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House of Representatives

The House met at 1 p.m.

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

Lord, our Protector and our Shield, wrap the Members of Congress in Your mantle of justice. Guide them in their judgments and in all their ways.

One of the great tasks You lay upon this body is ''to provide for the common defense and the general welfare of the United States.''

Knowing this is an awesome responsibility, be a buttress to their efforts to secure this Nation in peace and protect its people and institutions from all harm.

In and with all efforts to be ever vigilant and prepared, we know it is ''in You we are to place all our trust;'' for ''unless the Lord guard the city in vain does the watchman keep vigil'' .

Shower upon this Nation Your loving care now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. ARMEY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

NOTICE

If the 107th Congress, 2d Session, adjourns sine die on or before November 22, 2002, a final issue of the Congressional Record for the 107th Congress, 2d Session, will be published on Monday, December 16, 2002, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 13. The final issue will be dated Monday, December 16, 2002, and will be delivered on Tuesday, December 17, 2002.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record@Sec.Senate.gov''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

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By order of the Joint Committee on Printing.

MARK DAYTON, *Chairman.*

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H.R. 3340. An act to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over; to reauthorize the Merit Systems Protection Board and the Office of Special Counsel; and for other purposes.

H.R. 5349. An act to facilitate the use of a portion of the former O'Reilly General Hospital in Springfield, Missouri, by the local Boys and Girls Club through the release of the reversionary interest and other interests retained by the United States in 1955 when the land was conveyed to the State of Missouri.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3609. An act to amend title 49, United States Code, to enhance the security and safety of pipelines.

H.R. 3833. An act to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes.

H.R. 4073. An act to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 958. An act to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, and for other purposes.

S. 2845. An act to extend for one year procedural relief provided under the USA PATRIOT Act for individuals who were or are victims or survivors of victims of a terrorist attack on the United States on September 11, 2001.

S. 3044. An act to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release.

S. 3067. An act to amend title 44, United States Code, to extend certain Government information security reform for one year, and for other purposes.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1214) ''An Act to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.''.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wants to thank the gentleman from Texas (Mr. ARMEY), who is retiring as of today, for his great service.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain one-minute speeches today at the end of legislative business.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Pursuant to the order of the House of Wednesday, November 13, 2002, the Private Calendar will now be called.

The Clerk will call the first individual bill on the Private Calendar.

NANCY B. WILSON

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

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

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

There was no objection.

SO HYUN JUN

The Clerk called the bill (H.R. 3758) for the relief of So Hyun Jun.

There being no objection, the Clerk read the bill as follows:

H.R. 3758

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

SECTION 1. IMMEDIATE RELATIVE STATUS FOR SO HYUN JUN.

(a) IN GENERAL.—So Hyun Jun shall be classified as a child under section 101(b)(1)(F) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by her adoptive parent and the filing of an application for an immigrant visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If So Hyun Jun enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to So Hyun Jun, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of So Hyun Jun shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SEC. 2. ELIGIBILITY FOR CITIZENSHIP.

For purposes of section 320 of the Immigration and Nationality Act, So Hyun Jun shall be considered to have satisfied the requirements applicable to adopted children under section 101(b)(1) of such Act.

Mr. MCCRERY. Mr. Speaker, I rise today in support of H.R. 3758, a private bill for the relief of So Hyun Jun (So Young June). This is a no-cost, no-controversy bill that will provide needed relief to my constituents John and Ok Sun Thornton of Leesville, Louisiana who adopted So Hyun in 2001.

So Hyun was born in South Korea on September 16, 1984 to Mrs. Thornton's sister. A car accident in 1999 left her parents incapable of caring for her. At that time, Mrs. Thornton and her husband were contacted about the possibility of taking custody of So Hyun. While visiting her family in Korea, Mrs. Thornton had occasion to see first-hand the hardships suffered by her niece. The Thorntons immediately agreed to bring her to the United States.

In February 2000, So Hyun arrived in Louisiana to live with her aunt and uncle. Mrs. Thornton traveled with So Hyun back to Korea during the summer of 2000 to collect her birth certificate and other important papers. It was during this trip that Mrs. Thornton's sister and her husband agreed to relinquish their parental rights, thus giving full custody to Mr. and Mrs. Thornton. Formal adoption proceedings were begun in August of 2000 and finalized in Louisiana State Court on March 6, 2001.

The Thorntons were careful to work with the Immigration and Naturalization Service (INS) to ensure that So Hyun's move to the United States went smoothly. Mr. Thornton contacted the INS a month prior to So Hyun's arrival to inquire about the procedure for bringing her to the United States. He was told the best method would be to bring her over on a tourist visa and then file the necessary forms to complete the adoption process. During this time, Mr. Thornton was misinformed three times about the correct form to complete. In January of 2001, Mr. Thornton once again called the INS Service Center with a question about the immigration forms, as So Hyun's visa was soon expiring. He was told that there was no need to renew the visa since they were adopting the child. However, upon the adoption's finalization, the INS Adjudication Office informed the Thorntons that So Hyun's visa could not be renewed, nor could she qualify for permanent resident status, as her adoption was not finalized by her sixteenth birthday. She missed that deadline by only seven months. And this comment from the INS was the very first mention of an age requirement.

While the Immigration and Naturalization Service may not extend permanent resident status to Miss Jun, she is eligible for private relief because her adoption was begun before she turned sixteen. Without this relief, Miss Jun risks deportation to Korea where no one is legally bound to care for her. Private relief is needed to help this adopted girl remain in the United States with her new family.

I want to thank Chairmen SENSENBRENNER and GEKAS along with Ranking Members JOHN CONYERS and SHEILA JACKSON-LEE for their assistance in securing passage of H.R. 3758. I hope the Senate will follow the House's lead today by passing this private relief bill before the end of the 107th Congress.

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

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1214, MARITIME TRANSPORTATION SECURITY ACT OF 2002

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 605 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 605

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1214) to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume.

Mr. Speaker, it was my hope, I had actually assigned this rule for management to my colleague from Florida (Mr. DIAZ-BALART), and I have his prepared statement here, and I will go through his prepared statement, Mr. Speaker. I love Florida, and it is a great spot. My family actually has a home there, but I am a Californian; so I am just offering that as a bit of a warning as I proceed with the statement of the gentleman from Florida's (Mr. DIAZ-BALART).

During the consideration of the resolution, all time yielded will be for the purpose of debate only.

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

Mr. DREIER. Mr. Speaker, House Resolution 605 is a standard rule waiving all points of order against the conference report to accompany the Maritime Transportation Security Act of 2002 and against its consideration.

The underlying legislation is yet another integral part of our coordinated effort to provide the most effective and comprehensive homeland security plan possible. We are working to protect our citizens at home and abroad, we are working to protect our vital infrastructure, both physical and electronic, and we are working to improve our economic security. Today we will vote to protect our Nation's ports.

Our maritime industry, including hundreds of ports nationwide, contributes $742 billion to the gross domestic product each year. The State of Florida has some of the largest ports in the country, and I should say I represent the Los Angeles area, which has the Ports of Long Beach and Los Angeles, which are even larger than the ones in Florida I should add. The gentleman from Florida (Mr. DIAZ-BALART) represents the Port of Miami and Port Everglades. Thousands of passenger and container ships pass through these ports every year. Industries from retail sales to the airline industries are effected by the business that is done at these ports in both my State and in the State of Florida and around the country.

We must ensure that these ports are not only safeguarded from being used as a point of entry for dangerous elements, but also to protect them from an attack that could be devastating to our economy. The Port of Miami's impact on Miami-Dade County is estimated at more than $8 billion and 45,000 jobs. In fiscal year 2001, the volume of cargo moving through the Port of Miami exceeded 8.2 million tons. Port Everglades' volume of business is equally impressive. In 2001, Port Everglades was host to over 3 million cruise passengers.

Our Nation's ports are significant partners in the U.S. economy and we must employ every conceivable option to protect them. This conference report will work to this end by requiring the Coast Guard to conduct vulnerability assessments of our ports, authorizing grants to help with port security upgrades around the country, and by assessing the security systems of certain foreign ports that do business with the United States.

Additionally, this legislation authorizes $6 billion for the Coast Guard in fiscal year 2003, including $550 million in additional resources to address longstanding budget shortfalls. The Coast Guard is charged with the tremendous duty of protecting our 95,000 miles of coastline. This legislation very appropriately addresses this reality.

I would like to thank the gentleman from Alaska (Mr. YOUNG) and the ranking minority member, the gentleman from Minnesota (Mr. OBERSTAR), as well as the subcommittee chairman, the gentleman from New Jersey (Mr. LOBIONDO), for their work on this very important issue. This is truly a bipartisan piece of legislation. In fact, every member of the conference committee has signed the report.

The conference report and the fair rule providing for its consideration deserve our support, and I would urge my colleagues to do this.

Mr. Speaker, I yield control of the balance of my time to the gentleman from Miami (Mr. DIAZ-BALART), who has arrived, and I know that he could have commented on Florida in a much better way than I, but I struggled to get through representation of his State if only on a temporary basis.

The SPEAKER pro tempore. Without objection, the gentleman from Florida will control the time.

There was no objection.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of the Committee on Rules for yielding me time and I thank my colleague and neighbor from Florida for his comments.

Mr. Speaker, this important legislation helps ensure the security of our Nation's ports by establishing a comprehensive national antiterrorism system to reduce the vulnerability of ports and waterways against a terrorist attack and a transportation security incident. Additionally, the conference report authorizes funding for these new antiterrorism fighting provisions as well as the planning and implementation of security plans and response efforts at all of our Nation's ports.

It authorizes additional funding to the Coast Guard which is much needed, and it establishes a nationwide security ID program for all U.S. ports. Perhaps most importantly, the report outlines the responsibilities of various Federal agencies, local law enforcement, and private companies in the day-to-day security operations of ports in the case of any unforeseen event.

□ 1315

Following September 11, as a member of the Permanent Select Committee on Intelligence and Committee on Rules, I was and remain an outspoken critic of the lack of coordination between Federal agencies in times of crises. I am happy to see that the conference had the foresight and wherewithal to provide guidance to the many agencies affected by increased port security. Perhaps our airports and the Transportation Security Administration could learn a few things from this report.

Mr. Speaker, it is fitting that I find myself managing this rule with the gentleman from Florida (Mr. DIAZ-BALART). I think the gentleman would agree that there is no region in the country that is home to three major international ports in such close proximity as South Florida. And the rest of Florida, if we take into consideration the Tampa Bay area, the Pensacola Bay area, Jacksonville and Port Canaveral, then Florida obviously is critical when it comes to port security.

Further, there are no ports that have done more security improvements in the last 18 months than Port Everglades, the Port of Palm Beach and the Port of Miami, all three of which are located in the counties the gentleman from Florida (Mr. DIAZ-BALART) and I represent.

While the underlying report is good, it would be irresponsible of me to continue without noting two of the major flaws I believe still exist in the legislation.

First, ports who had planned for or implemented new security measures prior to September 11, 2001, that bring the port into compliance with provisions of S. 1214 should be able to be reimbursed for their expenses. The underlying report does not allow for this to occur.

Case in point, Port Everglades. As one of the largest cruise ships and container ports in the Nation, Port Everglades recognized the need to improve its security long before September 11, 2001. Nearly 2 years ago, the port invested millions of dollars into establishing a new security plan. In fact, in June of 1999, the Presidential Commission on Seaport Crime and Security visited Port Everglades and recognized many of the port's ''best practices'' as examples for ports throughout the country to follow.

Prior to September 11, the Port Everglades security improvement plan was to be implemented over several years. However, in response to September 11, Broward County, Florida, made security at Port Everglades its top priority. The County is committed to spending more than $25 million for security improvements at the port in fiscal year 2003 alone, and the Ports of Palm Beach and Miami have similar investments in progress.

Under the report, Port Everglades will be able to be reimbursed for the security improvements it has made since September 11, as well as those it will make in the following year. However, I am appalled that Port Everglades, as well as the Ports of Palm Beach and Miami, will not be eligible to be reimbursed for the planning and implementation of various security improvements that they made prior to September 11, 2001. South Florida's three major ports and some others around the Nation were ahead of the game and made security improvements 18 months ago that Congress is just now getting around to requiring today.

Specifically, Port Everglades is an example of the intuitive thinking that ports should have been doing a long time ago, and to penalize it for being ahead of the game is just plain wrong.

Additionally, Mr. Speaker, I have major reservations about the level of funding authorized in the report. Clearly, the amount authorized is not enough to meet the security needs of our Nation's ports. In the next 18 months, South Florida's three international ports will spend more than $60 million on security improvements. Under the 50/50 or 75/25 cost-sharing agreements laid out in the report, Port Everglades, Port Palm Beach and Port of Miami could easily command nearly half of the total amount authorized in this legislation.

Realistically, the $75 million authorized in the report just is not enough to fund security improvements for all U.S. ports. I encourage my colleagues on the Committee on Appropriations to consider this reality when appropriating funds over the next 6 years.

In the end, Mr. Speaker, this rule is typical of one for a conference report, and I will be supporting it. Additionally, I will also be supporting the underlying conference report. I urge my colleagues to do the same, but, as I previously mentioned, the report has flaws and Congress must remain intent on revisiting these issues that are critical to our Nation's security.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) as well as the gentleman from California (Mr. DREIER) for having initiated this discussion today on this very important rule.

I think it is important that we realize that the conference report before us is a very important piece of legislation. I know of few pieces of legislation that have ever been flawless that I have voted on, and so I would simply tell my friend that perhaps this piece of legislation could be improved as well, as any human endeavor, because I have seen some things that are perfectible but very few that are perfect.

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

Mr. DIAZ-BALART. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, would the gentleman from Florida agree that Port Everglades and Port Miami are deserving of consideration?

Mr. DIAZ-BALART. Of course.

Mr. HASTINGS of Florida. And that the funding level, although we have problems in the Nation, may not be enough to cover the ports of the United States?

Mr. DIAZ-BALART. Mr. Speaker, I would agree with the gentleman. In the House bill before it went to conference we had a provision for reimbursement for ports for acts taken for security after September 11, and in the Senate there was no such provision. The inclusion of the House provision is something we should commend. We should keep in mind there are important provisions in this legislation which I think make it not only a conference report that we should support but that we should support with pride and enthusiasm.

I thank the conferees and all of the Members who have worked so hard to bring this important piece of legislation forward, specifically the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), as well as the subcommittee chairman, the gentleman from New Jersey (Mr. LOBIONDO) for their work on this critical issue of port security. This is a fundamental aspect of national security, of homeland security, to improve the protections for our ports that are obviously so important to our economy.

Mr. Speaker, with that of mind, cognizant of the importance of the underlying legislation and the fairness of this rule, I urge my colleagues to support the rule and the underlying legislation.

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

The previous question was ordered.

The resolution was agreed to.

The motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3210, TERRORISM RISK PROTECTION ACT

Mr. SESSION. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 607 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 607

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3210) to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

Mr. Speaker, the resolution is the standard rule for consideration of conference reports and waives all points of order against consideration of the conference report.

Mr. Speaker, on September 11, 2001, the collective memories of Americans were altered forever. The terrorist attacks resulted in an incalculable loss, both in loss of life and the destruction of buildings and businesses.

While America has begun its recovery and is healing from last September, we must be mindful of the threat that continues to exist. Just yesterday, our intelligence officials indicated that terrorist groups may be planning a new wave of attacks against our homeland. Exposure to terrorism is not only a threat to our national security but is also a threat to the U.S. and the global economy.

There is no doubt that these terrorist attacks have resulted in the most costly, catastrophic loss in the history of property and casualty insurance. However, the ripple effects of the attacks continues to last and will linger on.

The shortage of terrorism insurance has left any number of our hospitals, stadiums, shopping malls, apartments, and office buildings either with astronomical rates for insurance or none at all.

It goes without saying that the attacks have been a real threat not only to our homeland but also to our economic security. The United States Chamber of Commerce estimates that the economy has suffered a loss of

more than $15 billion and 300,000 jobs in the construction industry alone.

Mr. Speaker, insurance has been described as the glue which holds our economy together. Without reinsurance for the risk of terrorism, some insurance companies have been forced to specifically exclude it from their future policies. Without this terrorism coverage, lenders are unlikely to underwrite loans for major projects. This sequence of events could result in dangerous disruptions to the marketplace and further hurt our economy.

In April of this year, a Washington Post article cited two real-life examples. One, J.W. ''Bill'' Marriott, chairman and chief executive officer of Marriott International, said that although the hotel company remained insured for terrorism, he was expecting a 300 percent increase in premiums when it had to renew its new policies.

Another example was from Baylor University, which is located in Waco, Texas. According to David Brooks, vice president for finance and administration at Baylor University, the University had to go to 23 insurance companies searching for terrorism coverage.

These snapshots from around the country form a composite picture of a dire situation that requires action from this body, the United States Congress.

Heeding President Bush's call for Congress to act, the House passed H.R. 3210, the Terrorism Risk Protection Act, shortly after the September 11, 2001, attacks. The Terrorism Risk Protection Act provides a Federal backstop for financial losses in the event of future terrorism attacks.

□ 1330

This bill establishes a system of shared public/private compensation for insured losses resulting from acts of terrorism to protect consumers and create a transitional period for the private insurance markets to stabilize.

The Federal backstop is triggered when the Secretary of the Treasury determines that an act of terrorism has occurred with losses in excess of $5 million. The Federal Government would pay 90 percent of the insured losses that exceeded the insured deductibility, which increases each year of the program, up to $100 billion each year.

The conference report provides for full payback protection for the American taxpayer by guaranteeing that the first 10- to $15 billion in losses would be paid by the insurance marketplace. The Secretary would retain the authority to fully recoup any additional costs as necessary.

Mr. Speaker, as my colleagues are fully aware, much of the recent attention has been focused on the tort provisions in this bill. The Joint Economic Committee released a study this May that estimated that lawsuits stemming from the September 11 attacks were already estimated to cost as much as $20 billion. These lawsuits typically pay 33 to 40 percent of the award to the plaintiff's lawyers.

The 1993 World Trade Center bombing, which killed six people, resulted in 500 lawsuits by 700 individuals, businesses and insurance companies. Mr. Speaker, it has now been 8 years and the cases are only now just getting to the trial stage, where hundreds of plaintiffs have yet to even receive one cent of compensation. Mr. Speaker, this is not a circumstance or a situation that we want to repeat.

Though this bill does not solve the woes of our legal system, it does take the first solid steps towards reform. By providing reasonable reforms, victims of terrorism will more quickly and equitably receive compensation while also reducing the substantial uncertainty facing the insurance industry when pricing terrorism risk.

Mr. Speaker, I would like to take a moment to commend the conferees who have labored to produce this fine work. I would also like to recognize the leadership of the gentleman from Ohio (Mr. OXLEY), who has been so instrumental in the success of this critically important bill. Mr. Speaker, I urge my colleagues to support me in not only supporting this rule but also the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank my colleague from Texas for yielding me the customary 30 minutes and I yield myself such time as I may consume.

Mr. Speaker, the tragic events of September 11, 2001, will remain fresh in our minds for years to come. The shroud of terrorism continues to surround us and terrorists around the world continue to regroup, plan and carry out attacks on innocent civilians. The economic consequences of another terrorist attack on the United States are real and, without proper preparation, could be economically devastating.

After September 11, there was no question whether the insurance industry needed financial backing in case of another terrorist attack on the United States. We all agreed that another attack could potentially cripple the American economy. In response, the Committee on Financial Services produced a truly bipartisan bill that was approved unanimously by the full committee. It was not perfect, there were real disagreements over specific provisions in the original risk insurance bill, but it was a good start.

Unfortunately, Mr. Speaker, the majority leadership decided it had to meddle in the process and inserted language drastically changing the tort system in this country. The original bill was made worse and in the process bipartisanship was thrown aside.

Mr. Speaker, this conference gets us back to the land of bipartisanship. All the Democratic conferees signed the conference report and, after initially threatening to veto it, the White House is now indicating that the President will sign the bill into law.

My concern is with the unnecessary delay here. This bill should have been completed last year. Without the tort language in the original House-passed bill, a conference report could have been easily agreed to and, with hard work, this bill might have been signed into law before the first of the year. By making this a political process rather than the truly bipartisan process it should have been and it started out to be, the majority showed us that they will bend over backward for special interests, especially before an election. Thankfully the other body was able to stand up to these special interests and, a year later, the result is a good bipartisan bill.

Mr. Speaker, I support this rule and I support this conference report which, as I said in the beginning, represents a bipartisan compromise. I would urge my colleagues to support the rule and support the conference report.

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

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services.

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

Mr. OXLEY. Mr. Speaker, let me begin by thanking the gentleman from Texas for his usual excellent work as a member of the Committee on Rules that handles legislation coming from the Committee on Financial Services. I do rise in support of the rule. The efforts that the committee and the entire Congress made in antiterrorism legislation clearly is one of the most important bills that will pass the Congress this year.

It is no secret that after 9/11, the reinsurance industry, which is mostly offshore, indicated they would no longer write terrorism insurance. Since they are the insurers of the insurers, it meant that the domestic-based insurance companies were unable to spread their risk and as a result we have a crisis in insurance coverage for terrorism. That crisis has evidenced itself in many ways, not the least of which is a recent study that indicated over $15 billion in valuable projects are on hold, not going forward, because of the lack of terrorism insurance; and because they cannot get terrorism insurance, they cannot get lending for those projects.

We are not just talking, Mr. Speaker, about New York City. I was recently in Chicago. There is a major project going on in Chicago that is simply now just a hole in the ground that will employ several hundred people. The President has indicated that their studies indicate some 300,000 jobs are at stake in the construction industry, the realtors, lenders and the like. So in many, many ways this is an economic issue and a jobs issue. That is why the President

has been so outspoken in virtually every opportunity that he has had asking the Congress for this important legislation. I suspect that the President has mentioned this issue perhaps more than any other issue in my memory and about the only time that he did not make a public statement about terrorism insurance was at the United Nations. But overall this issue, this crisis in insurance coverage, has been a major factor, I suggest, in the slowdown of the economy.

The Secretary of the Treasury was quoted as saying that it could very well knock 1 percent off our gross domestic product. That is a significant amount. We are fortunate today because we stand on the threshold of passing this important legislation that the President will willingly and gladly sign.

Let me just talk about the key elements briefly of this bill. The conference report provides full payback protection for American taxpayers, guaranteeing that the first 10- to $15 billion in losses will be paid by the insurance marketplace with the Secretary fully able to recoup any additional amounts necessary. This was a critical component in the House bill that Chairman BAKER and I and others insisted upon, that if the taxpayers were going to be involved in this backup, it is important that those tax dollars be repaid. Even though it was not in the Senate version, we prevailed in the conference. It is important to point that out to my colleagues in the House.

Secondly, we have incorporated a transition period that provides immediate full commercial terrorism coverage for all American business consumers while long-term contracts under the bill are being negotiated; in other words, an immediate start at getting these projects up and running and 300,000 people back to work.

Three, the Federal backstop has been simplified and requires that insurers have to pay a sizable deductible before they are eligible for the Federal backstop. This deductible is increased from 7 to 15 percent of their premiums over the program to phase out the taxpayer exposure and foster the reemergence of a private insurance market for terrorism. It insures that only truly catastrophic events trigger any Federal involvement while continuing to provide equal protection for small and rural insurers.

Fourth, we have provided more disclosures and information to consumers, with more options to insure that terrorism coverage is available in all commercial policies.

In addition, we continue to provide strong penalties to punish insurers who defraud the government. State insurance and reinsurance programs can be fully covered by the Treasury Secretary to provide equivalent protections for Americans who are unable to obtain insurance in the private markets. And we continue to give victims of terrorist attacks the ability to enforce court judgments against terrorists' assets.

Finally, while I would note that the legal protections may not be as strong as I or others would desire, they are all improvements over existing law and are very similar to those strongly approved in the Committee on Financial Services over 1 year ago.

Mr. Speaker, this conference report is timely and critical for America. We need it to protect jobs, protect our economy and protect the American people against future terrorist attacks. I urge all of our colleagues and friends to support the rule.

Mr. SESSIONS. Mr. Speaker, I yield 7 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit.

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

Mr. BACHUS. Mr. Speaker, what we are doing today is simply a part of both responding to the terrorist attacks of September 11 and defending our country from continuing damage from those terrorist attacks. It is a very prudent thing that we do today. It is a part of the defense of our homeland and of our economy, for if our economy continues to be weakened by the terrorist attack, then the terrorists win. The President has called on us repeatedly to respond with legislation.

I commend this House. This House has passed, and passed last November, good legislation to address the problem. And what is the problem? Mr. Speaker, before the terrorist attack, normally, as a matter of course, protection against terrorist attacks was included in commercial property and casualty insurance policies. After the losses on September 11, which amounted to 40- or $50 billion, it was impossible for insurance companies to predict when and if and the extent of these terrorist attacks in the future. It is impossible for us as a government to predict when and where and to what extent these attacks will occur. So there is no way for the insurance companies to assess that damage and to make reserves and charge premiums in an adequate amount.

So what have the insurance companies done? They have done two things. They have either in most cases not extended coverage or, two, they have simply picked a very high number for a premium and extended coverage at a very substantial amount for what, in all probability, will not occur at a specific location because of the actions that this government and this administration has taken since September 11. However, because terrorist insurance coverage has not been extended, billions of dollars of projects have been put on hold or canceled. In fact, a recent, and this is very recent, real estate group estimated that the lack of affordable terrorist insurance has resulted in the delaying or the cancellation of more than $15.5 billion worth of new commercial building projects just in the past few months. The Federal Reserve, in fact, Chairman Greenspan recently said that as a result of terrorist insurance coverage not being provided, not being available, it is producing as much as a 1 percent drag on our gross domestic product.

