make sure the record was corrected. Think for a minute what would happen to prices on the west coast in California if we cut off North Slope oil; if we do not continue to supply California, Washington, Oregon with refined product and crude oil. It would impact the west coast. It would impact the entire country.

The Senator from Massachusetts made this reference. I heard it and I thought it was a mischaracterization, so I looked in the RECORD. He made the statement and attributed it to the Governor of Alaska:

Evidence overwhelmingly rejects the notion of any relationship between Alaska North Slope crude and west coast gasoline prices.

I encourage the Senator from Massachusetts to correct that statement.

We have heard time and time again the statement that the United States has only 3 percent of the world's oil and we use 25 percent of the energy. Yet we produce 35 percent of the world's gross national product. We can argue that. We are getting a return, certainly, nearly a third of the world's domestic product is produced by the

United States which has 3 percent of the world's oil and uses 25 percent of the world's energy. That is part of our standard of living.

I talked about ANWR doubling our reserves. I talked about the fact we have to address conservation. We are doing it and continue to do it and we can continue to do a better job. Nevertheless, we live from day to day. Our farmers are dependent on low-cost energy.

We have a letter from the American Farm Bureau Federation in support of ANWR. I ask unanimous consent to have that printed in the RECORD.

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

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, March 8, 2002.

Hon. FRANK H. MURKOWSKI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MURKOWSKI: America's farmers and ranchers are users, and increasingly producers, of energy. We believe that passage of a comprehensive energy bill is of vital importance to agriculture and to our nation. We urge the Senate to pass an energy bill with the hope that the President will soon sign into law legislation that will address our country's energy security.

Our organization along with other ag groups, the petroleum industry, and environmental groups have reached a bipartisan agreement on renewable fuels. This agreement, contained in Majority Leader Daschle's bill, provides that our nation's motor fuel supply will include at least five billion gallons of renewable fuels by 2012. The Renewable Fuels Standard adds value to our commodities, creates jobs in rural America and provides a clean-burning, domestically produced fuel supply for our nation. We urge you to oppose any amendment that undoes this agreement.

Production of food and fiber takes energy—diesel in the tractor and combine, propane to heat the greenhouse, natural gas as a feedstock for fertilizer and electricity for home and farm use. Our members believe that we must have affordable and reliable energy sources. American Farm Bureau policy has long supported environmentally sound energy development in the Arctic National Wildlife Refuge (ANWR). We ask that you support a cloture vote to allow the Senate to vote on this issue and to support expanding our domestically produced energy sources.

Sincerely,

BOB STALLMAN,
President.

Mr. MURKOWSKI. As we look at other aspects of the debate in the limited time we are going to have tomorrow, I hope we would not rest our laurels on simply increasing CAFE standards. We had a very healthy debate on that. We sacrificed CAFE standards, to a degree. We did it for safety. We heard from people, from mothers driving children to school or soccer games; they want a safe automobile.

The statistics we heard suggested there was a compromise between CAFE standards and safety. We chose to err on the side of not reducing CAFE standards to the levels we could have. That is a responsible decision.

That does not mean new technology will not help, but to suggest we can make up the difference of what we import from Saddam Hussein, nearly 1.1 million barrels a day on CAFE, is not realistic. We gradually improve our CAFE standards as we have over a period of time. To suggest we can make up the difference is poppycock. It can't be done. We can begin to do better and we will do better. But America moves on oil. You don't run an aircraft on hot air. You don't fly an auto in Washington, DC, on hot air. You do it on oil. We are moving on oil. We will continue to do that. I am all for conservation, for renewables, but I am all for reality.

This chart is ironic. It shows the New York Times editorial positions from time to time. This was the 1987, 1988, and 1989 position, the New York Times editorial board. They said in 1989:

Arctic National Wildlife Refuge is the most promising refuge . . . of untapped resource of oil in the north.

In June of 1988:

. . . The potential is enormous and the environmental risks are modest . . .

Further,

. . . the likely value of the oil far exceeds plausible estimates of the environmental cost.

. . . the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.

. . . But it is hard to see why absolute pristine preservation of this remote wilderness should take precedence over the Nation's energy needs.

March 30, 1989:

. . . Alaskan oil is too valuable to leave in the ground.

. . . The single most promising source of oil in America lies on the north coast of Alaska.

. . . Washington can't afford to treat the [Exxon Valdez] accident as a reason for fencing off what may be the last great oil field in the nation.

Now they say:

Mr. Murkowski's stated purpose is to reduce the Nation's use of foreign oil from 56 percent to 50 percent partly through tax breaks.

The centerpiece of that strategy, in turn is to open the coastal plain of the Arctic National Wildlife Refuge.

This page has addressed the folly of trespassing on a wondrous wilderness preserve for what, by official estimates, is likely to be a modest amount of economically recoverable oil.

What a contrast. January 2001, the country needs a rational energy strategy, but the first step in that strategy should not be to start punching holes in the Arctic Refuge.

They have gone from 1987, 1988, 1989 to 2001, in March and January—a complete change of position. I asked the editorial board of the New York Times: Why? They said: Well, Senator, the former head of the editorial board moved to California so we have changed our position.

We have another one here from the Washington Post that is even more ironic. In 1987 and 1989 they said:

Preservation of wilderness is important, but much of Alaska is already under the strictest of preservation laws. . . .

But that part of the arctic coast is one of the bleakest, most remote places on this continent, and there is hardly any other place where drilling would have less impact on the surrounding life. . . .

That oil could help ease the country's transition to lower oil supplies and . . . reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what's under the refuge's tundra. . . .

Then on April 4, 1989, it says:

. . . But if less is to be produced here in the United States, more will have to come from other countries. The effect will be to move oil spills to other shores. As a policy to protect the global environment, that's not very helpful. . . .

. . . The lesson that conventional wisdom seems to be drawing—that the country should produce less and turn to even greater imports—is exactly wrong.

Here we are in February 2001:

Is there an energy crisis, and if so, what kind? What part of the problem can the market take care of, and what must government do? What's the right goal when it comes to dependence on overseas sources?

America cannot drill its way out of ties to the world oil market. There may be an emotional appeal to the notion of American energy for the American consumer and a national security argument for reducing the share that imports hold. But the most generous estimates of potential production from the Alaska refuge amount to only a fraction of current imports.

Did we say it might be as much as 25 percent?

December 2001, the 25th, Christmas Day:

Gov. Bush has promised to make energy policy an early priority of his administration. If he wants to push ahead with opening the plain as part of that, he'll have to show that he values conservation as well as finding new sources of supply. He'll also have to make the case that in the long run, the oil to be gained is worth the potential damage to this unique wild and biologically vital ecosystem. That strikes us as a hard case to make.

Isn't it ironic that these editorial boards of two of the Nation's leading papers could change their minds so dramatically? I did meet with the Washington Post editorial board and I asked them why they had changed their position. They were relatively surprised I would ask them that kind of question, and their response was equally interesting. They said they thought George W. Bush was a little too forceful in promoting energy activities associated with his particular background. In other words, I was politely brushed off.

This happens to be a Washington Post story. It is interesting because this is the newest deal that we developed. It is the Philips field, the Alpine project in Alaska's North Slope, and right on the edge of the National Petroleum Reserve, Alaska.

You can see that is a whole oilfield. That is it. That is producing somewhere around 85,000 to 100,000 barrels a day.

You know there is one thing you see and you see a little airstrip and that is all. There is no road out of there. There is a ice road in the wintertime, but in the summertime you have to fly to get

in and out of there. The interesting thing about the Washington Post is—we used to have laws around here when I was in the banking business called truth in lending. You had to tell the truth to a borrower if you were going to lend him money. Those particular polar bears are warm and cuddly, but they are not in ANWR. We know where the picture was taken. It was taken about 500 miles away near Point Barrow. Nevertheless, it was a Park Service photo. It looked good. They just used it and wrote us a nice letter and said thank you.

ANWR—100 percent homegrown American energy.

That is like homegrown corn.

The exploration and development of energy resources in the United States is governed by the world's most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

This is a gentleman, former executive director of the Sierra Club, Doug Wheeler.

We can do it right. Give us a chance.

Washington Post, February 12, 2002:

Our greatest single failure over the last 25 years was our failure to reduce our dependence on foreign oil . . . which would have reduced the leverage of Saudi Arabia.

Richard Holbrooke, Ambassador to the United Nations in the second Clinton administration.

February 13, 2002:

The Bush administration's defense of the leases shows ''disregard for both our precious California coastline and the right of states to make decisions about their environment.''

This was our good friend, the junior Senator from California, BARBARA BOXER, commenting on the issue of States having a determination as to what should prevail in their State. She further said:

We're going to swap [oil leases] so that the oil companies can drill where people want them to drill.

That was February 15. Of course we would like to have them drill in our State. I think it is important to reflect the inconsistency associated with some of the statements.

This happens to be back in Eisenhower's time. This was a Petroleum Industry War Council poster:

Your work is vital to victory. Our ships, our planes, our tanks must have oil.

You do not sail a Navy ship by wind. You do not fly the planes on hot air.

This is by Reuters:

Iraq urges use of oil weapon against Israel, U.S.

''Use oil as a weapon in the battle with the enemy (Israel),'' Iraq's ruling Baath party said in a statement published by Baghdad media Monday.

''If the oil weapon is not used in the battle to defend our nations and safeguard our lives and dignity against American and Zionist [namely Israeli] aggression, it is meaningless,'' the Iraqi statement said.

''If Arabs want to put an end to Zionism, they are able to do so in 24 hours,'' Saddam told a group of Iraqi religious dignitaries Sunday night.

''The world understands the language of economy, so why do not Arabs use this language?'' he asked.

''Saddam said if only two Arab States threatened to use economic measures against Western countries if Israel did not withdraw from Palestinian-ruled territory, ''you will see they (Israelis) will pull out the next day.''

That is the kind of threat being used today.

Let's take a look at where the Iraqi oil is currently going. It is going to California. This is 287 million barrels that we shipped out: Minnesota, Midwest, all the States in the red on this chart. Do not think we are not getting some Iraqi oil.

This is what occurred in the world when the United States said it was out for the Easter recess. This is a little note to the American people and the Senators. What happened April 9, while we were out? We had Saddam Hussein impose a 30-day oil embargo; oil jumped $3 a barrel; Saddam was paying the Palestinian suicide bombers an increase from $10,000 to $25,000; Iraq and Iran called on countries to use ''oil as a weapon'' against the United States and Israel, and Libya happened to agree with that; the Iraqis—there was a plot, I think it was reported in the Christian Science Monitor, to blow up a U.S. warship; the price of gasoline moved up.

So it is happening. Here is our friend Saddam Hussein, very blatantly stating ''Oil Is A Weapon.''

Again, we have seen this check that he is offering suicide bombers—$25,000.

This is reality. That is what is occurring in the world today. I do not know how the American public feels, but I am fed up.

The last one I will show again. It is the frustration associated with the people. You have seen this before. We all appreciate the sanctity of wilderness, parks, and recreation areas. But all those areas in Alaska are federally established withdrawals. They are wilderness areas, wildlife areas, and national parks. We are proud of them. But we are entitled to develop and prosper as a State, to provide educational opportunities for our children, sewer and water, and jobs.

When we look at an area one-fifth the size of the lower 48 and recognize we don't have one year-round manufacturing plant in the entire State, with the exception of an ammonia plant, that really can be considered a manufacturing plant—all of their products are exported outside of Alaska. We have oil and we have gas. As you know, once oil and gas are developed, they are not very labor intensive. There is a lot of maintenance. There is new exploration. The oil industry has done a responsible job. But it is not a resident oil industry. We don't have small resident companies in our State. We wish we did. We have Exxon, we have British Petroleum, we have Phillips, and a couple of others. It is all outside capital. The people who contribute to the industry are the best, but for the most part they are transient.

The wealth of an area is in its land. If the land is not controlled by the people, then the wealth belongs to government. In our State, for the most part it is the Federal Government, and to a lesser degree the State government. The only exception we have to that is the land that is owned in fee simple by our Native residents and their efforts to try to develop the resources on this land.

But I could go very easily right down the list. We have the potential for oil and gas. We are blessed with that. It is in the Arctic. It is in the Cook Inlet area. It is down around Anchorage, and it is higher up.

We have some other companies. Unocol is down in the Cook Inlet area. But for the most part, it has just been the major oil companies. We really don't have a significant locally owned, Alaskan-domiciled oil company of any competitive magnitude. I wish we did. But people come up and exploit the resources. Most of the profits are taken down below to Texas, simply where the oil industry is located. We have even seen Phillips move down to Texas as well. That is a corporate decision; that is their own business.

Oil and gas have tremendous potential. The only way the citizens of Alaska and the Government can participate in that is through employment and through revenues from the taxes of those resources.

We go to the timber resources. As I have indicated time and time again, there is more timber harvested in the State of New York for firewood than is produced commercially in the State of Alaska in the largest of all our national forests because we don't have State forests of any consequence, it is all Federal. Try to get a timber sale on the Federal forest today, and you will find yourself sitting on the courthouse steps—one injunction after another. As a consequence, I think we have one sawmill perhaps still operating in Ketchikan, one perhaps still operating in Klawock, and one perhaps still operating in Wrangell. That is virtually it.

We have 33,000 miles of coastline. There is a lot of fishing. We have a tough time marketing our salmon, which are wild Alaska salmon, because our salmon are seasonal. They start running in May and run through August and September. Our competition is now fish farming in Chile and Canada. We can't quite comprehend that in Alaska because, first of all, we don't know what we would do with our fishermen and coastal communities which are the backbone of our State. We think we have a superior product. But they can provide the fresh product year round in the market.

We have a problems with our fisheries. We are going through a transition. We don't necessarily know what the answer is. We have a lot of halibut, a lot of cod, and a lot of crab.

We are tremendously blessed with minerals. We have no transportation. We haven't built a new highway in our State since we opened up that highway to Prudhoe Bay to build the pipeline.

We have no way to reach across our State from east to west. We have no highways throughout southeastern Alaska. We have a ferry system.

As you look at minerals, if you look at that map and try to figure out how you are going to get through some of the Federal withdrawals located nearby, indicated on the colored charts, you get a different picture of that wide open space up there and all those resources. How are you going to develop them? Anything we develop we don't market in our State because we don't have a population concentration. We have 660,000 people, or thereabouts, with half of them in Anchorage. Everything we produce has to be competitive with the other countries that develop resources and sell on the markets of the world. For all practical purposes, our world markets, with the exception of oil and gas, are in the Orient—Japan, Korea, Taiwan, and China to some extent.

That is a little bit of a rundown of Alaska today. That is why we believe, for the benefit of our State, our State government, and for our people, that it is imperative we be allowed to develop this area for the national security interests of this Nation.

There is a technical paper I came across which was sent to me on the physics of oil and natural gas production. It addresses the relationship between Prudhoe Bay and ANWR. It is two paragraphs. I think it is important. It is written by the professor of geological engineering and chairman of the Department of Mining and Geological Engineering, School of Minerals and Engineering, University of Alaska, Fairbanks. I am sure he would agree to have that go into the RECORD.

It states:

> Due to the physics of oil and natural gas production, the natural gas resources in Prudhoe Bay can now be produced since there has been a significant reduction in the oil reserves—

In other words, the oil has been pulled down.

He goes on to say:

> Due to the physics of production, the concurrent production of oil from ANWR with the production of natural gas from Prudhoe Bay can result in the optimum utilization of these energy resources. Without concurrent production there will be a significant time interval after the depletion of the natural gas in Prudhoe Bay before any gas is produced from ANWR. The interval could be as much as 30 years. Assuming only 16 billion barrels of recoverable oil in ANWR, and an excess capacity of 800,000 barrels per day in the Trans-Alaska pipeline, it would take 55 years to utilize this petroleum resource. Thus, natural gas from ANWR could not be optimally utilized for 34 years after the natural gas in Prudhoe Bay is depleted. There is more than adequate time for both Alaskans and those outsiders in the ''lower-48'' to freeze in the dark. ANWR petroleum must be utilized now in order to have ANWR gas available when Prudhoe Bay gas is depleted.

So he is making the case that as we developed Prudhoe Bay, we found the gas. We used the gas for recovery of the oil. Now that the oil is in decline, we can use the gas. But the same is true in ANWR. If we develop ANWR, and begin to produce oil, as the oil declines, we will use the gas for reinjection, and then we will have the gas available.

So there is a logical sequence in the manner in which you develop these fields and provide the continuity of oil, followed by the continuity of gas.

I must also indicate that as a professional engineer, Paul Metz is providing his opinion and not the opinion, necessarily, or endorsement of the University of Alaska, or the engineering department. But I think it puts a different light on the logic of the sequence of development of a huge hydrocarbon field such as we have in the Alaska Arctic today.

Mr. President, you have been very gracious with your time. It is 10:30 at night. I think we started this debate very early. Somebody said 8:30. It has been a long day. But I felt it necessary to give Joe an opportunity to show his charts, and he has done a good job of that.

I say to you, Mr. President, you have been gracious with your time. And the clerks, and the whole Senate professional staff have been very generous.

Again, I would appeal to those of you who are about ready to go to bed, to those staff people who are watching, to consider, one more time, the human element. Put aside, for just a moment, the environmental considerations that have gone into this debate. Consider the people of Alaska. Consider those kids—their hopes, their dreams, their aspirations for a better life, an opportunity for sewer and water. It looks like the middle child shown in the picture missed the dentist. But, in any event, they are American citizens. They are Eskimo kids who live in our land, and I think they have a right to look to us, look to those of us in this body for some disposition of their future so they can enjoy the opportunities that we take for granted.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL TOMORROW AT 9:45 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:45 tomorrow morning.

Thereupon, the Senate, at 10:33 p.m., adjourned until Thursday, April 18, 2002, at 9:45 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 17, 2002:

THE JUDICIARY

LANCE M. AFRICK, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

EXTENSIONS OF REMARKS

IN HONOR OF RAY ''SCOTTY'' MORRIS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Ms. PELOSI. Mr. Speaker, I rise to salute a great San Francisco talent, Ray ''Scotty'' Morris on the occasion of his 70th birthday. Scotty Morris is a brilliant photographer, and San Francisco has been enriched by the fine work he has done in our City.

Scotty's work in the fields of photography and photojournalism has earned him widespread recognition. He has won 28 national, state, and local awards for his photographs, including the well-recognized Associated Press News and Feature Award and the San Francisco Press Club Award for the best news picture of the year. His works have appeared in the New York Times, the London Times, Newsweek, Life, Esquire, Forbes, and many other prestigious publications.

Scotty Morris' photographs of international political leaders include every American President from Harry Truman to Bill Clinton, as well as Charles De Gaulle and Nikita Khruschev. His portfolio includes well-known images of film stars Elizabeth Taylor, Sophia Loren, and Robert Redford; world icons Queen Elizabeth, Mother Teresa, and the Dalai Lama; and sports heroes Pele, Peggy Flemming, and Joe Montana.

During Mayor Frank Jordan's administration, Scotty was the official photographer for San Francisco. His photograph of the Royal Yacht Britannia entering San Francisco Bay was presented to Her Majesty Queen Elizabeth as an official gift from the city of San Francisco and.now resides in Buckingham Palace.

Mr. Speaker, Scotty Morris' artistic gifts have enriched our City and our nation. It is my pleasure to commend him for his marvelous career and to wish him the best on his 70th birthday.

PERSONAL EXPLANATION

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. HORN. Mr. Speaker, on Rollcall No. 92, H.R. 3762, the passage of the Employee Pension Freedom Act of 2007/Pension Security Act of 2002, I was unavailably detained on Congressional business. Had I been present, I would have voted yea.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. RYAN of Wisconsin. Mr. Speaker, due to a death in the family, I was absent for Roll Call Votes No. 80 through 92 from April 9, 2002 through April 11, 2002. 1 have listed below how I would have voted had I been present.

On Vote No. 80, to approve the Journal, I would have voted ''Yea.''