□ 1345

We talk about percentages of 1 percent. We talk about figures of $20 or $15 billion. What we are really talking about here is layoffs. We are talking about construction workers not working. We are talking about buildings not being built. We are talking about employees who work for companies that supply the office furniture for those buildings, who supply the goods that were to be sold in those buildings, the equipment in those buildings not being sold. As the President said, we have to respond comprehensively to what happened September 11. Thus, this bill.

Let us talk about the liability provisions of this bill, because there was in fact an unwillingness on the part of some to endorse this legislation simply because of what was proposed.

What is proposed here today is that, in the event of a large-scale terrorist attack upon this country in any location, one Federal court, one jurisdiction will take control and be charged with the administration of handling all the claims as a result of that attack, instead of having State and Federal courts all over the United States handling thousands of claims. Instead of that situation, which I think we all agree would be unmanageable, one Federal court picked for the convenience of those who had been hurt by this terrorist attack and picked for the efficient handling of the claims would be picked within 90 days of the terrorist attack, a Federal cause of action.

The lawsuits under this legislation would be tried in Federal court, Federal rules of procedure. However, the substantive law of the State or where the attack occurred would be the applicable law.

Finally, there has been a lot said about punitive damages. I for one have contended, and this bill makes it very clear, that punitive damages are not insured losses. Let me repeat that. Punitive damages are not insured losses. The taxpayers will not have to pay punitive damages under this legislation, and that is very important because the people that will be responsible for these attacks that ought to be punished will be the terrorists, not the American people.

All the legal reforms, as the gentleman from Ohio (Mr. OXLEY) said, are an improvement over the current law. The Federal Government of the American taxpayers will not be forced to reinsure any punitive damage claims. Private rights of action for punitive damages are unchanged.

In conclusion, let me simply commend the gentleman from Ohio (Mr.

OXLEY), chairman, and the gentleman from Louisiana (Mr. BAKER), chairman of the subcommittee, who have worked long and hard on this. I urge all Members of this conference, let us get on with strengthening our country, recovering from the attack of September 11 and doing everything we can do to prepare for other attacks, hoping they will not occur, but we have to act in self-defense.

Mr. SESSIONS. Mr. Speaker, I inquire about the time remaining.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The gentleman from Texas (Mr. SESSIONS) has 10½ minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 27½ minutes.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this rule, it is the standard rule for conference reports, but also in opposition to the conference report itself because it fails to include critical liability protections for victims of terrorism, which are particularly important because the conference report creates a Federal indemnification program that puts the American taxpayer on the hook for damages caused by terrorists.

It is important to note what the trial lawyers did first to mark the first anniversary of the terrorist attacks on September 11. They are suing American companies that were victims of terrorist attacks themselves. According to the Washington Post: ''Things really are returning to normal a year after the terrorist attacks. Trial lawyers—surprise!—are headed back to the courthouse, [and] there is a rush by lawyers to sue airport operators, airlines, security companies, the builders of the World Trade Center and others.''

Let us face the facts. Terrorist-inspired litigation is not a garden variety tort case. A banana peel is an accident waiting to happen, but a terrorist is a suicidal fanatic bent upon killing individuals, innocent people, and causing mass destruction of property. Even the most diligent property owners cannot always guard against such attacks.

To protect innocent Americans, the provisions in the terrorism insurance legislation the House passed a year ago provided that, in a lawsuit for damages arising out of a terrorist attack, no punitive damages would be allowed against victims of terrorism. The bill before us today fails to include that basic protection; and, in doing so, it fails to ensure that Americans do not become the victims of terrorists twice: first during the initial wave of death and destruction caused by the terrorists and second by the legal aftershocks caused by the unquantifiable and unpredictable damage claims brought by the plaintiffs' bar.

While the bill before us today excludes punitive damages awarded in court from insured losses paid by the United States taxpayer, the mere allegation of punitive damages always boosts the settlement value of the cases, and this bill leaves U.S. taxpayers paying the inflated costs of those cases settled out of court. So what the gentleman from Alabama (Mr. BACHUS), my friend, said, he is right, we taxpayers do not pay punitive damages, but knowing that there is a punitive damage award hovering over there means that the settlement value which is paid by the taxpayers ends up costing the taxpayers' money. So it requires the American taxpayers to engage in an egregious form of national self-flagellation. American taxpayers are punished for the evil acts of foreign enemies.

Even the Washington Post's editorial page has stated: ''On insurance, the Democrats are objecting to Republican proposals to ban punitive damages in the event of terrorist attacks, which seems a reasonable proposal. The Democratic position on terrorism insurance smacks of the trial bar, which never saw a disaster that didn't justify a lawsuit.''

And just a few weeks ago, the Washington Post stated that ''the Democrats should indeed be embarrassed'' by their efforts to defend lawyers at the expense of the American economy.

It is no surprise to me that all Democratic conferees signed this conference report.

The terrorism insurance bill the House passed last year also provided the defendants could only be liable for the amount of damages for pain and suffering in direct proportion to the defendant's percentage of responsibility for harm. That provision allows Americans who are victims of terrorists to rely, at the very least, on their own innocence to protect them from liability. My colleagues may remember that in the No Child Left Behind Act, which overwhelmingly passed both the House and the Senate, the very same rule was applied to protect teachers. If that provision is good enough for teachers, it should be good enough for victims of terrorism.

The bill that the House passed last year also provided that fees for attorneys suing victims of terrorism could not be greater than 20 percent of the damages awarded or any amount of the settlement received. That provision is simply a continuation of the longstanding Federal policy behind the Federal Tort Claims Act, namely that lawyers should not profit excessively when they are paid from the United States Treasury.

Especially today, in a time of war, excessive lawyer fees drawn from the U.S. Treasury should not be allowed to result in egregious war profiteering at the expense of victims, jobs, and businesses; and this bill, unfortunately, will allow this one segment of our society to legally, with the blessing of the United States Congress, engage in war profiteering.

This conference report does not include these protections for the victims of terrorism that were in the bill the House passed a year ago. It gives the plaintiffs' bar the keys to the United States Treasury, and it gives lawyers a license to further prey on the victims of terrorism.

We passed a compensation program the week after 9/11 for the survivors of the victims of those attacks, and some of the proceedings that have gone on under that law have resulted in embarrassment to the public and to the authors of that act and grist for investigative reporters. Should, God forbid, there be another terrorist attack and the provisions of this bill come into play, that same embarrassment will apply. There is an old adage ''Fool me once, shame on you; fool me twice, shame on me.'' Let us not shame us by passing this bill. It should be voted down.

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

I want to take this opportunity to commend the gentleman from Ohio (Mr. OXLEY), the chairman; and the gentleman from New York (Mr. LAFALCE), ranking member; and all the members of the Committee on Financial Services for all of their work on this issue. As I said in my opening remarks, they initially came up with an okay bill that, unfortunately, as a result of some meddling from the majority leadership, turned into a very bad bill in my opinion.

What we have before us today in this conference report is a bill that represents bipartisan concerns and deserves bipartisan support, and I would urge my colleagues to support this rule, and I would urge my colleagues to support final passage of the conference report.

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

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

I urge my colleagues to join with me in supporting this rule and of course the underlying legislation which is so critically important not only to this country but to the economy of this country for consumers and for men and women who own businesses and have money invested in this country.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 1 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1515

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 3 o'clock and 15 minutes p.m.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 333, BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2002

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 606 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 606

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 333) to amend title 11, United States Code, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

Mr. Speaker, the resolution provides the standard rule under which we consider conference reports and waives all points of order against the conference report and its consideration.

Mr. Speaker, I am exceedingly pleased that today we will finally consider the conference report for much-needed bankruptcy reform legislation. I am proud of the tireless efforts of many of the staff members and the Members who have put countless hours towards the passage of this important legislation. Their efforts allow each of us to ensure that our bankruptcy laws operate fairly, efficiently, and free of abuse. We must end the days when debtors who are able to repay some portion of their debts are allowed to game the system. This bill is crafted to ensure the debtor's rights to a fresh start while protecting the system from flagrant abuses by those who are able to pay their bills. The result is a carefully crafted package that balances and protects Americans from all walks of life and provides access to bankruptcy for all Americans who have a legitimate need.

I urge my colleagues to support this rule and the underlying legislation.

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

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

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

Mr. FROST. Mr. Speaker, I rise in support of this conference report and urge my colleagues to support this rule so that the House may proceed to the consideration of the conference agreement. The House has, in the past two Congresses, consistently supported bankruptcy reform. In the 107th Congress, the House passed its version of the bill by a vote of 306 to 108. This agreement, which is the product of months of negotiations, makes sensible changes in the law that will save American consumers millions of dollars a year. This conference agreement adheres to the principle that if an individual has the capacity to repay a substantial portion of their debt, then that debtor should have an obligation to repay. This conference agreement will rein in abuse of the system and ensure that those debtors who cannot pay are given the fresh start they need.

Mr. Speaker, I commend the conferees for their hard work on this issue and for bringing the House a conference report that is worthy of support.

I would point out, Mr. Speaker, that there are Members on our side of the aisle who strongly object to this conference report, and we will be hearing from them in the course of this debate.

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

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. I thank my friend for yielding me this time.

Mr. Speaker, I rise in strong opposition to this rule. Some of my colleagues were not here back in 1993 and 1994 when we debated the Freedom of Access to Clinic Entrances Act, which penalized pro-lifers in a way that was totally unfair and discriminatory, mandating ruinous lawsuits, criminal penalties and the like, for doing the same thing that some other nonviolent civil disobedient person might do. If you stood in front of an abortion clinic, you could have the book literally thrown at you, and do the same thing in front of NIH or somewhere else and have a whole different set of penalties. Today we are dealing with the same thing but an extension of that very, very wrongheaded and misguided piece of legislation.

In 1994, Chairman Sensenbrenner said this about the same language we are debating today:

"Political protest has been at the forefront of social change. From the Boston Tea Party to the abolitionist movement, from the antiwar protests to the activism of the civil rights movement, civil disobedience has been an intimate part of our history. This is perhaps the first time in our Nation's history"—this is the second, today—"that those in the power have so openly sought to use the authority of government to broadly suppress the legitimate actions of a movement with which they do not agree. The legislation, FACE," which this makes it worse, you cannot discharge a civil complaint that has been brought against you, the penalty, "sweeps with broad and heavy hand to target peaceful, nonviolent, constitutionally protected activities on the same terms as violent or forceful acts."

Chairman Sensenbrenner had it right then. He went on to say that this was McCarthyism. What we are dealing with today, with all due respect, is McCarthyism. Much has been made about the Starr memo. Let me say this: The difference is if you are from PETA or some other organization where sit-ins and civil, nonviolent disobedience, where you get arrested, is part of the intent of what you want to do to bring a focus, and Martin Luther King certainly had intent when he protested and got arrested more than a dozen times or so. The fundamental issue here is that pro-lifers are treated differently. Under the FACE bill, ruinous lawsuits, extreme penalties are leveled against nonviolent protestors.

I urge a no on the rule.

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

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

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Texas for yielding me this time. I am pleased to rise in support of the rule for consideration in the House of the conference report to accompany the bankruptcy reform legislation. I urge approval both of the rule and of the conference report.

The reform of the Nation's bankruptcy laws, which our actions today will accomplish, is well justified. This reform is strongly in the interest of consumers. It will significantly reduce the annual hidden tax of approximately $400 that the typical consumer pays because others are misusing the bankruptcy laws. That amount represents the increased cost of credit and the increased price of consumer goods and services occasioned by bankruptcy law misuse. This reform will lower that hidden tax.

The reform also helps consumers by requiring clearer disclosures of the cost of credit on credit card statements. And the reform will be a major benefit to single parents who receive alimony or child support. That person today is fifth in priority for the receipt of payment under the bankruptcy laws. The reform before us today elevates the spouse-support recipient to number one in priority.

This reform proceeds from a basic premise that people who can afford to repay a substantial part of the debt that they owe should do so. The bill requires that repayment while allowing the discharge in bankruptcy of the debts that cannot be repaid and in so doing responds to the broad misuse of chapter 7's complete liquidation provisions that we have observed in recent years.

The reform measure sets a threshold for the use of chapter 7. Debtors who

can make little or no repayment can use its provisions without limitation and can discharge all of their debts. Debtors whose annual income is below the national mean of about $50,000 per year are also untouched by the provisions of this reform. They can make full use of chapter 7 and discharge all of their debts even if they could afford to make a substantial debt repayment.

And so, Mr. Speaker, the financially unfortunate and middle-income consumers are not affected at all by this reform. They can continue to use the bankruptcy laws as they can under current law. But upper-income consumers who can make substantial repayments will be expected to enter into court-supervised repayment plans under chapter 13. This modest requirement of personal financial responsibility is appropriate, and I am pleased today to urge approval of this well-justified reform which is contained within the conference agreement.

Mr. Speaker, I am pleased today to urge approval of the rule that brings that conference agreement to the floor as well as the conference agreement itself.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

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

Mr. PITTS. Mr. Speaker, I want to rise in opposition to this rule and make it clear that I support bankruptcy reform laws very much. But not this version, not with these words that have been inserted by the conference. They did take the reference to the FACE Act, standing for Free Access to Clinic Entrances, meaning an abortion clinic, that was passed in 1994; and we have the FACE language here in white and the identical words are in the bankruptcy reform bill. They did change ''reproductive health services'' to ''lawful goods or services.'' That is the one change. The key words are ''interferes with'' or ''physical obstruction.'' Under FACE, peaceful pro-life protesters are being arrested and sentenced to jail for just praying on a sidewalk outside an abortion clinic, or handing a leaflet to a woman as an alternative. One man was even successfully sued for leaving his business card on the clinic's door.

Mr. Speaker, under FACE, people are being fined hundreds of thousands of dollars. What we are doing in this bill is taking the identical language and putting it in the bankruptcy bill so now they cannot even file for bankruptcy, unfair bankruptcy. So we are condemning peaceful, innocent people who have a conscience to protest just to try to save the life of an unborn to a life of financial ruin.

I have a couple of letters, one from Harvard law professor Mary Ann Glendon, a good analysis of the bill, but let me just read the last paragraph:

''A large and nondischargeable debt, beyond one's capacity to pay, especially in the hands of a hostile and motivated creditor, is a financial death sentence. That is what even peaceful pro-life protesters have to fear if the proposed language is added to the existing aggressive judicial interpretation of FACE and similar laws.''

Mr. Speaker, I will submit the other letter from the Catholic Bishops for the RECORD.

BANKRUPTCY CONFERENCE REPORT H.R. 333:

SEC. 330. Nondischargibility of debts incurred through violations of law relating to the provision of lawful goods and services

(a) Debts incurred through violations of law relating to the provision of lawful goods and services.—Section 523(a) of title 11, United States Code, as amended by section 224, is amended—

(1) in paragraph (18) by striking ''or'' at the end;

(2) in paragraph (19) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(20) that results from any judgment, order, consent order, or decree entered in any Federal or State court, or contained in any settlement agreement entered into by the debtor (including any court-ordered damages, fine, penalty, or attorney fee or cost owned by the debtor), that arises from—

''(A) the violation by the debtor of any Federal or State statutory law, including but not limited to violations of title 18, that results from intentional actions of the debtor that—

''(i) by force or threat of force or by physical obstruction, intentionally injure, intimidate, or interfere with or attempt to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing lawful goods or services;

''(ii) by force or threat of force or by physical obstruction, intentionally injure, intimidate, or interfere with or attempt to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

''(iii) intentionally damage or destroy the property of a facility, or attempt to do so, because such facility provides lawful goods or services, or intentionally damage or destroy the property of a place of religious worship; or

''(B) a violation of a court order or injunction that protects access to a facility that or a person who provides lawful goods or services or the provision of lawful goods or services if—

''(i) such violation is intentional or knowing; or

''(ii) such violation occurs after a court has found that the debtor previously violated—

''(I) such court order or such injunction; or

''(II) any other court order or injunction that protects access to the same facility or the same person; except that nothing in this paragraph shall be construed to affect any expressive conduct (including peaceful picketing, peaceful prayer, or other peaceful demonstration) protected from legal prohibition by the first amendment to the Constitution of the United States.''.

(b) RESTITUTION.—Section 523(a)(13) of title 11, United States Code, is amended by inserting ''or under the criminal law of a State'' after ''title 18''.

FACE

(Freedom of access to [abortion] clinic entrances)

Signed by President Clinton in 1994—Introduced in the House by Rep. Chuck Schumer (D-NY)

Roll Call: *http://clerkweb.house.gov/cgibin/vote.exe?year-1994&rollnumber-70*

18 USC Sec. 248

Sec. 248. Freedom of access to clinic entrances.

(a) PROHIBITED ACTIVITIES.—Whoever—

(1) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services;

(2) by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

(3) intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship,

(d) Nothing in this section shall be construed—(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

HARVARD LAW SCHOOL,
Cambridge, MA, November 12, 2002.

Hon. CHRISTOPHER SMITH,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SMITH: I am taking the liberty of writing to you today because I am deeply concerned about the application of H.R. 333 to peaceful pro-life protestors. I hope the following opinion letter will be helpful to you.

The proposed legislation would create a new 11 U.S.C. §523(a)(20), denying discharge for and judgments under the Freedom of Access of Clinic Entrances Act, 18 U.S.C. §248 (2000), or under similar state laws, or under injunctions restricting protest at abortion clinics.

The impact of the provision on peaceful pro-life protestors would be grave. Existing law substantially restricts protest at abortion clinics, and in their zeal to eliminate violent protests and obstruction protests, courts and legislators have forbidden much protest that is peaceful and nonobstructive. Proposed §523(a)(20) would add an additional sanction to all this existing law: money judgments for abortions protest would follow protestors to the ends of their lives. No matter their financial circumstances, no matter the size of the judgment or the nature of the protest, these judgments could never be discharged in bankruptcy.

1. THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT (FACE)

Proposed §523(a)(20)(A) precisely tracks the key substantive language of FACE. FACE prohibits conduct that: ''by force or threat of force or by physical obstruction, intentionally injuries, intimidates or interferes with'' access to ''reproductive health services,'' or attempts to do so. 18 U.S.C. §248(a)(1) (2000).

Proposed §523(a)(20) denies discharge for any judgment arising from actions of the debtor that: ''by force or threat of force or

by physical obstruction, intentionally injure, intimidate, or interfere with'' access to lawful goods or services. The key language in the two block quotes is obviously identical save for the difference between singular and plural verbs (''whoever'' is the subject in FACE; the debtor's ''actions'' is the subject in proposed §523(a)(2)).

Because the proposed language is substantively identical to FACE, it will be read in light of existing decisions under FACE. Existing interpretations of FACE will almost certainly be read into §523(a)(20). Worse, abortion clinics and their supports will likely argue that by re-enacting the same statutory language, Congress has approved existing decisions and thus confirmed their status as valid and appropriate interpretations of FACE itself. This is a critical point, because existing interpretations of FACE in the lower courts, extraordinarily favorable to the abortion clinics and their supporters, have not yet been accepted or rejected by the Supreme Court of the United States. Congressional passage of proposed §523(a)(20) could figure prominently in eventual Supreme Court arguments on the interpretation of FACE, lending plausible support to the worst interpretations of the statute.

I will not consider in this opinion letter the interpretations of ''force or threat of force,'' ''intentionally injure,'' or ''intimidate.'' Some interpretations of those provisions have been surprisingly expansive, but those forms of protest are not the issue for most protestors. The real work of FACE, and of proposed §523(a)(20), is in the provisions that target anyone who ''by physical obstruction * * * interferes with * * * or attempt to * * * interfere with'' access to a clinic. Each of these terms has been construed or defined to mean more than first appears. No actual interference, and no actual physical obstruction is required for a violation. Courts have found violations in peaceful protest that did not actually prevent access to clinics.

''Physical obstruction'' is defined in 18 U.S.C. §248(e)(4) to mean making ingress or egress ''impassable * * * or unreasonably difficult or hazardous.'' What is ''unreasonably difficult'' has, in the lower federal courts, sometimes turned out to be remote from physical obstruction.

Thus in, United States v. Mahoney, 247 F.3d 270 (D.C. Cir. 2001), the court found physical obstruction and interference with access from a single protestor kneeling in prayer outside a locked door to an abortion clinic. Id. at 283–84. The door was a ''rarely used'' emergency exit. The court said that someone might have used the door, and that the law does not distinguish frequently and infrequently used doors. More remarkable still, the court held that a single person keeling in prayer rendered use of that door ''unreasonably difficult'' and forced patients to use a difference entrance. *Id.* at 284.

Mahoney also held that six other defendants physically obstructed and interfered with access to another door. The court of appeals' entire discussion of this holding is that five protestors ''knelt or sat within five feet of the front door,'' that the sixth defendant ''was pacing just behind them,'' and that they ''offered passive resistance and had to be carried away.'' *Id.* at 283. The court does not even say whether they were arrayed across the sidewalk or along the sidewalk, whether they left a passage open, or any other fact that might go to a plain meaning understanding of ''physical obstruction'' or to preserving a reasonable right to protest. It was enough for a violation that they were near the door.

Both FACE and proposed §523(a)(20) are limited to ''intentional'' violations, but *mahoney* shows that protection to be illusory. The court found specific intent to interfere with access to the clinic, even in the case of the lone protestor praying before the locked door. It relied on the fact that the protestor prayed that women approaching the clinic would change their minds about getting an abortion; the court quoted his prayer as evidence of criminal intent. 247 F.3d at 283–84. To similar effect is *United States* v. *Gregg*, 32 F. Supp. 2d 151, 157 (D.N.J. 1998), aff'd 226 F.3d 253 (3d Cir. 2000), cert. denied, 523 U.S. 971 (2001). Gregg had much more evidence of actual obstruction than Mahoney. Even so, the Gregg court relied on defendants' ''anti-abortion statements, including imploring women not to go into the clinic or not to kill their babies,'' and on the fact that defendants ''carried anti-abortion signs,'' as evidence of forbidden intent. The government in these cases has offered evidence of opposition to abortion as evidence of specific intent to obstruct access, and the courts have relied on this evidence for that purpose. Clinics and their supporters would of course argue that Congress has codified these holdings if it enacts proposed §523(a)(20).

Courts have emphasized that FACE plaintiffs need not prove actual obstruction. ''It is not necessary to show that a clinic was shut down, that people could not get into a clinic at all for a period of time, or that anyone was actually denied medical services.'' *People* v. *Kraeger*, 160 F.Supp. 2d 360, 373 (N.D.N.Y. 2001). Plaintiffs need not ''show that any particular person was interfered with by the defendants' obstruction.'' *United States* v. *Wilson*, 2 F. Supp. 2d 1170, 1171 n.1 (E.D. Wis.), *aff'd as United States* v. *Balint*, 201 F.3d 928 (7th Cir. 2000).

To sum up, proposed §523(a)(20) would reenact statutory language that has been interpreted not to require actual obstruction, has been interpreted to prohibit a single protestor kneeling in prayer near an unused exit, and has been interpreted to treat anti-abortion statements as evidence of criminal intent. These interpretations would almost certainly be read into §523(a)(20), and there would be a serious argument that Congress had confirmed these interpretations in FACE itself.

2. INJUNCTIONS

Proposed §523(a)(20)(B) makes nondischargeable any debt arising from violation of an ''injunction that protects access to'' a facility that provides lawful goods or services. Nothing in proposed §523(a)(20)(B) even purports to confine this subsection to violent or obstructive protest.

Under FACE and under other sources of law, courts have issued injunctions establishing buffer zones and bubble zones, forbidding protestors from coming within stated distances of the property line of abortion clinics or within stated distances of persons approaching abortion clinics. In *Madsen* v. *Women's Health Center, Inc.*, 512 U.S. 753 (1994), the Supreme Court upheld the constitutionality of an injunction forbidding protestors to step onto clinic property, or onto public property within 36 feet of the clinic's property line. The effect was to confine protestors to the other side of the street. The Court also affirmed an injunction against making any noise audible within the clinic. In *Schenck* v. *Pro-Choice Network*, 519 U.S. 357 (1997), the Court upheld an injunction against any defendant ''demonstrating within fifteen feet'' of any doorway or driveway at any abortion clinic in the Western District of New York. The injunction in that case also prohibited any defendant from ''trespassing'' on any clinic's parking lot. (The injunction is set out *id.* at 366 n.2.)

Since *Madsen*, the lower courts have become more aggressive about issuing buffer zone injunctions without first attempting to control alleged obstruction with less intrusive means. Examples include the buffer zone injunction issued on remand after the limited violations in *United States* v. *Mahoney*, under the case name *United States* v. *Alaw*, 180 F. Supp. 2d 197 (D.D.C. 2002), and the preliminary injunction confining a single protestor to the other side of the street in *United States* v. *McMillan*, 946 F. Supp. 1254 (S.D. Miss. 1995).

Many forms of protest inside such buffer zones would not obstruct or interfere with anything. A single picketer with a pro-life sign, held in contempt of court for standing quietly inside a buffer zone, would be covered by proposed §523(a)(20)(B), and any fines, compensation, or attorneys' fees awarded would be nondischargeable. The protection for peaceful protest in proposed §523(a)(20)(B) is supposed to come from the clause excluding protest protected by the First Amendment. But given *Madsen* and *Schenck*, this protection means little; much protest that is peaceful and nonobstructive is not protected by current interpretations of the First Amendment.

3. STATE LAWS

Proposed §523(a)(20)(A) also denies discharge for judgments arising from violation of state laws protecting access to clinics if the violation includes actions that by ''force or threat of force or by physical obstruction, intentionally injure, intimidate, or interfere with'' clinic access, or attempt to do so. Certainly this includes statutes like the New York Clinic Access and Anti-Stalking Act, which substantially tracks FACE. (This law is codified as N.Y. Penal Law §§240.70 and 240.71 (McKinney Supp. 2002), and N.Y. Civil Rights Law §79-m (McKinney Supp. 2002)).