On Roll Call Vote No. 81, H. Res. 377, recognizing Ellis island Medal of Honor and commending the National Ethnic Coalition of Organizations, I would have voted ''Yea.''

On Roll Call Vote No. 82, H.R. 3958, the Bear River Migratory Bird Refuge Settlement Act, I would have voted ''Yea.''

On Roll Calf Vote No. 83, on agreeing to an amendment introduced by the gentleman from California, Mr. Waxman, to H.R. 3925, The Digital Tech Corps Act of 2002, 1 would have voted ''No.''

On Roll Call Vote No. 84, H. Res. 363, congratulating the people of Utah, the Salt Lake Organizing Committee and the athletes of the world for a successful and inspiring 2002 Olympic Winter Games, I would have voted ''Yea.''

On Roll Call Vote No. 85, H.R. 3991, the Taxpayer Protection and IRS Accountability Act, I would have voted ''Yea.''

On Roll Call Vote No. 86, on a motion to instruct conferees to H.R. 2646, the Farm Security Act, ''Yea.''

On Roll Call Vote No. 87, on ordering the Previous Question, I would have voted, ''Yea.''

On Roll Call Vote No. 88, H. Res. 386, the rule to consider H.R. 3762, the Pension Security Act, I would have voted ''Yea.''

On Roll Call Vote No. 89, on approving the Journal, I would have voted ''Yea.''

On Roll Call Vote No. 90, on the amendment offered by the gentleman from California, Mr. Miller, Substitute Amendment to H.R. 3762, the Pension Security Act, I would have voted, ''No.''

On Roll Call Vote No. 91, on the motion to recommit with instructions to H.R. 3762, the Pension Security Act, I would have voted, ''No.''

On Roll Call Vote No. 92, on final passage of H.R. 3762, the Pension Security Act, I would have voted ''Yea.''

HONORING RUBEN BURKS, SECRETARY-TREASURER OF THE UAW, ON HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. DINGELL. Mr. Speaker, I rise today to recognize Ruben Burks on the occasion of his retirement from the UAW as secretary-treasurer.

Mr. Burks was elected secretary-treasurer of the UAW on June 24, 1998, by the delegates to the 32nd UAW Constitutional Convention in Las Vegas, Nevada.

As secretary-treasurer, Ruben holds the second-highest office in the UAW. He is responsible for various administrative departments of the International Union, including Accounting, Auditing, Building Maintenance, Circulation, Purchasing, and Strike Insurance. In addition, Burks directs the UAW Michigan CAP (Community Action Program) and the UAW's Veterans Department.

Prior to his position as secretary-treasurer, Ruben served three terms as director of UAW Region IC, which covers 11 counties in south-central Michigan and is headquartered in Flint.

Mr. Speaker, Ruben has been a member of UAW Local 598 since 1955 when he went to work as an assembler at the former Fisher Body Plant 2 of General Motors Corporation in Flint, Michigan. In 1970, Mr. Burks was appointed by then UAW President Walter Reuther to the International Union staff in Region 1C where he serviced UAW members in General Motors and independents, parts, and supplier plants.

Ruben has been a long time community activist as well. He has been a leader in Flint Genesee County Economic Development, a cooperative effort by labor, business, and civic leaders to keep good jobs in the Flint community and to attract new industries to the area. Ruben played a leading role in the UAW-General Motors Community Health Care Initiative in Flint, an innovative community-based effort to improve the quality and accessibility of health care while at the same time making the community's health care delivery system more cost efficient.

Ruben has not only been active in the UAW, but is also actively involved in numerous civic, charitable, and youth organizations in the Flint community, including Special Olympics, March of Dimes, Red Cross, and Easter Seals.

An outspoken advocate for working families in the political arena, Mr. Burks has made grassroots political action by UAW members a high priority in Region 1C. Ruben also received an honorary degree in Community Development from Mott Community College in recognition and appreciation of his contributions to the Flint community.

Ruben has lived in Flint since 1955 and is the proud father of seven children and ten grandchildren. Mr. Speaker, as Ruben leaves his position as secretary-treasurer of the UAW, I would ask that all my colleagues salute him and his leadership.

RECOGNIZING DePELCHIN CHILDREN'S CENTER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. BENTSEN. Mr. Speaker, I rise today in recognition of the DePelchin Children's Center, on the occasion of their 110th Anniversary and the grand opening dedication of their new facility. The DePelchin Children's Center is named for its founder Kezia Payne DePelchin,

who in 1892 took three orphaned babies into her care and started a tradition of service.

The three babies taken in by Kezia were the first of thousands to be cared for by the DePelchin Children's Center. The center currently provides counseling services, parental education, adoption and foster care services, and residential treatment for children with emotional disorders. What is a most remarkable feat is that these services are currently offered to more than 27,000 children and families each year.

Throughout its 110 year continuum of care, DePelchin Children's Center has been a cornerstone of care in Harris, Montgomery, Ft. Bend, and Waller Counties. The services offered at DePelchin are designed to meet the specific needs of individuals and families. At DePelchin, services are offered to individuals regardless of their ability to pay. The Center receives its funding from the United Way, several government agencies, and the generosity of individuals within the community.

From 1892 to 2002, the DePelchin Children's Center has continued to grow. Through its support from the Child Welfare League of America (CWLA) in 1937, DePelchin opened the Negro Child Center and targeted services to Houston's minority population. During the days of segregation DePelchin was a catalyst within the community.

There are many success stories that spawned from the DePelchin Children's Center. The ''Bayou Place,'' a division of DePelchin in Spring, Texas, serves as a group home and hosts classes for foster and biological families. It provides education for children at the shelter, care for children of battered wives, and adoption services for mentally retarded children.

Mr. Speaker, I join the DePelchin Children's Center as it celebrates its 110th Anniversary and the grand opening dedication of the new facility. I commend the staff and volunteers of DePelchin for their unyielding commitment to the ideals of Kezia Payne DePelchin. Their passionate work on behalf of countless young Texans has set an example for generations. I applaud their leadership and service, and wish them continued success in the years to come.

HONORING ROSTEEN STRASSNER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Mrs. Rosteen Strassner on the occasion of her 100th birthday. The Fresno Temple Church of God in Christ celebrated her birthday on March 23, 2002.

Mrs. Strassner has made numerous contributions to her community; she is truly a giving person. She has served the West Fresno Community and the City of Fresno for nearly 68 years. Her accomplishments have been great, and range in variety. Rosteen's concern for others has made an impact on her career choices. Mrs. Strassner worked as a dietitian at St. Agnes Hospital for many years. She also owned and operated two restaurants in the Fresno area. Mrs. Strassner, unwilling to turn her back on anyone, opened her home to become a full-time caregiver to mentally challenged adults. Her hard work and dedication was very rewarding, though not in a monetary sense. She became one of the first African Americans to open a residential licensed home in West Fresno for the Central Valley Region and State of California, where she could assist numerous Valley residents.

Mr. Speaker, I rise today to honor Mrs. Rosteen Strassner on the very special occasion of her 100th birthday. The community has been greatly served by this outstanding woman. I invite my colleagues to join me in thanking Mrs. Strassner for her contributions to the community and wishing her many more prosperous years.

RACE RELATIONS IN NORTHEAST OHIO

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. SAWYER. Mr. Speaker, in 1993, The Akron Beacon Journal in Akron, Ohio published ''A Question of Color,'' a year-long Pulitzer Prize winning series on race relations in Northeast Ohio. As part of the series, The Akron Beacon Journal called on local organizations to join together to discuss ways to improve race relations in the community. This effort became known as the Coming Together Project.

Nine years later, the Coming Together Project has grown tremendously. What began as a local effort to address growing disparities between blacks and whites in the areas of housing, income, and educational opportunities, has expanded into a national effort to promote diversity, racial harmony, and cultural awareness. The Coming Together Project established programs that provide people with the opportunity to discuss issues that have historically divided them. Through educational workshops and seminars, the Coming Together Project promotes dialogue and helps foster community-building relationships.

On Wednesday, April 17, 2002, the Coming Together Project will hold its inaugural Annual Meeting and Awards Luncheon in honor of the organization's founders, community volunteers, and supporting groups. The Coming Together Project and its 250 participating member groups and corporations deserve recognition for their dedicated work to improving communities across the country through diversity programs.

RECOGNIZING THE HOUSTON MINORITY BUSINESS COUNCIL'S EXPO 2002

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. BENTSEN. Mr. Speaker, I rise in recognition of the Houston Minority Business Council's EXPO 2002. EXPO 2002, Texas' largest minority business development trade fair, assists major corporations, government agencies and educational institutions in identifying proven minority suppliers capable of satisfying product and service needs. This year's business forum will be held on Wednesday, September 5, 2002, at the George R. Brown Convention Center. Dr. John Mendelsohn, president of the University of Texas' M.D. Anderson Cancer Center will serve as this year's General Chair.

For many years, major corporations have used EXPO as a tool to disseminate information on how to do business with their companies. Minority Business Enterprises (MBEs) utilize EXPO as an easy and cost-effective means of accessing key purchasing personnel and decisionmakers at major corporations. EXPO allows MBEs to gain valuable insights into both the local and national strategies of major corporations. Nearly 1,000 minority-owned businesses and more than 200 corporations and government agencies are expected to attend. EXPO prides itself in its ability to spur the development of minority businesses by bringing together minority businesses and corporate executives. Last year, as a result of contacts established at EXPO, MBEs made an average of 23 sales calls from which 44 percent reported immediate results. On average, at least two-thirds of the participants reported the establishment of new business relationships that totaled as high as $2 million within 8 months of the event.

Mr. Speaker, the Houston Minority Business Council serves the important function of incorporating minority businesses in local and national commerce. Regardless of the size of the company, EXPO has something to offer a minority business owner, major corporation, government agency, educational or financial institution, or business resource organization. I applaud the efforts of the Houston Minority Business Council and look forward to another successful event.

HONORING CHARLES M. WALLIN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Charles M. Wallin for receiving the 2002 Hall of Fame Award from the Sanger District Chamber of Commerce. Mr. Wallin has been playing a huge role in the Sanger community nearly his entire life.

Charles Wallin attended elementary school and high school in Sanger. He graduated from Fresno State, and the College of Mortuary Science in Los Angeles. Upon his return to Sanger, Charles went into business with his father at Wallin & Son Funeral Home which he eventually purchased from his father and renamed Wallin's Sanger Funeral Home.

Mr. Wallin is a very active member of the Sanger community. He was a member of the board of directors for the Sanger Chamber of Commerce and was the District Secretary for Rotary District 5230. Charles Wallin has been a member of the Rotary Club of Sanger since 1964, and is currently a member of the Sanger Masonic Lodge No. 316. Charles is an avid supporter of the Tom Flores Youth Foundation, and also promotes numerous programs at Sanger High School, Mr. Wallin is a member of the California Funeral Director's Association. He has been married to Marilyn L. Wallin for 37 years, and the happy couple was blessed with three sons, Mark, Christopher, and Brian.

Mr. Speaker, I rise today to congratulate Mr. Charles M. Wallin for receiving the 2002 Hall of Fame Award from Sanger Chamber of Commerce. I invite my colleagues to join me in thanking Mr. Wallin for his community service and wishing him many more years of continued success.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 93, H.R. 1374, the Philip E. Ruppe Post Office Building Designation Act. Had I been present I would have voted ''yea.''

I was also unavoidably detained for rollcall No. 94, H.R. 4156, the Clergy Housing Allowance Clarification Act (as amended). Had I been present I would have voted ''yea.''

I was also unavoidably detained for rollcall No. 95, H.R. 4167, the Family Farmer Bankruptcy Extension Act. Had I been present I would have voted ''yea.''

50TH ANNIVERSARY OF LITTLE LEAGUE BASEBALL IN BOUND BROOK, NJ

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. FERGUSON. Mr. Speaker, I rise today to congratulate the players, coaches and administration of the Bound Brook Little League on the 50th anniversary of Little League Baseball in Bound Brook, New Jersey.

Nothing symbolizes the springtime and the onset of warmer weather like the first pitch of the baseball season. A season's first pitch is always a special moment, but on Saturday, April 20, the first pitch ceremony of the Bound Brook Little League commemorates 50 years of little league baseball in the community.

Over the years, little league baseball has become a fixture in Bound Brook. The little league does more than merely teach the youth of the area about our national pastime. It fosters camaraderie with teammates, instills respect for fellow competitors, and teaches youngsters that sports are about much more than winning and losing.

On April 20, the community of Bound Brook will come together to have a parade followed by exhibition baseball games to mark the 50th anniversary of the little league. This day of celebration will bring together former and current players and is symbolic of the organization's meaning to the area. The little league brings the community together to give adults the opportunity to share their love of baseball and teach kids lessons that they will carry throughout their lives.

I commend Bound Brook Little Leaguers, past and present, and the many friends of the little league that have helped mold the lives of so many youngsters throughout the past 50 years.

HONORING DR. FRED B. KESSLER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to honor Dr. Fred B. Kessler who has been selected The Houston Surgical Society's ''Distinguished Houston Surgeon'' for 2002. Dr. Kessler's family, colleagues, and friends will honor him at the society's meeting on May 21, 2002.

Dr. Kessler has dedicated his life to our county and to the world of surgical medicine. He was born on December 18, 1931, in Houston, TX. He graduated from the University of Texas in 1952 and obtained his medical degree in 1956 from the University of Texas Medical School in Galveston. Dr. Kessler interned at the Philadelphia General Hospital from 1956–1957 and completed his residency training at the Hospital University of Pennsylvania. He returned to Houston after completing his fellowship at Roosevelt Hospital in New York in 1963.

Dr. Kessler is currently Clinical Professor of Surgery and Co-Fellowship Director of the Plastic Surgery Hand Service at Baylor College of Medicine. He has served on numerous committees for the American Society for Surgery of the Hand and the American Medical Association, published numerous articles and chapters, and served as associate editor of the Journal of Hand Surgery.

Mr. Speaker, throughout his career, Dr. Kessler has distinguished himself as a spectacular surgeon, consummate educator and an integral part of the Houston community. It is with great honor that I congratulate him on this outstanding recognition of his commitment to the field of medicine.

HONORING MR. DEAN STANLEY SHELTON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. SCHAFFER. Mr. Speaker, today I am proud to honor Staff Sergeant Dean Stanley Shelton who proudly served in the United States Army and recently received the Purple Heart and Bronze Star medals of honor.

Raised in Kansas, Mr. Shelton was drafted on February 8, 1951 at age twenty-one, and first served in Germany. During his time there he met his soon to be wife, Greta. Once his service abroad was completed, Mr. Shelton came back to the United States and was stationed at Fort Custer, Michigan where he received an Honorable Discharge on January 30, 1955.

However, due to his dedication and love of service, Mr. Shelton re-enlisted in the Army on June 27, 1955. Once again duty sent him to Germany, South Korea, and South Vietnam.

It was in Vietnam, assigned to Company A, Fourth Engineering Battalion, Fourth Infantry Division, where Staff Sergeant Shelton sustained injuries during combat. On March 26, 1968, the Third Battalion Fire Support Base came under intense enemy ground, rocket, and mortar attack. During these events, Specialist Shelton sustained injuries while positioned in a bunker defending the base perimeter.

Although his fellow soldiers and the U.S. Army recognized his personal bravery, due to his severe medical condition and evacuation to U.S. hospitals, there was unfortunately not time to present his medals when they were actually awarded. On the battlefield, Shelton showed uncommon valor, dedication, and sacrifice that cannot be instilled in training.

Mr. Speaker, I had the honor of attending an awards ceremony on April 8, 2002, when Mr. Shelton finally received his medals. This nation has not forgotten his tremendous service. I would like to thank Staff Sergeant Shelton in keeping with the highest tradition of armed service, and selflessly defending the lives of his fellow soldiers.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. CLEMENT. Mr. Speaker, on roll call no. 93, H.R. 1374, had I been present, I would have voted ''yea.''

RECOGNIZING SHARON K. DARLING

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mrs. NORTHUP. Mr. Speaker, I rise today to congratulate a truly inspiring woman in my district, Ms. Sharon Darling. Ms. Darling has been honored as a 2001 recipient of the prestigious National Humanities Medal. Next month, Ms. Darling will receive her award in a personal presentation from President Bush and First Lady Laura Bush.

As a tireless advocate for education and literacy, Ms. Darling has worked hard to improve and reform the education system. While serving in many capacities throughout her career, she has always remained steadfast in her pursuit of this very noble goal. Ms. Darling pioneered a program that combines early childhood education, adult literacy education, parental support and structured interaction between parents and their children. Encouraged by positive results, Ms. Darling founded the National Center for Family Literacy in 1989. Since its inception, NCFL, which is located in Louisville, Kentucky, has been dedicated to family literacy. Their efforts are internationally recognized, and NCFL is well-known for creating innovative program models, developing effective advocacy strategies and providing research, training and technical assistance to professionals working within the field of family literacy.

Ms. Darling and the NCFL realize the importance of education and literacy. Without the ability to access knowledge, people will not have the tools necessary to fight their way out of impoverishment, and to empower themselves. Ms. Darling serves as an advisor on education issues to governors, policy makers, business leaders and foundations across the nation. By providing advice and creative planning strategies, Ms. Darling works toward

strengthening families through education, and moving them toward literacy and self-sufficiency; both essential steps in breaking the intergenerational cycle of poverty. She continues to have a lasting impact in helping to shape welfare reform, education reform and develop the skilled workforce of our nation.

The National Humanities Medal will not be the first time Ms. Darling has received recognition for her efforts. In 2000, she received the Razor Walker Award from the University of North Carolina for her contributions to lives of children and youth. She also has been honored with the Women of Distinction Award from Birmingham Southern University in 1999; the Albert Schweitzer Prize for Humanitarianism from Johns Hopkins University in 1998; the Charles A. Dana Award for Pioneering Achievement in Education in 1996; and the Harold H. McGraw Award for Outstanding Educator in 1993. Several honorary doctorate degrees and a feature on the Arts & Entertainment television network's series, ''Biography'' further exemplify the impact Ms. Darling has had in regards to education and literacy.

The National Humanities Medal, the Federal Government's highest honor recognizing achievement in the humanities, acknowledges individuals or groups whose work broadens citizens' engagement with and expands Americans' access to important resources in the humanities. By providing literary assistance to children and their parents, Ms. Darling's family literacy programs are helping reverse the disturbing trend of illiteracy in families, and improve the academic achievement of children. We all know that reading is critical to overall success in school—if a student cannot read the math problem, he cannot achieve in math—if he cannot read his science book, he cannot understand our changing world. Ms. Darling has striven toward the ideals personified by the National Humanities Medal, and her distinction is much deserved. I commend her on receiving this award, and thank her for the work she has done, and will continue to do.

HONORING MICHAEL P. GALAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Michael P. Galan for receiving the Citizen of the Year Award from the Sanger District Chamber of Commerce. Mr. Galan has devoted many years to service within the community of Sanger.

Mike Galan graduated from Contra Costa Junior College in 1966 and was hired by the University of Wisconsin to work for the National Science Foundation in Antarctica. While in Antarctica he explored the Queen Maude Land area—which had never been explored. A mountain ridge was named ''The Galan Ridge'' for his involvement in the expedition.

He returned to California, completed a degree at California State University, Sacramento, and, after many promotions with Western Kraft Paper, moved to Sanger as Plant Manager. He has made a tremendous impact on the community through his participation in numerous organizations. He has been a member of the Rotary for seven years and the Sanger Chamber of Commerce for fifteen years. Mr. Galan is also a member of the Sanger Masonic Lodge and serves as a Trustee and on the Stewardship Committee for the Sanger Methodist Church. Regardless of his enormous community involvement Mike also spends a lot of time with his wife of 32 years, Karen, and their two sons, Justin and Raymond.

Mr. Speaker, I rise today to congratulate Mike Galan for receiving the Citizen of the Year Award from Sanger Chamber of Commerce. I invite my colleagues to join me in thanking Mr. Galan for his community service and wishing him many more years of continued success.

CELEBRATING THE 75TH ANNIVERSARY OF THE HAMILTON COUNTY REPUBLICAN WOMEN'S CLUB

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. CHABOT. Mr. Speaker, today I want to recognize the Hamilton County Republican Women's Club of Cincinnati, Ohio, in celebration of its 75th anniversary.

Since 1927, this organization has diligently promoted and participated in our democratic process. The HCRWC has helped hundreds of candidates at the local, state, and federal levels, and supported countless issues of importance to the greater Cincinnati community.

Grassroots organizations like the HCRWC supply campaigns with dedicated volunteers who donate their own time to do the invaluable behind the scenes work necessary to keep the democratic electoral process functioning.

Mr. Speaker, organizations like the Hamilton County Republicans Women's Club are the backbone of the American political process. I wish the club and its members continued success in raising political awareness and increasing political participation in Cincinnati and beyond for years to come.

TRIBUTE TO FAITH HERITAGE HIGH SCHOOL BASKETBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Faith Heritage High School Boys Basketball team for winning the Class D New York State Basketball Championship. The Faith Heritage Saints not only won the Class D State title, they did so in an impressive fashion, finishing the season with a perfect 27–0 record.

The Saints were led by first year coach Dan Sorber as well as strong leadership from the team's veteran members, which included six graduating seniors. The team had high expectations from the very beginning of the season, never settling for anything less than perfection. Their senior leadership and perseverance allowed them to emerge victoriously in the title game. They finished the season having fulfilled all of their expectations and successfully completing the perfect season.

On behalf of the people of the 25th District of New York, it is my honor to congratulate the Faith Heritage Boys High School Basketball team and their coaching staff on their Class D State Basketball Championship. With these remarks, I would like to recognize the following players and staff. Jason Awad, David Booher, Joel Canino, Tim Halladay, Ryan Nellenback, Vivek Thiagarajan, BJ Dwyer, Paul Finch, Andrew Honess, Dan Loucy, Jacob Brunner, Cooper Stroman and Head Coach Dan Sorber.

REMEMBERING ISABELLA ROSE LANCASTER, OF MOBILE, ALABAMA

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. RILEY. Mr. Speaker, I rise this evening in extremely sad, yet spiritually joyful remembrance of a little girl named Isabella Rose Lancaster, who was born December 20, 2001, and died April 14, 2002, in the arms of her beloved mother.

During the short four months she graced our world with her innocent presence, Isabella touched the hearts of everyone fortunate enough to have seen her, to have held her, and to have loved her. Chief among them was her mother, Caroline Anne-Marie Lancaster, of Mobile, Alabama, whom my prayers, sympathy, and thoughts are with this evening.

Friends and family gathered at St. Dominic's Catholic Church in Mobile earlier today to remember Isabella and to comfort Caroline, who cared for her little girl with all a mother's love.

We in Congress mourn the unexpected passing of Isabella, and pause to remember her this evening.

While there are no words from man that could ever provide the solace Caroline needs, we humbly ask the Holy Spirit to shine into her soul, and reassure her broken heart that little Isabella will forever walk beside her, forever sleep next to her, and will forever protect her until Mother and Daughter are reunited in Heaven with our loving Father, the Lord our God, and his Son, Jesus, who this very hour holds Isabella safely in the palm of His hand, and who truly knows Isabella's life has no end.

HONORING DR. PAULA HARTMAN-STEIN

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. SAWYER. Mr. Speaker, Dr. Paula Hartman-Stein, a leading mental health advocate, is being inducted into the National Academies of Practice on April 13, 2002, after being elected a Distinguished Practitioner by the National Academies of Practice in Psychology. Founded in 1981, the National Academies of Practice is an organization devoted to promoting quality health care for all through interdisciplinary practice, education, and research.

Dr. Paula Hartman-Stein is the founder of the Center for Healthy Aging, a behavioral

health practice in Portage County, Ohio. A clinical psychologist with expertise in both healthy psychology and geropsychology, Dr. Hartman-Stein has taught psychological aspects of healthcare to internal medicine residents at Akron General Medical Center. Currently, she is an Adjunct Instructor at the Kent State University College of Nursing, a Senior Fellow at The Institute for Life Span Development and Gerontology at the University of Akron, and an on-line instructor for the Fielding Institute.

For almost 20 years, Dr. Hartman-Stein has helped individuals and families cope with the stress associated with caregiving and decision-making for older adults. Her work regarding assessment and therapy of older adults has been featured in many professional publications, including her 1998 edited book, Innovative Behavioral Healthcare for Older Adults: A Guidebook for Changing Times. For the past three years, she has been a regular columnist on public policy affecting older adults for the newspaper, The National Psychologist. She is considered a national expert in issues relating to Medicare and mental health.

Dr. Hartman-Stein received her doctorate from Kent State University and Master's degree from West Virginia University in Clinical Psychology. In addition, she received training through the Geriatric Clinician Development program at Case Western Reserve University.

CONGRATULATIONS TO SISTER ROSE MARIE KUJAWA

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. KNOLLENBERG. Mr. Speaker, I would like to take this opportunity to congratulate Sister Rose Marie Kujawa as she is inaugurated as Madonna University's sixth president. I would also like to thank her for her extraordinary contributions to Madonna. For over twenty years, Sister Rose Marie has served Madonna, and every person with whom she has worked is eternally grateful for all she has accomplished.

On July 1, 001, Sister Rose Marie became Madonna's sixth president. Sister Rose Marie began her tenure with Madonna in 1975, organizing and teaching the first computer courses to be offered at the university. Later on, as an academic dean, Sister Rose Marie organized Madonna's first graduate program. During her term as academic vice president, the size of the faculty and the percentage of faculty members holding doctorates doubled. Further, the faculty teaching load was brought in line with national standards during Sister Rose Marie's tenure as academic vice president.

Mr. Speaker, it is clear Sister Rose Marie is a woman of great dedication to Madonna University. In addition to her outstanding service to Madonna, Sister Rose Marie is dedicated to improving the lives of others. She has served on the boards of a seminary, social services agencies, nursing homes, retreat centers, a hospice and a hospital. Additionally, she was elected to the leadership team of the Felician Sisters of the Livonia Province.

And so, Mr. Speaker, I submit this tribute to be included in the archives of the history of our country. It is women like Sister Rose Marie Kujawa who make this nation great. I extend to her my congratulations as Madonna University celebrates her inaugural activities on April 20, 2002.

INTRODUCTION OF THE DISTRICT OF COLUMBIA TAX INCENTIVES IMPROVEMENT ACT OF 2002

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Ms. NORTON. Mr. Speaker, today, during Tax Week in the Congress, I am introducing the District of Columbia Tax Incentives Improvement Act of 2002. The legislation builds on and adds to federal tax incentives I first pressed through Congress in 1997 in order to help produce market-based residential and business stability and growth. I believe the bill has a good chance of passage. This bill is necessary to assure even the sustained stability, let alone real economic growth, that still eludes the District economy and the city government. The bill is essential if the District is to become more economically diverse so that it is not overly dependent on just two sectors—tourism and federal offices. This federal tax package gives the city the tools it needs to begin to produce a self-sufficient economy. After the financial collapse of the 1990s, and after the sunset of the control board last year, Congress has an obligation to help the city do what is necessary to increase its own residential and commercial economic output and independence.

The city does not have that capacity today. Ominously, the District lacks the essential safety valve of other large cities—a state to fall back on in times of economic downturn and distress. The economic forecasters agree that because of congressionally imposed impediments to collecting the natural revenue available to states, including the inability to levy a tax on commuters, no matter how much the District reduces spending, expenditures will continue to grow faster than revenues for the foreseeable future. This trend places the District on a collision course, at worse to insolvency, at best to instability, if the Congress does not assist the District with economic tools to help the city capture its own, natural, steady revenue stream in the marketplace. The surpluses that brightened the city's hopes are trending toward a decline: $185 million surplus in 1997 to a $77.6 million in 2001. Because of congressional constraints on the ability of the District to collect revenue, the District faces an annual structural deficit of $400 million, a figure projected to rise every year. The city's unemployment rate is 6.9% compared with 4.5% in Maryland and 4.1% in Virginia. This picture resembles other large cities in the United States. However, none of these cities survives on city-generated revenues alone, nor could it do so. State assistance is necessary not only to meet current expenses, but also to make up for sharply diminished tax bases in every other major American city.

Fortunately, the federal tax credit incentive approach already approved by Congress is having extraordinary success in promoting economic growth here. My bill will improve upon D.C.-only tax credits that leverage the private sector rather than the government to do the job of growing the economy and will return many times the small tax revenue foregone by the federal government.

The District of Columbia Tax Incentives Improvement Act of 2002 that I introduce today has six important components: first and most important, treatment of the entire District of Columbia as an enterprise zone, to spread to all neighborhoods and businesses tax incentives that have brought substantial benefits to many communities but with the unintended effect of affording an unfair and arbitrary advantage to some businesses and neighborhoods over their competitors; (2) assuring that the tax benefits do not expire before their job is done by extending these D.C.-only federal enterprise zone benefits, to match other jurisdictions with similar benefits; (3) improvements to capital gains provisions, including zero capital gains taxation for businesses holding intangibles; (4) making the $5000 homebuyer credit permanent, to ensure continuation of the tax incentive that is largely responsible for new homebuyers and for maintaining and attracting taxpayers to the city, and that is critical to helping the District achieve the 100,000 new residents necessary to sustain its stability; (5) releasing tax exempt bonds from the private activity bond limit in order to lift the constraints of a valuable tool for attracting businesses to build here; and (6) enacting triple tax exemption for D.C. securities, to put the District on par with the territories who do not pay taxes on their securities.

1. DISTRICT OF COLUMBIA CITY-WIDE ENTERPRISE ZONE

Several extraordinarily valuable enterprise zone tax benefits constitute the major financial tools that have been used for business revival and new commercial and office construction in the city. Among the most successful have been the wage tax credit allowing an employer a 20% credit for the first $15,000 ($3000) of an employee's income if that employee is a D.C. resident. This credit not only helps attract and retain businesses, it also helps to correct the severe imbalance that allows two-thirds of the jobs in the city to go to commuters. Another tax benefit, the elimination of capital gains altogether, is expanding and creating businesses in many city neighborhoods and downtown. A third tax incentive, tax exemption for up to $15 million in bonds, is fueling much of the city's construction boom, and construction alone accounts for the major portion of the increased economic output of the District today.

However, because the District is small and compact, multiple enterprise zones have had unintended, discriminatory effects. High income university students with little personal income have brought Georgetown and Foggy Bottom businesses within the zone, but some businesses in struggling areas of Ward 5 do not qualify. The Willard Hotel can get $3,000 off the first $15,000 it pays any employee, but competitors such as the Hay Adams and the Washington Hilton, cannot. The Hay Adams, one of D.C.'s oldest and most distinguished hotels recently completed renovation of its facilities and helped return tourists to D.C. without the benefit of the $15 million tax exempt bonds because it is not in the zone. These new provisions would eliminate an unearned advantage that forces competition among our already depleted pool of businesses instead of between those in and outside of the District.

The solution is to designate the District of Columbia itself an enterprise zone. Only this

solution will erase indefensible distinctions that tear neighborhoods apart and help some D.C. businesses, neighborhoods and residents over others that are similarly situated.

We are simply asking the Congress to do for the business tax breaks what it has already done for the Homebuyer credit: make it available in all parts of the city. The $5,000 Homebuyer Tax Credit has always been citywide, and the success of its citywide approach shows that effective tax breaks can and should be used to encourage the economy throughout the city.

2. EXTENDING THE LIFE OF THE D.C. ENTERPRISE ZONE BENEFITS

Currently, the District of Columbia Enterprise Zone Benefits (including the $3,000 wage credit, zero percent capital gains taxation, tax exempt bonds) expire at the end of 2003. Last Congress, other jurisdictions which enjoy similar tax incentives, had their benefits extended until 2009. The Tax Incentives Improvement Act would extend the life of the D.C. Enterprise Zone Benefits to 2009 to match those of other states.

Since 1997, the economic impact of these valuable tax incentives have been felt across the city, and the evidence of their clear success has enabled me to renew these benefits several times. The evidence is now so convincing that I am seeking not only to renew but to enhance and improve the benefits. In return for hiring D.C. residents, local businesses have claimed hundreds of thousands of dollars in $3,000 employment tax credits which has resulted in the hiring of D.C. residents as required to receive any tax breaks. Representative D.C. businesses that have claimed wage credits include hotels and restaurants, retailers (such as Safeway Foods, CVS Drugs, and Subway Restaurants), offices, janitorial and maintenance services, parking facilities, and telephone, electric, and gas utilities. Although the Internal Revenue Service does not have a mechanism that captures the amount of wage credits claimed, there are thousands of representative examples throughout the city: an accounting firm with 15 District clients that documented claims of $1.9 million over three years; a D.C. manufacturer that claimed tax credits of $400,000 over the same period; a partnership that owns a D.C. hotel that claimed credits of more than $500,000 each year since 1998; and one of the District's largest hotel operators, for tax year 2001, will claim employment tax credits of more than $1.7 million.

In addition, more than $150 million in tax exempt bonds have been issued on behalf of new and expanding for-profit businesses, including such neighborhood retail businesses as K–Mart and CVS Drugs; tourist destinations such as the new International Spy Museum; commercial parking facilities, and social service providers such as the United Planning Organization. Specific amounts include: $11.3 million in tax exempt bonds for the Arnold and Porter law firm; $13 million for a subsidiary of Pepco; $9 million for the Crowell and Moring law firm; and $4.5 million for the American Immigration Lawyers Association. The current pipeline consists of projects valued at over $150 million.

3. IMPROVEMENTS TO CAPITAL GAINS PROVISION

The District seeks the high technology and computer companies that have made the rest of the region rich and that can help diversify the city's economy. Under current federal enterprise zone law, elimination of taxes on capital gains (such as increases in the value of investments in stock or property), does not apply to earnings to D.C. companies and entrepreneurs whose assets consist substantially of so-called ''intangible'' assets (those assets which do not have a physical substance). The most common types of businesses that deal principally in intangibles are information-based technology companies, including those that develop software or maintain Internet sites. Recently, the Internal Revenue Service ruled that businesses in the District holding intangibles could not receive the zero percent capital gains taxation allowed in many neighborhoods in the D.C. enterprise zone. My bill allows technology and other companies to receive the special capital gains treatment subject to appropriate safeguards to ensure that D.C. is not used by such companies as a tax haven.

My bill also makes other important improvements to the capital gains provisions in the D.C. enterprise zone law, including reducing the holding period for assets from five years to two years to help spur investment and growth and reducing the amount of business that must be derived from the zone to receive the special capital gains treatment. Currently, District businesses must derive 80% of their business from the enterprise zone while other jurisdictions only have to derive 50%. My bill corrects this inequity.

4. MAKING THE DISTRICT OF COLUMBIA A PERMANENT $5,000 HOMEBUYER CREDIT JURISDICTION

This provision would make permanent the $5,000 Homebuyer Credit, perhaps the most successful economic stimulus in the city's history. It is chiefly responsible for stemming the flight that almost destroyed the city's tax base during the 1980s and during the financial crisis and insolvency of the 1990s. The credit offers significant evidence that a tightly targeted tax incentive can have a major turnaround effect on a major problem confronting a city.

The credit has been so successful that we have recommended that states do the same for the many large cities that are rapidly losing taxpayers. In 1998, its first full year, despite the city's financial problems and damaged reputation, the credit made the District first in home sales increases in the United States. According to an independent study by the Greater Washington Research Center covering a portion of 1997 and all of 1998, 70% of D.C. homebuyers have used the credit, and 51% purchased homes because of the credit. In 1999 alone, single family home sales have risen in the District by over 10,000 homes. Fannie Mae has converted the $5,000 credit into up-front money towards the purchase of a home, affording the credit significantly greater value to the individual.

The $5,000 homebuyer credit proved itself so quickly and so well that I have been able to get it repeatedly extended by Congress. The credit is minimally necessary if the city is to have any chance of increasing its still small and depleted tax base, an urgent necessity for self-sufficiency. The credit has proved itself so definitively that to get the full effect, it should be enacted permanently.

5. EXEMPT ENTERPRISE ZONE BONDS FROM PRIVATE ACTIVITY BOND LIMIT

Under legislation recently enacted by the Congress, Enterprise Zone bonds issued to finance commercial development projects in Empowerment Zones and Renewal Communities are exempt from the federal Private Activity Bond Limit or PAB. The PAB is the state's annual authorized limit for total tax-exempt bonds projects. Currently, that limit is $150 million per year in the District. The failure to apply this exclusion to the District places the city at a competitive disadvantage with the states, particularly with respect to housing and retail projects. My bill levels the playing field and exempts the District from the $150 million limit, as well as from the $15 million per project limit, to give the District the tools to attract economic development projects to the city.

6. TRIPLE TAX EXEMPTION FOR DISTRICT SECURITIES

Generally, local jurisdictions that issue securities, such as bonds and notes, are subjected to three different levels of taxation—federal, state, and local. Unlike these jurisdictions, the District is the only local government in the continental United States that does not have a state to assist it in supporting basic goverment functions and services. Although Puerto Rico, the Virgin Islands, and American Samoa do not have state support either, they have been granted an exemption of federal, state, and local taxes (or triple tax exemption) on their securities (bonds and notes issued by the Council) to help make up for this deficiency. My bill ends the District's inequitable treatment and exempts District securities, like those in the territories without state aid, from federal, state, and local taxation.

PENSION SECURITY ACT OF 2002

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 3762, the so-called Pension Security Act of 2002. As we all learned as a result of the monumental collapse of Enron, our pension system needs to be fixed to ensure that Americans' retirement savings are protected.

This bill brought before us today, however, does not ensure this protection. What it does ensure is political cover for the majority so they appear to be protecting people's retirement savings while not creating friction with their corporate allies.

H.R. 3762 doesn't really solve the problems we witnessed last year from the Enron debacle. The majority's bill still restricts employees from selling existing company stock in their pension accounts during the five-year phase-in, and requires them to hang on to employer stock for three years after it is contributed. While employees are restricted during this time, however, company executives would still be free to trade their own stock as they wished.

The substitute bill, which I support, has no such five-year phase-in and allows employees to sell employer stock immediately, once they have been in the plan for three years. The substitute also ensures that employees will know, within three days, when executives are dumping large amounts of their company stock. Ken Lay used loopholes in securities laws to delay disclosure of sales of millions of dollars of company stock. Had employees known about these sales, they may have decided not to continue to purchase Enron stock.

The substitute ensures that such information could not be kept from employees. Also, the substitute holds executives accountable for selling company stock in their special pension accounts by including stiff new criminal penalties for violations.

H.R. 3762 also allows companies to offer workers investment advice, even if there is a clear conflict of interest. For example, an investment management company could serve as both the investment advisor and the plan manager chosen by the company.

I urge my colleagues to oppose H.R. 3672, support the substitute, and help protect the savings of hard-working Americans. The Pension Security Act of 2002 is nothing more than lip service to protecting pensions. 15,000 Enron employees lost more than $1.3 billion. Clearly this calls for Congress to provide real security and real pension protection and reform of the system that allowed Enron officials to pull the sheets over the eyes of their employees. That is what the Rangel/Miller substitute does and that is the bill I will support. Thank you.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. CLEMENT. Mr. Speaker, on roll call no. 94, H.R. 4156, had I been present, I would have voted ''yea.''

TRIBUTE TO SERGEANT 1ST CLASS DANIEL AARON ROMERO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. SCHAFFER. Mr. Speaker, it is with a heavy heart and a tremendous amount of respect and admiration that I rise today to honor the tragic, yet heroic death of Colorado Army National Guard Sergeant 1st Class, Daniel Aaron Romero. On April 15, 2002, near Qandahar, Afghanistan, Sergeant Romero gave his life for his country, while fighting the battle against the evils of terrorism during Operation Noble Eagle. Upon reflection of his life and service to this nation, we have come to know Sergeant Daniel Romero as a man who loved his family, loved his home State of Colorado, and loved his country.