It will be a matter of interpretation and litigation whether §523(a)(20)(A) denies discharge for other state laws imposing more expansive restrictions on pro-life protest. For example, in *Hill* v. *Colorado*, 530 U.S. 703 (2000), the Supreme Court upheld Colo. Rev. Stat. §18–9–122(3) (West 1999), which makes it illegal to approach within eight feet of another person without that person's consent, for any form of ''protest, education, or counseling'' within one hundred feet of the entrance to a health care facility. The Court relied in part on the state's interest in ''unimpeded access to health care facilities.'' 530 U.S. at 715.

Now consider a pro-life protestor who approaches a person outside an abortion clinic and offers a leaflet. Plainly this protestor would be violating the statutory eight-foot bubble zone. The statute currently authorizes compensatory damages for this violation, Colo. Rev. Stat. §18–9–122(6) (West 1999) and Colo. Rev. Stat. §13–21–106.7 (West 1997), and it could easily be amended to add liquidated damages or civil penalties on the model of FACE. In discharge litigation under proposed §523(a)(20), abortion clinics and their supporters would argue that the statute was a reasonable prophylactic means to prevent physical obstruction that interferes with clinic access, and that any violation of the statute amounts to such physical obstruction and interference. Prospective patients would prefer to enter the clinic without being offered a leaflet, and they may think the proffer of the leaflet made their entrance unreasonably difficult. If any of these arguments were accepted, judgments for violating state bubble-zone statutes would be nondischargeable under proposed §523(a)(20).

I do not think that would be a correct interpretation of proposed §523(a)(20). But after examining judicial interpretations of FACE, I think there is a substantial risk that some courts would reach this interpretation. If

judgments for violating buffer-zone and bubble-zone injunctions are nondischargeable, it would likely seem a small step to hold that judgments for violating bubble-zone statutes are also nondischargeable.

4. THE MAGNITUDE AND NATURE OF THE JUDGMENTS AT ISSUE

Proposed § 523(a)(20) is not confined to compensatory damages. The statutes at issue authorize punitive damages, liquidated statutory damages, civil penalties, attorneys' fees, expert witness fees, and criminal fines. Their purpose is to deter and punish, not just—or even principally—to compensate for any harm done. In fact, awards of actual compensatory damages are quite rare. The plaintiffs' preference for liquidated damages and penalties is most important in those cases in which there is no obstruction in the ordinary meaning of the word, or only brief and marginal obstruction. In such cases, there is little or no actual damage, but there still be can substantial monetary judgments.

FACE authorizes $5,000 per violation in statutory damages, at the election of plaintiffs, either private or governmental. 18 U.S.C. § 248(c)(1)(B) (2000). In actions by the United States or by any State, it authorizes a civil penalty of $10,000 per protestor for the first non-violent physical obstruction, and $15,000 per protestor for each subsequent nonviolent physical obstruction. 18 U.S.C. §§ 248(c)(2)(B) and 248(c)(3)(B) (2000).

The lower federal courts have held that the statutory damages are per violation, not per protestor. So if ten people combine to block a clinic entrance, a single judgment of $5,000 in statutory damages (plus costs and attorneys' fees) may be entered jointly and severely against them. *United State* v. *Gregg*, 226 F.3d 253, 257–60 (3d Cir. 2000), *cert. denied*, 523 U.S. 971 (2001).

But this ''per violation'' protection does not prevent multiple awards for multiple violations, and each alleged act of interference may be parsed as a separate violation. Moreover, civil penalties may be awarded against each protestor, and civil penalties and statutory damages may be awarded in the same case for the same violation. Thus a federal court has entered $80,200 in judgments against four members of a single family, for ten separate violations, none of them violent and none of them creating anything like an effective ''blockade'' of the clinic. *People* v. *Kraeger*, 160 F. Supp. 2d 360, 377–80 (N.D.N.Y. 2001). And of course there is no federal limit on the damage and penalty provisions that states might enact for judgments that would be nondischargeable under § 523(a)(20).

5. THE EFFECT OF WITHHOLDING DISCHARGE

I am not an expert on bankruptcy law or debtor-creditor law, and I have not done extensive research on the options available to the protestor with a nondischargeable judgment beyond his capacity to pay. But the basics are clear enough to anyone with credit cards and a mortgage. If you are unable to pay, the creditors first threatens your credit rating, then your possessions; eventually, if there is enough at stake, the creditor sends the sheriff to seize your possessions. If you are unable to pay and unable to discharge the debt in bankruptcy, the threats and seizures would never end.

For the rest of his life, the protestor subject to a nondischargeable judgment would find it difficult or impossible to get credit. He could not get a mortgage; he could not get a loan for a new car. The creditor might be an abortion clinic motivated to make examples of pro-life protestors; such a creditor could make vigorous and continuing efforts to collect for as long as the protestor lived. In most states, the protestor's home could be seized, his wages could be garnished, his financial accounts could be emptied. In some states, even his furniture could be seized. All or part of everything the protestor ever earned or acquired for the rest of his life could be seized by the abortion clinic creditor, until and unless the judgment was paid in full, with interest.

A large and nondischargeable debt, beyond one's capacity to pay, especially in the hands of a hostile and motivated creditor, is a financial death sentence. That is what even peaceful pro-life protestors have to fear if proposed § 523(a)(20) is added to the existing aggressive judicial interpretation of FACE and similar laws. I believe that any more optimistic interpretation of the bill is wishful thinking.

Very truly yours,

MARY ANN GLENDON,
Harvard Law Professor.

SECRETARIAT FOR PRO-LIFE ACTIVITIES,
Washington DC, November 13, 2002.

DEAR MEMBER OF CONGRESS:

Disagreements have arisen in Congress over the conference report on the Bankruptcy Abuse Prevention and Consumer Protection Act, particularly over Section 330 on the dischargeability of debts arising from sit-ins at abortion clinics. A legal analysis of this provision by our Office of General Counsel is enclosed. Based on this analysis, we have a serious concern about the form in which the bankruptcy bill is being presented for final passage.

The bishops' conference has always strongly condemned any resort to violence in the pro-life struggle. We have never endorsed, or taken a position on, the practice of conducting sit-ins or other forms of nonviolent civil disobedience at abortion clinics. However, we have strongly opposed the Freedom of Access to Clinic Entrances Act (FACE) as a discriminatory and ideologically motivated attack on the rights of peaceful pro-life demonstrators. The current language on protesters in the bankruptcy bill closely parallels the language of FACE, and will be used to impose another layer of penalties upon protesters whose only offense was to place their bodies in the path of those who take innocent children's lives.

The discriminatory nature of this provision seems clear. It could be used to take away the savings, homes and other property of low- or middle-income peaceful protesters to pay fines and the attorneys' fees of their opponents—a form of punishment now reserved chiefly for those who are guilty of inflicting willful and malicious injury upon others. This penalty would apply even if the protesters caused no harm to person or property but only ''interfered'' with abortions.

We hope the House will reject the Rule on the Conference Report so this unfair and discriminatory provision can be removed.

Sincerely,

GAIL QUINN,
Executive Director.

OFFICE OF THE GENERAL COUNSEL,
Washington, DC, September 12, 2002.

MEMORANDUM

We have been asked for an analysis of the Schumer amendment to the Bankruptcy Abuse Prevention and Consumer Protection Act, H.R. 333.

SUMMARY

Under existing law, a pro-life demonstrator seeking bankruptcy protection may not discharge a debt for a judgment arising from injuries he or she intentionally causes. The Schumer amendment would expand the law by preventing a demonstrator from discharging a debt (a) based on lesser degrees of cupability, *i.e.*, when the debtor did not intend or cause injury to person or property, and (b) when the demonstrator, regardless of his or her state of mind, commits a second violation of a court order protecting a clinic, even if the violation was not intended to, and did not, interfere with clinical access.

An exception in the amendment for expressive conduct protected from legal prohibition by the First Amendment does not change this analysis. Obviously, with or without the exception, Congress lacks the power to prohibit by the First Amendment does not change this analysis. Obviously, with or without the exception, Congress lacks the power to prohibit conduct protected from prohibition by the First Amendment.

The amendment is not limited to violent or even crimical conduct. For reasons discussed below, it seems likely that the amendment will have a disproportinate impact on pro-life demonstrators.

ANALYSIS

Among the debts that may not be discharged in bankruptcy is any debt ''for willful and malicious injury by the debtor to another entity or to the property of another entity.'' 11 U.S.C.§ 523(a)(6). The word ''willful'' in section 523(a)(6) ''modifies the word 'injury,' indicating that nondischargeability takes a deliberate or intentional injury, not merely a deliberate or intentional act that leads to injury.'' *Kawaauhau* v. *Geiger*, 523 U.S. 57, 61 (1998) (original emphasis). ''[D]ebts arising from recklessly or negligently inflicted injuries do not fall within the compass of § 523(a)(6).'' *Id*. at 64. Debts arising from actions that cause no injury at all are likewise outside the scope of section 523(a)(6).

Section 523(a)(6) bars the discharge of debts resulting from judgments against pro-life activists arising from deliberate or intentional injuries that they cause. *In re Treshman*, 258 B.R. 613 (Bankr. D. Md. 2001) (debt for intentional injury resulting from violation of Freedom of Access to Clinic Entrances Act was not dischargeable in bankruptcy); *In re Bray*, 256 B.R. 708 (Bankr. D. Md. 2000) (debt for intentional injury resulting from violation of FACE was not dischargeable in bankruptcy); *In re Behn*, 242 B.R. 229 (Bankr. W.D. N.Y. 1999) (debt for intentinal injury resulting from pro-life demonstrator's violation of temporary restraining order was not dischargeable in bankruptcy). There is some authority that an injury is *ipso facto* intentional when it results from violation of a court order directed specifically at the particular debtor, *Behn*, 242 B.R. at 238, but the same court left ''to another day the question of the applicability of § 523(a)(6) in other fact patterns, such as if there had been no court order directed specifically at the debtor, and instead the debt arose out of a judgement for trespass or menacing.'' *Id*. at 239 n. 6. Criminal trepass statutes generally do not require injury in the sense of actual damage to property or an intent to cause such damage; unauthorized entry or remaining unlawfully on property is usually sufficient. *See* 75 Am.Jur.2d Trespass § 164.

The Schumer amendment can be divided into three parts. It prevents the discharge in bankrupty of any debt from a judgment, order, consence order, decree, or settlement agreement arising from—

(1) The debtors violation of any Federal or State resulting from intentional actions of the debtor that by force, threat of force, or physical obstruction, does any of the following—

Intentionally injures any person;

Intentionally intimidates any person;

Intentionally interferes with any person;

Attempts to injure, intimidate, or interfere with any person for any of the following reasons—

Because that person is or has been obtaining or providing lawful goods or services;

To intimidate that person from obtaining or providing lawful goods or services; or

To intimidate any other person or class of persons from obtaining or providing lawful goods or services.

(2) the debtor's violation of any Federal or State statute resulting from intentional actions of the debtor that—

Intentionally damage or destroy the property of a facility because it provides lawful goods or services, or

Attempts to damage or destroy the property of a facility because it provides lawful goods or services.

(3) a violation of a court order protecting access to a facility or person that provides lawful goods or services, or that protects the provision of such goods or services, if—

The violation is intentional or knowing, or

The violation occurs after a court has found that the debtor previously violated such a court order, or any other court order protecting access to the facility or person.

The Schumer amendment does not require an intentional injury. Parts 1 and 2, dealing with violation of federal or state law, require only an intentional act. The phrase ''intentionally injure, intimidate, or interfere with'' does not require intentional injury because the word ''or'' is used. Part 3 requires only an intentional or knowing violation of a court order, or a second violation of a court order, intended or not. The amendment would therefore expand existing law by stripping pro-life demonstrators of bankruptcy protection for injuries they did not intend, or only attempted but did not cause. Indeed, the amendment does not even require any injury in the sense of actual damage to person or property. It would remove bankruptcy protection in cases where there is neither damage to person or property nor any intent or attempt to cause such damage.

The amendment is not limited to violent crime. Physical obstruction or violation of a court order is sufficient to trigger the amendment. No crime is necessary, only violation of some federal or state statute (not necessarily a criminal statute) or court order.

It seems likely that the amendment will have a disproportionate impact on pro-life demonstrators and be invoked most frequently against them. Though broader in its current form, the amendment is based on FACE and substantially tracks it. For the most part, other federal crimes are not implicated. The amendment uses the phrase ''physical obstruction,'' for example, which appears nowhere in the federal criminal code except in FACE. Words like ''intimidate'' appear elsewhere in the code, but usually not in reference to the receipt or provision of goods or services. Most federal crimes do not carry a civil remedy; FACE does. Thus, the Schumer amendment is carefully designed to impact demonstrators. There may be other instances in which the amendment would be theoretically applicable (e.g., environmental protestors who disrupt logging operations), but abortion seems the most common instance in which the targets of protest regularly allege interference with their business and often seek large judgments against their adversaries.

The amendment seems unfair not only because it has the practical effect of singling out demonstrators, but because those demonstrators, like others, are presently subject to the nondischargeability of debts for intentional injuries. Present exceptions to dischargeability for particular crimes generally involve intentional financial wrongdoing or conduct in which the debtor created a grave and unjustifiable risk to human life. Had Congress intended to remove bankruptcy protection for debt from some broader category of injury or conduct, it is unclear why that penalty should assume a form, as this amendment does, that in practical terms will be used only or primarily to deprive demonstrators, not others, of bankruptcy protection—unless, of course, the intent were to punish or chill speech, which is constitutionally impermissible.

To say that a demonstrator can avoid the problem by not violating an order or statute misses the point. The point is not to absolve unlawful conduct, but to fashion criminal and bankruptcy penalties that are proportionate to the gravity of the offense and the degree of injury and culpability—precisely what the law has traditionally done when assessing penalties. A minor or technical violation of a trespass statute resulting in no actual harm to person or property would hardly seem the sort of conduct that should trigger the severe nondischargeability penalty that this amendment would impose.

Perhaps even more significant is the risk that the amendment will chill lawful conduct. The amendment includes an exception for expressive conduct protected from legal prohibition by the First Amendment, but that does not change what the bill does or its likely chilling effect on protesters. Congress already lacks the power to prohibit conduct that is protected from prohibition by the First Amendment, and no bill can change that, yet anecdotally we hear of instances in which people decline to participate in legitimate pro-life demonstrations because of concerns about liability. Those concerns are not exaggerated give present misuse of the federal racketeering statute. People should not have to fear putting their assets at risk simply by doing what the Constitution permits. The amendment, in my view, is likely to heighten that fear and further deter legitimate and lawful protest.

MICHAEL F. MOSES,
Associate General Counsel.

Mr. FROST. Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise today in opposition to this rule. For my colleagues on both sides of the aisle who have profound concerns about this bill, I hope that you will realize that the crucial vote will be on the rule, not the bill. Because the rule is where it will have real effect.

There are many reasons to oppose this bill. This bill is opposed by almost all bankruptcy professionals, people who know anything about bankruptcy. It is opposed by organized labor, by almost every women's group, by children's advocates, by every consumer group, by civil rights organizations, and by most bankruptcy scholars. It is supported and is being pressed forward by a coalition of banks, credit card companies and other business interests who want to profit exorbitantly at the expense of families and small businesses at a time of crisis.

It is shocking that at a time when the American people are rightly outraged at the illegal and unethical machinations of many in corporate America, at a time when thousands of Americans are losing their jobs, at a time when many businesses large and small are in bankruptcy trying to stay alive and reorganize and preserve jobs, it is shocking that we would even be considering this kind of a special interest bill that will enrich lenders at the expense of families, jobs and small businesses and will force many businesses into liquidation and job destruction instead of reorganization and survival. Whatever Members may have thought of this legislation in the past, I hope they will take a very careful look at the bill we have before us today and think about what has happened since this bill was first proposed 5 years ago and since it was really debated on the floor at great length and people may have made up their minds.

We know that the lenders who have been demanding this bill, the big credit card companies and the big banks, are highly profitable. They are making big money off our constituents with high interest rates that have not come down with drops in bankruptcy or the prime rate. The prime rate is the lowest it has ever been. Have credit card interest rates come down?

My colleague from the State of Virginia says that there is a hidden tax of $400 per family because of deadbeats who do not pay. That is nonsense. What he is really saying is that the credit card companies would lower their interest rates if this bill passed. The prime rate has gone down by 8 or 9 points. Have the credit card companies lowered their interest rates? Credit card companies will never lower their interest rates because it is an oligopolistic business and they gouge from the people what they can gouge.

We know that many large banks have played a role in some of the more egregious financial scandals that have robbed workers and investors of their life's savings and their jobs. We know that this bill which serves their interests and their interests only will make it easier for these same large institutions to squeeze small debtors even more, to squeeze small businesses even more, to place outrageous and undue pressure on people to give up their right to a fresh start, and to make even larger profits at the expense of the most vulnerable.

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We know that the millionaires exemption, the unlimited homestead exemption in six States, will not be changed, will not be capped. The bill will only limit that outrageous loophole that allows one to put all of one's money into one's mansion, go bankrupt, and still have $10 million in the mansion, and this bill will limit that only if a wealthy debtor manages to get found guilty of a specific type of fraud or of a limited number of crimes or the most extreme torts resulting in serious physical injury or death. It does nothing, let me say that again, this bill does nothing about a multimillionaire who wants to shield millions of dollars in assets from creditors in a mansion, whether those creditors are small businesses or other lenders or in some cases the taxpayers. But the small debtor, him we will get.

What this bill will do is squeeze the more than 1½ million Americans who

each year get in over their heads and need to reorder their finances, pay off as much of their debts as they can and then start over. These small debtors, the ones who do not have huge mansions in Texas or Florida, will be squeezed beyond the breaking point by the draconian provisions of this bill.

Let me repeat that statistic. Last year there were a million and a half individual bankruptcies. The proponents of this bill will tell us that that is a sign that we need to change the system and allow the banks and the credit card companies to squeeze families even harder so fewer people will go into bankruptcy. But there is another way to look at this. These million and a half Americans every year who file for bankruptcy are not crooks. Ninety percent of the people who filed for bankruptcy did it either because they were laid off from their job, they got divorced, or they had a medical emergency. They are in bankruptcy because they lost jobs, because Congress failed to enact an adequate national health care insurance program, because Congress failed to provide a prescription drug benefit program, because people lost their retirement savings because they invested in Enron, because Congress allowed their unemployment insurance to run out, because Congress voted to ship their jobs overseas, or for a variety of other misfortunes. Yet our answer to them is not to give them a helping hand in crises but to make things even harder for them. Is that what we are going to offer them? Is that going to be our answer? That is unconscionable.

The so-called means test in this bill would hold people to what the IRS says they would need to live on even if their actual expenses are higher. That test was so draconian that Congress told the IRS they should not use it on tax cheats, but now we are going to let the big credit card companies do what we have told the IRS it cannot do.

This bill would require the courts to assume that the income of a family in bankruptcy is what it received in the 6 months preceding the bankruptcy filing. So if someone got laid off, if they are 55 years old and got laid off from their $75,000-a-year middle management job at IBM and will never make $75,000 again, it does not matter. Their income must be assumed to be $75,000 even though they are now only making $25,000. It does not matter what the future holds. If someone once made $75,000, they will forever make $75,000 says the income test that in this bill, and the judge has no discretion about that. It ignores the facts in reality. Many people in this economic climate will be in bankruptcy precisely because they lost the jobs that used to pay them a good income. Even still, if a family in crisis is found to be able on the basis of this ridiculous means test to pay as little as $100 a month for the next 5 years, they will be denied chapter 7 relief. They will be branded by the law as abusers of the bankruptcy system.

We will be told that this bill does not affect families with incomes below the median income. That is not true. Read the bill. It still allows landlords to evict people below the median income more easily. It still allows creditors to bring abusive and coercive motions against people below the median income more easily. It still exempts many creditors from the application of the bankruptcy rule that prohibits abusive and coercive motions even against people below the median income. It still makes it harder to save the family car in bankruptcy, and it will make it easier to force many small businesses into liquidation and thus cost jobs instead of allowing those businesses to reorganize and survive. If my colleagues think this will not hurt families at all income levels, I have a few bridges I want to sell them.

I want to remind my colleagues that chapter 7 is no walk in the park. It requires a debtor to liquidate all his or her assets and repay as much of their debts as they can. A secured loan such as a home and a car must still be paid off or the debtor loses the property. Bankruptcy never relieves one of that obligation, and the bankruptcy stays in their credit report for years and impacts their ability to borrow money in the future and their ability to get a job or rent an apartment. Even a debtor witness called by supporters of this bill complained that she had these problems after she filed for chapter 7.

And the bill rewrites chapter 13. Even though two-thirds of the people who voluntarily go into chapter 13 and had promised to repay a portion of their debts failed to do so. They cannot make the goals of the plan. This will throw millions of people into chapter 13 involuntarily, and because it will be written the way it is written, we will have many, many debtors who are judged too rich for chapter 7 but they cannot meet the requirements of the bill for chapter 13. They do not have enough money under the means test; so they are too poor for chapter 13. Too rich for chapter 7, too poor for chapter 13. They cannot get any relief. They cannot go bankrupt. That is absurd.

The bill will make it harder for businesses to reorganize. Think about the large retail chains that are now in bankruptcy. Landlords will be able to shut down the reorganizations and have an absolute veto power over the planning process. Chains like K-Mart or the various cinema chains would have to close hundreds of stores and eliminate thousands of jobs instead of reorganizing.

What this bill does not do is protect workers who lose their wages or their retirement savings or their jobs because of corporate malfeasance and bankruptcy. There have been a number of proposals by the distinguished gentleman from Massachusetts (Mr. DELAHUNT), the lead sponsor of this bill, the gentleman from Pennsylvania (Mr. GEKAS), by the junior Senator from Missouri and the junior Senator from Iowa to do this, yet there is nothing in this bill to protect workers from corporate wrongdoing. And if they are victims of corporate wrongdoing, we are going to sock them in the teeth with this bill. They have to take a number behind the crooks and behind the banks and the law firms.

This bill is part of the trifecta that we are giving businesses to make up for the accounting reform that was passed because of public outrage. We should not sacrifice our constituents to the special interests at a time when they are hurting worse than at any time in a decade. I urge a no vote on the rule. I urge a no vote on the conference report. And with a no vote on the rule we would have a chance of taking a fresh look in, I might remind my colleagues, a Republican House and Senate next January, a fresh look at this bill and see if we really want to say to the low income people and the middle income people in this country we are going to sock them in the teeth. I urge a no vote on this rule, and I thank the gentleman for yielding me this time.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise with a very heavy heart today to oppose this rule, and I must confess to being a bit befuddled to this very hour. I am a Member of this institution, like many, who supported the outstanding work that this Chamber did on bankruptcy reform, and it was politicized in the conference committee by the efforts of a Senator that I should not name and whose actions I dare not characterize into what has now become a debate over abortion in a bankruptcy bill. But since it has become that and more to the point, Mr. Speaker, it has become a debate over the freedom of speech, I must rise to oppose this rule because I would offer today that the freedom of speech and freedom to peacefully protest in the United States of America is more urgent and more important than any individual legislation will ever be, and I am not alone in thinking of this.

Professor Mary Ann Glendon, the Learned Hand Professor of Law at Harvard University, supports the view that this legislation will provide a chilling effect on the exercise of pro-life protestors in America. She is joined also in her opinion by the United States Conference of Catholic Bishops that argues ''The current language on protestors in the bankruptcy bill will be used to impose another layer of penalties upon protestors whose only offense was to place their bodies in the path of those who take innocent children's lives,'' saying that the intent of the provision is clear. And even the Family Research Council, calling that provision morally bankrupt, said it was ''plainly an attempt to silence by intimidation those who would participate in legitimate nonviolent protest.''

Where the first amendment is concerned, prudence dictates caution, Mr. Speaker, and I urge a no vote.

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

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

(Mr. AKIN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. AKIN. Mr. Speaker, America does not have many home grown terrorists, and that is because we have a first amendment. Unfortunately this bill before us does terrible damage to the first amendment that our forefathers and all of us have stood so bravely for in the past. In summary, a Harvard law professor says that this is the financial death sentence for peaceful protestors.

I recall so many years ago on a cold street standing with a sign and I recall this woman that was going in to consider getting an abortion or not, and I felt completely inadequate but I told her that we would help her with services if she decided to keep her child. Today that child is probably now trying to practice to get a driver's license.

I can never support a rule or a bill on this floor which would have effectively imposed a financial death sentence on somebody who is merely standing on a sidewalk trying to help save a life.

[From The Wall Street Journal, Aug. 15, 2002]

BANKRUPTCY AND ABORTION—II

We've written before about Senator Charles Schumer's not-so-magnificent obsession with abortion and bankruptcy. He's at it again. The New York Democrat continues to play abortion politics with a promising bankruptcy bill.

The legislation in question passed both the House and Senate in 1998 with bipartisan, veto-proof majorities. The bill would make it more difficult for borrowers to file for bankruptcy and thus evade debts that they can afford to pay. Banks, which lose millions of dollars each year to these Chapter 7 filers, favor the measure for obvious reasons. But consumers also stand to benefit from a crackdown, since they're the ones burdened with higher fees and interest rates to compensate lenders for revenue lost through defaults.

Congress passed the latest version early last year and it would be law today save for Mr. Schumer, whose agenda-laced rider on abortion has mired the bill in conference ever since. His amendment would prevent pro-life activists, and only them, from using bankruptcy to avoid paying fines. The provision, said Mr. Schumer, ''ensures those who use violence to close clinics can't use bankruptcy as a shield.''

But no anti-abortion protestor has every succeeded in doing such a thing. Current law, which already prevents people from using bankruptcy to avoid paying fines related to violence, makes the Schumer rider redundant. The Senator's real targets aren't violent protestors of abortion but peaceful ones. And the unspecific language in his proposal—''physical obstruction,'' ''force or the threat of force'' and other pliable expressions for enterprising litigators—is a bald attempt to blur any legal distinction between the two. As it's written, vigils, sit-ins, picketing and other nonviolent activities could be interpreted as federal offenses.