Born in Longmont, CO, Daniel was the only son of proud parents, Michael and Geralyn Romero. While earning his living as a Colorado rancher, Daniel decided to concurrently serve with the Colorado Army National Guard in 1991.

Sergeant Romero rose through the ranks of the Colorado Army National Guard, receiving the Army Service Ribbon, Non-Commissioned Officers Ribbon, National Defense Service Medal, and the Colorado Service Ribbon with device. Eventually, Sergeant Romero became a member of the select B/5–19th Special Forces Group, headquartered in Pueblo, CO. This elite group of soldiers is known for parachuting at high altitudes, rappelling from helicopters face first, and furtively permeating enemy lines. In December 2001, he was placed on active duty to serve in Operation Noble Eagle.

Sergeant Daniel Romero is survived by his wife Stephanie, mother Geralyn, father Michael, and sisters Gabrielle and Stephanie. I am sure I speak for this entire Nation when I say our thoughts and prayers go out to the Romero family. May God send His grace upon them during the time of this tragic loss, and may Daniel's bravery and selflessness become the proud example for all those actively serving in America's War Against Terrorism.

HONORING ONCOLOGY NURSES AND THE ONCOLOGY NURSING SOCIETY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to bring to the attention of my colleagues the important and essential role that oncology nurses play in the provision of quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients may experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial, and supportive care to patients and their families. In short, they are integral to our Nation's cancer care delivery system.

The setting for cancer treatment has changed over the last 10 years. Today, more than four out of five cancer encounters occur in community settings, where the majority of cancer care is provided by oncology nurses. However, Medicare does not adequately reimburse the administration of chemotherapy by oncology nurses, which are referred to as practice expenses. Last September, the General Accounting Office released a study indicating that Medicare's drug reimbursement system, based upon the Average Wholesale Price (AWP), is severely flawed and drug payments are inflated. While I strongly support the efforts to reform the AWP system and ensure that Medicare does not overpay for any supplies, I also believe that Medicare should not underpay for any benefits or services.

Today, more than two-thirds of cancer cases strike people over the age of 65 and the number of cancer cases diagnosed among senior citizens is projected to double by 2030. At the same time, many of the community-based cancer centers are facing significant barriers in hiring the specialized oncology nurses they need to treat cancer patients. It is estimated that there will be 115,000 nursing positions open in the year 2015.

The Oncology Nursing Society (ONS) is the largest organization of oncology health professionals in the world with more than 30,000 registered nurses and other health care professionals. Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. Of the 13 ONS chapters in the State of Texas, one is located in the Houston area. These chapters serve the oncology nurses in the state and help them to continue to provide high quality cancer care to those patients and their families in the State.

In particular, I would like to acknowledge nine special oncology nurses from my district who will be in Washington this week to participate in the ONS Annual Congress and the ONS inaugural Hill Day—Glenda Alexander, Laura Espinosa, Visitacion Junpratepchai, Sherry Preston, and Ellen Siegel from Houston, Vickie Dockery from Alief, Cynthia Segal and Paula Rieger from Bellaire, and Susan Stary from Pasadena. I am looking forward to meeting with these outstanding women who have dedicated their lives to improving the health and well being of people affected by cancer. On behalf of all the people with cancer and their families in Texas' 25th Congressional District, I thank these nurses as well as all of their colleagues in the Oncology Nursing Society for their outstanding contributions to the provision of quality cancer care to those in need.

I would like to also acknowledge Paula Rieger for her leadership within the Oncology Nursing Society. For the past 2 years, Paula has served as the ONS President of the Board of Directors and has been an outstanding leader and spokesperson for the organization. I have had the pleasure of working with ONS and Ms. Rieger over the past few years to advance programs and policies that work to reduce suffering from cancer. Her leadership and vision for ONS have resulted in the organization being more aggressive and effective in its health policy efforts. In addition, through her commitment to outreach and collaboration, ONS has expanded and strengthened its partnerships with other health professional, patient, and advocacy organizations. This week Ms. Rieger is stepping down from the ONS Board of Directors. I thank her for her commitment to ONS, for advancing oncology nursing, and for caring for the people of the greater Houston area.

Mr. Speaker, I would like to commend the Oncology Nursing Society for all of its efforts and leadership over the last 27 years and thank the Society and its members for their ongoing commitment to improving and assuring access to quality cancer care for all cancer patients and their families. I urge all of my colleagues to support them in their important endeavors.

TRIBUTE TO COLONEL MICHEAL J. COLEMAN

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize the contributions of Colonel Micheal J. Coleman to the U.S. Army. I join his family, friends, and colleagues as they celebrate his accomplishments and congratulate him on his retirement from 27 years of service in the U.S. Army.

Colonel Coleman is a native of Montgomery, AL, and earned a bachelor of science degree in Business Administration in December 1975 from Alabama A&M University. Immediately after graduation, he was commissioned as a Second Lieutenant in the Adjutant General Corps and entered active duty on January 6, 1976, thus beginning his long and successful

career with the U.S. Army. Since that time, Colonel Coleman has served in various capacities in Stuttgart, Germany; Raleigh, NC; Izmir, Turkey; Alexandria, VA; Washington, DC; and at Redstone Arsenal in Huntsville, AL. He achieved a masters of arts degree from Webster University as well as graduated from many other distinguished military educational programs. On March 28, 2002, he will retire from his position as the Director of Personnel and Training for the U.S. Army Aviation and Missile Command at Redstone Arsenal. I know the people of Redstone Arsenal will miss his outstanding leadership, but wish him a well-deserved retirement.

Colonel Coleman has earned a great deal of respect from his colleagues, receiving several military awards throughout his career. His awards include the Legion of Merit, the Defense Meritorious Service Medal Second Oak Leaf Cluster, Meritorious Service Medal Fourth Oak Leaf Cluster, the Army Commendation Medal Third Oak Leaf Cluster, the Joint Service Achievement Medal, the National Defense Ribbon, the Army Staff Identification Badge, the Army Parachute Badge, and the Army Superior Unit Badge.

This is a deserved retirement for someone who has worked so diligently for the United States to protect our freedom and defend our nation. I join his wife, Carolyn, his sons PJ and Casey, and all of his friends, family, and colleagues in celebrating Colonel Micheal J. Coleman's 27 years of service. On behalf of the U.S. House of Representatives, I congratulate Colonel Coleman and express my gratitude for a job well done.

HONORING MICHAEL FORDE AND THE NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to Mr. Michael Forde, Executive Secretary-Treasurer of the New York City District Council of Carpenters and the over 300 men and women who have dedicated everyday, 24 hours a day, to the clean up effort at the World Trade Center Site.

Mr. Speaker, Michael Forde is a leader in the New York City labor community as the Secretary-Treasurer of the largest Carpenters Union in the Country representing over 25,000 members.

On September 11, the District Council under the leadership of Michael Forde, wasted no time in being some of the first men and women outside of rescue workers and public safety officers to be on the scene of Ground Zero. During the first days after the destruction of the Trade Center, union carpenters worked around the clock helping to clear debris, insuring the structural safety of the area for rescue workers and engaging in the search themselves for survivors of the attack.

As a union based in Lower Manhattan, the District Council of Carpenters has a long and strong history of working to make New York City the financial capital that it is today.

The quick, untiring and heroic response of the men and women of the District Council of Carpenters would not have been as extensive or effective if it was not for the leadership of Michael Forde.

Mr. Speaker, I have known Michael Forde for many years. He was born in the Bronx, moved to Woodside, Queens, in my congressional district where he graduated from Christi High School in Astoria. He received his B.A. in Business Administration from Hunter College.

Mike started in the carpentry field as an apprentice during the construction of the World Trade Center in the early 1970s. Through hard work, dedication to his craft, exceptional leadership skills and a strong commitment to his fellow union brothers and sisters, he rose through the ranks to become a foreman, general foreman, shop steward, president and business manager of Local 608 and ultimately to his present position.

Mr. Speaker, Michael Forde is just one among many. I rise today not only to pay tribute to him and to recognize his work to help rebuild Lower Manhattan and Ground Zero, but I rise to recognize all the men and women of the New York City District Council of Carpenters. These men and women have showed exceptional dedication, fulfilling the task at hand and they will play a critical role in the tasks of the future rebuilding Lower Manhattan and Ground Zero.

Mr. Speaker, I rise today to insure that we as a Congress recognize the work the New York District Council of Carpenters did and the work they continue to do to rebuild Lower Manhattan.

IN RECOGNITION OF THE CONTRIBUTION OF THE IRON WORKERS TO THE RECOVERY OF NEW YORK

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. ENGEL. Mr. Speaker, for every American, September 11th, 2001 means one thing. It is a day that we, as a Nation, suffered as we had never before. As I watched the events of the day unfold from my home in the Bronx, like most, I thought of my family and their safety.

Some others though, had thoughts of only one thing—how can I help. Hundreds of firefighters, police officers, and emergency medical personnel and, yes, construction workers, went running to what was left of the Twin Towers to try and save lives. We should all feel proud of the many men and women who went to Ground Zero, such as the Iron Workers.

In fact, it was Iron Workers who had one of the toughest jobs. These men and women were charged with sifting through that nightmare and they did so with great dignity and compassion for those who lost their lives and their families. As I have watched this amazing transformation, I have swelled with pride, for I have a special place in my heart for these men and women who are Iron Workers, because so was my father.

Today, I have the honor of recognizing two great trade union leaders, Ed Walsh and Robert Ledwith, Both of these men have dedicated their lives to their families, their communities, and their unions.

Just last month, Ed Walsh became the President of the Iron Workers District Council of Greater New York and Vicinity. Ed Walsh started his career with the Iron Workers in 1968 working as an apprentice for three years. He became a journeyman Ironworker union member in 1971. Through three decades he moved up the ranks until becoming the Business Manager of Local 40 in 1995. In March 2002, Ed was appointed as General Organizer for the International and became President of the Iron Workers District Council of Greater New York and Vicinity, an affiliate of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers.

Ed resides in Mamaroneck, New York with his wife Kathy. He has two sons, Christopher and Kevin. Kevin has decided to follow his father's footsteps and is currently an apprentice with Iron Workers Local 40. Ed Walsh comes from a union tradition. His father and brothers John and Bob are union ironworkers, his brother Jim is a retired union carpenter, and his brother is a retired New York City Police Officer.

Bob Ledwith serves as Business Manager and Financial Secretary-Treasurer of the Metallic Lathers Union and Reinforcing Iron Workers Local 46. Bob Ledwith was elected as Business Agent for the Metallic Lathers Union and Reinforcing Iron Workers Local 46 in June 1981. He was elected Business Manager and Financial Secretary-Treasurer in 1999 and continues to serve in that capacity today.

Through the haze and the numbness caused by September 11th, something was shining through. The American Spirit. The men and women of the Iron Workers are the embodiment of that Spirit. It gave us all a sense of hope and a sense of pride.

LEHIGH VALLEY HERO—HANOVER ELEMENTARY SCHOOL

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania for my colleagues and the American people.

All across Pennsylvania's 15th Congressional District there are some amazing people who do good things to make our communities a better place. These are individuals of all ages who truly make a difference and help others. I like to call these individuals Lehigh Valley Heroes for their good deeds and efforts.

Today, I would like to recognize the fifth graders and teachers at Hanover Elementary School in Bethlehem. These students and teachers are true examples of excellence in education.

This year, Hanover Elementary, for the second year in a row had the highest PSSA scores in all of Pennsylvania. The 69 students scored 1630 in math and 1570 in reading, well above the state average of 1310 in both areas. The students outscored 3,800 public and private elementary schools across the state!

I recently had the opportunity to attend a reception in honor of these students and teachers, and offer my congratulations. The teachers deserve much credit for their hard work and dedication. They obviously inspired their

students to want to achieve academically. They have shown that when we raise academic standards, we raise academic performance.

These teachers who make a difference everyday and students who excelled way beyond expectations are Lehigh Valley Heroes in my book. They are as follow: Carol Leasure, Principal; Earl Bethel, 5th grade teacher; Patrice Masluk Schwartzman, 5th grade teacher; and Amanda Shuler, 5th grade teacher.

Students are: Sophia Abud, Erin Albertson, Matthew Ammon, Darren Ankrom, Philip Antonis, Amal Atiyeh, Peter Badger, Monica Bates, Rachel Bochner, Jaimie Boyd, Lauren Burlew, Christopher Cann, Andrew Cass, Rakesh Chauhan, Dilesh Chudasama, Nicholas D'Angelo, Brittany Dellatore, Gregory DeSarro, Owen Divers, Lance Dolci, Roberta Domyan, Caitlin Donnelly, Brittney Dunnigan, Austin Emmons, Donnarae Farrell, Luke Foley, Shawn Forouraghi, Maria Gentis, Erin Glenn, Alexander Haller, Benjamin Haskins, Andrew Hero, John Hrubenak, Christie Jones, Kayleigh Kalamar, Patrice Kane, Ryan Kassis, Carl Kolepp, Nicole Kyriakopoulos, Gregory Laudenslager, Alaina Loguidice, Kyle Longemecker, John Lule, Kevin McCarthy, Drew Mihalik, Brian Miller, Mark Moyer, Bradley Pendzick, Gregory Pendzick, Lauren Perlman, Matthew Piazza, Ashley Plummer, Alexander Pypiuk, Jason Ricles, Kayleigh Rider, Daniel Rivera, Ethan Saravitz, Robert Sawyer, Matthew Searfoss, Emilie Segretto, Mark Segretto, Paul Segretto, Jared Serman, Christopher Smith, Robert Stauffer, Abigail Tercha, Emilye Turner, Steven Walsh, and Rebecca Yaple.

Mr. Speaker, this concludes my Report from Pennsylvania.

PENSION SECURITY ACT OF 2002

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 2002

Mr. TIAHRT. Mr. Speaker, I rise in strong support of H.R. 3762, the Pension Security Act of 2002. This legislation is not only a step in addressing areas such as blackout periods and diversification in retirement accounts, it is an important step towards giving workers throughout my state of Kansas, and the rest of America, the peace of mind and security they deserve when planning for retirement.

This bill, based on the President's pension reform proposal, contains new safeguards and options to help workers preserve and enhance their retirement security, and demands greater accountability from companies and senior corporate executives during so-called ''blackout periods'' when workers are not allowed to make changes to investments in their retirement accounts.

The Pension Security Act would have made a real difference in the lives of thousands of Enron employees and investors if these measures had existed at the time of the company's collapse. For example, under this bill, diversification and sound investment advice would have been readily available because investment advisors would have been made more accessible and employers would have been forced to take responsibility for anything that happened to employee retirement savings during blackout periods. Companies would have also been required to provide 30-day advance notice of a blackout period.

Mr. Speaker, I believe Congress has a responsibility to fully protect workers and give them the ability to enhance their retirement savings. Enron workers may well be the victims of criminal wrongdoing, but they were definitely the victims of outdated federal pensions laws. Let's prevent this from happening again. Pass the Pension Security Act.

YOM HA'ATZMAUT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mrs. McCARTHY of New York. Mr. Speaker, I rise in celebration of Israel's Independence Day. Fifty-four years as the sole democracy in the Middle East is a huge accomplishment. As a member of Congress, and a friend of Israel, I know that she will have 54 more, and counting! This is only a beginning.

Israel has faced many tough times since 1948, like the one now. Over the past 18 months, Israel has continued to battle hatred on a daily basis. This hatred is terrorism. It is murder. Israel has every right to defend herself against terrorism. When innocent civilians are murdered, over and over again, Israel has no choice but to take action.

I don't think it is unreasonable for Israel to root out terrorists. I think it's natural, and expected, and it must be done just like America's efforts in Afghanistan. But for the past couple of weeks, Israel has been criticized by many for her military action against terrorism, and lack of compassion for Palestinians. But what other choice does Israel have?

Is Israel supposed to wave suicide bombers through the checkpoints, allow wanted terrorists to go without arrest? Are we to expect Israel to sit by and watch her country crumble, and her people be murdered in groups of 20 while they sip coffee at cafes? No.

I firmly believe that difficult decisions will be made in order to achieve a permanent peace. I also think one of the decisions was Israel's resistance to international pressure to end the military operation. Israel entered towns in the West Bank with a plan: to root out terrorism. Obviously, there was an exit strategy to be used once the terrorists were caught.

Recently, Israel announced her upcoming withdrawal from almost all of the towns she entered. I commend Israel's decision to withdraw only after the operation is complete. So does the upcoming withdrawal of troops bring Israel back to where she was? Can we expect Israel to compromise should daily suicide bombings begin again? No.

Terrorism is not something you can compromise with, it is not something to reward. What I know is this. Israel will survive this crisis. Israel will continue to do what is necessary to rid the country of terrorists. If terrorist attacks end, military action will end, and more difficult decisions in the name of peace will be made. What those decision are, I can't tell you. No one can.

But last Sunday, I joined 3,000 of my constituents in a pro-Israel rally on Long Island. Many of those constituents were Jewish; others, like myself, were Christian. These same people participated the weekend before at a rally in New York City. They also traveled with over 100,000 other Americans to the Capitol on Monday for a national rally. Regardless of their religion, they are standing up for their beliefs.

Terrorism must be destroyed. Not only here, but in Israel, and in many other countries. The US firmly believes in this, and I know Israel will continue to enjoy broad support as she eliminates terrorist threats from her borders. Israel will always have a friend and ally in the US government.

TRIBUTE TO MR. DENNIS MAYS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. GRAVES. Mr. Speaker, I rise today to acknowledge the impeccable motor carrier safety record of Mr. Dennis Mays of Blue Springs, Missouri. Mr. Mays is a professional motor carrier operator for Roadway Express, Inc.

According to the most recent information from the Federal Motor Carrier Safety Administration, large trucks drove 7 percent of all vehicle miles traveled. In motor vehicle crashes, large trucks represented 9 percent of vehicles in fatal crashes, 3 percent of vehicles in injury crashes, and 5 percent of vehicles in property-damage-only crashes.

Mr. Mays reached a safety milestone when he recently surpassed one million miles driven without a preventable accident. This outstanding achievement, obtained by few drivers, demonstrates Mr. Mays' commitment to safety. To put this accomplishment in perspective, the average car driver would have to travel around the world forty times to equal this milestone.

Mr. Speaker, please join me in congratulating Mr. Dennis Mays for reaching this noteworthy milestone. I am proud to have a constituent as dedicated to highway safety as he is, and I wish him continued safe driving in the future.

PENSION SECURITY ACT OF 2002

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 2002

Mr. OXLEY. Mr. Speaker, I rise today in strong support of H.R. 3762. This important legislation makes significant improvements in protecting the retirement accounts of America's working men and women. H.R. 3762 takes a sensible approach in ensuring that employees have the best access to their retirement accounts possible, and are able to make informed investment decisions in those accounts.

In particular, I'd like to congratulate the sponsors of this legislation for a provision in the bill dealing with restricting insiders from selling their shares during periods when their employees don't have the same freedom. When the facts of the Enron bankruptcy became known, all of us were horrified to learn

that at the same time Enron's hard working employees were helplessly watching their retirement dreams disappear, Enron insiders were reaping millions of dollars in profits from selling their shares.

No employee should be forced to sit idly by while his or her retirement account plummets. Although it is understood that at times these accounts must be serviced in such a way that there must be temporary restrictions on transactions, it is only fair that corporate insiders face these same restrictions when these lockdowns happen by surprise.

H.R. 3762 is primarily about giving employees greater freedom in preparing for their retirement. When this freedom is unexpectedly taken away, corporate officers and directors have a duty, indeed a moral obligation, to share that burden. H.R. 3762's provisions on retirement account lockdowns are a sensible way to ensure that insiders are held accountable.

Mr. Chairman, section 108 of the bill contains language which falls within the jurisdiction of the Committee on Financial Services. Our own legislation, H.R. 3763, contains similar language. I am including for the record an exchange of letters between myself and the other gentleman from Ohio, Mr. BOEHNER, indicating that we have no objection to the consideration of this language in this bill.

I congratulate Chairman BOEHNER, Chairman THOMAS, Mr. PORTMAN, and all the Members who have worked so hard to protect America's workers. I strongly urge my colleagues to vote for these much needed reforms, and I thank the Leadership for bringing H.R. 3762 to the floor today.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 9, 2002.

Hon. JOHN BOEHNER,
Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BOEHNER: I am writing regarding H.R. 3762, the Pension Security Act of 2002. As you know, section 107 of the bill reported by your Committee contains a provision addressing the sale of stock by the directors and officers of public companies during 401(k) blackout periods. Clause 1(g) of rule X of the Rules of the House of Representatives grants the Committee on Financial Services jurisdiction over securities and exchanges and the Committee was given an additional referral of this bill upon its introduction.

Because of your willingness to consult with the Committee on Financial Services on this matter, and the need to move this legislation expeditiously, I will waive consideration of the bill by the Financial Services Committee. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over H.R. 3762. In addition, the Committee on Financial Services reserves its authority to seek conferees on any provisions of the bill that are within the Financial Services Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conferees on H.R. 3762 or related legislation.

I request that you include this letter and your response in the portion of the CONGRESSIONAL RECORD pertaining to consideration of this legislation. Thank you for your assistance in this matter.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 2002.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, U.S. House of Representatives, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN OXLEY: This letter is to confirm our agreement regarding H.R. 3762, ''Pension Security Act of 2002,'' which was also referred to the Committee on Financial Services. The Committee on Education and the Workforce considered this bill on March 20, 2002. I thank you for working with me on Sec. 107, ''Insider Trades During Pension Plan Suspension Periods Prohibited,'' which is within the sole jurisdiction of the Committee on Financial Services.

I appreciate your willingness to expedite consideration of H.R. 3672 without the need for further consideration by the Committee on Financial Services. I agree that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future.

Again, I thank you for your consideration in this matter. Your letter and this response will be included in the Congressional Record during floor debate on this bill. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely,

JOHN BOEHNER,
Chairman.

TRIBUTE TO THE LATE RALPH E. BIGGER SR., ON HIS INDUCTION INTO THE U.P. LABOR HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to the late Ralph E. Bigger Sr., a resident of Michigan's Upper Peninsula, who during his lifetime was a strong advocate on behalf of working men and women.

Ralph was born in 1907 and grew up in the small town of Big Bay, on the shore of Lake Superior. Mr. Speaker, you and other members may remember Big Bay as one of the settings for the famous James Stewart movie, ''Anatomy of a Murder.'' Picturesque it may have been, but this remote area demanded hard work for a family to survive. Because his parents both suffered physical disabilities, young Ralph, the oldest of six children, quit school in the seventh grade to take a job in a local sawmill. In the mid-1920s he moved to nearby Marquette to work at another sawmill, and at the age of 24 he took a job with Cliff-Dow Chemical, where he would work for the next 37 years until his death in 1968.

Throughout his career, Ralph was a strong advocate of the labor movement. He served as a business representative of Local 179 of the International Chemical Workers Union. He fought hard for decent wages and he fought for medical insurance, which, when we consider his own personal history, was probably his most important issue.

Ralph was also very active in politics, including campaign work for Congressman Bennett and the late Michigan State Rep. Dominic Jacobetti, himself a legend in Michigan politics and state government. Ralph also traveled to union conventions around the country and was elected president of the Marquette Central Labor Union in 1949. Ralph also served as Marquette Township Constable.

During his employment with Cliff-Dow, Ralph founded his own logging business and later got into brick supply with his sons. His company's contributions can be seen in many of the prominent buildings in Marquette County, including most of the structures on the campus of Northern Michigan University.

Mr. Speaker, Ralph Bigger will be honored on Saturday, April 20, with his induction into the U.P. Labor Hall of Fame at a banquet at the university. I ask you and my House colleagues to Join me in giving long-overdue recognition to the efforts of this spokesman for the working men and women of northern Michigan.

FAMILY FARM AND RANCH INNOVATION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. UDALL of Colorado. Mr. Speaker, today, I am introducing legislation to help ensure that our Nation's family farms and ranches continue to produce the agricultural products that have made us the breadbasket for the world.

Small family farms and ranches helped build the foundation of America. Thomas Jefferson once wrote in a letter to George Washington, ''Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness.'' Today many small farms and ranches have disappeared. This is in part because the smaller farms and ranches have not been able to change to more profitable means of production. To continue as a viable business in agriculture farmers and ranchers need to be able to use modern techniques that increase profitability, and do it in a manner that is environmentally sound.

As a friend of mine, W.R. Stealey reminded me when I was first elected to the Colorado Legislature, ''If you eat, you are in agriculture.''

The Family Farm and Ranch Innovation Act (FFRIA) would provide necessary tools for small agriculture businesses to modernize and become more competitive in today's market, access to credit and a plan to turn the credit into increased revenue.

The U.S. Department of Agriculture's National Commission on Small Farms report titled A Time to Act found, ''The underlying trend toward small farm decline reflects fundamental technological and market changes. Simply put, conventional agriculture adds less and less value to food and fiber on the farm and more and more in the input and post-harvest sectors. We spend more on capital and inputs to enable fewer people to produce the Nation's food and look primarily to off-farm processing to produce higher value products. Sustainable agriculture strives to change this trend by developing knowledge and strategies by which farmers can capture a large share of the agricultural dollar by using management skills to cut input costs—so a large share of

the prices they receive for their products remain in their own pockets—and by producing products of higher value right from the farm.'' (In context of the report farms include ranches.)

The innovation plans in FFRIA, to be developed with the USDA's Natural Resources Conservation Service, would provide the blueprints to increase the value of farm and ranch outputs.

The report also found, ''Agricultural operations require high levels of committed capital to achieve success. The capital-intensive nature of agricultural production makes access to financial capital, usually, in the form of credit, a critical requirement. Small farms are no different from larger farms in this regard, but testimony and USDA reports received by this Commission indicate a general under-capitalization of small farms, and increased difficulty in accessing sources of credit.'' If small farms and ranches are going to use improved technologies laid out in innovation plans they will need capital. The Small Business Administration's 7(a) loan program has a long history of helping small businesses and would be a great tool for small farmers and ranchers to implement their plans.

America's small farms and ranches need a hand up to remain viable in our rapidly changing marketplace. Often today's small agriculture businesses are family owned and have only a very small profit margin. The combination of low market prices for raw agricultural commodities and the rising cost of land means that many of these businesses cannot afford to carry on. And that causes more urbanization of valuable farm and ranch land.

This legislation recognizes the importance of our small farming and ranching businesses. They provide diversity in the marketplace, local production of food, less pollution, and jobs, all of which strengthen our economy. And farms and ranches that are part of our community remind us that food and other agricultural products don't just come from stores, they remind us of our connection to the land.

Mr. Speaker, small farms and ranches have provided the livelihood for many families since the beginning of our country. This bill will help ensure small farms and ranches do not become a thing of the past by providing the technical expertise and capital to allow them to meet the challenges of the 21st Century.

PENSION SECURITY ACT OF 2002

SPEECH OF

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 2002

Mr. BAIRD. Mr. Speaker, while I am a cosponsor of the Investment Advice Act and agree that workers should be allowed access to professional investment advice, I can not support the Republican pension legislation that is before us today. Unfortunately, the bill offered by the majority fails to include basic reforms that are necessary to ensure that future employees do not suffer the same fate of Enron employees. The flawed Republican bill fails to provide for diversification of stock plans, fails to give notice when executives are dumping company stock and continues to jeopardize employee savings.

Thousands of workers at Portland General Electric lost their life savings when their pension plans evaporated in the Enron collapse. Throughout the last six months, I have heard their horror stories, many of whom are my constituents. They tell me about their worthless retirement plans, shattered dreams and uncertain futures because of the undeniable corporate mismanagement that was pervasive at Enron. I can not in good faith support legislation that does not address the concerns of these employees and will not prevent future Enrons from happening.

Mr. Speaker, I support the Democratic alternative that offers a real change in the protections afforded to employees. The Democratic pension reform bill provides new stiff criminal penalties for executives and pension plan managers who engage in illegal insider trading or provide misinformation to employees. The bill requires that notice be given to employees when CEOs and executives decide to dump their company's stock and the Democratic alternative offers employees a voice, on pension boards, where they can gain timely and accurate information about their pensions.

I encourage all Members to vote against the Republican pension reform bill and vote to protect the savings of our nation's workers.

TRIBUTE TO SALVATORE GULLA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Salvatore Gulla, a gifted educator, artist and craftsman who has spent his life teaching and sharing. Sal will turn 75 years old on Wednesday and will celebrate at a party given by family and friends.

He is a vibrant, dynamic, and caring man who served on the New York City Board of Education for over 30 years. Along with Sal's years of educating New York's youth in the field of academia, he has devoted much of his life to educating young people in the arts. Sal has thoroughly enriched thousands of students throughout the years and shaped young people in so many ways. Sal was a significant part of my formative years and I was one of those young people that he helped to shape.

Mr. Speaker, Salvatore Gulla is a founding member and Artistic Director of the South Bronx Community Action Theatre. Along with Mr. Fred Daris, Sal had a vision to introduce the beauty and power of the performing arts to South Bronx youth. Through this theatre alone Sal changed the lives of many children and young people who never knew that the arts could be a part of their lives. When he was not designing masterful costumes or directing set constructions, Sal was facilitating workshops in performing and visual arts.

Sal is an authentic and pure artist who celebrates every form of art. He has instructed people in painting, drawing, and sculpture in conjunction with his involvement in the performing arts. In 1947, Sal discovered that a paintbrush became a magic wand in his hands and began creating beauty on canvas. He studied at the Art Students League of New York under Reginald Marsh, Morris Kantor, and Vaclav Vittacyl among others. He also studied at the esteemed Columbia University. Like his dynamic personality, Sal's style is eclectic and has spanned many artistic genres. His work is both experimental and temperamental and demonstrates his courage and ability to dream, attributes that he has tried to instill in his students for decades. There is good reason that Sal has been referred to as a ''Renaissance man.''

Salvatore Gulla has had showings of his work as recently as four years ago and throughout his career, has had his work on exhibit at a number of esteemed galleries throughout New York. Mr. Speaker, at 75 years of age, Sal's spirit is as robust and contagious as it has always been and he continues to be an inspiration to those around him. Sal has been a dear friend and advisor for many years. I ask my colleagues to join me in honoring Mr. Salvatore Gulla on his 75th birthday.

TRIBUTE TO DONALD O. LARSEN ON HIS INDUCTION INTO THE U.P. LABOR HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to Donald O. Larsen, a resident of Marquette, Michigan, in my congressional district, who has spent decades as a bricklayer, a teacher, a volunteer, and an active member of the local labor movement.

Don was born in Delta County in the Upper Peninsula of Michigan in 1920, and later moved with his family to Marquette, where he graduated from high school. After serving three years in the U.S. Army in the South Pacific in World War II, Don returned to Marquette and took a job as a bricklayer. It was through this employment that he joined Bricklayers Local 4.

Don's expertise in bricklaying extended beyond the actual trade and included teaching and sharing his skills. He provided instruction and leadership in the local apprentice training program, and he taught bricklaying as part of Marquette High School's house-building project in its vocational education program. He taught bricklayer union apprentices for 10 years, during which time they built basements and did concrete work for two Habitat for Humanity homes. Don also served as an instructor for the Vocational Industrial Clubs of America U.P.-wide competition.

Active in his local, Don served as a union steward for many years and as vice president from 1955 to 1970. He also served on the Board of the United Building Trades and was the labor representative for several years at U.P. builder shows.

Don is a member of the Messiah Lutheran Church in Marquette and is a life member of VFW Post 2439, where he has served as quartermaster. He has a life membership in the Ishpeming and Marquette beagle clubs and a membership in the U.P. Trappers Association. He also contributed his time and effort to rebuilding the Negaunee Pyramid mining monument when it was moved several years ago.

Mr. Speaker, Donald Larsen will be honored on Saturday, April 20, with his induction into the U.P. Labor Hall of Fame at a banquet at

the university. I ask you and my House colleagues to join me in recognizing this community servant and spokesman for the working men and women of northern Michigan.

TRIBUTE TO BUD GARDNER

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. HAYES. Mr. Speaker, this past February, Scotland County lost one of its finest law enforcement officers. Henry ''Bud'' Gardner was a police officer for 37 years in Laurinburg, North Carolina. Bud served his community with pride and honor and will be missed. The citizens of Laurinburg will always be grateful for his loyal service.

He is survived by his wife, Kathleen, of 57 years. Barbara and I join the Laurinburg community in prayer for Bud's family and friends during this difficult time.

PROTECTING MUTUAL INSURANCE POLICYHOLDERS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. LaFALCE. Mr. Speaker, I am pleased to join today with my colleague from Massachusetts, Mr. FRANK, in introducing the ''Protection of Policyholders Act.'' This legislation seeks to strike provisions in current law that undermine the ownership rights of millions of policyholders in mutual insurance companies and severely weaken State regulation of insurance.

In recent years, some 70 million Americans have learned that they own a valuable asset that few had previously been aware of—their insurance policies with mutual insurance companies. As policyholders, they collectively own 100 percent of mutual insurance companies, which were structured under state law as cooperatively-owned corporations. Until recently, mutual companies could convert to stock ownership, but State law required that the company's accumulated profits be divided among policyholders by giving them 100 percent of the stock in the new company. These shares would then pay stock dividends and could appreciate in value like regular corporate stock.

Over the past decade, the mutual insurance industry has sought to change state laws to permit mutual companies to convert to stock ownership without distributing stock to policyholders. Under these revised state laws, mutual companies could form ''hybrid'' mutual holding companies in which policyholders would continue to own 51% of the insurance company through a non-insurance mutual holding company. The remaining 49% ownership of the insurance company would be sold as stock to investors, most often to the former officers and directors of the mutual company. Where this has occurred, policyholders have not received any stock or any benefit of the dividends paid by the new insurance subsidiary of the mutual holding company. Moreover, policyholders often experience insurance rate increases to cover the costs of paying competitive dividends to the new stockholders.

A number of states, including New York, Massachusetts, Illinois, Indiana and others, refused to enact these mutual conversion changes out of fairness to policyholders and concerns about appropriate regulation of these hybrid corporate structures. The insurance industry responded by inserting in the comprehensive financial reform legislation Congress enacted in 1999, a provision that would permit state-chartered mutual companies to relocate to another state with more liberal conversion rules without jeopardizing their licenses, operations, or insurance policies. This controversial provision was adopted by the House only because it was paired in a floor amendment with a broadly supported provision to prohibit discrimination in insurance sales against victims of domestic violence.

These so-called mutual ''redomestication'' provisions of the 1999 Gramm-Leach-Bliley Act now permit a mutually owned insurance company that cannot convert to stock ownership, or cannot convert without distributing 100 percent of the stock to policyholders, to relocate to another state that permits such conversions. Federal law has become the instrument for overturning pro-consumer state insurance law and an accomplice in robbing mutual policyholders of their ownership fights.

The mutual redomestication provisions in current Federal law now empower mutual insurance companies to blackmail state legislatures, saying, in essence, if you don't enact the conversion laws we want, we'll simply move to another state. Despite a 200-year tradition of state regulation of insurance, these provisions strip states of their right to regulate insurance companies as they deem appropriate and rob policyholders of valuable ownership rights. These provisions are anti-State, they are anti-consumer, and they should be repealed by Congress.

PERSONAL EXPLANATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Ms. DUNN. Mr. Speaker, on Friday, July 27, 2001, I was unable to be present for rollcall vote No. 96. Had I been present, I would have voted ''yes'' on rollcall No. 96 in favor of H.R. 476, the Child Custody Protection Act.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mrs. JONES of Ohio. Mr. Speaker, I was unable to return to Congress on Tuesday, April 16, 2002, and Wednesday April 17, 2002, due to a death in my family. Had I been present, the record would reflect that I would have voted: On roll 93, H.R. 1374, Philip E. Ruppe Post office Designation—''yea''; on roll 94, H.R. 4156, Clergy Housing Allowance Clarification—''yea''; on roll 95, H.R. 4157, Family Farmer Bankruptcy Extension Act—''yea.''

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. LEVIN. Mr. Speaker, due to needs within our family, I was unable to be present for rollcall No. 86 last Wednesday, April 11, as well as rollcalls Nos. 93, 94 and 95 on Tuesday, April 16. Had I been present, I would have voted ''yea'' on rollcalls Nos. 86, 93, 94 and 95.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall No. 95, H.R. 4167, had I been present, I would have voted ''yea.''

CLERGY HOUSING ALLOWANCE CLARIFICATION ACT OF 2002

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 4156, the Clergy Allowance Clarification Act. In western Wisconsin, I have personally witnessed the effective and invaluable efforts put forth by religious organizations. Not only do they lead congregations in worship, they also help combat such traumas as drug-addiction and domestic abuse. Our Nation's clergy are worthy of our continual appreciation and praise.

But more importantly, our Nation's clergy are worthy of our support. Since the 1920s, Congress has allowed members of the clergy to exclude from taxable income a portion of their church income that is used for housing. This provision in the tax code has helped churches of all faiths expand their community outreach activities and provided clergy members with a much deserved tax break.

Mr. Speaker, H.R. 4156 will clarify current law to allow our clergy to continue to receive this important tax benefit. I urge all of my colleagues to join with me in supporting this important piece of legislation. Our nation's clergy deserve our continued support.

TRIBUTE TO MIKE DONOVAN JOHNSON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. MATSUI. Mr. Speaker, I rise in tribute to Mike Donovan Johnson, the Local 522's City Vice President, for eleven years, of the Sacramento Area Firefighters Union. Mike is retiring after thirty-three years of outstanding service to the City of Sacramento Fire Department.

As his friends and family gather to celebrate Mike's illustrious career, I ask all of my colleagues to join with me in saluting one of Sacramento's most talented citizen leaders.

Mike was born and raised in Sacramento. He earned a Fire Science Certificate and a Bachelor of Science degree in Public Administration/Political Science. For the past three decades, Mike has worked for the City of Sacramento Fire Department as a Firefighter, and Apparatus Operator, and the last nineteen years, as a Fire Captain. In addition, Mike is also a highly qualified Hazardous Materials Specialist and he often lends his expertise as a B shift Captain at Station 21. Throughout his career, Mike has remained one of the most cherished and well-respected members of the City of Sacramento Fire Department.

Mike began his union career as City Director in 1972. After two years in that post, Mike was elected City Vice President for the first time in 1974. In addition, Mike has performed the duties and responsibilities of the Political Action Committee Treasurer for the past twenty-two years. Mike has been an indispensable member of the Local 522 Executive Board for the past thirty years. All in all, Mike has steadfastly represented the members of the Sacramento Fire Department with great honor and dignity for the past three decades.

In addition to his contributions to the Local 522, Mike has also offered his valuable contributions, to a number of statewide organizations. Mike has served on numerous statewide committees through California Professional Firefighters. In the past, Mike has also been a delegate to the Sacramento County Central Democratic Committee.

Staying true to his unyielding commitment to represent the interests of firefighters, Mike is looking to remain active in the cause in his retirement years. Currently, Mike is a member of the California Firefighters Joint Apprentice Committee Board. Furthermore, Mike remains a delegate to the Sacramento Central Labor Council, a member of the Industrial Relations Association of Northern California and sits on the Regional Fire Task Force. In particular, Mike continues to serve the members of the fire service community through his support for the passage of Measure F, a change to the City of Sacramento Charter to improve the health insurance provided to its retired employees. Mike's commitment to serving his community is truly an example to his fellow citizens.

Mr. Speaker, as Mike Johnson's friends and family gather for his retirement dinner, I am honored to pay tribute to one of Sacramento's most honorable citizens. His successes are considerable, and it is a great honor for me to have the opportunity to pay tribute to his contributions. I ask all my colleagues to join with me in wishing Mike Johnson continued success in all his future endeavors.