We've seen this strategy from Mr. Schumer before. As a Congressman back in 1994, he successfully navigated into law the Freedom of Access to Clinic Entrances Act. Like his current proposal, FACE uses vague terminology to group together violent and peaceful protests for purposes of meting out federal punishment. Under FACE, a first-time offender convicted of ''interfering with'' or ''intimidating'' a clinic patron is subject to a $10,000 fine and six months in jail. No doubt, when civil rights protestors occupied segregated lunch counters, they intimated many. Still, the law managed to distinguish between civil disobedience and militancy.

All their talk about deterring violence notwithstanding, the Senator and his supporters are well aware that someone lunatic enough to bomb a building is unlikely to change his mind due to adjustments in the bankruptcy code. But someone planning to distribute adoption pamphlets outside a clinic, or participate in a prayer vigil on a public sidewalk, might very well have second thoughts if a civil fine could cost him his home.

Congress is set to revisit the issue when it returns next month. Mr. Schumer insists that he ''is wholly committed to passing a bankruptcy bill.'' Don't believe it. If he were true to his word, he would removed his amendment, allow the bankruptcy bill to pass, and reintroduce his abortion provision as a separate piece of legislation.

But Democrats know that it's Republicans who are more likely to be blamed if bankruptcy reform dies. Watch for Mr. Schumer to keep his poison pill in place right through November and continue presenting his obstructionism as ''a victory for women.'' It certainly won't hurt his fund raising.

Republicans, nonetheless, would be wise to wait him out. The issue here is not abortion so much as free speech. Using violent extremists as straw men, liberals are hoping to snatch a formidable tool of protest from the opposition. Their efforts should be resisted on principle.

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

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS), a champion of this bill.

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

When we began this odyssey on bankruptcy reform some 5 years ago, we began with two staunch principles guiding our pathway. One was to guarantee that those who are so overburdened, so swamped, so flooded with financial obligations that they could no longer make their way into our society's ways that they would be given the ample opportunity for a fresh start. That is what bankruptcy is all about. We guaranteed it and expanded it. As a matter of fact, it can be said that someone seeking a fresh start today under the bankruptcy reform that we want to put into the law would have an easier time than the current law. So for that purpose alone we should be supporting this legislation.

The other principle was and is that those who do approach the possibility of repaying some of the debt should be accorded a mechanism by which they can repay some of that debt over a period of years. Mind, we said, not all the debt; mind, we said, over a period of years, but yet the opportunity to regain some of the losses that the general public would encounter if this individual were allowed not to pay anything back. So those two principles have guided us right down to this moment here on this floor.

The other point that has to be made in support of the rule and the bankruptcy reform measure that underlies the rule is the fact, as was mentioned by both gentlemen from Texas in their opening remarks, that this measure over 5 years has enjoyed tremendous bipartisan support, gaining over 300 votes each and every time that it has come to the floor. Three hundred votes by any magician's count can determine through that number by itself that this was a bipartisan approval of the legislation, and it also is bicameral in different stages at different times, but by the time we came to this floor today it was bipartisan in nature.

I thank the gentleman for yielding me this time.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texax asked and was given permission to revise and extend her remarks.)

□ 1545

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a couple of weeks ago, an unspeakable tragedy hit not only this Congress, but it hit this Nation. That was the loss of Senator Paul Wellstone, his wife and daughter, staff and others who traveled with him on that fateful day. We lost a warrior who was not afraid to speak for the voiceless and those that could not be heard.

So I stand here today unabashedly opposed to this conference report and this rule; and I believe Senator WELLSTONE would not mind me standing in respect and admiration for his fight, for it was his unrelenting work in the other body that caused this issue to remain in the forefront, that although the representation of this legislation is what many of us would have wanted it to be, a respect for consumer interests as well as fiscal responsibility, it is a stomping out of the rights of the poor who cannot speak.

For anyone to say that people go happily into the bankruptcy court, I take issue, for the facts will prove out that those who file bankruptcy, the bulk of Americans who file bankruptcy, are faced with catastrophic illnesses; or the elderly, who have fallen upon hard times because of their illness; divorcees; single parents; individuals who have been laid off and now face the economic hard times of this Nation, the very people right now who are now facing 5 and 6 percent unemployment; the airline industry employees who lost their jobs after 9–11; the small business owners who collapsed in New York after 9–11. Those are who file bankruptcy. Yet we have determined that these are the very individuals that

we are going to knock outside of the boundaries of having access to the bankruptcy court.

Let me tell you why. We have tried over and over again. Professor Warren at Harvard University, a specialist in bankruptcy law, for the past 5 years has said the means test is what it is, mean. It does not help my good friends in the credit union, because what it does is it puts a barrier, it closes the door, it puts the finger in the dike, if you will, for innocent, hard-working Americans who simply want to get themselves in order. It puts a means test in front of those who seek to enter the bankruptcy court; and as well, if you want to fight the issue, you must take monies that you do not have and go into a Federal Court to go and be able to dismantle that particular means test.

It argues against the mindset to support our children, for it promotes credit card debts and other debts over the ability to pay your child support payments. We have argued over and over about this, and it has not been fixed.

This is a bill that does not address the tragedy that I had in my community, Mr. Speaker, and that is the collapse of Enron. This bill does not address the tragedy of Cathy Peterson and her husband. I have committed to fight until the end so that Cathy Peterson's fight can be heard around the Nation.

What happened to Cathy Peterson? Her husband worked for Enron. While he worked for Enron, he was felled, if you will, with a catastrophic illness, terrible deadly cancer. And while Enron was engaged in its malfeasance, of course, you realize that Enron filed for bankruptcy, and within 24 hours 5,000 people were laid off or fired. Cathy Peterson's husband was one of those.

They had to pay their COBRA insurance. They lost their home, Mr. Speaker. They lost their home. He was suffering from an enormous tragic illness. They lost their home. He was fired. While Enron filed bankruptcy, while a corporate structure was allowed to stand, the Petersons were knocked off their feet.

So Cathy Peterson has asked us to put a provision in that disallows those who are filing bankruptcy, large corporations, from firing those who are off on the basis of catastrophic illnesses. We did not address that issue. So in Cathy Peterson's name, this bill should not go forward.

We must recognize that in the name of those Enron employees who were laid off, 5,000 of them, who would not have been able to secure a dime of recovery had it not been for the fight of the AFL-CIO, for the fight that I engaged in, for the fight that the Wall Street and Rainbow Push engaged in, that we were able through the court process to get each of them $13,500. Some of them still have not recovered, laid off, children coming out of school.

This bankruptcy bill does not address the needs of Americans who have fallen on hard times, who are sincere; and it does not address my good friends in the credit union industry, because those are the consumers who come every day to utilize those resources.

So in the name of women and children and hard-working Americans, taxpayers, this bill should not go forward. In the name of my dear friend and our friend, Senator Paul Wellstone, who stood in the other body, standing on behalf of those who could not speak, I am committed to say whatever happens, that we will fight to ensure that the bankruptcy laws of this Nation do not stand as a barrier to those who have worked and upon whose shoulders we have stood and built this economy.

I can stand and say with all emotion that anyone who views these passionate words as ones that cause them great discomfort, that is the purpose of these words, because the voiceless cannot speak today.

The issue of bankruptcy reform has been a heated topic of debate in this body since the first session of the 105th Congress, when shortly before the National Bankruptcy Review Commission issued its report recommending changes to the current bankruptcy laws; legislation was introduced to dramatically change the way in which consumer bankruptcies are administered under the U.S. Code, 11 U.S.C. sec. 101 et seq. We have battled with this issue until now and we see that the leadership of the House, with a renewed vigor, will force a vote on legislation for some of its favorite companies before the irons of the last election have even cooled and a day before we adjourn for the year.

Mr. and Ms. America, today is a preview of things to come. Today is the beginning of a time when corporate interests, in this case the interests of large creditors, will reign supreme and the interests of the little guy will slip further down to the bottom of the barrel.

I have consistently said that the greatest challenge before us in the bankruptcy reform efforts is solving the widely recognized inadequacies of the law in the area of consumer bankruptcy. As it has always been in the Congress, the key to this process, is, of course, successfully balancing the priorities of creditors, who desire a general reduction in the amount of debtor filing fraud, and debtors, who desire fair and simple access to bankruptcy protections when they need them. H.R. 333 does not accomplish this goal. Instead it runs the interest of consumers into the ground.

The bill before us today, will break the backs of working women, disappoints children, and discourages people who are struggling to do the right thing to get their lives back in order. This is a measure that unfairly subverts the interests of consumers to the interest of creditors—many whoms marketing strategies target individuals with questionable means of paying back the debt they incur.

During prior consideration of this bill I pointed out the unruly conduct of credit card companies that target college students with no income knowing that they are vulnerable and likely to charge up significant debts often without the knowledge and guidance of their parents. ''An analysis [by Nellie Mae], a leading provider of student loans, of students who applied for credit-based loans with Nellie Mae in calendar year 2000 showed that 78 percent of undergraduate students (aged 18–25) have at least one credit card. This is up from the 67 percent of undergraduates included in a similar study by Nellie Mae in 1998. In years past, these same students would not have been given credit cards, certainly not without a cosigner.'' This is continued evidence that the credit card industry continues to prey on the lack of wisdom that many of our nation's youth have about the burdens of accumulating massive amounts of debt. This bill gives them license to continue to do so.

This bill also uses an unrealistic inflexible formula to determine who is eligible for Chapter 7 bankruptcy relief. The measure uses Internal Revenue Service guidelines to determine what expenses a consumer has as opposed to using the debtors actual living expenses. The effect of this is to render many debtors ineligible for relief under Chapter 7 bankruptcy by estimating their living expenses as much less than they actually are. The formula also uses the debtors prior six months income to calculate what the debtor will have available to pay creditors even if that income is no longer available. The only way for the debtor to change these assumptions is to go into court. Let me ask you Mr. and Ms. America, what person seeking bankruptcy can afford to go to court and litigate the matter. The prospect of this expense alone is enough to force consumers to take extreme measures in order to satisfy their debts.

H.R. 333, also places the interests of creditor over the interest of children. By allowing a greater number of non-child support debts to survive bankruptcy, the measure diverts more money to creditors and away from parents paying and receiving child support. The bill sets up a competition for scarce resources between parents and children benefitting from child support both during and after the bankruptcy. Single parents facing financial crises brought on by divorce, nonpayment of support, the loss of a job, uninsured medical expenses or domestic violence will find it harder to regain economic stability through the bankruptcy process.

Many women find themselves as single parents and the primary providers for their children. As a result women are the fastest growing and largest group filing bankruptcy today. In 1999, over half a million women filed for bankruptcy by themselves—more than men filing by themselves or married couples. Of this number, over 200,000 women who filed for bankruptcy in 1999 tried to collect child support or alimony. The domestic support provisions of H.R. 333 does not solve the problems faced by women in bankruptcy and does nothing to address the additional problems it would cause to the hundreds of thousands of women forced into bankruptcy each year, including the single mothers forced into bankruptcy because they are unable to collect child support.

While women, children, students and the average working person in America are forced to make more available for creditors to seize in the event of financial difficulty, the bill makes minimal changes to that which the wealthy will be forced to part with in the same circumstance. Although the bill contains some new limits on the once unlimited homestead exemption, the so-called ''millionaires' loophole,'' it still allows some rich debtors (those who have not been found to have committed certain types of wrongdoing, or those who

have owned their home in the state longer than 40 months) to protect an unlimited amount of value in their residences. The wealthy should not be permitted to walk away from their debts and pocket millions, while working Americans get squeezed by a stringent and inflexible new rule.

I am for bankruptcy reform, but I believe that it must be equitable and fair to all interested parties. I am for bankruptcy reform that recognizes the financial interest at stake for the debtor, his or her family and the creditors. As elected officials for the American people we must protect America's families. In this time when corporations like Enron and Worldcomm have laid off thousands of employees, we should at least consider granting them the priority status they deserve. Under a bill that I had proposed, H.R. 5110, the omnibus Corporate Reform and Restoration Act, we would have raised the bankruptcy claim for workers from $4000 to $15,000. This would have ensured that they receive compensation as priority creditors for the corrupt actions of corporate malfeasance.

Financial hardship is a serious matter that deserves legislative reform that is the product of a deliberative process. This bill, is an extreme bill undertaken at the behest of special interest groups. We must protect working—class families. We must work to find a viable solution that deters abuse of the bankruptcy system while preserving the fresh start for debtors whose debts have been discharged. It is ironic that the consumer lending industry actively solicits consumers with promises of easy access to credit. We all know the pitches: ''buy-now, pay later;'' ''No interest expenses for the first six months/year etc;'' ''No credit check, your job is your credit.'' Then, after addicting debtors to this ''financial crack'' lenders come to us begging for reform. Surely lenders bare some culpability for these beguiling and misleading advertising blitzes which entice individuals who might not otherwise qualify or apply for credit. Surely they have some roll to play in the unprecedented levels of American debt.

Congress has a time honored tradition of careful consideration of bankruptcy laws dating back 100 years. In the past members of this body have elected to carefully preserve an insolvency system that provides for a fresh start for honest, hard working debtors, protects small businesses and jobs, and fairly balances the rights of debtors against the rights of creditors. This measure is an unfortunate departure from this tradition and places the financial well being of the American people in harms way. I oppose this legislation and urge my colleagues to do the same.

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, I rise in support of this rule. This legislation appears to me to be a compromise that is filled with positive aspects of the give and take of the legislative process and saturated with the element of common sense that both sides to this controversy say that they strive to achieve.

In one aspect that has already been mentioned, it penalizes the adjudicated intentional violator of the law and the intentional tort feasor and precludes him from escaping the consequences of his act by hiding behind the provisions of the bankruptcy act. I think this is entirely proper, because the bankruptcy act was never intended to protect anyone in this situation.

At the same time, it protects the innocent who are simply exercising their constitutional rights, who are lawfully assembled or expressing their freedom of speech.

I urge my colleagues to vote for the rule and to vote for the conference report.

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

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

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

Mr. Speaker, I rise in reluctant, but adamant, opposition to this rule. I say to my colleagues, make no mistake about it. The issue before us is not abortion, and the issue before us is not bankruptcy. The issue before us today is very important. It is the constitutional right of free speech and peaceful protest.

Mr. Speaker, this rule is an unprecedented and shameful attack on the right of free speech and peaceful protest. It does not matter where you stand on abortion; you should oppose this rule and you should oppose this legislation. If we pass this legislation, what we will be doing is for the first time in American history creating two categories of free speech, two categories of peaceful protest: one protected by our laws and one not protected. We will be saying that, based on content of your protest, you are either protected by our law or not protected.

It does not matter where you stand on the abortion law. If you care about the right of peaceful protest, if you believe in the right of people to exercise their constitutional first amendment rights, you must defeat this rule and we must go back and do this legislation again. Those who honor the right of free speech, those who honor the right of peaceable protest must understand this is a fundamental assault on the Constitution of the United States.

I urge the defeat of both the rule and the underlying legislation.

Mr. SESSIONS. Mr. Speaker, I yield 1⅙ minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of the rule for bankruptcy reform. This Congress and prior Congresses have been very dedicated to making sure that this country benefits from bankruptcy reform and these attempts have been made to draw up a very good bill. Now we finally have the opportunity to finish the job.

Congress has a responsibility to pass this legislation now and to stop the bankruptcy system's abusers, those who have actually the ability to repay these debts but use the current bankruptcy system as a financial planning tool. This gaming of the system carries too high a cost to consumers, by raising costs at an extremely critical time for our economy.

Our economy needs all the help it can get. Consumer spending and consumer credit are key elements of any plan for economic growth, and bankruptcy abuse is having such a horrific effect on consumers' finances that if current practices continue, approximately one out of seven households will have filed for bankruptcy within the past decade.

Bankruptcy legislation has been debated. It has been refined; it has been revised and amended for years. It is now time for action.

Unfortunately, much of this debate has been focused on the abortion provisions in this bill. I ask my colleagues to look at the real effects of those provisions. They are not effective. They will not harm lawful protesters. I urge my colleagues to support the rule.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SOUDER. Mr. Speaker, I rise deeply disappointed. I am a strong supporter of bankruptcy reform. I was a former retailer and business person, and many of my supporters are in support of this. I cannot believe that we are here on the floor debating this today and that this bill has been brought up.

We are likely to hear in the closing remarks from some of our leadership that this does not apply to pro-lifers and it does not sit on free speech. I think they are terribly wrong, and they put many of us in deep conflict in trying to defend civil liberties and, at the same time, reform bankruptcy; and many of us are deeply disappointed in our leadership that this bill has come forth.

I think many Americans around the country, as nearly every pro-family and pro-life group in America, has stood arm in arm against this bill. National Right to Life, which does not take positions on issues such as this, is about the only one, and it does not mean that they favor the bill; it just means they are silent.

This is going to be double-scored if the rule passes, and many Members are going to have their ratings go down among conservative groups, as well as liberal groups, permanently, because they have not listened to their constituents at the grassroots level and the organizations that represent them.

We are going to hear probably quoted from a memo by Kenneth Starr, who has been hired by the business interests to advocate a position that is manifestly inaccurate in his memo. He, for example, tries to address the question and correctly points out that ''willful'' and ''intentional'' are the same. But that memo is silent on ''malicious,'' and that is a critical, critical point on this. He does not have anything in there on ''malicious.''

The FACE Act makes it a tie; it ties the two together and makes pro-lifers liable in a way that others are not. PETA is not liable. They do not have a FACE Act. This law focuses on pro-life demonstrators. Yes, it can reach many other demonstrators, possibly even anti-war demonstrators if they protest in front of a factory that produces weapons.

Peaceful protestors. The Mahoney case, one protester, kneeling in prayer, was in front of a locked door, was found guilty by the D.C. Circuit Court. One kneeling Christian, silently protesting abortion, has had the force of law thrown at them. Where are we going in America?

Also in the Starr memo there is another false assumption, and that is that somehow the courts are going to interpret this separate from the same-as-additional law. The courts never interpret a new law as redundant. They assume that we have a purpose. Senator SCHUMER is correct in saying there is a congressional intent with this law. The courts will rule that.

This is, in fact, a broad expansion of the government potentially restricting civil liberties in all parts of protest, but particularly those of us who were very pro-business, are first and foremost deeply motivated by defending the most innocent of life, the little children. We are not talking about violent protests. We tried to compromise. We definitely favor it for violent, but peaceful, kneeling prayer should never be deprived from civil liberties.

I urge my colleagues to carefully consider those commands from Mary Ann Gloran of the Harvard Law School.

Because the proposed language is substantively identical to FACE, it will be read in light of existing decisions under FACE. Existing interpretations of FACE will almost certainly be read into § 523(a)(20). Worse, abortion clinics and their supporters will likely argue that by re-enacting the same statutory language, Congress has approved existing decisions and those confirmed their status as valid and appropriate interpretations of FACE itself. This is a critical point, because existing interpretations of FACE in the lower courts, extraordinarily favorable to the abortion clinics and their supporters, have not yet been accepted or rejected by the Supreme Court of the United States. Congressional passage of proposed § 523(a)(20) could figure prominently in eventual Supreme Court arguments on the interpretation of FACE, lending plausible support to the worst interpretations of that statute.

I will not consider in this opinion letter the interpretations of ''force or threat of force,'' ''intentionally injure,'' or ''intimidate.'' Some interpretations of those provisions have been surprisingly expansive, but those forms of protest are not the issue for most protestors. The real work of FACE, and of proposed § 523(a)(20), is in the provisions that target anyone who ''by physical obstruction . . . interferes with . . . or attempts to . . . interfere with' interfere with'' access to a clinic. Each of these terms has been construed or defined to mean more than first appears. No actual interference, and no actual physical obstruction, is required for a violation. Courts have found violations in peaceful protest that did not actually prevent access to clinics.

''Physical obstruction'' is defined in 18 U.S.C. § 248(e)(4) to mean making ingress or egress ''impassable . . . or unreasonably difficult or hazardous.'' What is ''unreasonably difficult'' has, in the lower federal courts, sometimes turned out to be remote from physical obstruction.

Thus, in United States v. Mahoney, 247 F.3d 279 (D.C. Cir. 2001), the court found physical obstruction and interference with access from a single protestor kneeling in prayer outside a locked door to an abortion clinic. Id. at 283–84. The door was a ''rarely used'' emergency exit. The court said that someone might have used the door, and that the law does not distinguish frequently and infrequently used doors. More remarkable still, the court held that a single person kneeling in prayer rendered use of that door ''unreasonably difficult'' and forced patients to use a different entrance. Id. at 284.

Mahoney also held that six other defendants physically obstructed and interfered with access to another door. The court of appeals' entire discussion of this holding is that five protestors ''knelt or sat within five feet of the front door,'' that the sixth defendant ''was pacing just behind them,'' and that they ''offered passive resistance and had to be carried away.'' Id. at 283. The court does not even say whether they were arrayed across the sidewalk or along the sidewalk, whether they left a passage open, or any other fact that might to a plain meaning understanding of ''physical obstruction'' or to preserving a reasonable right to protest. It was enough for a violation that they were near the door.

Both FACE and proposed § 523(a)(20) are limited to ''intentional'' violations, but Mahoney shows that protection to be illusory. The court found specific intent to interfere with access to the clinic, even in the case of the lone protestor praying before the locked door. It relied on the fact that the protestor prayed that women approaching the clinic would change their mind about getting an abortion; the court quoted his prayer as evidence of criminal intent. 247 F.3d at 283–84. To similar effect is United States v. Gregg, 32 F. Supp. 2d 151, 157 (D.N.J. 1998), aff'd, 226 F.3d 253 (3d Cir. 2000), cert. denied, 523 U.S. 971 (2001). Gregg had much more evidence of actual obstruction than Mahoney. Even so, the Gregg court relied on defendants' ''anti-abortion statements, including imploring women not to go into the clinic or not to kill their babies,'' and on the fact that defendants ''carried anti-abortion signs,'' as evidence of forbidden intent. The government in these cases has offered evidence of opposition to abortion as evidence of specific intent to obstruct access, and the courts have relied on this evidence for that purpose. Clinics and their supporters would of course argue that Congress has codified these holdings if it enacts proposed § 523(a)(20).

Courts have emphasized that FACE plaintiffs need not prove actual obstruction. ''It is not necessary to show that a clinic was shut down, that people could not get into a clinic at all for a period of time, or that anyone was actually denied medical services.'' People v. Kraeger, 160 F. Supp. 2d 360, 373 (N.D.N.Y. 2001). Plaintiffs need not ''show that any particular person was interfered with by the defendants' obstruction.'' United States v. Wilson, 2 F. Supp. 2d 1170, 1171 n.1 (E.D. Wis.), aff'd as United States v. Balint, 201 F.3d 928 (7th Cir. 2000).

To sum up, proposed § 523(a)(20) would re-enact statutory language that has been interpreted not to require actual obstruction, has been interpreted to prohibit a single protestor kneeling in prayer near an unused exit, and has been interpreted to treat anti-abortion statements as evidence of criminal intent. These interpretations would almost certainly be read into § 523(a)(20), and there would be a serious argument that Congress had confirmed these interpretations in FACE itself.

□ 1600

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CANNON).

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

Mr. CANNON. Mr. Speaker, I rise today in support of H. Res. 606, the rule providing for consideration of the Bankruptcy Abuse, Prevention and Consumer Protection Act Conference Report. Congress has been working on balanced bankruptcy reform legislation for nearly 5 years. The conference report on H.R. 333 reflects countless hours of bipartisan efforts.

This conference report does not penalize any lawful behavior. It only applies when a person violates the law; second, a court then enters an award against that person; third, the person later files a bankruptcy other than a chapter 13 bankruptcy or liquidation bankruptcy; and fourth, that person thereafter seeks to discharge a debt based on fines or penalties assessed because of the unlawful protest activity.

This provision is written in an even-handed, neutral way. It does not single out abortion-related protests, but it targets any violent protestors of providers of any lawful goods or services. It would equally apply to the anti-IMF/World Bank protestors who threw rocks through the window of the bank and attempted to impede delegates from entering the World Bank's headquarters. It could also apply to similar protests by animal rights activists, environmentalists, and unions.

As a committed pro-life Member of Congress, I am satisfied that the compromise does not impose unconstitutional or discriminatory burden upon peaceful pro-life protestors. I want to thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this issue, and I urge my colleagues to support the rule and the underlying bill.

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

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

Mr. Speaker, again, I want to reiterate, I rise in very strong opposition to this rule and to the underlying bill that will follow it if the rule does pass.

Let me again point out that this bankruptcy reform conference report

contains an unrelated provision that was not included in the bill that passed out of this body that discriminates against peaceful, pro-life protestors, and that is why I oppose this.

Mary Ann Glendon wrote an incisive analysis that every Member should read. The Catholic Conference has put out a very strong statement pointing out how unjust this language is. This takes the FACE bill passed back in 1994 over the opposition of my good friend, the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) and myself, and makes it even worse by making civil fines that are levied nondischargeable.

Much has been made about the Starr memo, which I would respectfully submit misses the point by a mile and is unworthy of Ken Starr. He argues, for example, and the gentleman from Utah (Mr. CANNON) made this point a moment ago, that rigorous intent requirements; i.e. law-breaking, are included in the conference report. Martin Luther King was an intentional law breaker. We rightly honor him with a national holiday. A tremendous man who went to prison—served short prison sentences—and faced modest and proportionate penalties in his quest for social justice. For Dr. King, law breaking was a means to an end.