IN HONOR OF ROBERT G. McGRUDER

HON. DENNIS J. KUCINICH

OF OHIO

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. KUCINICH. Mr. Speaker, we rise today to honor Robert G. McGruder. Through grace, intelligence and character he fought for fair reporting and justice in the news industry. He was the quiet authority amid the frantic newspaper offices in which he worked for almost 40 years.

Robert G. McGruder's fighting spirit surfaced early on when he overcame childhood battles with polio and poverty. He became interested in journalism while attending Kent State University when friends encouraged him to write for the school's paper. His reporting aspirations were not deterred by the setbacks of growing up in a segregated society. He learned to gain strength from overcoming obstacles. He demonstrated that racial barriers can be broken. Through this strong willed optimism, Robert G. McGruder became the first African American to hold various positions at the Cleveland Plain Dealer and the Detroit Free Press.

He worked as a reporter for the Plain Dealer before becoming city editor in 1978 and managing editor in 1981. In 1986, Neal Shine, the longtime Free Press managing editor and publisher, finally succeeded after a decade of trying to hire McGruder. McGruder spent 16 years as the chief editor of the Free Press where he guided award-winning news coverage. Beyond Detroit, he served as president of the Associated Press Managing Editors, judged Pulitzer Prize entries five times, and served on the board of the American Society of Newspaper Editors.

His pursuit of excellence and monumental work in the cause of diversity made him one of the newspaper industry's giants. He cared for colleagues, always making time to talk and listen. He urged the industry to hire more black, latino, Asian, gay and lesbian employees. He was a mentor to those he worked with, many of whom went on to hold important positions at newspapers across the country. In 2001, he received the John S. Knight Gold Medal, the highest award within Knight Ridder, which owns the Free Press. Upon receiving the award, he reminded company officials and friends that he represented change and that he stands for diversity.

We ask our colleagues to rise to honor the accomplishments of this truly remarkable individual.

Robert G. McGruder stood for what was best about the news industry. I hope his integrity, honesty and deep commitment to fair and accurate reporting will remain an example to all.

REINSTATE SUPERFUND TAX

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Ms. SOLIS. Mr. Speaker, the Bush Administration has broken promise after promise in their attempt to destroy our country's most basic environmental laws. These broken promises and bad decisions are not hurting big corporate contributers. Instead, they will hurt those families who are working to put food on their table.

In particular, President Bush's recent decision not to reinstate the Superfund tax will ensure that the cost for cleaning up polluted communities will be paid by taxpayers instead of those who made the mess.

President Bush's decision is no better than another worthless tax break for the rich. By failing to reinstate the Superfund tax, President Bush is saying that he believes that families fighting to make ends meet should foot the bill while polluting industries profit.

Polluters should pay to clean up their messes, not profit from destroying the environment and their neighbor's health. How can we in good conscience allow corporations to profit without making them pay to clean up their pollution?

I am hopeful that this chamber will address this issue in the near future before families have to pay one more cent for a mess that they didn't make.

TRIBUTE TO PUBLIC SAFETY TELECOMMUNICATORS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. LEWIS of Kentucky. Mr Speaker, I rise today to pay tribute to the men and women who serve as public safety telecommunicators. April 14–20 is National Public Safety Telecommunicators Week, and in the Second District of Kentucky as well as throughout the Nation, dedicated public safety dispatchers provide a vital service to our communities.

Public safety telecommunicators answer calls every day for emergency rescue services. These are the people who ensure that police forces, firefighters, and ambulances are dispatched in emergency and law enforcement situations.

In light of the horrific terrorist attacks on our Nation last year, we especially should honor the invaluable contribution made by public safety communications personnel. Their selfless ongoing service was certainly highlighted on September 11, and continues today as these men and women still deal with the repercussions.

Mr. Speaker, I commend the emergency response dispatchers in Kentucky's Second District for the critical role they play in my community every day.

IN RECOGNITION OF ISRAELI DAY OF INDEPENDENCE

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. PUTNAM. Mr. Speaker, I rise to recognize the Israeli Day of Independence.

The State of Israel officially came into existence, with the end of the British Mandate on May 14, 1948. Israel's Independence Day is celebrated annually, according to the Hebrew calendar, on 5 Iyar. With the establishment of the State of Israel on that day in 1948, Jewish independence was restored. The Israeli day of independence is a celebration of the renewal of the Jewish state in the Land of Israel, the birthplace of the Jewish people. In this land, the Jewish people began to develop its distinctive religion and culture some 4,000 years ago, and there it has preserved an unbroken physical presence.

On this day of independence for Israel we must recognize that a peaceful resolution to the conflict between Israel and its neighbors will only be possible when Israelis and Palestinians recognize their mutual interests and take substantive steps to demonstrate their commitment to a solution. All parties must realize that the only vision for a long-term solution is for two states—Israel, Palestine—to live side by side in security and in peace. That will require hard choices and leadership by Israelis, Palestinians, and their Arab neighbors.

For the Israelis, that means establishing secure and defensible borders, withdrawing from occupied areas, and recognizing the viability of a Palestinian state. For the Palestinians, that means not only renouncing terrorism but cutting ties to terrorists, halting arms shipments, unequivocally recognizing Israel's right to exist and stifling the rhetoric that encourages and glorifies the continuation of Palestinian terrorism against Israel.

In spite of all of its struggles past and present Israel's cultural and artistic activity has flourished, blending Middle Eastern, North African and Western elements, as Jews arriving from all parts of the world brought with them the unique traditions of their own communities as well as aspects of the culture prevailing in the countries where they had lived for generations.

When Israel celebrated its 10th anniversary, the population numbered over two million. During Israel's second decade (1958–68), exports doubled, and the GNP increased some 10 percent annually. While some previously imported items such as paper, tires, radios and refrigerators were now being manufactured locally, the most rapid growth took place in the newly established branches of metals, machinery, chemicals and electronics. Since the domestic market for homegrown food was fast approaching the saturation point, the agricultural sector began to grow a larger variety of crops for the food processing industry as well as fresh produce for export. A second deep-water port was built on the Mediterranean coast at Ashdod, in addition to the existing one at Haifa, to handle the increased volume of trade.

Israel's foreign relations expanded have expanded steadily, as close ties were developed with the United States, British Commonwealth countries, most western European states, nearly all the countries of Latin America and Africa, and some in Asia. Extensive programs of international cooperation were initiated, as hundreds of Israeli physicians, engineers, teachers, agronomists, and irrigation experts and youth organizers shared their know-how and experience with people in other developing countries. Clearly this nation has come far in its relatively short lifetime.

On this day of reflection let us recognize that on the eastern shore of the Mediterranean Sea sits a land of freedom and democracy—Israel. Surrounded by hostility, but a place where freedom and tolerance are alive today. On this day of independence for Israel, I hope all people of good will would join me in praying for peace in the Middle East.

RECOGNIZING OSTEOPATHIC PHYSICIANS

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. WATTS. Mr. Speaker, April 18 is National D.O. Day, a day when we recognize the more than 47,000 osteopathic physicians (D.O.s) for their contributions to the American healthcare system. On National D.O. Day, more than 100 members of the osteopathic medical profession, including osteopathic physicians and osteopathic medical students, will descend upon Capitol Hill to share their views with Congress.

I especially am pleased that osteopathic physicians from Oklahoma will be visiting our nation's Capitol and participating in this event. These representatives are practicing osteopathic physicians, staff from the American Osteopathic Association, and osteopathic medical students.

Participants in National D.O. Day are here to talk about how liability insurance rates for all health care professionals—especially those in high-risk specialties and rural areas—are increasing rapidly. Numerous commercial insurers are no longer offering professional liability insurance for physicians and others have stopped covering certain procedures or services. A continuation of this trend will, over time, lead to a shortage of physicians and create access to care problems for our citizens. I share their concerns about access to care. Several States, including my home State of Oklahoma, are facing critical access problems and this trend will only continue to worsen if action is not taken.

For more than a century, osteopathic physicians have made a difference in the lives and health of my fellow Oklahomans and all Americans. Overall, osteopathic physicians provide care to more than 100 million patients each year. Osteopathic physicians are committed to serving the needs of rural and underserved communities and make up 15 percent of the total physician population in towns of 10,000 or less.

D.O.s are certified in nearly 60 specialties and 33 subspecialties. Similar to requirements set for their M.D. colleagues, D.O.s must complete and pass: four years of medical education at one of 19 osteopathic medical schools-, a one-year internship-, a multi-year residency-, and a State medical board exam. Throughout this education, D.0.s are trained to understand how the musculoskeletal system influences the condition of all other body systems. Many patients want this extra education as a part of their health care. Individuals may call (866) 346-3236 to find a D.O. in their community.

In recognition of National D.O. Day, I would like to congratulate the over 1,200 D.O.s in Oklahoma, the 350 students at the Oklahoma State University College of Osteopathic Medicine, and the 47,000 D.0.s represented by the American Osteopathic Association for their contributions to the good health of the American people.

CARE BY CELEBRATING CHILDREN DAY

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. GREENWOOD. Mr. Speaker, I rise today to recognize Care by Celebrating Children Day on April 26, a day set aside to acknowledge and celebrate the contributions of children that make the world a better place for us all. Today, we invite every adult to visit their child in school, where they will learn about and admire the ways in which those children grow every day. By distinguishing their efforts and accomplishments, this day helps to raise the self-esteem of the children, builds bridges between the community and the school, introduces the children to role models, and teaches the children about their value to the community.

It is also my privilege to introduce Ms. Gail Delevich in conjunction with this day. Ms. Delevich is an elementary school teacher in the Central Bucks School District, in Bucks County, Pennsylvania. She spearheaded this initiative at her elementary school, after she was disheartened at the multitude of negative media coverage of American schools in the wake of the Columbine tragedy and other episodes of school violence. Rather than chastise students or criticize our education system as inadequate to prevent violence, this day celebrates children and their accomplishments as students, athletes, artists and young leaders.

The Commonwealth of Pennsylvania and the State of New Jersey have already declared a day each April as Care by Celebrating Children Day, and I present this remark in hope of expanding the day's recognition to the national level. I hope that this day, which honors, celebrates, and encourages our children, our most precious resource, will empower children to believe in themselves, working hard to prepare for their future and for the future of our Nation.

A BILL TO STRENGTHEN AND IMPROVE THE BENEFITS PROVIDED TO SMALL BUSINESSES UNDER INTERNAL REVENUE CODE SECTION 179

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. HERGER. Mr. Speaker, I rise today to introduce the ''Small Business Expensing Improvement Act of 2002,'' legislation to assist small businesses with the cost of new business investment. I am pleased to be joined in this effort by Mr. TANNER, as well as several other of my colleagues on the Ways and Means Committee.

Small businesses truly are the backbone of our economy, representing more than half of all jobs and economic output. We should not take small business vitality for granted, however. Rather, our tax laws should support small businesses in their role as the engines of innovation, growth, and job creation.

On March 19 of this year, President Bush unveiled his small business proposal. I applaud the President for his commitment to our

nation's small business owners and his dedication to ensure that our tax laws do not impede the growth and development of small businesses. The legislation we are introducing today will implement a key element of the President's plan, expansion of the benefits available to small businesses under Internal Revenue Code Section 179.

Our bill will improve our tax laws to make it easier for small businesses to make the crucial investments in new equipment necessary for continued prosperity. Under Code Section 179, a small business is allowed to expense the first $24,000 in new business investment in a year. Our legislation will permanently increase this amount to $40,000. Furthermore, our bill will index this amount to ensure that the value of this provision is not eroded over time.

This legislation will also allow more small businesses to take advantage of expensing by increasing from $200,000 to $325,000 the total amount a business may invest in a year and qualify for Section 179. It is important to note that this amount has not been adjusted for inflation since its enacting into law in 1986.

The ''Small Business Expensing Improvement Act'' also improves the small business expensing provision by following the recommendations of the IRS National Taxpayer Advocate in his 2000 Annual Report to Congress. Specifically, our legislation clarifies that residential rental personal property and off-the-shelf computer software qualify for expensing under Section 179.

Mr. Speaker, in times of economic uncertainty, we must do all we can to encourage new investment and job creation. The ''Small Business Expensing Improvement Act of 2002'' will help accomplish this worthy goal, and I urge my colleagues to join me in this effort.

HOPING TO LIVE ONE DAY IN AN ENVIRONMENT FREE FROM POLLUTION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Ms. McCOLLUM. Mr. Speaker, soon after I delivered my remarks on the House floor this morning, I received numerous calls from news organizations. Unfortunately, these calls were not about the importance of the Clean Air Act, which was the subject of my one-minute speech. Instead, the press was more concerned about a pause I took during the Pledge of Allegiance—as I was trying to determine if I had my back to the American flag—than what I said about protecting our environment. I would hope the media pays closer attention to the issues affecting our air quality so that the people of this Nation, under God, will be able to one day live in an environment free from pollution.

ON THE OCCASION OF THE NINETIETH ANNIVERSARY OF THE GIRL SCOUTS

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. McNULTY. Mr. Speaker, I rise today to recognize an exceptional organization, the Girl Scouts of the USA.

Since Juliette Gordon Low assembled the first Girl Scout troop in March of 1912, the Girl Scouts have not only grown in number, but also in the scope of their mission. Generations of young women have developed positive values and a greater sense of self-worth by participating in Girl Scout programs.

For 90 years, the Girl Scouts have opened doors of opportunity for girls from all walks of life, and they continue to expand their outreach efforts. They have renewed their commitment to reach beyond racial, ethnic, socioeconomic and geographic boundaries. Diversity can be found in all the activities in which these young women engage. From science and technology, to money management and finance, to global awareness, Girl Scouts experience it all.

Mr. Speaker, the Girl Scouts of the Hudson Valley Council in New York State are fine examples of the Girl Scout mission. Girl Scouts in my district are committed to developing leadership skills and honing a finer sense of social conscience by engaging in a wide range of activities. When they collect supplies for the Merilac Women's Shelter in Albany, when they plant flowers and trees outside of the Colonie Town Hall in remembrance of the lives lost on September 11th, and when they make cards of thanks to the firefighters of New York City, Girl Scouts are making a difference. Thousands of girls in the Capital District will be forever impacted by the experiences they had and the friendships they made while participating in the Girl Scouts.

We must also extend our gratitude to the adults, both women and men, who volunteer their time to ensure that the highest ideals of character, conduct, patriotism and service continue to be imparted on our Nation's girls and young women.

I congratulate the Girl Scouts on their 90 years of service. Our communities have benefited from their accomplishments and I wish them many more decades of success.

STATEMENT OF CONGRESSWOMAN JANE HARMAN ON ISRAELI INDEPENDENCE DAY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Ms. HARMAN. Mr. Speaker, today, Secretary of State Powell leaves the Middle East having failed to secure a cease-fire between Israel and the Palestinians, or make substantial progress toward peace. It was perhaps too much to hope for a dramatic breakthrough, but the status quo remains unacceptable.

As we celebrate and commemorate Israeli Independence Day, it is more important than ever to remember why the United States has such a strong relationship with Israel.

Fifty-four years ago, the creation of the state of Israel gave hope to Jews everywhere that safety, freedom, and justice could be found at last—in the ancient cradle of the Jewish faith and civilization. A half-century of friendship and cooperation between Israel and the United States began with President Truman's courageous recognition of Israel shortly after its establishment. Throughout many battles, our relationship has remained strong, and it continues today, with our common search for security and peace in the Middle East.

Israel is now engaged in one of its most challenging wars ever, the war against terrorism. Since the latest Palestinian intifada began, more than 400 Israeli civilians have been killed by suicide bombers—over 125 since March. Hundreds more have been injured in these attacks—attacks that are designed to strike at the heart of Israel itself.

The Palestinians have also suffered hundreds of casualties, and innocent civilians, including children, are being used as human shields by terrorists hiding in refugee camps.

Peace is the only way to move forward, a peace that contemplates two states coexisting side-by-side. But Israel can only achieve peace from a position of strength. I have long been an advocate for a strong US-Israel security relationship. Now is not the time to back away from our security relationship or to give any credence to the misguided efforts of the European Union to impose economic sanctions against Israel.

A critical contribution towards resolution of the current crisis must be taken by moderate Arab regimes—our allies such as Egypt and Saudi Arabia—to pressure the Palestinians to genuinely renounce terrorism. Chairman Arafat's recent statement deploring terrorist attacks—delivered in English to an American—served no more purpose than to bring Secretary Powell to Ramallah. Far more revealing was a recent statement from Mr. Arafat's wife—in Arabic to the Arabic press—saying that she would be proud to have a future son become a suicide bomber.

It has unfortunately been shown time and time again that the parties in the region will be unable to achieve peace on their own. All past breakthroughs for peace have been the result of US and international leadership and every future breakthrough will require the same. I commend the Administration for resuming a leadership role in the Mideast, and I urge it to remain engaged with the parties and moderate Arab states in the region.

Last week, in a ceremony commemorating Yom ha-Shoah, National Security Advisor Condoleeza Rice made the connection between our remembrance of the Holocaust and our continued fight against evil in the war on terrorism. I would ask that her remarks be entered into the RECORD.

May our memories of the horror of the Holocaust fuel our hunger for a permanent peace.

REMARKS BY CONDOLEEZZA RICE, ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS, AT THE 2002 NATIONAL COMMEMORATION OF THE DAYS OF REMEMBRANCE—U.S. CAPITOL ROTUNDA, WASHINGTON, D.C.

As Prepared

Survivors, liberators, Members of Congress, Members of the Cabinet, Ambassador Ivry, other members of the diplomatic corps, Benjamin Meed, Fred Zeidman, Elie Wiesel, Ruth Mandel, other honored guests, ladies

and gentlemen: Thank you for inviting me to join you for Yom ha-Shoah.

We gather today to remember that evil is real and present in our world. We gather to remember that hatred and bigotry are always and everywhere wrong. We gather to remember that the commission of monstrous sin requires not our consent, but only our indifference, our neutrality, or our silence. We gather to light six candles, so that we may never forget six million acts of murder.

With each passing year, the number of living Holocaust survivors and liberators grows smaller. When all the eyewitnesses are gone, the Holocaust's history will be taught not from the searing pain of memory but from the pressing call of conscience.

Last year, when the President spoke here, the Holocaust seemed somewhat removed from our era—part of a bloody century now behind us. Sadly, this year we need no prompting to appreciate the Holocaust's importance and its relevance. Fanatical, unreasoning hatred has intruded upon our lives in ways that no one could have imagined months ago.

From the Holy Land, we see daily images of carnage, and from Europe, come images of synagogues and Torah scrolls burned. Our own land has seen the mass destruction of innocents, guilty of nothing more than going to work in a country called America on a beautiful, but terrible autumn morning. And the world was sent obscene videotapes where evil leaders celebrate the slaughter, and yet another tape where a man is killed after being made to say the words, ''I am a Jew.''

This year, evil has spoken to all of us, and on this day we need no reminder to answer back, but firmly: ''never again.''

As our world prevails through these difficult days, and as we pray for peace for all the children of Abraham, it is important to recall not just the Holocaust's horrors, but also its heroes: bearers of witness like Jan Karski; rescuers like Wallenberg and Schindler; writers like Anne Frank and Elie Wiesel; and resistors like the Danes and the righteous of many nations who hid and saved many thousands of their Jewish neighbors.

And, of course, we recall those who fought from inside the Warsaw Ghetto in April 1943, and who, as Elie Wiesel wrote, lit a flame that ''continues to burn in our memory'' even through the distance of six decades,

We draw strength from these names—all familiar to our lips—and we gain inspiration from their stories. Less often, we think of the other heroes, the countless ordinary Jews, Roma, Jehovah's Witnesses, gay people, and disabled men and women who defied the machinery of murder with quiet acts of courage and piety. Their names are mostly unknown to all but Him, yet their lives too instruct.

I remember visiting Yad Vashem and seeing a photograph of a handsomely dressed Jewish couple in the Warsaw Ghetto. The guide at the museum said that people often express consternation at the photograph, wondering how odd it was that against the ghetto's backdrop of danger and desperation this couple had obviously gone to great lengths to ensure that their clothing and grooming were impeccable.

I had a different reaction. I said immediately, ''I understand that photograph. These people are saying, 'I'm still in control, I still have my dignity.' They are saying, 'You can take everything from us, including life itself. But you cannot take away our pride.''

I've often wondered what became of that couple. I imagine that long after they were no longer able to control their appearance they still found subtle ways to say, ''You cannot control me, you cannot take away my pride and dignity.'' I've wondered whether they were part of the uprising; whether they perished in a camp; whether they were among the few who survived; whether they may even have had children like Marek Edelman or Bronislaw Geremek who survived and went on to become members of Solidarity and leaders in a free and democratic Poland.

And I have thought about that couple from the ghetto even more in the days since September 11. Because right now, all of us are enduring a time of testing, loss, and fear; a time when our vulnerability to evil and the certainty of our mortality are all too clear; a time when once again our intellect is insufficient to answer the question, ''Why?'' And at these times more than ever, we are reminded that it is a privilege to struggle for good against evil.

We do not choose our circumstances or trials, but we do choose how we respond to them. Too often when all is well, we slip into the false joy and satisfaction of the material and a complacent pride and faith in ourselves. Yet it is through struggle that we find redemption and self-knowledge. This is what the slaves of Exodus learned. And it is what slaves in America meant when they sang: ''Nobody knows the trouble I've seen, Glory Hallelujah!''

None of our current travails approach those of the Holocaust. The evil of the Holocaust is singular. Yet its lessons are universal.

So today, we remember that ignorance and cruelty are never far away, and that their atrocities demand action and justice.

We remember that every life has value and all lives are ennobled by opposing hate and bigotry.

We remember that not even mankind's worst depravities can be allowed to dissuade us from our search for worldly and spiritual peace.

In this nation of immigrants, surrounded here by the symbols and totems of tolerance and freedom, we remember our very great responsibility to protect freedom and to welcome all of God's creatures into its loving embrace.

And we remember the words of the Kaddish, ''Oseh shalom beem'roh'mahv, hoo ya'aseh shalom, aleynu v'al kohl yisrae'el v'eemru: Amein.''

TRIBUTE TO EDWARD SWINGLE, JOHN SHUMEJDA, THOMAS BOYDSTON, ROBERT NORTON AND TIMOTHY VANDEVORT

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. BARR of Georgia. Mr. Speaker, I rise today to express our most heartfelt condolences to the family and friends of Edward Swingle, John Shumejda, Thomas Boydston, Robert Norton, and Timothy Vandevort who lost these loved ones in a tragic airplane accident on January 4, 2002, in Birmingham, England.

In honor and memory of these individuals, I will be presenting a flag to each of the families, to Chairman, President and CEO of AGCO, Mr. Bob Ratliff, and to CFO of Epps Aviation, Ms. Marian Epps on April 22, 2002. Mr. Speaker, I want my colleagues to know what great individuals these men were.

AGCO Corporation, headquartered in Duluth, Georgia, USA, is one of the world's largest manufacturers, designers, and distributors of agricultural equipment. AGCO provides several brands of products which are sold in more than 140 countries around the world.

John Shumejda was President and Chief Executive Officer of AGCO. He was appointed to the position in 1999 and provided a strong source of leadership for the company.

Edward ''Ed'' Swingle was Senior Vice President of Worldwide Marketing of ACGO. He had been with the company since its formation in 1990, and greatly contributed to the growth of the company.

Both men were leaders at ACGO from its founding in 1990. Due to their leadership, AGCO is considered one of the top companies in the farming equipment industry.

Epps Aviation, headquartered at Dekalb-Peachtree Airport just outside of Atlanta, Georgia, lost three of its finest and most experienced members of its team:

Thomas ''Tommy'' Boydston, Director of Operations of Epps Aviation. He had been with the company for over 26 years, and was instrumental in the growth of the Charter Department's fleet and pilots.

Robert ''Bob'' Norton was a distinguished pilot from Atlanta, Georgia who worked over 20 years for Epps Aviation.

Timothy ''Tim'' Vandevort was a distinguished pilot from Duluth, Georgia who had worked for Epps Aviation for over 4 years.

Each of these five individuals will be greatly missed by their loving families, their many friends, and by their business associates and customers. I hope my colleagues in the House of Representatives join me in recognizing their dedication to their companies, their families and their country.

IN APPRECIATION OF CATHEY J. NEWHOUSE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. SMITH of Michigan. Mr. Speaker, I rise to congratulate Cathey J. Newhouse, a teacher at Parnall Elementary School in Jackson, Michigan and recipient of the 2001 Presidential Award for Excellence in Mathematics and Science Teaching. I request that her recent testimony before the Science Committee be placed in the CONGRESSIONAL RECORD.

STATEMENT OF CATHEY J. NEWHOUSE

Thank you Chairman BOEHLERT and Congressman SMITH for holding the CONGRESSIONAL RECORD open and allowing me to add my ideas on improving science education to those shared on March 20, 2002.

I have been an active learner and lover of science for most of my life. I have been an elementary teacher in Jackson, Michigan for 14 years. I believe that at the elementary level, enthusiasm for and interest in science are crucial, probably even more important than the teaching of facts and concepts in science. Young children need to know with certainty that science is fun to learn! However, science is a scary subject for many elementary teachers.

I would like to see a two-fold commitment to funding for improving science instruction. First, teachers need professional development to increase their knowledge in specific science disciplines. This needs to be an ongoing and consistent professional development, not just a one-time event. Teachers

should be given the opportunity to yearly attend workshops or conferences and to process with colleagues the information gained.

Secondly, I strongly believe that funding needs to be provided to have a science consultant in each elementary building. This person would function as a teacher of teachers, helping new and veteran teachers with all aspects of teaching the science curriculum. I had the opportunity during 2001 to work for the Jackson County Intermediate School District in Michigan as such a science specialist. In this role, I assisted other teachers with planning, improving teaching methodology, locating appropriate activities and materials, and developing skills in inquiry science teaching. The improvement I saw in teachers'confidence and competence during my tenure as a science teacher specialist was dramatic.

If funding specifically designated for consistent, on-going professional development in science could be coupled with funding for a science specialist to assist teachers in each elementary building. I believe we would see a very significant increase in the quantity and quality of science learning taking place in our schools.

Thank you for recognizing the 2001 Presidential Awardees, thank you for your continued support of science and math education, and thank you for giving me this opportunity to express my views.

TRIBUTE TO MAY LOUIE ON THE OCCASION OF HER 90TH BIRTHDAY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. ESHOO. Mr. Speaker, I rise today to pay tribute to May Louie, an extraordinary woman who will celebrate 90 years of life on June 5, 2002.

A loving mother, daughter and widow, May Louie is an honorable woman in her own right. She has lived a life filled with values, service, and dedication to her family and to her community.

Born on June 5, 1912 in Columbus Ohio, May was the eighth child of ten and the second of two daughters. Driven by famine in China, her father came to the United States in the early 1880s to help build the transcontinental railroad. He met and married May's mother and the two moved to Biloxi, Mississippi and then to Columbus, where they owned and operated a laundry.

May was sent to China as a young girl after her mother's tragic death as a result of the Spanish flu epidemic of 1918. She endured harsh living conditions, including a bout of malaria fever before returning to Ohio aboard the USS *President McKinley* in 1928.

Following the death of her father, May provided loving care for many years to her elderly foster parents, Walter and Sadie Hauptfuier in Canton, Ohio. She studied piano, flute and piccolo and became a respected music teacher.

May moved to Lakewood, Ohio after her marriage to Toy Louie, the owner of a wholesale Chinese grocery business and noodle factory, and the couple soon began a family of their own. May gave birth to two sons—James and David and she instilled in them a lifelong love of music and the arts. A devoted mother, May Louie was a full-time homemaker and the family's chief money manager.

In an effort to bring diversity to television, May encouraged her sons to appear on a live public affairs program produced by a neighbor. While both children participated, David displayed an early and keen interest in the news business, appearing weekly on the show for eight years . . . from five years old to age thirteen. It was this experience that kindled David's interest in pursuing a highly distinguished career in T.V. journalism.

Widowed in 1980, May managed on her own for 16 years before moving into David's home in San Mateo, California. She is a proud grandmother of two adult grandchildren—Linda May Louie and Michael Louie, the children of Jim and Vana of Mayfield Heights, Ohio.

Mr. Speaker, I ask my colleagues to join me in honoring this great and good woman, May Louie, and in wishing her a very happy, healthy and fulfilling 90th birthday. Her life is instructive to us all and we know we are a better country because of all she's done.

RECOGNIZING THE 54TH ANNIVERSARY OF ISRAELI INDEPENDENCE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. HOLT. Mr. Speaker, today, Wednesday, April 17, is Yom Ha'Atzmaut—Israel's Independence Day. As the people of Israel celebrate 54 years as the only democracy in the Middle East, I am proud to join with my colleagues to reiterate our continued strong support of Israel, its right to defend itself and its people from terrorism, and to focus on the special relationship that exists between our two nations.

We all know that these are troubling times for Israel, and indeed, the entire Middle East. The world has watched in horror as terrorist attacks have killed more than 450 Israelis and wounded nearly 4,000.

Car bombings, suicide attacks and widespread terrorism in residential areas have disrupted the lives of Israelis. Men and women fear that an ordinary trip to their local market will result in tragedy. Children longer feel safe to ride their school buses, and families sitting down to celebrate a holy meal have been murdered by suicide bombers. Since September 11, I think all Americans have a new understanding of the threats that Israelis face and have faced for some time. And I think all Americans have been steeled in their resolve to root out terror wherever it may be found.

Before and since being elected to Congress, I have supported a strong Israel. America has always had a unique relationship with Israel. They are our most important strategic ally in this volatile area, and a nation whose founding and existence clearly makes the world better.

The United States must continue to voice its support for Israel and for their right to defend their people and to exist. That is particularly true at this terrible time. The United States must be prepared to continue to provide the diplomatic, military, and economic support that Israel needs.

As the world's only superpower, the United States plays an essential role as a broker of peace in the region. I am pleased to see President Bush engaged on this issue, sending Secretary of State Powell to the Middle East to try to end the violence. But we must not let that role keep us from speaking the truth. As our President has said, terrorism is unacceptable in all its forms. Palestinians must end the violence against the Israelis. The attacks must stop.

When they do, Israel must respond, as I am confident she will, with corresponding steps to reduce the level of tension. That is the only way to get back to the peace table. And only peace discussions can achieve the lasting, just peace that will best serve the interests of all Israelis, all Palestinians and indeed, all of us throughout the world.

Mr. Speaker, my personal sense of commitment to Israel has only been strengthened by recent developments. Today, as Israelis' mark their 54th anniversary, we can celebrate the existence of a strong and vibrant Jewish state. I am proud to observe this occasion and to use this opportunity to join with my colleagues to reaffirm our solidarity with Israel and the Israeli people.

TRIBUTE TO MR. ED WENGER

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, I offer the following comments today to mark the retirement of Mr. Ed Wenger. After nearly 30 years of service, Ed retired from the U.S. Forest Service last year.

After a stint in the Army, he began his distinguished career with the Forest Service at the Hoosier National Forest in Indiana. Since then, he's served in forests from Illinois to Pennsylvania, and a couple of places in between.

But it's Ed's time in Wisconsin that left such a lasting impression on me and lots of other folks in my area. He was instrumental in developing the Florence Natural Resource Center while serving as the Florence District Ranger for the Nicolet Forest. And he did tremendous work while at the Nicolet-Chequamegon National Forest from 1997 to 2001.

Wherever he was stationed, Ed quickly became an active and well-known member of the community—both in forest issues and in the general activities and organizations that make our towns and villages such great places to live. I believe that future generations of Forest Service employees could stand to learn much from Ed, and his dedication to maintaining such close ties between the management of our forests and the communities that surround them.

CONGRATULATING ISRAEL ON ITS INDEPENDENCE DAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. LANTOS. Mr. Speaker, I wish to congratulate Israel on its Independence Day, its

54th anniversary. In 54 years, Israel has experienced more dangers and more triumphs, more success and more tragedy, more highs and lows than many far more venerable states. Throughout it all, Israel's indomitable spirit has conquered adversity.

Israel has much for which to be grateful. First and foremost, Israel has so often been blessed with great leadership—wise and visionary leadership. This tradition goes back to Israel's modern origins. At the end of the nineteenth century, the founder of the modern Zionist movement Theodor Herzl made the most preposterous and prophetic prediction I know of, when he asserted that a Jewish state would be born within a half-century.

In statehood, Israel's leaders have been practical, humane, bold, and peace-loving. It is a pity that Israel's neighbors have not been similarly blessed.

David Ben-Gurion and the Zionist leadership were practical enough to accept the 1947 partition resolution, though they had hoped for much more. They were humane enough to treat their Arab citizens as equals when Arab leaders were threatening to drive the Jews into the sea. They and their successors were bold enough to do what is necessary to keep Israel and the Jewish people alive, regardless of what the rest of the world might think. Usually, the world learns later that Israel is right. Remember the bombing—the then much criticized bombing—of the Iraqi nuclear reactor Osirak in 1981? How universally scorned it was at the time; how grateful the civilized world is now.

Israel has been blessed with the great friendship and unswerving support of the United States. It has earned this friendship because it has fashioned a society that embodies the same values as our own.

It is important on this Independence Day that Israelis and their friends take time to reflect on all the wonderful, almost unthinkable achievements of the past 54 years. Against impossible odds, Israel has established a vibrant, open, prosperous, and free society; a pluralistic society built by people from virtually every country in the world; a society on a par with the best of the West. And Arabs in Israel enjoy incomparably more freedom and democratic rights than they have anywhere in the Arab world.

Although this is a day for joy, it is no secret that this year's independence day occurs at one of the most dangerous times in Israel's history. I know everybody in this room understands the problems all too well. The scale of Israeli loss in the so-called intifada is staggering—almost incomprehensible. On a scale proportional to the U.S. population, Israel has lost over 20,000 people since September 2000, close to half of them in suicide bombings.

Israel's friends stand in solidarity with all Israelis. Israel should know that its fiiends in the United States will stick with it and defend its right to protect itself against terrorism and against the scourge of those who place no value on human life. Israel should know that its fiiends here won't be afraid to stand up to the unjustified and disturbingly persistent criticism coming from Europe, from those who have managed to misunderstand the lessons of their own history. We are outraged by the U.N. Human Rights Commission's resolution of two days ago that makes disgraceful accusations against Israel, while failing even to mention the terrorism to which Israel has been subjected. But our outrage is outweighed by our shock, sadness, and anger that it was supported by Western nations such as France, Austria, Belgium, Portugal, Spain and Sweden.

Israel should know that its friends here are deeply pained by its profound dilemma: Yearning for peace, Israel has no clear partner for peace. Israel should know that its friends won't let the world forget that the Yasser Arafat whose Palestinian Authority funds the al-Aqsa Martyrs' Brigade, the Yasir Arafat of the Karine-A, the Yasir Arafat who colludes with Iran and Hizballah—Yasir Arafat the terrorist—is, sadly, the real Yasir Arafat.

And Israel should know that its friends here agree that the violence must end before negotiations begin. You cannot negotiate with terror; you can only defeat it. The people of Israel have the right to restore the security of their homes and families by taking the military measures necessary to defeat terror. Once that is achieved, we will do our best to create the conditions that will enable Israel to find reliable partners for peace and an end to the conflict. Only when Arabs learn that they cannot exhaust Israel through violence will they be ready for the kinds of political compromises necessary for a lasting peace. Israel's friends understand that.

For Israel's friends, today is a day for joy, solidarity, and reflection. On a personal note, it is also a sad occasion, for it marks the eve of the departure of my dear friend, Israel's wonderful ambassador David Ivry. His has always been a voice of integrity, clarity, and insight, and we will sorely miss having it in our midst.

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, April 18, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 19

Time to be announced
Governmental Affairs
Business meeting to consider the nomination of Paul A. Quander, Jr., of the District of Columbia, to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency, to occur immediately following the first Senate floor vote.
S–211 Capitol

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine Canadian wheat 301 decisions.
SR–253

APRIL 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine generic pharmaceuticals, focusing on marketplace access and consumer issues.
SR–253

10 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the implications of the human capital crisis, focusing on how the federal government is recruiting, selecting, retaining, and training individuals to oversee trade policies and regulate financial industries.
SD–342

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine current safeguards concerning the protection of human subjects in research.
SD–430

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Federal Deposit Insurance System, focusing on recommendations for reform.
SD–538

Judiciary
To hold hearings to examine the reformation of the Federal Bureau of Investigation, Department of Justice, focusing on mission refocusing and reorganization.
SD–226

10:15 a.m.
Foreign Relations
To hold hearings to examine United States nonproliferation efforts in the former Soviet Union.
SD–419

2:30 p.m.
Judiciary
Antitrust, Competition and Business and Consumer Rights Subcommittee
To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.
SD–226

Health, Education, Labor, and Pensions
To hold hearings to examine the implementation of the Elementary and Secondary Education Act, focusing on status and key issues.
SD–430

APRIL 24

9:30 a.m.
Foreign Relations
Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee
To hold hearings to examine future relations between the United States and Colombia.
SD–419

1:30 p.m.
Appropriations
Treasury and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Office of National Drug Control Policy.
SD–192

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 2037, to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology; and other relative pending legislation.
SR–253

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

APRIL 25

9:30 a.m.
Veterans' Affairs
To hold hearings to examine the Department of Veterans' Affairs preparedness regarding options to nursing homes.
SR–418

Commerce, Science, and Transportation
To hold hearings on proposed legislation concerning online privacy and protection.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Harold D. Stratton, of New Mexico, to be a Commissioner of the Consumer Product Safety Commission.
SR–253

MAY 2

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending legislation.
SR–418

2:30 p.m.
Judiciary
To hold hearings to examine restructuring issues within the Immigration and Naturalization Service, Department of Justice.
SD–226

Daily Digest

HIGHLIGHTS

The House passed H.R. 476, Child Custody Protection Act.

Senate

Chamber Action

Routine Proceedings, pages S2757–S2869

Measures Introduced: Fifty-six bills and two resolutions were introduced, as follows: S. 2138–2193, and S. Res. 244–245. **Pages S2828–29**

Energy Policy Act: Senate continued consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto:

Pages S2763–S2820, S2857–69

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute.

Pages S2763–S2820, S2857–69

Kerry/McCain Amendment No. 2999 (to Amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks. **Page S2763**

Dayton/Grassley Amendment No. 3008 (to Amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available. **Page S2763**

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees. **Page S2763**

Landrieu/Kyl Amendment No. 3050 (to Amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment. **Page S2763**

Graham Amendment No. 3070 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard. **Page S2763**

Schumer/Clinton Amendment No. 3093 (to Amendment No. 2917), to prohibit oil and gas drilling activity in Finger Lakes National Forest, New York. **Page S2763**

Dayton Amendment No. 3097 (to Amendment No. 2917), to require additional findings for FERC approval of an electric utility merger. **Page S2763**

Schumer Amendment No. 3030 (to Amendment No. 2917), to strike the section establishing a renewable fuel content requirement for motor vehicle fuel. **Page S2763**

Feinstein/Boxer Amendment No. 3115 (to Amendment No. 2917), to modify the provision relating to the renewable content of motor vehicle fuel to eliminate the required volume of renewable fuel for calendar year 2004. **Page S2763**

Murkowski/Breaux/Stevens Amendment No. 3132 (to Amendment No. 2917), to create jobs for Americans, to reduce dependence on foreign sources of crude oil and energy, to strengthen the economic self determination of the Inupiat Eskimos and to promote national security. **Pages S2763–S2820, S2857–69**

Stevens Amendment No. 3133 (to Amendment No. 3132), to create jobs for Americans, to strengthen the United States steel industry, to reduce dependence on foreign sources of crude oil and energy, and to promote national security.