Pro-lifers, on the other hand, are subjected to ruinous penalties for the same acts of civil disobedience. Nonviolent civil disobedience, obstruction, getting in the way, as was mentioned by one of my colleagues, kneeling in front of a door, praying at an abortion clinic, is construed to be a violation of the FACE Act and then, when the penalties are levied, the pro-lifers cannot discharge the ruinous judgements imposed on them.

Mr. Starr also says that section 330 is evenhanded. That, I say to my colleagues, is unmitigated nonsense, it is misleading, and it is false. Section 330 only has the appearance of evenhandedness. Other activists, labor activists, antiwar, PETA, all the groups that use civil disobedience as a means of bringing attention to their cause get a slap on the wrist, a 30-buck fine, they are out of jail the next day. Not so for pro-life protestors. They are under the FACE Act and are discriminated against and singled out for ruinous monetary penalties and criminal penalties and, again, we are talking about nonviolent activities.

Back in 1994 I would remind my colleagues I offered the substitute amendment to FACE on the floor that said for those who throw bombs or kill at abortion clinics, are jailed and appropriately fined. But for peaceful protestors, those men and women whose only motive is to try to deter an abortion, another act of violence, to say there is another way, so they have a sit-in. Perhaps they sit in front of a door or they have a pray-in. These things happen all the time. A successful complaint made by the abortion clinic, for example, would be nondischargeable under this legislation.

So to say section 330 is evenhanded when the underlying statute is applied unevenly to pro-lifers versus all other activists is unmitigated nonsense, and again I am very discouraged that Mr. Starr would put out such a misleading memo.

Vote ''no'' on the rule.

Mr. FROST. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

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

Mr. SENSENBRENNER. Mr. Speaker, before I begin my remarks, let me insert for the RECORD the memo written on October 4, 2002 by the Honorable Kenneth Starr addressed to Mr. BARTLETT of the Financial Services Roundtable, since the gentleman from New Jersey (Mr. SMITH) has repeatedly referred to it.

Washington, DC, October 4, 2002.

Hon. STEVE BARTLETT,

President, the Financial Services Roundtable, Washington, DC

DEAR MR. BARTLETT: This letter responds to your request for my views with respect to Section 330 of the Conference Report on H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2002. In particular, you requested my view concerning two aspects of Section 330: the effect it will have on anti-abortion protests, be they lawful or unlawful; and the effect it will have on other types of protests, including the recent IMF/World Bank protests.

In my view, Section 330 will have very little practical effect. Importantly, the provision does not penalize any lawful behavior. To the contrary, it applies only if (i) a person violates the law; (ii) a court then enters an award against that person or the person settles the charges; (iii) the person later files a bankruptcy other than a Chapter 13 bankruptcy; (iv) the person thereafter seeks to discharge a debt based on fines, damage awards, or other penalties assessed because of the unlawful protest activity; and (v) the creditor continues to pursue the matter. Even then, Section 330 overlaps almost entirely with Bankruptcy Code §523(a), which already prohibits the discharge of fines payable to the government and civil damages resulting from intentional injury to others. As a result, Section 330 will have at most minimal practical effect. What is more, the Conference version of Section 330 contains rigorous intent requirements that should prevent any innocent protesters from being swept up in its provisions. Thus, even if Section 330 does have some limited practical effect, that effect should be felt only by the intentional lawbreakers it expressly targets.

In answer to your second question, Section 330 is written in an evenhanded, neutral fashion. It applies not only to abortion-related protests, but also to unlawful protests targeted at the providers of any lawful goods or services. By its express terms, Section 330 applies—with no exceptions—to all those who unlawfully intimidate or interfere with a person by physical obstruction or threat of force if those actions were motivated by the person's obtaining or providing of any lawful goods or services. Thus, it would apply, for example, to the anti-IMF/World Bank protesters who apparently threw rocks through the window of a bank and attempted to impede delegates from entering or departing the World Bank's headquarters. So too, it would apply to similar protests by animal rights activists, environmentalists, and unions.

It bears emphasis that the Conference compromise bill represents a substantial improvement over the original Senate bill. Under the Senate bill, debt related to an unproven allegation of ''harassment,'' or an unintentional violation of a court order, could have been nondischargeable. In contrast, under the Conference compromise, there must have been an actual and intentional ''violation'' of either the federal Freedom of Access to Clinic Entrances Act, 18 U.S.C. §248 (''FACE''), or a court order. These significant improvements over the now-replaced Senate version are some of the reasons that Section 330 will not have significant practical or legal effect in light of the state of existing law.

Section 330 is primarily a restatement of existing law

Section 330 is primarily a restatement of existing law. The Bankruptcy Code has long provided that any debt ''for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit'' is not dischargeable in bankruptcy. 11 U.S.C. §523(a)(7). As a result, criminal fines and civil penalties payable to the government are already nondischargeable.

The Bankruptcy Code further provides that civil damages payable to private parties are nondischargeable if they result from ''willful and malicious injury by the debtor to another entity or to the property of another entity.'' 11 U.S.C. §523(a)(6). The courts have interpreted this language broadly to include injuries to intangible personal or property rights. See 4 Collier on Bankruptcy ¶523.12[2] (15th ed. rev. 2002). As a result, the pivotal limitation on this provision is the intent element—a debt is nondischargeable in bankruptcy only if the debtor intentionally caused the injury. See Kawaauhau v. Geiger, 523 U.S. 57, 61 (1998).

Our research has revealed that, to date, three courts have issued published decisions on the question whether debtors' abortion protest-related debts were dischargeable in bankruptcy. Each held the debts to be nondischargeable under Section 523(a)(6). See In re Treshman, 258 B.R. 613 (Bankr. D. Md. 2001); In re Bray, 256 B.R. 708 (Bankr. D. Md. 2000); In re Behn, 242 B.R. 229 (Bankr. W.D.N.Y. 1999). As one court explained, the debt was not dischargeable because the debtor had acted ''with the specific intent to interfere with or intimidate the plaintiffs from engaging in legal medical practices and procedures.'' Bray, 256 B.R. at 711. Each court also noted that the conduct at issue, which included apparent death threats, was unlawful and unprotected by the First Amendment.

Of course, the ultimate issue of dischargeability necessarily depends on the facts of each case. But Section 330 is drafted in such a way that it overlaps with Section 523(a)(6). Under Section 330, a debt is nondischargeable only if the debtor violated either FACE or a pre-existing court order or injunction.

Under the first of those circumstances, a debt is nondischargeable only if the debtor: (i) intentionally injured, intimidated, or interfered with a person, (ii) by force, threat of force, or physical obstruction, (iii) because the person was obtaining or providing any lawful goods or services (such as fur products or banking services). Because the injury, intimidation, or interference must be intentional, any such debt would likely satisfy the existing criteria for

nondischargeability under Section 523(a)(6). One might argue that Section 523(a)(6) erects a higher standard than Section 330 because it requires ''willful and malicious'' (as opposed to intentional) injury, but the terms ''intentional,'' ''willful,'' and ''malicious'' have similar meanings in the law. The Supreme Court has held, for example, that ''willful'' means ''deliberate or intentional'' in Section 523(a)(6). Geiger, 523 U.S. at 61. Thus, the Section 330 and 523(a)(6) standards appear to be very similar.

The second circumstance under which Section 330 renders debt nondischargeable is when (i) the debtor violated a court order or injunction that complies with the First Amendment and protects the provision of lawful goods or services, and (ii) either the debtor's violation was ''intentional or knowing,'' or the violation occurred after the debtor had previously been found to have violated the same court order or another order protecting access to the same facility or person. This provision of Section 330 might expand somewhat on Section 523(a)(6), because a debtor might argue that although he meant to violate an injunction (such as an injunction prohibiting him from approaching within 8 feet of a clinic entrance), he had no intent to intimidate or impede anyone while within the restricted area. Thus far, however, the courts have held that damages attributable to violation of a court injunction against abortion-related protest activity are ''ipso facto the result of a 'willful and malicious injury''' for purposes of Section 523(a)(6), in part because the violation reflects an ''intention to cause the very harm to the protected persons that [the] order was designed to prevent.'' Behn, 242 B.R. at 238. While I find this rationale questionable, it reflects the fact that courts to date have already used Section 523(a)(6) for the same purpose that Section 330 would serve. Thus, Section 330 represents either a restatement of existing law or, at most, a modest extension of that law.

Even if section 330 were interpreted more broadly than the existing nondischargeability provisions of the bankruptcy code, it would still have no effect on lawful protest and little effect on unlawful protest

Even if courts were to interpret Section 330 more broadly than Section 523, the practical consequences would be minimal. Section 330 does not affect lawful protest at all. Even with respect to unlawful protest, it applies only if: a person committed an intentional violation of the federal FACE statute or a pre-existing court order or injunction; a court entered an award against that person, or the person settled the charges; the person later filed bankruptcy other a Chapter 13 bankruptcy; the person would otherwise be entitled to discharge a protest-related debt in bankruptcy, notwithstanding Section 523(a) and the Bankruptcy Code's other existing limitations on dischargeability; and the creditor continued to pursue the matter. It would appear that very few, if any, people will fall into this category. As noted above, we have found only three reported cases in which people challenged the dischargeability of abortion protest-related debt, and in each instance the court held the debt was nondischargeable under existing law. Thus, Section 330 would have had no effect in any of the reported cases to date.

Even if a small number of protesters are affected by Section 330, the Conference version of the bill seeks to ensure that ''innocent'' protestors will not be affected. As explained above, Section 330 applies only to those who either (1) intentionally injure, intimidate, or interfere with a person by force, threat of force, or physical obstruction; or (ii) intentionally or repeatedly violate a court order that complies with the First Amendment. While some such conduct can be ''peaceful,'' it is nonetheless intentional conduct that has a physical element to it (in the case of the FACE statute) or that has already been judicially determined to thwart legitimate state interests (in the case of an existing injunction). Moreover, peaceful of ''innocent'' conduct is not likely to lead to substantial damage awards that a debtor would need to discharge in bankruptcy. Instead, the reported cases to date have involved much more provocative, highly aggressive behavior, including perceived death threats, ''wanted'' posters, and the like. For these reasons, it is unlikely that anyone other than intentional and determined lawbreakers, no matter how sincere the may be, will be affected.

Section 330 is non-discriminatory

In any event, neutrality of operation is the order of the day. Section 330, as I indicated above, applies by its express terms to all those who unlawfully intimidate or interfere with a person by physical obstruction or threat of force if their actions were motivated by the victim's obtaining or providing of any lawful goods or services. Thus, it applies equally and neutrally to unlawful activity directed toward the providers or recipients of all lawful goods or services, not only abortion-related services.

The recent IMF/World Bank protests provide a useful example of Section 330's intended neutrality. Many protestors, it appears, attempted to interfere, by physical obstruction, with the ability of the IMF/World Bank delegates to attend or leave meetings because they disapproved of lawful services provided by the IMF and World Bank. Other protestors reportedly threw rocks through a window of a bank. All of this behavior is covered by the plain language of Section 330. Also protected are similar protests by animal-rights activists against stores that lawfully sell fur products and the like; environmentalists that target oil and other companies; and some unlawful union strike activity. As long as an unlawful protest satisfies the Section 330 criteria, it is covered to the same extent as an anti-abortion protest.

Conclusion

In sum, as modified in conference, Section 330 is primarily a restatement of existing law. It targets only intentional unlawful activity, and even then is not likely to have significant practical effect. To the extent that it does have such effect, Section 330 will apply neutrally and evenhandedly to anti-abortion protests and other protests aimed at business establishments.

While there is, to be sure, some risk that a court might construe the statute unreasonably, the conference minimized that risk by drafting the statute clearly. To provide further protection, however, one of the sponsors of the legislation (or another Representative) might consider making a statement of intent on the House floor. While courts vary in their treatment of such statements, some judges give consideration to floor statements, especially those made by a sponsor of the legislation. As a result, a suggested floor statement is attached to this letter, for such consideration as may be deemed appropriate.

Sincerely,

KENNETH W. STARR.

Mr. Speaker, I rise in support of the rule and the underlying bill. This is essential bankruptcy reform which will help revive our economy.

In 1998, $40 billion of debt was written off, and that amounts to a hidden tax of $400 for every family in this country who pays their bills on time and is agreed upon, and that tax hits the poor people hardest because that type of a tax is regressive.

We need to pass this legislation to prevent bankruptcy from being used as a financial planning tool.

Now, my friends over here on my right claim that this is going to hurt poor people. That is absolutely not true, because people who are genuinely unable to repay their bills will be able to get their discharge through chapter 7. But where there is a possibility of people repaying their bills over a 5-year period of time, or some of their bills, then they have to go through a reorganization, so that the money is recouped and not passed on to the consumers.

I would point out that if this legislation goes down, either on the vote on the rule or the vote on the conference report, the current homestead exemption which is unlimited in places like Texas and Florida will end up still being the law and the corporate crooks will be able to put millions in their mansions and shield them from bankruptcy. There is a partial plug to prevent people who defraud the public from being able to do that, notwithstanding State law. So voting down the rule gives the corporate crooks a get-out-of-bankruptcy-free card.

Now, to my friends over here on my left, we have heard an awful lot of allegations that this bankruptcy provision that was negotiated between Senator SCHUMER and the gentleman from Illinois (Mr. HYDE) is an outrageous attempt to financially ruin pro-life protestors. There is not a person in this Chamber that has given his life more to the pro-life movement than the gentleman from Illinois (Mr. HYDE), and he negotiated this and he signed off on this agreement, and I think that we ought to respect his work for this pro-life movement.

We have heard that section 330 of the bill is an outrageous trampling of first amendment rights. Let me read it for my colleagues.

It says, ''Except that nothing in this paragraph shall be construed to affect any expressive conduct, including peaceful picketing, peaceful prayer, or other peaceful demonstration protected from legal prohibition by the first amendment of the Constitution.''

Read the bill. It does not affect first amendment rights. They are protected by the Constitution, and the black and white text of this provision protects things that are protected by the first amendment.

We have heard about the infamous Starr memorandum. A part of that says that section 330 does not affect lawful protest at all. What it does do is affect unlawful protest. And you are on the side of people who break the law, who want to break the law. What we do here is we protect people who want to abide by the law.

Now, in order for section 330 to come into play, there have to be nine steps that are done by the person whose debt

is to be declared nondischargeable, and I want to go through them.

First, there must be a violation of Federal or State statutory law. Second, the violation must result in some type of monetary liability such as civil or statutory damages. Third, the monetary liability must be based on a Federal or State court order or from a settlement agreement entered into by the debtor. Fourth, the violation of the law must result from an intentional act by the debtor. This does not apply to unintentional violations of the law and, thus, it would not apply to innocent protestors. Fifth, the intentional act must involve force, the threat of force, or physical obstruction. Sixth, the intentional act must result in intentional injury, intimidation, or interference, or intentional damage or destruction of property. Seventh, the debtor must have injured, intimidated, or interfered with a person because such person obtained or provided lawful goods or services or because a facility provides lawful goods or services. Eighth, the debtor must file for bankruptcy relief; and ninth, the party holding the monetary judgment against the debtor must bring an action in the bankruptcy court for the purpose of having the court determine whether the debtor's liability for the judgment is nondischargeable under section 330.

They have to do all nine of these things to get a debt nondischargeable.

Now, if the opponents of this bill and the opponents of the rule are successful, the current bankruptcy law which would stand makes all fines and forfeitures nondischargeable, including those that arise under the FACE Act. So defeating a necessary bankruptcy reform is not going to accomplish this purpose. The rule and the bill ought to pass.

Mr. SESSIONS. Mr. Speaker, at this time we are nearing the end of the speakers that we have and I would welcome an opportunity for the gentleman from Texas (Mr. FROST) to close, and then it would be my intent to briefly speak and then yield to our final speaker.

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

Mr. Speaker, as we have heard, there is controversy on this rule. This matter has been pending for some time. I personally support the rule and the bill, and I urge adoption of the rule.

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

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

This has been a vigorous debate today, one which has I think allowed the opportunity for both sides of our conference to speak forthrightly about the issues and the ideas which they see on this bankruptcy bill. I will tell my colleagues that I believe that this is an economic development package, part of the plan that we have from the Republican Conference to help consumers and to help make sure the economy moves properly. So I support not only this rule, but the underlying legislation.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ARMEY) to close.

Mr. ARMEY. Mr. Speaker, let me begin by thanking the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Illinois (Mr. HYDE), and the Committee on the Judiciary for the extraordinarily long and hard years of dedicated work that they have attended to this subject.

Mr. Speaker, let me make another statement fairly clear. I believe it is safe to say that if it were not for my personal insistence this bill would not be on the floor today. Therefore, I think it is safe to conclude that it is I that put this bill on the floor. Why would I do that? Why would I put a bill on the floor that gives even myself a conflict of visions?

There are two great values that are addressed in this bill, two values that I hold dear in my heart and high in my hopes and dreams for this great Nation: The one that precious lives will be saved, and the other that they will be taught how to live precious lives.

Mr. Speaker, a good nation has a government that honors the goodness of its people. A good nation is a nation that has law that knows the goodness of its people and reflects and encourages them.

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A good Nation will have a law that honors what we teach our children, so that in the law itself our children are encouraged to those teachings which we pray into their lives will make their lives successful in their own right and a blessing in the lives of others.

One of those things we teach our children is to be careful what obligations we make in our lives, and to fulfill our obligations, and default only as a last resort and as a matter of personal embarrassment.

Our existing bankruptcy laws do not reflect that teaching. Our existing bankruptcy laws belie our teaching when we are parents at our best, instructing our children on the hopes that are our highest, about their personal responsibilities. In short, Mr. Speaker, our existing bankruptcy law says to our very same children: little darling, you are a fool if you do not file. It is wrong, Mr. Speaker.

This bill is not here about the money. To think this bill is about who gets the money or who keeps the money is too shallow an understanding. This bill is about the character of a Nation and the character of that Nation's law, and it is important. It is critical.

In this and in other ways, we must strive to have a government that knows the goodness of its own people and has the decency to expect it and to reflect it. That is why we are here with bankruptcy reform. That is what we are about.

And yes, because of a provision that was put into this bill in the other body, we are forced, and I, as deeply in my heart as any Member in this Chamber, am forced to find myself in conflict with another, perhaps even higher value, the right to present myself in encouragement to others to not do this thing that would destroy this life, and to do so without fear of punishment in our courts under a misguided law that has no respect for our very own Bill of Rights, and that is the FACE Act. It is a sabotage, we know that.

But bless his heart, our first, best champion for the life of the unborn, the gentleman from Illinois (Chairman HYDE), fought this demon to a draw to the best of his ability. We have people now who say to the gentleman from Illinois (Chairman HYDE), that is not good enough. I am not sorry, I say to the gentleman from Illinois (Chairman HYDE). I thank the gentleman from Illinois. He is, in this case, as he has always been, for the precious life of our precious babies, a good, true, and faithful servant. He did his best. I love the gentleman for his commitment. The gentleman from Illinois (Mr. HYDE) is to be respected for what he did here to help our cause.

How do we save our precious allies and friends and neighbors and devoted servants that go out there at risk already from the terror, the economic terror of the FACE Act? We do not do it by changing this law. The chairman of the committee has made that clear. There is no protection under FACE by defeating this bill.

If FACE is the evil, a trespass against our Bill of Rights, a trespass against our desire to save the unborn that we say it is, then let us not fight this mock battle; let us fight the real battle. The assault should be on FACE.

I believe I am correct in saying that those who find life precious on both sides of the aisle are the majority in this body, and the majority of this body drawn from both sides of the aisle can defeat FACE. That is what we ought to be doing.

So I say to my friends, save what we can; do not lose what we can over the hope that is without substance. Do not sacrifice the gains in the instruction of our children over the failed effort to protect those who would try to save our children. Vote for this rule; vote for this bill. Give our children a better break and a better understanding, and honor their parents as they teach their babies. Then come back, if you will, with a vengeance and defeat this atrocity against our basic human liberties called FACE. Get the villain and save the children.

Mr. JENKINS. Mr. Speaker, I rise in support of the rule for the consideration of H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act.

This legislation appears to be a compromise that is filled with positive aspects of the give and take involved in the legislative process and saturated with the element of comment sense that both sides to this controversy say that they strive to achieve.

Today, I rise to discuss one aspect that has been mentioned frequently on the floor today. The compromise language agreed to be the conference committee penalizes the adjudicated intentional violator of the law and the intentional tortfeasor and precludes him from escaping the consequences of this act by hiding behind the provisions of the bankruptcy act. This is entirely proper because the bankruptcy act was never intended to protect anyone in this situation.

At the same time, it protects the innocent who are simply exercising their constitutional rights—who are lawfully assembled or exercising their freedom of speech.

We should remember that this legislation is the product of years of hard work by the Judiciary Committee in both the House and Senate. This legislation answers a plea from across our land to address a serious weakness that exists in our system of providing relief to those who are overwhelmed by financial burdens.

I urge my colleagues to vote in favor of the rule.

Mrs. KELLY. Mr. Speaker, I rise today in strong support for the rule providing consideration for H.R. 333, the Bankruptcy Reform Conference Report, because this issue boils down to two words: personal responsibility. If a person assumes a debt, they are obligated to do everything in their power to pay it off. Creditors should be made whole, if possible. However, a safety net must remain for those who legitimately cannot pay their debts.

Some of my colleagues are trying to paint the word creditors to mean faceless financial institutions who are tricking consumers into assuming debt. They specifically speak of credit card debt. They unfortunately fail to note that credit card debt in the United States amounts to only three point eight percent of all household debt. Furthermore, only one percent of credit card accounts end up in bankruptcy. Of that one percent it is estimated that fifteen percent of those accounts can afford to repay some or all of their debt.

The people who are truly being hurt by our current bankruptcy system are Americans who play by the rules and pay off their debts. Bankruptcy costs the average American family about $400 a year.

Needs-based bankruptcy reform is well overdue, and that is what this Bankruptcy Conference Report delivers. It is the people who game the system that we need to stop.

I listened to my colleague from Virginia (Mr. MORAN). He stated that more people filed for bankruptcy than graduated from college. That is a staggering fact. It's a transference of cost from those who overspend to those who carefully manage their money.

I support the Bankruptcy Conference Reports provisions which strengthen Code protections for ex-spouses and children. They have to be supported. In the current bankruptcy law, child support and alimony are placed seventh behind attorney fees as debt obligations. If enacted, this bill would move child support and alimony payments to first on the list of debt obligations.

Also under current law, some debtors use the automatic stay to avoid paying child support payments after they file for bankruptcy. The Bankruptcy Conference Report ensures less delay in the proper payment of child support. I vehemently oppose any legislation that would reduce the ability of women and children to receive support payments.

This Conference Report is a good legislation that moves us in the right direction, and I ask my colleagues from both sides of the aisle to join me in support of this reasonable reform by voting in favor of the rule providing for consideration of this Conference Report.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the rule on the conference report for the Bankruptcy Abuse Prevention and Consumer Protection Act (H.R. 333). This Member is an original cosponsor of H.R. 333, which the House first passed on March 1, 2001, by a vote of 306–108. This Member is pleased that the House and Senate conferees have finally reached an agreement on bankruptcy reform which President George W. Bush is expected to sign. It is important to note that bankruptcy reform bills passed both the House and the Senate in the 105th and 106th Congresses. In the 105th Congress, the House passed a bankruptcy reform conference report, while the Senate failed to pass the conference report. In the 106th Congress, former President Bill Clinton pocket vetoed a bankruptcy reform conference report. During this Congress, the Conference Report was delayed for too long over of all things, a tenuous connection drawn to the subject of abortion clinics by conferees from the other body.

First, this Member would thank the distinguished gentleman from Pennsylvania [Mr. GEGAS], for introducing the original House bankruptcy legislation, H.R. 333. This Member would also like to express his appreciation to the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER], the Chairman of the Judiciary Committee, for his efforts in bringing this conference report to the House Floor for consideration.

This Member supports the conference report for the Bankruptcy Abuse Prevention and Consumer Protection Act for numerous reasons; however, the most important reasons include the following:

First, this Member supports the provision in the conference report for H.R. 333 which provides for a means testing, needs-based, formula when determining whether an individual should file for Chapter 7 or Chapter 13 bankruptcy. Chapter 7 bankruptcy allows a debtor to be discharged of his personal liability for many unsecured debts. In addition, there is no requirement that a Chapter 7 filer repay many of his or her debts. However, Chapter 13 bankruptcy filers commit to repay some portion of his or her debts under a repayment plan.

Some Chapter 7 filers actually have the capacity to repay some of what they owe, but they choose Chapter 7 bankruptcy and are able to walk away from these debts. For example, the stories in which an individual filed for Chapter 7 bankruptcy and then proceeds to take a nice vacation and/or buys a new car are too common. Moreover, the status quo is costing the average American individual and family increased costs for consumer goods and credit because of the amount of debt which is never repaid to creditors.

As a response to these concerns, the needs-based test of the conference report of H.R. 333 will help ensure that high income filers, who could repay some of what they owe, are required to file Chapter 13 bankruptcy as compared to Chapter 7. This needs-based system takes a debtor's income, expenses, obligations and any special circumstances into account to determine whether he or she has the capacity to repay a portion of their debts.

Second, this Member supports the additional monthly expense items that are exempted from consideration under the needs-based test which determines, under the conference report of H.R. 333, whether a person can file either a Chapter 7 or 13 version of bankruptcy. These expenses include the following: reasonable expenses incurred to maintain the safety of the debtor and debtor's family from domestic violence; an additional food and clothing allowance if demonstrated to be reasonable and necessary; and actual expenses for the care and support of an elderly, chronically ill, or disabled member of the debtor's household or immediate family.