Pages S2763–S2820, S2857–69

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 9:45 a.m., on Thursday, April 18, 2002, with a vote on the motion to close further debate on Stevens Amendment No. 3133 (to Amendment No. 3132), listed above, to occur at 11:45 a.m. Further, that Members have until 10:45 a.m., to file second degree amendments. **Page S2820**

Nominations Confirmed: Senate confirmed the following nomination:

By a unanimous vote of 97 yeas (Vote No. 69), Lance M. Africk, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Pages S2757–58, S2869

Messages From the House: **Pages S2827–28**

Measures Referred: **Page S2828**

Additional Cosponsors: Pages S2829–30

Statements on Introduced Bills/Resolutions: Pages S2830–51

Additional Statements: Pages S2820–27

Amendments Submitted: Pages S2851–56

Authority for Committees to Meet: Pages S2856–57

Privilege of the Floor: Page S2857

Record Votes: One record vote was taken today. (Total—69) Page S2757–58

Adjournment: Senate met at 10 a.m., and adjourned at 10:33 p.m., until 9:45 a.m., on Thursday, April 18, 2002.

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—MISSILE DEFENSE

Committee on Appropriations: Subcommittee on Defense concluded hearings on proposed budget estimates for fiscal year 2003 for the missile defense program budget, after receiving testimony from Lt. Gen. Ronald T. Kadish, USAF, Director, Missile Defense Agency, Department of Defense.

APPROPRIATIONS—SECRETARY OF THE SENATE/ARCHITECT OF THE CAPITOL

Committee on Appropriations: Subcommittee on Legislative Branch concluded hearings on proposed budget estimates for fiscal year 2003, after receiving testimony in behalf of funds for their respective activities from Jeri Thomson, Secretary of the Senate; and Alan M. Hantman, Architect of the Capitol.

APPROPRIATIONS—CNCS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings on proposed budget estimates for fiscal year 2003 for the Corporation for National and Community Service, after receiving testimony from Leslie Lenkowsky, Chief Executive Officer, Corporation for National and Community Service.

APPROPRIATIONS—TREASURY LAW ENFORCEMENT

Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings on proposed budget estimates for fiscal year 2003, after receiving testimony in behalf of funds for their respective activities, from Jimmy Gurule, Under Secretary for Enforcement, Brian L. Stafford, Director, U.S. Secret Service, Bradley A. Buckles, Director, Bureau of Alcohol, Tobacco, and Firearms, James F. Sloan, Director, Financial Crimes Enforcement Network, and Paul A. Hackenberry, Acting Director, Federal Law Enforcement Training Center, all of the Department of the Treasury.

HOMELAND SECURITY AND INFORMATION SHARING

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings to examine the effective use and necessary upgrades of information technology to provide a tool for collaboration among federal agencies and federal, state, and local law enforcement to share information in order to ensure homeland defense, after receiving testimony from Vance Hitch, Chief Information Officer, Justice Management Division, Robert J. Jordan, Director, Information Sharing Task Force, Federal Bureau of Investigation, and Scott O. Hastings, Associate Commissioner, Office of Information Resources Management, Immigration and Naturalization Service, all of the Department of Justice; Leon E. Panetta, Panetta Institute, Monterey Bay, California, former White House Chief of Staff; and George J. Terwilliger III, White and Case, former Deputy Attorney General, Department of Justice, Philip Anderson, Center for Strategic and International Studies, and Paul C. Light, Brookings Institution, all of Washington, D.C.

WAR POWERS RESOLUTION

Committee on the Judiciary: Subcommittee on Constitution, Federalism, and Property Rights concluded hearings to examine the balance of war powers authority under the Constitution as it relates to our fight against terrorism, the cooperation between the White House and Congress in exercising shared war powers authority, and the application of the use-of-force resolution, after receiving testimony from John C. Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice; Louis Fisher, Senior Specialist, Congressional Research Service, Library of Congress; Douglas Kmiec, Catholic University of America School of Law, Alton Frye, Council on Foreign Relations, and Jane Stromseth, Georgetown University Law Center, all of Washington, D.C.; Ruth Wedgwood, Yale Law School, New Haven, Connecticut; and Michael J. Glennon, University of California Law School, Davis, California, on behalf of the Woodrow Wilson International Center for Scholars.

NOMINATION

Select Committee on Intelligence: Committee concluded hearings on the nomination of John Leonard Helgerson, of Virginia, to be Inspector General, Central Intelligence Agency, after the nominee testified and answered questions in his own behalf.

Also, the committee also concluded closed hearings on intelligence matters, after receiving testimony from officials of the intelligence community.

House of Representatives

Chamber Action

Measures Introduced: 15 public bills, H.R. 4466–4480; and 1 resolution, H. Con. Res. 380, were introduced. **Pages H1409–10**

Reports Filed: Reports were filed today as follows:

H. Res. 390, providing for consideration of the Senate amendment to H.R. 586, to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies (H. Rept. 107–412). **Page H1409**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Shimkus to act as Speaker pro tempore for today. **Page H1341**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Norvel Goff, Sr., Baber African Methodist Episcopal Church of Rochester, New York. **Page H1341**

Journal: The House agreed to the Speaker's approval of the Journal of Tuesday, April 16 by a yea-and-nay vote of 361 yeas to 51 nays, Roll No. 98. **Page H1341, H1373**

Child Custody Protection Act: The House passed H.R. 476, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions by a recorded vote of 260 ayes to 161 noes, Roll No. 97. **Pages H1351–73**

Rejected the Jackson-Lee of Texas motion that sought to recommit the bill to the Committee on the Judiciary with instructions to report it back to the House forthwith with an amendment that exempts an adult sibling, grandparent, minister, rabbi, pastor, priest, or other religious leader from provisions prohibiting the transportation of minors in circumvention of certain laws relating to abortion by a yea-and-nay vote of 173 yeas to 246 nays, Roll No. 96. **Pages H1369–72**

H. Res. 388, the rule that provided for consideration of the bill, was agreed to by voice vote. **Pages H1345–51**

Motion to Instruct Conferees on the Farm Security Act—Proceedings Postponed: The House completed debate on the Smith of Michigan motion to instruct conferees on H.R. 2646, an act to provide for the continuation of agricultural programs through fiscal year 2011, to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and to insist upon an increase in funding for conservation programs, in effect as of January 1, 2002, that are extended by title II of the Senate amendment; and research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment. Pursuant to clause 8 of rule XX, the Chair postponed the vote on the motion. **Pages H1373–79**

Notice to Offer Motions to Instruct Conferees on the Farm Security Act: Pursuant to clause 7(c) of rule XXII, the following members intend to offer motions tomorrow to instruct conferees on H.R. 2646, an act to provide for the continuation of agricultural programs through fiscal year 2011. Representative Dooley announced his intention to offer a motion to instruct conferees to agree to the provisions contained in section 335 of the Senate amendment, relating to agricultural trade with Cuba. **Pages H1373–79, H1379–82**

Representative Baca announced his intention to offer a motion to instruct conferees to agree to provisions contained in Section 452 of the Senate amendment, relating to restoration of benefits to children, legal immigrants who work, refugees, and the disabled. **Page H1379**

Recess: The House recessed at 2:41 p.m. and reconvened at 5:11 p.m. **Page H1379**

Quorum Calls—Votes: One yea-and-nay vote and two recorded votes developed during the proceedings of the House today and appear on pages H1371–72, H1372, and H1373. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:37 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on SEC, and on FCC. Testimony was heard from Harvey Pitts, Chairman, SEC; and Michael Powell, Chairman, FCC.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held an oversight hearing on Energy Research-Measuring Success. Testimony was heard from Mark W. Everson, Controller, OMB; the following officials of the Department of Energy: Carl Michael Smith, Assistant Secretary, Fossil Energy; and David K.

Garman, Assistant Secretary, Energy Efficiency and Renewable Energy; and a public witness.

LABOR, HHS, AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on Department of Education Panel: Foundations for Learning. Testimony was heard from the following officials of the Department of Education: Susan B. Neuman, Assistant Secretary, Elementary and Secondary Education; Robert H. Pasternack, Assistant Secretary, Special Education and Rehabilitation Services; Grover J. Whitehurst, Assistant Secretary, Educational Research and Improvement; and Wade Horn, Assistant Secretary, Administration on Children and Families, Department of Health and Human Services.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Budget Overview. Testimony was heard from the following officials of the Department of Defense: Ray Dubois, Deputy Under Secretary, Installations and Environment; and Dov S. Zakheim, Under Secretary and Comptroller/Chief Financial Officer.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the Transportation Security Administration. Testimony was heard from the following officials of the Department of Transportation: Michael Jackson, Deputy Secretary; and Kenneth M. Mead, Inspector General; and public witnesses.

The Subcommittee also met in executive session to continue hearings on the Transportation Security Administration. Testimony was heard from the following officials of the Department of Transportation: Stephen McHale, Deputy Under Secretary, Security; Kenneth M. Mead, Inspector General; and Adm. James M. Loy, USCG, Commandant, U.S. Coast Guard.

TREASURY, POSTAL SERVICES, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service and General Government held a hearing on Secretary of the Treasury. Testimony was heard from Paul H. O'Neill, Secretary of the Treasury.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on NASA. Testimony was heard from Sean O'Keefe, Administrator, NASA.

MEDICARE PRESCRIPTION DRUG BENEFIT

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Creating a Medicare Prescription Drug Benefit: Assessing Efforts to Help America's Low-Income Seniors." Testimony was heard from Mark McClellan, M.D., member, Council of Economic Advisers; and public witnesses.

FEDERAL DEPOSIT REFORM ACT

Committee on Financial Services: Ordered reported, as amended, H.R. 3717, Federal Deposit Insurance Reform Act of 2002.

AIDS—CHILDREN IN AFRICA

Committee on International Relations: Held a hearing on AIDS Orphans and Vulnerable Children in Africa: Identifying the Best Practices for Care, Treatment, and Prevention. Testimony was heard from Anne Peterson, Assistant Administrator, Bureau for Global Health, AID, Department of State; Ken Casey, Special Representative to the President for HIV/AIDS; and public witnesses.

NATO FUTURE

Committee on International Relations: Subcommittee on Europe held a hearing on The Future of NATO and Enlargement. Testimony was heard from Jeanne J. Kirkpatrick, former Ambassador to the United Nations, Department of State; Lt. Gen. William E. Odom, USA, (Ret.) former Director of NSA, Department of Defense; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action the following bills: H.R. 2623, Posthumous Citizenship Restoration Act of 2001; H.R. 3214, to amend the chapter of the AMVETS organization; H.R. 3838, to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization; H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; S.J. Res. 13, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.

The Subcommittee also approved private relief bills.

MISCELLANEOUS MEASURES

Committee on Resources: Held a hearing on the following bills: H.R. 103, Tribal Sovereignty Protection Act; H.R. 3534, Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act; and H.R. 3476, to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land. Testimony was heard from Representative Issa; Jim Brulte, Senator, State of California; Wayne Smith, Deputy Assistant Secretary, Indian Affairs, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action the following bills: H.R. 3558, Species Protection and Conservation of the Environment Act; H.R. 3908, amended, North American Wetlands Conservation Reauthorization Act; and H.R. 4044, amended, authorize the Secretary of the Interior to provide assistance to the State of Maryland for implementation of a program to eradicate nutria and restore marshland damaged by nutria.

MOTION TO CONCUR IN SENATE AMENDMENT WITH AN AMENDMENT TO THE FAIRNESS FOR FOSTER CARE FAMILIES ACT

Committee on Rules: Granted, by a vote of 6 to 3, a rule providing for a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to H.R. 586, Fairness for Foster Care Families Act of 2001, with the amendment printed in the report of the Committee on Rules accompanying the resolution. The rule waives all points of order against consideration of the motion to concur in the Senate amendment with an amendment. The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Finally, the rule provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question. Testimony was heard from Chairman Thomas and Representatives Rangel, Tanner, Turner and Phelps.

CLIMATE RESEARCH AND TECHNOLOGY INITIATIVES—NEW DIRECTIONS

Committee on Science: Held a hearing on New Directions for Climate Research and Technology Initiatives. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Small Business: Ordered reported the following bills: H.R. 4231, Small Business Advocacy Improvement Act; H.R. 2867, Small Business Opportunity Enhancement Act of 2001; and S. 174, amended, Microloan Program Improvement Act of 2001.

HOW TRANSIT SERVES AND BENEFITS U.S. COMMUNITIES

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on How Transit Serves and Benefits U.S. Communities. Testimony was hearing on Jenna Dorn, Administrator, Federal Transit Administration, Department of Transportation; JayEtta Hecker, Director, Physical Infrastructure Issues, GAO; and public witnesses.

OVERSIGHT—WATER RESOURCES AND DEVELOPMENT ACT PROPOSALS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment continued oversight hearings on Proposals for a Water Resources Development Act of 2002. Testimony was heard from Representatives Matsui, Tauzin, Visclosky, Woolsey, Underwood, Shimkus, Carson of Indiana, Crowley, Gonzalez and Acevedo-Vila.

INTEGRATING PRESCRIPTION DRUGS INTO MEDICARE

Committee on Ways and Means: Held a hearing on Integrating Prescription Drugs into Medicare. Testimony was heard from Tommy G. Thompson, Secretary of Health and Human Services; David M. Walker, Comptroller General, GAO; and public witnesses.

WATER QUALITY FINANCING ACT

Committee on Ways and Means: Ordered reported, as amended, H.R. 3930, Water Quality Financing Act of 2002.

BRIEFING—U.S. INTELLIGENCE RELATIONSHIPS—PARTIES IN ISRAELI-PALESTINIAN CONFLICT

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing regarding U.S. intelligence relationships with parties in the Israeli-Palestinian conflict. The Committee was briefed by departmental briefers.

NATIONAL IMAGERY AND MAPPING AGENCY

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on National Imagery and Mapping Agency. Testimony was heard from departmental witnesses.

Joint Meetings

MONETARY POLICY/ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded hearings to examine the monetary policy and economic outlook in the context of the current economic situation, focusing on the economic rebound now underway, after receiving testimony from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 18, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Energy and Water Development, to hold hearings on the proposed budget estimates for fiscal year 2003 for the Office of Environmental Management and the Office of Energy Efficiency and Renewable Energy, Department of Energy, 10 a.m., SD–138.

Subcommittee on Treasury and General Government, to continue hearings on the proposed budget estimates for fiscal year 2003 for certain law enforcement activities, 2:30 p.m., SD–192.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak; S. 2039, to expand aviation capacity in the Chicago area; S. 1220, to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; S. 1739, to authorize grants to improve security on over-the-road buses; S. 1750, to make technical corrections to the HAZMAT provisions of the USA PATRIOT Act; S. 1871, to direct the Secretary of Transportation to conduct a rail transportation security risk assessment; H.R. 2546, to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service; and pending nominations, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings on S. 1441/H.R. 695, to establish the Oil Region National Heritage Area; S. 1526, to establish the Arabia Mountain National Heritage Area in the State of Georgia; S. 1638, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Are in the State of Missouri as a unit of the National Park System; S. 1809, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas; S. 1939, to establish the Great Basin National Heritage Area, Nevada and Utah; and S. 2033, to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, 3 p.m., SD–366.

Committee on Finance: to hold hearings to examine corporate governance and executive compensation, 9:30 a.m., SD–215.

Committee on Governmental Affairs: to hold hearings to examine the state of public health preparedness for terrorism involving weapons of mass destruction, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine workplace injury issues, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to consider pending calendar business, 10 a.m., SD–226.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State and Judiciary, on Bureau of Prisons, 10 a.m., H–309 Capitol.

Subcommittee on District of Columbia, on Economic Development, 1:30 p.m., 2362 Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on Fiscal Year 2002 Supplemental and Fiscal Year 2003 Regular Appropriations Requests for Security Assistance and Assistance to the Front Line States, 9:30 a.m., 2359 Rayburn.

Subcommittee on Interior, on Congressional Witnesses, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Congressional Witnesses, 9:45 a.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service and General Government, on Customs/Trade Issue, 9:30 a.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on American Battle Monuments Commission, 9:30 a.m., on Consumer Product Safety Commission, 10:30 a.m., and on Chemical Safety and Hazard Investigation Board, 11:30 a.m., H–143 Capitol.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, to mark up H.R. 4092, Working Toward Independence Act of 2002, 9:30 a.m., 2175 Rayburn.

Subcommittee on Education Reform, hearing on Special Education Finance at the Federal, State and Local Levels, 2 p.m., 2261 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on H.R. 2037, Protection of Lawful Commerce in Arms Act, 9:30 a.m., 2322 Rayburn.

Subcommittee on Energy and Air Quality, hearing entitled "A Review of the President's Recommendation to Develop a Nuclear Waste Repository at Yucca Mountain, Nevada," 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth, hearing entitled ''Encouraging Capital Formation in Key Sectors of the Economy,'' 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing on ''The Autism Epidemic—Is the NIH and CDC Response Adequate?'' 1 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on The Chad-Cameroon Pipeline: A New Model for Natural Resource Development, 2 p.m., 2172 Rayburn.

Subcommittee on the Middle East and South Asia, hearing on Words Have Consequences: The Impact of Incitement Anti-American and Anti-Semitic Propaganda on American Interests in the Middle East, 11 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following measures: H.R. 1577, Federal Prison Industries Competition in Contracting Act of 2001; H.R. 1877, Child Sex Wiretapping Act of 2001; H.R. 2624, Law Enforcement Tribute Act; H.R. 3375, Embassy Employee Compensation Act; H.R. 3892, Judicial Improvements Act of 2002; H.R. 3482, Cyber Security Enhancement Act of 2001; H.R. 2054, To give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those States; H.R. 1448, to clarify the tax treatment of bonds and other obligations issues by the Government of American Samoa; H.R. 3180, To consent to certain amendments to the New Hampshire-Vermont Interstate School Compact; H.R. 2621, Consumer Product Protection Act of 2001; H.R. 3215, Combating Illegal Gambling Reform and Modernization Act; H.R. 2068, To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, ''Public Buildings, Property, and Works;'' H.R. 1452, Family Reunification Act of 2001; and private claims bills, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on ''Oil and Gas Resource Assessment Methodology,'' 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, to mark up the following bills: H.R. 1906, to amend the Act that established the Pu'uhonua O Honaunau National Park to expand the boundaries of that park: H.R. 2388, National Heritage Areas Policy Act of 2001; H.R. 2643, Fort Clatsop Memorial Expansion Act of 2001; H.R. 2818, to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971; H.R. 3258, Reasonable Right-of-Way Fees Act of 2001; H.R. 3307, Vicksburg National Military Park Boundary Modification Act; and H.R. 3936, to designate and provide for the management of the Shoshone National Recreation Trail, 2 p.m., 1334 Longworth.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on Space Shuttle and Space Launch Initiative, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, to mark up the following: the National Transportation Safety Board Reauthorization; H.R. 1979, to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; and Airport Project Streamlining, 10:30 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on H.R. 3947, Federal Property Asset Management Reform Act of 2002, 10 a.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on H.R. 4015, Jobs for Veterans Act, 9 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, to mark up H.R. 4090, Personal Responsibility, Work, and Family Promotion Act of 2002, 11 a.m., B–318 Rayburn.

Next Meeting of the SENATE

9:45 a.m., Thursday, April 18

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 517, Energy Policy Act, with a vote on the motion to close further debate on Stevens Amendment No. 3133 (to Amendment No. 3132) to occur at 11:45 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, April 18

House Chamber

Program for Thursday: Consideration of Smith of Michigan Motion to Instruct Conferees on H.R. 2646, Farm Security Act of 2002 (vote on motion);

Consideration of a motion to concur in the Senate amendment with an amendment to H.R. 586, Tax Relief Guarantee Act of 2002 (one hour of general debate);

Consideration of Dooley Motion to Instruct Conferees on H.R. 2646, Farm Security Act of 2002 (one hour of general debate); and

Consideration of Baca Motion to Instruct Conferees on H.R. 2646, Farm Security Act of 2002 (one hour of general debate).

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