Third, this Member supports the permanent extension of Chapter 12 bankruptcy in the conference report of H.R. 333 since it allows family farmers to reorganize their debts as compared to liquidating their assets. Using the Chapter 12 bankruptcy provision has been an important and necessary option for family farmers throughout the nation. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not permanently extended for family farmers, its expiration on January 1, 2003, would be another very painful blow to an agricultural sector already reeling from low commodity prices. Not only will many family farmers have no viable option but to end their operations, it likely will also cause land values to plunge. Such a decrease in value of farmland will affect the ability of family farmers to obtain adequate credit to maintain a viable farm operation. It will impact the manner in which banks conduct their agricultural lending activities. Furthermore, this Member has received many contracts from his constituents supporting the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families. It is clear that the agricultural sector is hurting and by a permanent extension of the Chapter 12 authorization, Congress can avoid one more negative possibility.

Lastly, this Member supports the provision in the conference report of H.R. 333 which requires that people convicted of a felony or who owe a debt from a securities fraud violation in the five years before filing for bankruptcy cannot claim an unlimited homestead exemption. Currently, there are only six states, including Texas and Florida, which provide unlimited bankruptcy protection for a person's home. Nebraska is not one of those six states as it has a maximum homestead exemption of $12,500. This Member believes that this provision in the conference report is imperative in light of the recent corporate scandals at Enron and WorldCom. For example, this provision would apply to the $7 million penthouse in Houston of Kenneth Lay, the former chairman of Enron, if he both files for personal bankruptcy in the future and owes a debt due to any conviction of securities fraud. In addition, this provision may also be relevant to Scott D. Sullivan, the former chief financial officer of WorldCom, who is building a $15 million mansion in Boca Raton, Florida.

In closing, for these aforementioned reasons and many others, this Member urges his colleagues to support the conference report of H.R. 333.

Mr. SMITH of Texas. Mr. Speaker, I support the Bankruptcy Conference Report. I know there has been deliberation about the effect of section 330 of the bill on anti-abortion protests. But I believe section 330 will have little practical effect. And the rest of this bill will an overwhelmingly positive impact on the bankruptcy system.

Section 330 does not penalize any lawful behavior. It will apply only if a person violates the law, a court enters an award against that person, the person later files a non-chapter 13 bankruptcy and seeks to discharge a debt based on their unlawful activity, and the creditor pursues the matter.

It does not apply only to abortion-related protests, but also to unlawful protests aimed at the providers of any lawful good or service.

The compromise reached in conference on this issue also contains very stringent requirements that should prevent any innocent protesters from being included in these provisions.

Moreover, this bill will curb bankruptcy abuse and protect consumers. It will also address the loophole in current law that allows debtors in certain states with unlimited homestead exemptions to shield an almost unlimited value of their homes from their creditors.

In order to game the system, some debtors move to a state with an unlimited homestead exemption just before they file for bankruptcy in order to take advantage of that state's more generous homestead protections.

H.R. 333 closes this loophole by requiring a debtor to reside in a state for at least two years before that debtor can claim the state's homestead exemption. In addition, a debtor must own the homestead for at least forty months before they can claim the state's homestead exemption protections.

H.R. 333 will stop corporate thieves from hiding their homestead assets from those whom they have defrauded. It will cap a debtor's homestead exemption at $125,000 if the debtor was convicted of a felony, if the debtor violated a securities law, or if they engaged in any criminal act, intentional tort, or reckless misconduct that caused serious physical injury or death to another individual.

Homeownership strengthens the fabric of our society. It's the American dream—and over 70% of Americans are living it. Owning a house gives individuals and families a place to call home, where they can arise their children and become active participants in their neighborhoods and communities.

Since 1867, federal lawmakers have recognized the role of the states in determining appropriate homestead exemptions.

States are in a much better position to determine an appropriate exemption—they can more closely examine the factors that differ from state to state, such as property values, real estate inflation, and even demographics.

The balance between states' rights and the federal government is important. Any abuses of the homestead exemption can and should be addressed by the individual states themselves.

In Texas, the homestead exemption is embedded in the state constitution to prevent the sale of one's home to repay debts, except in three specific cases: when there is a debt for the purchase of a home, a debt to finance the improvements to the home, or a debt for property taxes or federal income and estate taxes.

The homestead exemption provisions were among the most contentious in the conference and I am pleased we were able to reach a compromise on this issue. The compromise we reached will prevent 'bad actors' from abusing the homestead exemption without punishing those who legitimately belong in bankruptcy.

The overwhelming majority of people who declare bankruptcy do so because they have no other choice. Bankruptcy law is intended to give debtors a fresh start, not to punish them. Less than one percent of bankruptcy debtors abuse the bankruptcy press. This bill will address those 'bad actors' while retaining the goal of giving sincere debtors a fresh start.

I strongly support this conference report and I urge my colleagues to support it, as well.

Mr. SESSIONS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 172, nays 243, not voting 17, as follows:

[Roll No. 478]

YEAS—172

Armey
Bachus
Baird
Baker
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Brown (SC)
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Clement
Coble
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Davis (FL)
Deal
DeLay
Dicks
Dooley
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Hansen
Hart
Hastert
Hastings (WA)
Herger
Hill
Hinojosa
Hobson
Horn
Hulshof
Hyde
Isakson
Israel
Issa
Jenkins
Johnson (CT)
Johnson, E. B.
Keller
Kelly
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Linder
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
Meeks (NY)
Miller, Dan
Moore
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Ose
Oxley
Peterson (PA)
Petri
Platts
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rogers (KY)
Rohrabacher
Rothman
Royce
Ryan (WI)
Schrock
Sensenbrenner
Sessions
Shays
Sherwood
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stenholm
Strickland
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Tiberi
Turner
Upton
Walden
Walsh
Watkins (OK)
Weller
Wilson (NM)
Wu
Wynn
Young (AK)

NAYS—243

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Becerra
Berkley
Berman
Bilirakis
Bishop
Blumenauer
Bonior
Boozman
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burton
Capps
Capuano
Cardin
Carson (IN)
Chambliss
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cubin
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dingell
Doggett
Doyle
Ehlers
Engel
Eshoo
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Frank
Gephardt
Goode
Goodlatte
Graham
Green (TX)
Gutierrez
Gutknecht
Hall (TX)
Harman
Hastings (FL)
Hayes
Hayworth
Hefley
Hilleary
Hilliard
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hunter
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Lynch
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moran (KS)
Murtha
Nadler
Napolitano
Neal
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Putnam
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Roemer
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Serrano
Shadegg
Shaw
Sherman
Shimkus
Shows
Shuster
Slaughter
Smith (NJ)
Solis
Souder
Stark
Stearns
Stupak
Sullivan
Sununu
Tancredo
Tauzin
Taylor (MS)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Vitter
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Young (FL)

NOT VOTING—17

Blagojevich
Boyd
Callahan
Combest
Condit
Cooksey
Davis, Tom
Diaz-Balart
Doolittle

Ehrlich	Houghton	Stump
Grucci	McKinney	Toomey
Hooley	Roukema	

□ 1717

Messrs. SHUSTER, GRAHAM, BARR of Georgia and ROGERS of Michigan, Mrs. CUBIN, Messrs. EVERETT, REHBERG, BURTON of Indiana, OTTER, OSBORNE, MICA, TERRY, KENNEDY of Minnesota, NORWOOD, GOODLATTE, CHAMBLISS, PUTNAM, PORTMAN, POMBO, LEWIS of Kentucky, SAXTON, TIAHRT, LoBIONDO, SHAW, WILSON of South Carolina and SUNUNU, Ms. ROS-LEHTINEN, and Messrs. WHITFIELD, HOYER, McKEON, MENENDEZ, KERNS, BOOZMAN, THORNBERRY, LEWIS of California, FERGUSON, LAHOOD, YOUNG of Florida and JOHNSON of Illinois changed their vote from ''yea'' to ''nay.''

Mr. MORAN of Virginia, Mr. STENHOLM, Ms. RIVERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Mrs. MYRICK, and Messrs. SPRATT, FOSSELLA, BROWN of South Carolina, CANTOR and EDWARDS changed their vote from ''nay'' to ''yea.''

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

S. 3156. An Act to provide a grant for the construction of a new community center in St. Paul, Minnesota, in honor of the late Senator Paul Wellstone and his beloved wife, Sheila.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 5063, ARMED FORCES TAX FAIRNESS ACT OF 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 609

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 5063) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in each of the Senate amendments with the respective amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

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

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

Mr. Speaker, House Resolution 609 provides us the opportunity to take H.R. 5063, with the Senate amendments, and to consider without intervention of any point of order a motion offered by the chairman of the Committee on Ways and Means or his designee. The motion provides the opportunity for the House to concur in each of the Senate amendments with the amendment that has been printed in the Committee on Rules report accompanying this resolution. The rule also waives all points of order against consideration of the motion to concur in the Senate amendments with amendments, and it 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, Mr. Speaker, H. Res. 609 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.

Mr. Speaker, as we prepare to complete the work of the 107th Congress and take H.R. 5063 from the Speaker's table, there are a couple of items of importance that will be inserted in this vehicle that the House will now have the opportunity to support following the adoption of this rule.

First, the amendments provide for a full extension through March 31, 2003, of current funding and program rules in the Temporary Assistance for Needy Families program and the Child Care, Abstinence Education, and Transitional Medical Assistance programs.

In 1996, the creation of the Temporary Assistance for Needy Families program fixed block grants for State designated programs of time-limited and work-conditioned aid to families with children. It also created a mandatory block grant to States for child care for low-income families, funded through fiscal year 2002. While the first continuing resolution passed by the House in September extended these programs through December 31, 2002, the CR passed by the House this week further extended those programs through the date of January 11, 2003. Unfortunately, in terms of the feasibility of approving funding for these programs through January 11 of next year, it makes much more programmatic sense for us to provide funds to the States on a quarterly basis and therefore extend the funding and program rules through an entire quarter to March 31, 2003.

Second, the amendment extends federally funded temporary unemployment benefits of current recipients and those in high unemployment States through January of 2003. In brief, this amendment will extend unemployment benefits for up to an additional 5 weeks per individual by moving the cutoff date to February 1, 2003. I believe that the House and Senate will eagerly support this provision that provides supplementary weeks of employment benefits to over 800,000 persons across the United States.

Mr. Speaker, I urge adoption of the rule and the subsequent motion to be offered by the chairman of the Committee on Ways and Means.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I had hoped to come to the well today to congratulate my colleagues for crafting a measure in the nick of time that addressed the real need in the communities. But like the vast majority of the legislation emerging from the 107th Congress, this is a pitiful stopgap measure that in the end will benefit far fewer than the rhetoric from the other side of the aisle suggests. I wish the unemployed had the lobbying might of the credit card companies who are enjoying the consideration of a last minute bankruptcy bill that will hammer our most vulnerable constituents, or even the insurance companies at the moment being blessed with a last minute measure to absolve them of liability in the event of future attacks, but the unemployed do not have the attention of the majority party and we do not believe they ever will.

The measure before us today is woefully inadequate when it comes to addressing the needs of our Nation's unemployed workers. I would note that these are newly unemployed workers, those that have paid into the system in the event of an economic slowdown. Mr. Speaker, the economy has not hit a soft patch. It is in a recession. Moreover, the money these workers paid into the system is there. They are workers who paid into the system when times were good and are now in need when the economy is rough. Why put obstacles in front of working families that need this aid? Indeed, most of our constituents will not qualify for an additional 13 weeks of benefits in this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised to turn off their cell phones.

Ms. SLAUGHTER. In my district close to 60,000 people remain unemployed due to a slowing economy. This measure will do little or nothing to alleviate the suffering of these families, and these statistics do not include the news this week that Eastman Kodak will cut 650 more jobs in my district or that Frontier Telephone will cut an additional 100 from its ranks almost immediately, before Thanksgiving Day.

In New York since the enactment of temporary Federal legislation in March of this year, the unemployed workers have been able to qualify for federally funded benefits which in New York can last up to 13 weeks, but this program is proving wildly inadequate for New York. Exceptionally large numbers of workers are running out of Federal benefits before they find new employment. The severity of the exhaustion problem reflects the State's shaky labor market, and I wish I could say that New York was alone, but my colleagues know better. The measure before us not only fails to make necessary improvements to the program, it fails even to extend the program in its current form. In the vast majority of States, it would provide no additional weeks of federally funded unemployment benefits to the workers who have already exhausted their regular, State unemployment benefits and cannot find work.

Under this proposal large groups of unemployed workers who will need additional weeks of unemployment benefits before job growth picks up would go without any further assistance. Between now and the end of January, an estimated 1.8 million jobless workers in need of assistance would fail to receive it under the majority plan.

This body could do much better. My colleague from New York (Mr. RANGEL) introduced legislation H.R. 5491 that would extend temporary Federal unemployment assistance for an additional 6 months through June 30, 2003. This measure would ensure that workers in every State are eligible for 26 weeks of extended unemployment benefits, and in States with high unemployment, like New York, workers would receive an additional 7 weeks of benefits. But it goes without saying that the measure before us today cannot be amended, and any meaningful consideration of the measure of the gentleman from New York (Mr. RANGEL) would be shut out under this rule.

I need to clarify another point for my colleagues. The House action report today indicates that Texas, New York, and California would be deemed ''high unemployment States'' under the chairman's bill, but according to the minority Committee on Ways and Means staff, that is not correct. The bill contains no expansion of the definition to allow States other than three, Alaska Washington, and Oregon, to qualify.

The problem with the current formulation which is fixed in the bill of the gentleman from New York (Mr. RANGEL) is that classification as a high unemployment State is based on the insured unemployment rate, which does not include long-term unemployment.

□ 1730

Thus, workers who receive the 13-week extension provided for in last year's tax bill, over and above the initial 26 weeks, are dropped from the calculation. So the formula is not a true measure of the unemployment situation in a State. States with long-term unemployment that exhausted their benefits are simply out of luck.

Another provision of this measure represents a case of too little too late. The Medicare/Medicaid reimbursement provision purports to temporarily address the controversy surrounding physician payments, but our Nation's hospitals are left out of the fix. Again, many of my colleagues I suspect are hearing from hospitals about their critical needs, and this measure will not alleviate their struggles.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule. Unlike the language in the bill which indemnifies the administration if it chooses to adjust Medicare physician payments, my amendment both protects beneficiaries from the harmful effects of physicians dropping out of the program and guarantees a payment increase for physicians.

Other Medicare providers, including hospitals, home health agencies and nursing homes that provide essential services to seniors and the disabled would be helped. The amendment ensures that all these providers have the resources needed to continue caring for their beneficiaries. This is about a bipartisan initiative which includes the House Republican provider package from earlier this year.

Mr. Speaker, I urge a ''no'' vote on the previous question so we can offer this important amendment.

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

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

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL).

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

Mr. RANGEL. Mr. Speaker, I had hoped that with the overwhelming Republican victory in the House and Senate and a Republican President, that this would be an ideal time to see whether or not we can at least ease the need for the partisanship we had had in the past and to see whether or not we could get some basic things done for the country and plan better for the future of how we are going to work in the Congress.

I guess the major thing that we have to do is just talk with each other and maybe not go through the process of having hearings and going to the committees and all of that formality, but at least to be able to alert people as to how you would like to close out this Congress.

So we are adding to the Military Tax Fairness Act, that no one could be against except communists, some pretty good measures. One is to give some relief to our stopgap extension for the funding of welfare. It is small. We do not know where we are going or what we are going to do, but there is no sense letting the poor folks suffer for our confusion, so moving on that at a later date makes a lot of sense since you could not complete it this year.

The unemployment benefit extension to me only gives relief to three States, Oregon, Washington and Arkansas, and does not come anywhere near acting as though we are addressing the ever-increasing unemployment, especially in my State; and I wish we would have done something with that.

I guess the major hurdle that we have to overcome, and one of the reasons why I am opposing the rule, is because no one has explained the creativity of how we are going to give assistance to Medicare physicians. I assume that Republicans on the Committee on Rules already know what this means; and just maybe, just maybe, they might explain how we can pay Medicare doctors and forget all of the other providers.

Now, it was explained to me that we do not have the money to pay anybody else and that the administration would pay the Medicare doctors, and if they did pay the Medicare doctors, that this would say that the administration cannot be sued. Now, I know some smart people are trying to figure this out.

First of all, I do not know who is going to sue the administration; but if you are giving them some type of amnesty for paying the Medicare doctors, then the same legal creative mind that is going to spare the administration for doing the right thing for paying the doctors should have them do the right thing to pay for Medicare, and we will not sue them; to pay for the nursing homes, and we will not sue them; to pay for the teaching hospitals, and we will not sue them.

So I do not know where we are going with this. But I would hate in the last few hours of this Congress to end up providing a fig leaf for the administration, when we know they are not thinking about doing anything illegal. So if they can do this without the Congress, let them do it and take care of the needs of the other people, because our hospitals are suffering; and I just do not know why we are rifle-shooting the Medicare physicians and just ignoring the health maintenance organizations and their needs.

So I expect as soon as I sit down that someone might explain this to me, and maybe, just maybe, we might be able on the previous question to change these things so we can leave together,

not as Democrats and Republicans, but as a Congress who could not complete their work on time and is just trying to get something done that we are proud of when we go home.

But I think the best way to do this is to defeat the rule and to come back with something that I really think would make us feel a little more proud of who we are.

I thank the gentlewoman for this opportunity; and I look forward to hearing from the majority, especially now that the chairman of the committee, he has not spoken to me since we have been back, but I would like to take this opportunity to congratulate him and hope we can set a new tone here, and I think just by explaining why we are not suing the administration for just singling out Medicare physicians, when we ought to sue if they ignore the rest of the people that deserve some type of assistance.

Mr. LINDER. Mr. Speaker, the gentleman from New York said he wished somebody could explain it to him. I think somebody will.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS).

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

First of all, I want to thank my friend. This is, as we sometimes have to do at the end of a session, dealing with some mistakes that were made, both intentionally and unintentionally.

As far as the tenor for the welfare renewal, in the continuing resolution the language that was assumed to have fixed the problem provided by the appropriators does not, and what we are doing is making sure that the program at least extends through March.

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

Mr. THOMAS. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I have no problem with that.

Mr. THOMAS. Mr. Speaker, reclaiming my time, on the unemployment, as the gentleman well knows, there is a cliff that is going to occur because of the expiration of the unemployment provisions on December 28. We have had debates about how long it should be and in what form it should be. This at least provides those who are getting the unemployment, who are expecting their 13 weeks, to be able to get the 13 weeks.

Mr. RANGEL. Mr. Speaker, if the gentleman will yield further, he did not go nearly far enough, but I could hardly vote against it. The interesting part is going to be this part.

Mr. THOMAS. Mr. Speaker, reclaiming my time, there is no guarantee that the administration will do anything. The difficulty in trying to move at this time those kinds of things that we call provider packages is that what is an appropriate provider package is in the eye of the beholder; and in trying to negotiate what it is that we are going to do, it is simply an impossibility.

What we are aware of is that in one particular approach, which is the physician reimbursement structure, plugged numbers were put in for 1998 and 1999. They do not accurately reflect the number of cases that physicians were involved with.

It is possible that the administration would change those numbers. There is no guarantee that they would change the numbers, but they are concerned that if they did go in and put actual numbers in place of plugged numbers, someone may entertain a suit to go back into the 1990s or the 1980s and say this number was not an actual number, and we want to sue you to make that change.

So all this provision does is provide legal protection, that if the administration does decide to make an adjustment, that is, use real-world numbers now known rather than the plugged numbers, they would not be subject to lawsuits if they did not make additional changes.

Now, that means that all we are doing is creating an opportunity for the administration to make a decision if they so choose to do so. That does not mean that this in any way adequately addresses the needs of many other providers. But there is no other provider group that the administration could make adjustments from plugged numbers to real numbers, as in this particular case. It requires the investment of money to be addressed to those various groups, be they hospitals, skilled nursing facilities, home health care or others.

This is not about providing money to fix one group's problem versus another; it is to create an atmosphere in which, if the administration chooses to do so, they would be able to do so, and the cost would then be borne by the administration, not by the legislative branch. When we come back then at the beginning of the next Congress, we would address, as we normally do, those provider groups for which we would have to provide the finances to assist them.

So all this does is put in place a legal protection, so that if the administration does choose to adjust those numbers, they would not be required through any kind of a court case to adjust any other number.

Mr. RANGEL. Mr. Speaker, if the gentleman would yield further, I do not doubt the good intent that the gentleman has in providing some moneyless way, some way that we do not have any financial obligation to pay for it, to give relief to the Medicare physicians. But I might suggest that you are opening up Pandora's box with hospitals, nursing homes, Medicaid. I do not know why you would just go to this, just because we have not been able to address the problems of the people that are waiting for help. All of these hospitals are calling Members all over wondering for what reason are we singling out Medicare physicians for what they might call special treatment. If Members are so sophisticated that they are going to say this is an entitlement that is completely in the hands of the administration and it is just a question of which numbers they are going to use, but we are now going to hold them harmless in case they make a mistake, then I really do not think that this is the way that we should go.

I had hoped, and I do hope, that this is the end of the type of procedure that we have that the minority finds out what you are up to when the bill comes out. But maybe we can conclude by taking this off the calendar, seeing what can be worked out and start getting ready to start the new Congress on a different footing. I think some of these things could be adjusted. But it seems like this is a monkey wrench in the whole darn thing.

Mr. THOMAS. Mr. Speaker, reclaiming my time, it sounds to me the gentleman is offering the classic argument of because it is not perfect, it should be opposed. It seems to me that if there is an ability to correct a mistake and that the administration simply wants legal protection to correct that mistake, that we ought to be able to do that.

If the gentleman says others are not being provided for adequately, I would be the first to agree with the gentleman; and that is the first order of business. But no one else can be taken care of unless we go through those weeks and months of negotiations of what a package should look like.

So I would simply say, in returning my time to the gentleman who was kind enough to yield it to me, if in fact using real-world numbers and providing the administration some legal protection from being sued because they did not do something else other than putting in real-world numbers is going to be something that someone opposes, it is amazing the point that we have come to.

If others could be resolved this way, we would be doing others. Just because this particular problem could be resolved and others cannot does not mean that one should be in opposition to resolving this particular problem. We will deal with the others when it is timely and appropriate, because we will have to negotiate and put dollars on the table to solve other providers' problems. This is one in which the administration is merely asking for legal protection, and I think we ought to provide it.

□ 1745

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

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

Mr. Speaker, I rise in opposition to this rule. I would urge a ''no'' vote on the previous question.

Mr. Speaker, this bill was brought before the Committee on Rules in the

dead of night without any committee consideration. I am on the Committee on Rules, and we in the minority did not have a chance to review the legislative language even before we reported this rule. In fact, there was nobody present in the Committee on Rules last night that could answer any questions about the substance of this bill and, for that matter, the other bills that were brought before our committee. I think that on process alone this bill should be defeated.

Now, the majority claims that this bill will prevent people from losing their welfare benefits, from losing their unemployment compensation, and will allow the administration to fix the reimbursement problem. That is a tall tale if I have ever heard one.

The extension of the unemployment compensation is minimal. Because of the weak language in the bill, the House will have to address these issues again in January. I suppose one could make the argument that this is better than nothing, but not much more than that.

The so-called physicians' reimbursement fix is not a solution. There are problems with Medicare that began with the implementation of the BBA-mandated cuts on October 1, 2002. The majority may claim that this bill allows the majority to fix the physicians' reimbursement deduction, but it does not directly fix it. Nor does it address the cut in reimbursements for home health agencies, nursing homes, hospitals, and individual medical services.

Mr. Speaker, this is a last ditch attempt of the majority to pretend like they are doing something for the American people but, quite frankly, the American people deserve much more than this.

Now, at the conclusion of debate on this rule, the minority will call for a vote on the previous question. If the previous question is defeated, we will offer an amendment that will include real relief from the BBA-mandated cuts.

This House should not adjourn without providing real Medicare relief, but this bill does not provide that relief.

So I would strongly urge my colleagues to vote ''no'' on the previous question, defeat the rule, and support real Medicare relief that will benefit all of our seniors.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I want to remind my colleagues in the House that actually we passed a payer package to address the problems in the home health industry, the nursing home industry, the hospital industry, and the physician industry. We not only passed provider reforms, but we passed reforms that would be effective for 3 years so there would be stability in the medical community and our providers would be able to meet the challenges of this current period of difficulty with greater certainty. As to Medicare reimbursements in a period when malpractice insurance is rising by leaps and bounds, in a period when nursing costs are rising, when drug costs are rising, when blood costs are rising, it is really important for us to at least guarantee to our providers payment stability, as we did in the provider package that passed this House before the July recess and must do again before many months pass.

It is unfortunate that the other body has been unable to agree on a provider package and is still unable to negotiate on that package. If that were not the case, we would have a package before us here today.

As that is the case, it is extraordinarily important that we pass this clarifying language that merely clarifies current law, protecting against administrative review to the fiscal year calendar charges as well. So this is just a clarification of current law, and we believe that if that is done, the administration will be able to make adjustments as they have in many, many other instances. The fundamental problem is the underestimate of the number of Medicare patients that were going to move to the Medicare+Choice plans. Since not as many moved as were anticipated, those patients continue to see physicians. But we stopped paying the physicians for those patients.

So this is a very simple matter. It gives the administration just the opportunity to evaluate their own formulas and make similar kinds of reviews of them. It does not guarantee anything; it just assures that the current language that has worked in many situations in the past will have the opportunity to work at this time. And, of course, as my colleagues well know, physicians are declining to take additional Medicare patients; they are declining to even convert patients. And if, in fact, physicians do begin to participate, either fewer physicians or the current physicians at a lower level of participation, it will affect access to hospitals for our senior citizens and access to office care.

So it is a very important matter for our big medical centers as well as for our smaller hospitals and for our physicians; in other words, for seniors' access to health care, that we pass this bill this evening. And in addition, of course, it does extend unemployment compensation benefits after December 31, and that alone should be cause for the support of my colleagues. It also makes a more rational extension of TANF and therefore will allow the States to go forward and get their quarterly allocation to maintain a consistent program over the next quarter.

Again, this House passed a TANF reform bill many, many months ago, and if the other body had acted, we would not be in the situation we are in this evening. I urge support of this limited but important legislation.

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

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

Mr. TANNER. Mr. Speaker, I support H.R. 5063 with regard to unemployment extension and the TANF measures, and I agree that we need to address the problem facing our Nation's physicians. But there are other health care providers who are in just as dire straits, hospitals, home health, nursing homes and others.

We have in Tennessee, particularly in the rural areas now, hospitals operating in the red, laying off nurses; we have elderly citizens that cannot get home health care services. What we are trying to do when asking for Members to vote against the previous question is to allow us to bring up a bill, H.R. 5729, that includes the package of provider reimbursements or provider help that the Republicans passed in H.R. 4954 earlier this year and is within the budget. This seems to me to be imminently reasonable and fair to all of the providers across the board. It recognizes that we have a serious problem in the country.

Should we be able to defeat the previous question, we would then be able to insert into this procedure the House-passed bill, H.R. 4954, with the provider package for all health care providers.

I would urge as we debate this that we do that and point out that we in no way are trying to jeopardize the passage of the provisions with regard to unemployment and TANF that are in here and that are necessary, nor the physicians, but to recognize that people other than physicians in the health care delivery industry in this country are in just as dire straits, and it seems to me to be an imminently reasonable thing for us to do.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. TANNER. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, if we followed the course of action that the gentleman is suggesting, and no one would like to do that more than I; I think we have to address all of these issues; that is what we did in the payer package and that is what we have to do in the beginning of January. But if we follow the course of action the gentleman is suggesting, the Senate simply will not go along and then we will leave this place with nothing done.

The physicians uniquely suffered a 5 percent cut last year, and if there is anything we can do to enable the administration to follow ordinary administrative procedures to prevent an additional cut, we should do it. We do not know this will work, but we do know, because we have been trying, that the Senate will not agree to a package and we have not been able to negotiate that package.

So if we follow the gentleman's proposal that we come back with his package to recommit, they will just not accept it, and we will be nowhere. That is

what has happened ever since July. Since July, we are nowhere, even though we did our part. We passed a payer package. If they had sent anything over, if they had sent the merest dribble over, we would be able to negotiate a package. I am sorry to have taken the gentleman's time.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, in Iowa, the pediatricians, the obstetricians, the family practitioners rank 47th, 48th and 50th in terms of reimbursement for Medicare. With the cuts in physician payments, many of them are making decisions not to accept any new Medicare patients, and many are actually making decisions to drop out of Medicare.

This comes about because there was a faulty formula for a couple of years, and what we are dealing with now is the opportunity to at least allow the administration to look at this. This does not mean that other providers will not be taken care of in a package. But we tried to put together a balanced package earlier in the year when we were dealing with prescription drugs, and we just did not get it done in the other body in order to go to a conference to work it out.

Just because we cannot do everything, as has already been stated, does not mean we should not do something or at least allow the administration the opportunity to do that. This is not unique to Iowa. We are seeing this in many, many other places around the country. This is a result of a flawed formula, and it would be my plea to my colleagues on both sides of the aisle to allow this minimal provision to simply prevent a lawsuit from occurring from a disaffected other provider group.

I would make an argument that if the administration would do something on this, that it would actually be to the benefit of the other provider groups early next year, because it actually removes one of the players from the table and, I think, then increases the bounty on that table for the other providers. This is a rather unique situation and I would ask my colleagues to support the rule and also the bill.

Finally, since this will be the last time I speak on this floor, I just want to thank my colleagues from both sides of the aisle. I have made a lot of friendships here in the House and I will treasure them forever.

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

Mr. STENHOLM. Mr. Speaker, I want to make it very clear that I support the bill before us today, but I urge opposition to the previous question for the reasons of which the gentleman from Tennessee amplified on a moment ago.

The frustration that many of us have felt over the last 6 months, as the gentlewoman spoke of a moment ago about the Senate, the time is limited now in which this body can blame the other body for not acting. Unfortunately, the bill before us is not going to get acted on either and yet we are going to set up one last time in which we are going to have the blame game in which we can point to somebody else for us not doing our work.

If the previous question is voted down, then we can take care of nursing homes, hospitals, home health care, and other health care providers exactly like the majority side said we should do it that was included within the budget this year. Nothing changes regarding what was passed in the House if we vote down the previous question.

□ 1800

All of the good things in this bill, all of the other things are in. It has just as good a chance of passing as the simplified, watered-down bill we have tonight.

It is unfortunate we have gotten ourselves into this position; but we have, for all the reasons, many of which were very successful politically. But that does not help the rural hospitals in my district. That does not help the one-third of the nursing homes in the State of Texas that are now in bankruptcy, and another one-fourth that are hanging on bankruptcy if we do not act, and act sooner, not later.

Excuses and finger-pointing are not going to get the job done. All we encourage is a vote against the previous question so we can send the package to the Senate, to the other body, that will do exactly what the majority wanted to do and a lot of folks on this side of the aisle also wanted to get done.

But Members should not deceive themselves that they are going to accomplish this with a finger-pointing exercise today. I encourage a vote against the previous question, allow the Tanner amendment to then come immediately back with everything, and then let us see whose fault it might be.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I thank the gentlewoman from New York for yielding time to me.

Mr. Speaker, it is really nice that we can end this session with one more act from the Republican economic follies. I mean, this is the craziest piece of legislation I have ever seen, and this rule is an amazingly stupid rule.

They bring a bill out here for equity for the veterans, right? Oh, well, now we are here, let us throw a little something on for the doctors. While we are here, let us throw a little something on for unemployment.

We had extended hearings on this issue. Our committee went over and over again and heard about all the problems. Like heck we did; there were no hearings. They come out here with Band-Aids again, and everybody on this floor knows this bill is going to die. This is nonsense. It is not going to go over to the Senate and be accepted. But as my dear friend, the gentleman from Texas, said, they want to play the blame game.

Now, unemployment is a serious issue. What they are doing in this bill is not going to fix the unemployment problem. I will give chapter and verse when we get on the substance. But the fact that they will not allow us to put any kind of amendments up here is the reason why this bill is no good, and it is what they have been doing for a whole year.

They have known that the doctors were being taken around the corner and beaten up for 5 percent. They have known that for 9 months. They are not smart enough to put together something with the other side to get it through. Now here they are at the last day and saying, well, Thanksgiving is coming, Christmas is coming, send them another package; but they are not putting any stamps on it. It is never going to get through this place.

That has got to stop. These are issues that affect Democrats and Republicans; it is not partisan. Doctors, rural hospitals are Democrat and they are Republican. As long as they try and fix the problem by coming out here and slapping one, two, three Band-Aids on to fix what they should have done, it will not work.

The unemployment bill was badly written in the first place, and we begged them to come and do something about it. What do they do? Extend it for another 5 weeks. They say, well, another 5 weeks. The long-term unemployment in this country is going up dramatically. We ought to vote this rule down and write a decent one.

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

Mr. Speaker, I would like to say that is one of the gentleman's more interesting bits of prose. I suppose there is a kernel of thought lurking in it, but I did not detect it.

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

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

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

Mr. Speaker, the Republican leadership has taken care of their colleagues in the Congress. There is going to be a tidy COLA made available to Members of Congress that will far exceed 6 months' worth of unemployment benefits for most Americans. In this bill, all they could find room for was a 5-week extension.

I have to admit, coming from the State of Oregon, with the second-highest unemployment rate in the Nation, with 2,500 people a week exhausting their benefits, that that is better than nothing. Those families now know that through Christmas and the holidays they will not be totally cut off. However, it creates an incredible amount of uncertainty for those families come the end of January.

We cannot do better than that? We can give ourselves a COLA for 12 months that far exceeds any benefits they can ever expect under unemployment, but somehow we cannot give them the certainty of another 26 weeks? I do not understand that. I really do not understand that position in this House. Why are we so stingy when it comes to working people, and so generous when it comes to insurance companies and the pharmaceutical industry? It might have something to do with who funds our campaigns.

This provision of this bill is essential, but it is nowhere near enough. Congress will be immediately confronted upon returning in early January with the issue of further extending unemployment benefits and, hopefully, adopting an effective economic stimulus package.

We simply need to put America back to work. We have a trade policy that is exporting jobs, and we are being told that trickle-down will help stimulate the economy and put people back to work; but my people are tired of being trickled on. They need Federal investment. We need something that puts them back to work.

We are holding back money from the Highway Trust Fund. That will put people back to work. We cannot get a bill passed to deal with the forest fire projects which could put people back to work in the woods. We do not have time for that, but we do have time for some other special shenanigans around here.

Mr. Speaker, I will support the legislation; but I bemoan the fact that Congress sees fit to take care of itself first, its contributors second, and the working people of America last in a very, very, very cursory way that is only temporary.

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

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

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

Mr. Speaker, thousands and thousands of Oregonians who have worked hard, played by the rules, frequently gotten a good education, and worked hard all their lives are currently without work. Many of them will be losing their unemployment benefits on December 28.

The legislation before us is hardly a perfect piece of legislation, but it will get a lot of folks over the hump until we can come back to this piece of legislation in the new congressional session. I hope that we will be able to do that.

I have legislation before this Chamber, H.R. 5731, which would not only extend the unemployment assistance benefit program, it would also extend the period of time in which any individual could receive assistance. I think that is a very necessary step to take at this point.

There are two kinds of folks, at least, who are hurting out there. I have seen so many of their faces as I have gone around communities in Oregon and in my town hall meetings. They are people who have exhausted their benefits, their 26 weeks' worth; and they are folks who, without an extension of this program, would not receive any assistance whatsoever. We need to help both groups, and I hope that we are able to come back in the new Congress and address the needs of both groups.

However, tiding one group over through the holidays I believe is a necessary step. I do intend to support the legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentlewoman for yielding time to me, and I thank her for her leadership in this matter.

Mr. Speaker, I agree, we should fix the physician fee schedule. We tried to fix it. We offered a pretty good one in the bill that was passed in this body earlier this year.

I can tell the Members this, this bill does not go far enough. Rural hospitals, nursing homes, long-term care facilities, and home health agencies are all in trouble in rural America. Our rural health infrastructure is crumbling. We suffer from a lack of nurses, doctors, skilled medical professionals.

We are losing the ability to provide health care to Medicare recipients because the reimbursement rates are so low, not only to the doctors but to the hospitals and the other providers. Rural hospitals in my district are struggling to keep their doors open and at the same time provide health care to our people.

It is time that we face this problem, deal with it in a responsible way, and stop playing the games that are being played like we are doing here tonight. We just passed a bill yesterday that reduces the amount of money that is spent on road construction, which does not make any sense at all. If there is one thing we know that helps the economy, it is constructing highways. It gives us not only immediate jobs, but long-term benefits. We are playing all these games with the American people.

I hope that the people that are supporting this today have to go and face these people that do not have any health care 2 years from now.

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

Mr. Speaker, if the previous question is defeated, and we will call a vote on that, I am going to offer an amendment to the rule. Unlike the language in the bill which indemnifies the administration if it chooses to adjust Medicare physician payments, my amendment both protects beneficiaries from the harmful effects of physicians dropping out of the program, and guarantees a payment increase for the physicians.

Other Medicare providers, including hospitals, home health agencies, and nursing homes also provide essential care to seniors and the disabled. The amendment ensures that all these providers have the resources needed to continue caring for the beneficiaries. This is a bipartisan initiative which includes the House Republican provider package from earlier this year.

Mr. Speaker, I urge a ''no'' vote on the previous question so that we can offer this important amendment, and ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

Mr. Speaker, I will agree that this is not the best we can do, but it is the best we can do at this hour. I would agree that it is perhaps true that the other body may not take it up and pass it, just like they have not passed other things we have passed. This bill going over there unpassed will have lots of company, but it is trying to do the right thing. It is trying to help with unemployment, it is trying to help with TANF, and it is trying to help with reimbursement. It is worth our consideration.

I urge this body to pass the previous question, to pass the rule, and I will support the underlying legislation.

Mrs. CHRISTENSEN. Mr. Speaker, although I have many problems with this bill, including the limited extension of unemployment, as well as the lack of relief for all providers of Medicare, I rise to support the rule and the underlying bill because this short extension is better than nothing, and it is likely all we can get right now.

I also support the bill and the rule because it addresses another very important issue affecting health care for countless Americans. It does what I have always thought was possible anyway, which is to clarify the authority of the Administrator of Center for Medicare and Medicaid Services to reverse the cuts, and hopefully revise the way provider payments for physicians are determined.

This is not a perfect solution, because Congress should have reversed the cut once and for all, but it may also help set a precedent for issues such as this in the future.

There were many measures I hoped would be passed and issues addressed in a lame duck session this year, and reversing the cuts in Medicare provider payments was one of the important ones. Health care providers have borne 4 cuts over the past 10 years and another cut is expected within two years. This Is in addition to the fact that the payment schedule, which barely allows doctors to keep their office open, was erroneously determined. This administration and CMS are forcing good doctors and other providers out of practice and denying quality health care to increasing numbers of Americans.

We have a lot more work to do to fix this broken health care system in this country, but because we are leaving to go back home tonight, we cannot do it now.

I hope my friends in the majority will commit themselves to doing more than this band aid fix when we return next year.

The text of the amendment previously referred to by Ms. SLAUGHTER is as follows:

At the end of the resolution, add the following:

Sec. ____. Notwithstanding any other provision of this resolution, the first amendment printed in the report of the Committee on Rules shall be modified by adding the text of H.R. 5729.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 207, nays 198, not voting 26, as follows:

[Roll No. 479]

YEAS—207

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

NAYS—198

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

NOT VOTING—26

Baldacci
Barcia
Blagojevich
Boyd
Callahan
Combest
Condit
Cooksey
Diaz-Balart
Doolittle
Ehrlich
Grucci
Hooley
Houghton
Kleczka
Lewis (GA)
Lipinski
McKinney
Nethercutt
Oberstar
Roukema
Sensenbrenner
Stump
Tiahrt
Toomey
Weldon (PA)

□ 1841

Messrs. OWENS, RODRIQUEZ, MEEKS of New York, JEFFERSON, and DELAHUNT changed their vote from ''yea'' to ''nay.''

Mr. NUSSLE changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Ms. SLAUGHTER. 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 245, noes 137, not voting 49, as follows:

[Roll No. 480]

AYES—245

Aderholt
Akin
Andrews
Baca
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLay
DeMint
Dicks
Dingell
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Holt
Horn
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
Menendez
Mica
Miller, Dan
Miller, Jeff
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Ortiz
Osborne
Ose
Oxley
Pastor
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ryun (KS)
Saxton
Schaffer
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood

Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiberi
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—137

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrett
Becerra
Bentsen
Berman
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Doggett
Doyle
Engel
Etheridge
Farr
Fattah
Filner
Ford
Frank
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Honda
Hostettler
Inslee
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Moran (VA)
Murtha
Napolitano
Neal
Nussle
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Price (NC)
Rangel
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—49

Armey
Baker
Baldacci
Barcia
Blagojevich
Bonior
Borski
Boyd
Callahan
Combest
Condit
Cooksey
Crane
Deutsch
Diaz-Balart
Doolittle
Ehrlich
Gephardt
Gillmor
Goodlatte
Grucci
Hansen
Herger
Hilliard
Hooley
Houghton
Keller
Kleczka
Larsen (WA)
Lipinski
Luther
McInnis
McKinney
Miller, Gary
Mollohan
Nadler
Norwood
Oberstar
Otter
Radanovich
Roukema
Ryan (WI)
Sensenbrenner
Simpson
Stump
Tiahrt
Toomey
Watson (CA)
Weldon (PA)

□ 1852

Ms. HARMAN changed her vote from ''aye'' to ''no.''

Ms. BERKLEY changed her vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GOODLATTE. Mr. Speaker, on rollcall No. 480 I was inadvertently detained. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, today November 14, I was unavoidably detained and missed two rollcall votes numbered 479 and 480.

Rollcall No. 479 was a vote on ordering the Previous Question concerning the Rule for H.R. 5063. Had I been present, I would have voted ''yea.''

Rollcall No. 480 was on passage of H. Res. 609, the ''Rule Providing for Consideration of the Armed Forced Tax Fairness Act of 2002.'' Had I been present I would have voted ''yea'' on H. Res. 609.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

CONFERENCE REPORT (H. REPT. 107–789)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4628), to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met after full and free conference, having agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same and with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2003''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Authorization of emergency supplemental appropriations for fiscal year 2002.
Sec. 106. Additional authorizations of appropriations for intelligence for the war on terrorism.
Sec. 107. Specific authorization of funds for intelligence or intelligence-related activities for which fiscal year 2003 appropriations exceed amounts authorized.
Sec. 108. Incorporation of reporting requirements.
Sec. 109. Preparation and submittal of reports, reviews, studies, and plans relating to intelligence activities of Department of Defense or Department of Energy.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—Recurring General Provisions

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Sense of Congress on intelligence community contracting.

Subtitle B—Intelligence

Sec. 311. Specificity of National Foreign Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotics, and counterintelligence.
Sec. 312. Prohibition on compliance with requests for information submitted by foreign governments.
Sec. 313. National Virtual Translation Center.

Subtitle C—Personnel

Sec. 321. Standards and qualifications for the performance of intelligence activities.
Sec. 322. Modification of excepted agency voluntary leave transfer authority.
Sec. 323. Sense of Congress on diversity in the workforce of intelligence community agencies.
Sec. 324. Annual report on hiring and retention of minority employees in the intelligence community.
Sec. 325. Report on establishment of a Civilian Linguist Reserve Corps.

Subtitle D—Education

Sec. 331. Scholarships and work-study for pursuit of graduate degrees in science and technology.
Sec. 332. Cooperative relationship between the National Security Education Program and the Foreign Language Center of the Defense Language Institute.
Sec. 333. Establishment of National Flagship Language Initiative within the National Security Education Program.
Sec. 334. Report on the National Security Education Program.

Subtitle E—Terrorism

Sec. 341. Foreign Terrorist Asset Tracking Center.
Sec. 342. Semiannual report on financial intelligence on terrorist assets (FITA).
Sec. 343. Terrorist Identification Classification System.

Subtitle F—Other Matters

Sec. 351. Additional one-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.
Sec. 352. Standardized transliteration of names into the Roman alphabet.

Sec. 353. Definition of congressional intelligence committees in National Security Act of 1947.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Two-year extension of Central Intelligence Agency Voluntary Separation Pay Act.
Sec. 402. Implementation of compensation reform plan.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Use of funds for counterdrug and counterterrorism activities for Colombia.
Sec. 502. Protection of operational files of the National Reconnaissance Office.
Sec. 503. Eligibility of employees in Intelligence Senior Level positions for Presidential Rank Awards.

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES.

Sec. 601. Establishment of Commission.
Sec. 602. Purposes.
Sec. 603. Composition of Commission.
Sec. 604. Functions of Commission.
Sec. 605. Powers of Commission.
Sec. 606. Nonapplicability of Federal Advisory Committee Act.
Sec. 607. Staff of Commission.
Sec. 608. Compensation and travel expenses.
Sec. 609. Security clearances for Commission members and staff.
Sec. 610. Reports of Commission; termination.
Sec. 611. Funding.

TITLE VII—INFORMATION SHARING

Sec. 701. Short title.
Sec. 702. Findings and sense of Congress.
Sec. 703. Facilitating homeland security information sharing procedures.
Sec. 704. Report.
Sec. 705. Authorization of appropriations.
Sec. 706. Coordination provision.

TITLE VIII—REPORTING REQUIREMENTS

Subtitle A—Overdue Reports

Sec. 801. Deadline for submittal of various overdue reports.

Subtitle B—Submittal of Reports to Intelligence Committees

Sec. 811. Dates for submittal of various annual and semiannual reports to the congressional intelligence committees.

Subtitle C—Recurring Annual Reports

Sec. 821. Annual report on threat of attack on the United States using weapons of mass destruction.
Sec. 822. Annual report on covert leases.
Sec. 823. Annual report on improvement of financial statements of certain elements of the intelligence community for auditing purposes.
Sec. 824. Annual report on activities of Federal Bureau of Investigation personnel outside the United States.
Sec. 825. Annual reports of inspectors general of the intelligence community on proposed resources and activities of their offices.
Sec. 826. Annual report on counterdrug intelligence matters.
Sec. 827. Annual report on foreign companies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets.

Subtitle D—Other Reports

Sec. 831. Report on effect of country-release restrictions on allied intelligence-sharing relationships.
Sec. 832. Evaluation of policies and procedures of Department of State on protection of classified information at department headquarters.

Subtitle E—Repeal of Certain Report Requirements

Sec. 841. Repeal of certain report requirements.

TITLE IX—COUNTERINTELLIGENCE ACTIVITIES

Sec. 901. Short title; purpose.
Sec. 902. National Counterintelligence Executive.
Sec. 903. National Counterintelligence Policy Board.
Sec. 904. Office of the National Counterintelligence Executive.

TITLE X—NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

Sec. 1001. Findings.
Sec. 1002. National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
Sec. 1003. Powers of Commission.
Sec. 1004. Staff of Commission.
Sec. 1005. Compensation and travel expenses.
Sec. 1006. Treatment of information relating to national security.
Sec. 1007. Final report; termination.
Sec. 1008. Assessments of final report.
Sec. 1009. Inapplicability of certain administrative provisions.
Sec. 1010. Funding.
Sec. 1011. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2003 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The National Reconnaissance Office.
(11) The National Imagery and Mapping Agency.
(12) The Coast Guard.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2003, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on H.R. 4628 of the One Hundred Seventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2003 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2003 the sum of $158,254,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2004.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 322 full-time personnel as of September 30, 2003. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2003 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2004.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2003, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2003 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $34,100,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2004, and funds provided for procurement purposes shall remain available until September 30, 2005.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2002.

(a) AUTHORIZATION.—Amounts authorized to be appropriated for fiscal year 2002 under section 101 of the Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107–108) for the conduct of the intelligence activities of elements of the United States Government listed in such section are hereby increased, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased by the following:

(1) The Emergency Supplemental Act, 2002 (contained in division B of Public Law 107–117), including section 304 of such Act (115 Stat. 2300).

(2) The 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107–206), for such amounts as are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) RATIFICATION.—For purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), any obligation or expenditure of those amounts deemed to have been specifically authorized by the Acts referred to in subsection (a) is hereby ratified and confirmed.

SEC. 106. ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FOR INTELLIGENCE FOR THE WAR ON TERRORISM.

(a) IN GENERAL.—Subject to subsection (b), the amounts requested in the letter dated July 3, 2002, of the President to the Speaker of the House of Representatives, related to the Defense Emergency Response Fund and that are designated for the incremental costs of intelligence and intelligence-related activities for the war on terrorism are authorized.

(b) LIMITATIONS.—The amounts referred to in subsection (a)—

(1) are authorized only for activities directly related to identifying, responding to, or protecting against acts or threatened acts of terrorism;

(2) are not authorized to correct programmatic or fiscal deficiencies in major acquisition programs which will not achieve initial operational capabilities within two years of the date of the enactment of this Act; and

(3) are not available until the end of the 10-day period that begins on the date written notice is provided to the Select Committee on Intelligence and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives.

SEC. 107. SPECIFIC AUTHORIZATION OF FUNDS FOR INTELLIGENCE OR INTELLIGENCE-RELATED ACTIVITIES FOR WHICH FISCAL YEAR 2003 APPROPRIATIONS EXCEED AMOUNTS AUTHORIZED.

Funds appropriated for an intelligence or intelligence-related activity for fiscal year 2003 in excess of the amount specified for such activity in the classified Schedule of Authorizations prepared to accompany this Act shall be deemed to be specifically authorized by Congress for purposes of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)).

SEC. 108. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill H.R. 4628 of the One Hundred Seventh Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 109. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO INTELLIGENCE ACTIVITIES OF DEPARTMENT OF DEFENSE OR DEPARTMENT OF ENERGY.

(a) CONSULTATION IN PREPARATION.—(1) The Director of Central Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act, including a provision of the classified Schedule of Authorizations referred to in section 102(a) or the classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense or the Department of Energy is prepared or conducted in consultation with the Secretary of Defense or the Secretary of Energy, as appropriate.

(2) The Secretary of Defense or the Secretary of Energy may carry out any consultation required by this subsection through an official of the Department of Defense or the Department of Energy, as the case may be, designated by such Secretary for that purpose.

(b) SUBMITTAL.—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees of Congress:

(1) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(2) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2003 the sum of $222,500,000.

TITLE III—GENERAL PROVISIONS

Subtitle A—Recurring General Provisions

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

Subtitle B—Intelligence

SEC. 311. SPECIFICITY OF NATIONAL FOREIGN INTELLIGENCE PROGRAM BUDGET AMOUNTS FOR COUNTERTERRORISM, COUNTERPROLIFERATION, COUNTERNARCOTICS, AND COUNTERINTELLIGENCE.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''SPECIFICITY OF NATIONAL FOREIGN INTELLIGENCE PROGRAM BUDGET AMOUNTS FOR COUNTERTERRORISM, COUNTERPROLIFERATION, COUNTERNARCOTICS, AND COUNTERINTELLIGENCE

''SEC. 506. (a) IN GENERAL.—The budget justification materials submitted to Congress in support of the budget of the President for a fiscal year that is submitted to Congress under section 1105(a) of title 31, United States Code, shall set forth separately the aggregate amount requested for that fiscal year for the National Foreign Intelligence Program for each of the following:

''(1) Counterterrorism.

''(2) Counterproliferation.

''(3) Counternarcotics.

''(4) Counterintelligence.

''(b) ELECTION OF CLASSIFIED OR UNCLASSIFIED FORM.—Amounts set forth under subsection (a) may be set forth in unclassified form or classified form, at the election of the Director of Central Intelligence.''.

(b) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 505 the following new item:

''Sec. 506. Specificity of National Foreign Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotics, and counterintelligence.''.

SEC. 312. PROHIBITION ON COMPLIANCE WITH REQUESTS FOR INFORMATION SUBMITTED BY FOREIGN GOVERNMENTS.

Section 552(a)(3) of title 5, United States Code, is amended—

(1) in subparagraph (A) by inserting ''and except as provided in subparagraph (E),'' after ''of this subsection,''; and

(2) by adding at the end the following:

''(E) An agency, or part of an agency, that is an element of the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) shall not make any record available under this paragraph to—

''(i) any government entity, other than a State, territory, commonwealth, or district of the United States, or any subdivision thereof; or

''(ii) a representative of a government entity described in clause (i).''.

SEC. 313. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) ESTABLISHMENT.—The Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the intelligence community an element with the function of connecting the elements of the intelligence community engaged in the acquisition, storage, translation, or analysis of voice or data in digital form.

(b) DESIGNATION.—The element established under subsection (a) shall be known as the National Virtual Translation Center.

(c) ADMINISTRATIVE MATTERS.—(1) The Director shall retain direct supervision and control over the element established under subsection (a).

(2) The element established under subsection (a) shall connect elements of the intelligence community utilizing the most current available information technology that is applicable to the function of the element.

(d) DEADLINE FOR ESTABLISHMENT.—The element required by subsection (a) shall be established as soon as practicable after the date of the enactment of this Act, but not later than 90 days after that date.

Subtitle C—Personnel

SEC. 321. STANDARDS AND QUALIFICATIONS FOR THE PERFORMANCE OF INTELLIGENCE ACTIVITIES.

Section 104 of the National Security Act of 1947 (50 U.S.C. 403–4) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) STANDARDS AND QUALIFICATIONS FOR PERFORMANCE OF INTELLIGENCE ACTIVITIES.—The Director, acting as the head of the intelligence community, shall, in consultation with the heads of effected agencies, develop standards and qualifications for persons engaged in the performance of intelligence activities within the intelligence community.''.

SEC. 322. MODIFICATION OF EXCEPTED AGENCY VOLUNTARY LEAVE TRANSFER AUTHORITY.

(a) IN GENERAL.—Section 6339 of title 5, United States Code, is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (b); and

(3) by inserting after subsection (b) (as so redesignated by paragraph (2)) the following:

''(c)(1) Notwithstanding any provision of subsection (b), the head of an excepted agency may, at his sole discretion, by regulation establish a program under which an individual employed in or under such excepted agency may participate in a leave transfer program established under the provisions of this subchapter outside of this section, including provisions permitting the transfer of annual leave accrued or accumulated by such employee to, or permitting such employee to receive transferred leave from, an employee of any other agency (including another excepted agency having a program under this subsection).

''(2) To the extent practicable and consistent with the protection of intelligence sources and methods, any program established under paragraph (1) shall be consistent with the provisions of this subchapter outside of this section and with any regulations issued by the Office of Personnel Management implementing this subchapter.''.

(b) CONFORMING AMENDMENTS.—Section 6339 of such title is amended—

(1) in paragraph (2) of subsection (b) (as so redesignated by subsection (a)(2)), by striking ''under this section'' and inserting ''under this subsection''; and

(2) in subsection (d), by striking ''of Personnel Management''.

SEC. 323. SENSE OF CONGRESS ON DIVERSITY IN THE WORKFORCE OF INTELLIGENCE COMMUNITY AGENCIES.

(a) FINDINGS.—Congress finds the following:

(1) The United States is engaged in a war against terrorism that requires the active participation of the intelligence community.

(2) Certain intelligence agencies, among them the Federal Bureau of Investigation and the Central Intelligence Agency, have announced that they will be hiring several hundred new agents to help conduct the war on terrorism.

(3) Former Directors of the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency have stated that a more diverse intelligence community would be better equipped to gather and analyze information on diverse communities.

(4) The Central Intelligence Agency and the National Security Agency were authorized to establish an undergraduate training program for the purpose of recruiting and training minority operatives in 1987.

(5) The Defense Intelligence Agency was authorized to establish an undergraduate training program for the purpose of recruiting and training minority operatives in 1988.

(6) The National Imagery and Mapping Agency was authorized to establish an undergraduate training program for the purpose of recruiting and training minority operatives in 2000.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Director of the Federal Bureau of Investigation (with respect to the intelligence and intelligence-related activities of the Bureau), the Director of Central Intelligence, the Director of the National Security Agency, and the Director of the Defense Intelligence Agency should make the creation of a more diverse workforce a priority in hiring decisions; and

(2) the Director of Central Intelligence, the Director of the National Security Agency, the Director of the Defense Intelligence Agency, and the Director of the National Imagery and Mapping Agency should increase their minority recruitment efforts through the undergraduate training program provided for under law.

SEC. 324. ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES IN THE INTELLIGENCE COMMUNITY.

Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.—(1) The Director of Central Intelligence shall, on an annual basis, submit to Congress a report on the employment of covered persons within each element of the intelligence community for the preceding fiscal year.

''(2) Each such report shall include disaggregated data by category of covered person from each element of the intelligence community on the following:

''(A) Of all individuals employed in the element during the fiscal year involved, the aggregate percentage of such individuals who are covered persons.

''(B) Of all individuals employed in the element during the fiscal year involved at the levels referred to in clauses (i) and (ii), the percentage of covered persons employed at such levels:

''(i) Positions at levels 1 through 15 of the General Schedule.

''(ii) Positions at levels above GS–15.

''(C) Of all individuals hired by the element involved during the fiscal year involved, the percentage of such individuals who are covered persons.

''(3) Each such report shall be submitted in unclassified form, but may contain a classified annex.

''(4) Nothing in this subsection shall be construed as providing for the substitution of any similar report required under another provision of law.

''(5) In this subsection, the term 'covered persons' means—

''(A) racial and ethnic minorities;

''(B) women; and

''(C) individuals with disabilities.''.

SEC. 325. REPORT ON ESTABLISHMENT OF A CIVILIAN LINGUIST RESERVE CORPS.

(a) REPORT.—The Secretary of Defense, acting through the Director of the National Security Education Program, shall prepare a report on the feasibility of establishing a Civilian Linguist Reserve Corps comprised of individuals with advanced levels of proficiency in foreign languages who are United States citizens who would be available upon a call of the President to perform such service or duties with respect to such foreign languages in the Federal Government as the President may specify. In preparing the report, the Secretary shall consult with such organizations having expertise in training in foreign languages as the Secretary determines appropriate.

(b) MATTERS CONSIDERED.—

(1) IN GENERAL.—In conducting the study, the Secretary shall develop a proposal for the structure and operations of the Civilian Linguist Reserve Corps. The proposal shall establish requirements for performance of duties and levels of proficiency in foreign languages of the members of the Civilian Linguist Reserve Corps, including maintenance of language skills and specific training required for performance of duties as a linguist of the Federal Government, and shall include recommendations on such other matters as the Secretary determines appropriate.

(2) CONSIDERATION OF USE OF DEFENSE LANGUAGE INSTITUTE AND LANGUAGE REGISTRIES.—In developing the proposal under paragraph (1), the Secretary shall consider the appropriateness of using—

(A) the Defense Language Institute to conduct testing for language skills proficiency and performance, and to provide language refresher courses; and

(B) foreign language skill registries of the Department of Defense or of other agencies or departments of the United States to identify individuals with sufficient proficiency in foreign languages.

(3) CONSIDERATION OF THE MODEL OF THE RESERVE COMPONENTS OF THE ARMED FORCES.—In developing the proposal under paragraph (1), the Secretary shall consider the provisions of title 10, United States Code, establishing and governing service in the Reserve Components of the Armed Forces, as a model for the Civilian Linguist Reserve Corps.

(c) COMPLETION OF REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the report prepared under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Defense $300,000 to carry out this section.

Subtitle D—Education

SEC. 331. SCHOLARSHIPS AND WORK-STUDY FOR PURSUIT OF GRADUATE DEGREES IN SCIENCE AND TECHNOLOGY.

(a) PROGRAM AUTHORIZED.—The National Security Act of 1947 is amended—

(1) by redesignating title X as title XI;

(2) by redesignating section 1001 as section 1101; and

(3) by inserting after title IX the following new title X:

''TITLE X—EDUCATION IN SUPPORT OF NATIONAL INTELLIGENCE

''SCHOLARSHIPS AND WORK-STUDY FOR PURSUIT OF GRADUATE DEGREES IN SCIENCE AND TECHNOLOGY

''SEC. 1001. (a) PROGRAM AUTHORIZED.—The Director of Central Intelligence may carry out a program to provide scholarships and work-study for individuals who are pursuing graduate degrees in fields of study in science and technology that are identified by the Director as appropriate to meet the future needs of the intelligence community for qualified scientists and engineers.

''(b) ADMINISTRATION.—If the Director carries out the program under subsection (a), the Director shall administer the program through the Assistant Director of Central Intelligence for Administration.

''(c) IDENTIFICATION OF FIELDS OF STUDY.—If the Director carries out the program under subsection (a), the Director shall identify fields of study under subsection (a) in consultation with the other heads of the elements of the intelligence community.

''(d) ELIGIBILITY FOR PARTICIPATION.—An individual eligible to participate in the program is any individual who—

''(1) either—

''(A) is an employee of the intelligence community; or

''(B) meets criteria for eligibility for employment in the intelligence community that are established by the Director;

''(2) is accepted in a graduate degree program in a field of study in science or technology identified under subsection (a); and

''(3) is eligible for a security clearance at the level of Secret or above.

''(e) REGULATIONS.—If the Director carries out the program under subsection (a), the Director shall prescribe regulations for purposes of the administration of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for the National Security Act of 1947 is amended by striking the items relating to title X and section 1001 and inserting the following new items:

''TITLE X—EDUCATION IN SUPPORT OF NATIONAL INTELLIGENCE

''Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in science and technology.

''TITLE XI—OTHER PROVISIONS

''Sec. 1101. Applicability to United States intelligence activities of Federal laws implementing international treaties and agreements.''.

SEC. 332. COOPERATIVE RELATIONSHIP BETWEEN THE NATIONAL SECURITY EDUCATION PROGRAM AND THE FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

''(h) USE OF AWARDS TO ATTEND THE FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.—(1) The Secretary shall provide for the admission of award recipients to the Foreign Language Center of the Defense Language Institute (hereinafter in this subsection referred to as the 'Center'). An award recipient may apply a portion of the applicable scholarship or fellowship award for instruction at the Center on a space-available basis as a Department of Defense sponsored program to defray the additive instructional costs.

''(2) Except as the Secretary determines necessary, an award recipient who receives instruction at the Center shall be subject to the same regulations with respect to attendance, discipline, discharge, and dismissal as apply to other persons attending the Center.

''(3) In this subsection, the term 'award recipient' means an undergraduate student who has been awarded a scholarship under subsection (a)(1)(A) or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) who—

''(A) is in good standing;

''(B) has completed all academic study in a foreign country, as provided for under the scholarship or fellowship; and

''(C) would benefit from instruction provided at the Center.''.

SEC. 333. ESTABLISHMENT OF NATIONAL FLAGSHIP LANGUAGE INITIATIVE WITHIN THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—

(1) EXPANSION OF GRANT PROGRAM AUTHORITY.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

(A) by striking ''and'' at the end of subparagraph (B)(ii);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) awarding grants to institutions of higher education to carry out activities under the National Flagship Language Initiative (described in subsection (i)).''.

(2) PROVISIONS OF NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—Such section, as amended by section 332, is further amended by adding at the end the following new subsection:

''(i) NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—(1) Under the National Flagship Language Initiative, institutions of higher education shall establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical in the interests of the national security of the United States.

''(2) An undergraduate student who has been awarded a scholarship under subsection (a)(1)(A) or a graduate student who has been awarded a fellowship under subsection (a)(1)(B) may participate in the activities carried out under the National Flagship Language Initiative.

''(3) An institution of higher education that receives a grant pursuant to subsection (a)(1)(D) shall give special consideration to applicants who are employees of the Federal Government.

''(4) For purposes of this subsection, the Foreign Language Center of the Defense Language Institute and any other educational institution that provides training in foreign languages operated by the Department of Defense or an agency in the intelligence community is deemed to be an institution of higher education, and may carry out the types of activities permitted under the National Flagship Language Initiative.''.

(3) INAPPLICABILITY OF FUNDING ALLOCATION RULES.—Subsection (a)(2) of such section is amended by adding at the end the following flush sentences:

''The funding allocation under this paragraph shall not apply to grants under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i). For the authorization of appropriations for the National Flagship Language Initiative, see section 811.''.

(4) BOARD REQUIREMENT.—Section 803(d)(4) of such Act (50 U.S.C. 1903(d)(4)) is amended—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) which foreign languages are critical to the national security interests of the United States for purposes of section 802(a)(1)(D) (relating to grants for the National Flagship Language Initiative).''.

(b) FUNDING.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

''SEC. 811. ADDITIONAL ANNUAL AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to amounts that may be made available to the Secretary under the Fund for a fiscal year, there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000, to carry out the grant program for the National Flagship Language Initiative under section 802(a)(1)(D).

''(b) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) shall remain available until expended.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date the Secretary of Defense submits the report required under section 334 of this Act and notifies the appropriate committees of Congress (as defined in subsection (c) of that section) that the programs carried out under the David L. Boren National Security Education Act of 1991 are being managed in a fiscally and programmatically sound manner.

(d) CONSTRUCTION.—Nothing in this section shall be construed as affecting any program or project carried out under the David L. Boren National Security Education Act of 1991 as in effect on the date that precedes the date of the enactment of this Act.

SEC. 334. REPORT ON THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the matters described in subsection (b) with respect to the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.).

(b) COVERED MATTERS.—The matters described in this subsection are as follows:

(1) EFFECTIVENESS OF PROGRAM.—An evaluation of the National Security Education Program, including an assessment of the effectiveness of the program in meeting its goals and an assessment of the administrative costs of the program in relation to the amounts of scholarships, fellowships, and grants awarded.

(2) CONVERSION OF FUNDING.—An assessment of the advisability of converting funding of the National Security Education Program from funding through the National Security Education Trust Fund under section 804 of that Act (50 U.S.C. 1904) to funding through appropriations.

(3) RECOMMENDATIONS.—On any matter covered by paragraph (1) or (2), such recommendations for legislation with respect to such matter as the Secretary considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence and the Committees on Armed Services and Appropriations of the Senate; and

(2) the Permanent Select Committee on Intelligence and the Committees on Armed Services and Appropriations of the House of Representatives.

Subtitle E—Terrorism

SEC. 341. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) ESTABLISHMENT.—The Director of Central Intelligence, acting as the head of the intelligence community, shall establish in the Central Intelligence Agency an element responsible for conducting all-source intelligence analysis of information relating to the financial capabilities, practices, and activities of individuals, groups, and nations associated with international terrorism in their activities relating to international terrorism.

(b) DESIGNATION.—The element established under subsection (a) shall be known as the Foreign Terrorist Asset Tracking Center.

(c) DEADLINE FOR ESTABLISHMENT.—The element required by subsection (a) shall be established as soon as practicable after the date of the enactment of this Act, but not later than 90 days after that date.

SEC. 342. SEMIANNUAL REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS (FITA).

(a) SEMIANNUAL REPORT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''SEMIANNUAL REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS

''SEC. 118. (a) SEMIANNUAL REPORT.—On a semiannual basis, the Secretary of the Treasury (acting through the head of the Office of Intelligence Support) shall submit a report to the appropriate congressional committees that fully informs the committees concerning operations against terrorist financial networks. Each such report shall include with respect to the preceding six-month period—

''(1) the total number of asset seizures, designations, and other actions against individuals or entities found to have engaged in financial support of terrorism;

''(2) the total number of applications for asset seizure and designations of individuals or entities suspected of having engaged in financial support of terrorist activities that were granted, modified, or denied;

''(3) the total number of physical searches of offices, residences, or financial records of individuals or entities suspected of having engaged in financial support for terrorist activity; and

''(4) whether the financial intelligence information seized in these cases has been shared on a full and timely basis with the all departments, agencies, and other entities of the United States Government involved in intelligence activities participating in the Foreign Terrorist Asset Tracking Center.

''(b) IMMEDIATE NOTIFICATION FOR EMERGENCY DESIGNATION.—In the case of a designation of an individual or entity, or the assets of an individual or entity, as having been found to have engaged in terrorist activities, the Secretary of the Treasury shall report such designation within 24 hours of such a designation to the appropriate congressional committees.

''(c) SUBMITTAL DATE OF REPORTS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of the reports required to be submitted under subsection (a) to the congressional intelligence committees, the submittal dates for such reports shall be as provided in section 507.

''(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means the following:

''(1) The Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives.

''(2) The Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.''.

(2) CLERICAL AMENDMENT.—The table of contents contained in the first section of such Act is amended by inserting after the item relating to section 117 the following new item:

''Sec. 118. Semiannual report on financial intelligence on terrorist assets.''.

(b) CONFORMING AMENDMENT.—Section 501(f) of the National Security Act of 1947 (50 U.S.C. 413(f)) is amended by inserting before the period the following: '', and includes financial intelligence activities''.

SEC. 343. TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.

(a) REQUIREMENT.—(1) The Director of Central Intelligence, acting as head of the Intelligence Community, shall—

(A) establish and maintain a list of individuals who are known or suspected international terrorists, and of organizations that are known or suspected international terrorist organizations; and

(B) ensure that pertinent information on the list is shared with the departments, agencies, and organizations described by subsection (c).

(2) The list under paragraph (1), and the mechanisms for sharing information on the list, shall be known as the ''Terrorist Identification Classification System''.

(b) ADMINISTRATION.—(1) The Director shall prescribe requirements for the inclusion of an individual or organization on the list required by subsection (a), and for the deletion or omission from the list of an individual or organization currently on the list.

(2) The Director shall ensure that the information utilized to determine the inclusion, or deletion or omission, of an individual or organization on or from the list is derived from all-source intelligence.

(3) The Director shall ensure that the list is maintained in accordance with existing law and regulations governing the collection, storage, and dissemination of intelligence concerning United States persons.

(c) INFORMATION SHARING.—Subject to section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6)), relating to the protection of intelligence sources and methods, the Director shall provide for the sharing of the list, and information on the list, with such departments and agencies of the Federal Government, State and local government agencies, and entities of foreign governments and international organizations as the Director considers appropriate.

(d) REPORTING AND CERTIFICATION.—(1) The Director shall review on an annual basis the information provided by various departments and agencies for purposes of the list under subsection (a) in order to determine whether or not the information so provided is derived from the widest possible range of intelligence available to such departments and agencies.

(2) The Director shall, as a result of each review under paragraph (1), certify whether or not the elements of the intelligence community responsible for the collection of intelligence related to the list have provided information for purposes of the list that is derived from the widest possible range of intelligence available to such department and agencies.

(e) REPORT ON CRITERIA FOR INFORMATION SHARING.—(1) Not later then March 1, 2003, the Director shall submit to the congressional intelligence committees a report describing the criteria used to determine which types of information on the list required by subsection (a) are to be shared, and which types of information are not to be shared, with various departments and agencies of the Federal Government, State and local government agencies, and entities of foreign governments and international organizations.

(2) The report shall include a description of the circumstances in which the Director has determined that sharing information on the list with the departments and agencies of the Federal Government, and of State and local governments, described by subsection (c) would be inappropriate due to the concerns addressed by section 103(c)(6) of the National Security Act of 1947, relating to the protection of sources and methods, and any instance in which the sharing of information on the list has been inappropriate in light of such concerns.

(f) SYSTEM ADMINISTRATION REQUIREMENTS.—(1) The Director shall, to the maximum extent practicable, ensure the interoperability of the Terrorist Identification Classification System with relevant information systems of the departments and agencies of the Federal Government, and of State and local governments, described by subsection (c).

(2) The Director shall ensure that the System utilizes technologies that are effective in aiding the identification of individuals in the field.

(g) REPORT ON STATUS OF SYSTEM.—(1) Not later than one year after the date of the enactment of this Act, the Director shall, in consultation with the Director of Homeland Security, submit to the congressional intelligence committees a report on the status of the Terrorist Identification Classification System. The report shall contain a certification on the following:

(A) Whether the System contains the intelligence information necessary to facilitate the contribution of the System to the domestic security of the United States.

(B) Whether the departments and agencies having access to the System have access in a manner that permits such departments and agencies to carry out appropriately their domestic security responsibilities.

(C) Whether the System is operating in a manner that maximizes its contribution to the domestic security of the United States.

(D) If a certification under subparagraph (A), (B), or (C) is in the negative, the modifications or enhancements of the System necessary to ensure a future certification in the positive.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

(h) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle F—Other Matters

SEC. 351. ADDITIONAL ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

Section 311 of the Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107–108; 22 U.S.C. 7301 note; 115 Stat. 1401) is amended—

(1) in the heading, by striking ''**ONE-YEAR**'' and inserting ''**TWO-YEAR**''; and

(2) in the text, by striking ''October 1, 2002'' and inserting ''October 1, 2003''.

SEC. 352. STANDARDIZED TRANSLITERATION OF NAMES INTO THE ROMAN ALPHABET.

(a) METHOD OF TRANSLITERATION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of Central Intelligence shall provide for a standardized method for transliterating into the Roman alphabet personal and place names originally rendered in any language that uses an alphabet other than the Roman alphabet.

(b) USE BY INTELLIGENCE COMMUNITY.—The Director shall ensure the use of the method established under subsection (a) in—

(1) all communications among the elements of the intelligence community; and

(2) all intelligence products of the intelligence community.

SEC. 353. DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES IN NATIONAL SECURITY ACT OF 1947.

(a) IN GENERAL.—Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended by adding at the end the following new paragraph:

''(7) The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.''.

(b) CONFORMING AMENDMENTS.—(1) That Act is further amended by striking ''Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives'' and inserting ''congressional intelligence committees'' in each of the following provisions:

(A) Section 104(d)(4) (50 U.S.C. 403–4(d)(4)).

(B) Section 603(a) (50 U.S.C. 423(a)).

(2) That Act is further amended by striking ''Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate'' and inserting ''congressional intelligence committees'' in each of the following provisions:

(A) Section 301(j) (50 U.S.C. 409a(j)).

(B) Section 801(b)(2) (50 U.S.C. 435(b)(2)).

(C) Section 903 (50 U.S.C. 441b).

(3) That Act is further amended by striking ''intelligence committees'' and inserting ''congressional intelligence committees'' each place it appears in each of the following provisions:

(A) Section 501 (50 U.S.C. 413).

(B) Section 502 (50 U.S.C. 413a).

(C) Section 503 (50 U.S.C. 413b).

(D) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

(4) Section 104(d)(5) of that Act (50 U.S.C. 403–4(d)(5)) is amended by striking ''Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives'' and inserting ''congressional intelligence committees''.

(5) Section 105C(a)(3)(C) of that Act (50 U.S.C. 403–5c(a)(3)(C)) is amended—

(A) by striking clauses (i) and (ii) and inserting the following new clause (i):

''(i) The congressional intelligence committees.''; and

(B) by redesignating clauses (iii), (iv), (v), and (vi) as clauses (ii), (iii), (iv), and (v), respectively.

(6) Section 114 of that Act (50 U.S.C. 404i), as amended by section 324, is amended by striking subsection (d), as so redesignated, and inserting the following new subsection (d):

''(d) CONGRESSIONAL LEADERSHIP DEFINED.—In this section, the term 'congressional leadership' means the Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.''.

(7) Section 501(a) of that Act (50 U.S.C. 413(a)), as amended by paragraph (3) of this subsection, is further amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(8) Section 503(c)(4) of that Act (50 U.S.C. 413b(c)(4)) is amended by striking ''intelligence committee'' and inserting ''congressional intelligence committee''.

(9) Section 602(c) of that Act (50 U.S.C. 422(c)) is amended by striking ''the Select Committee on Intelligence of the Senate or to the Permanent Select Committee on Intelligence of the House of Representatives'' and inserting ''either congressional intelligence committee''.

(10) Section 701(c)(3) of that Act (50 U.S.C. 431(c)(3)) is amended by striking ''intelligence committees of the Congress'' and inserting ''congressional intelligence committees''.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. TWO-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4 note) is amended—

(1) in subsection (f), by striking ''September 30, 2003'' and inserting ''September 30, 2005''; and

(2) in subsection (i), by striking ''or 2003'' and inserting ''2003, 2004, or 2005''.

SEC. 402. IMPLEMENTATION OF COMPENSATION REFORM PLAN.

(a) DELAY ON IMPLEMENTATION ON COMPENSATION REFORM PLAN.—(1) The Director of Central Intelligence may not implement before the implementation date (described in paragraph (2)) a plan for the compensation of employees of the Central Intelligence Agency that differs from the plan in effect on October 1, 2002.

(2) The implementation date referred to in paragraph (1) is February 1, 2004, or the date on which the Director submits to the congressional intelligence committees a report on the pilot project conducted under subsection (b), whichever is later.

(3) It is the sense of Congress that an employee performance evaluation mechanism with evaluation training for managers and employees of the Central Intelligence Agency should be phased in before the implementation of any new compensation plan.

(b) PILOT PROJECT.—(1) The Director shall conduct a pilot project to test the efficacy and fairness of a plan for the compensation of employees of the Central Intelligence Agency that differs from the plan in effect on October 1, 2002, within any one component of the Central Intelligence Agency selected by the Director, other than a component for which a pilot project on employee compensation has been previously conducted.

(2) The pilot project under paragraph (1) shall be conducted for a period of at least 1 year.

(3) Not later than the date that is 45 days after the completion of the pilot project under paragraph (1), the Director shall submit to the congressional intelligence committees a report that contains an evaluation of the project and such recommendations as the Director considers appropriate for the modification of the plans for the compensation of employees throughout the Agency which are in effect on such date.

(c) SENSE OF CONGRESS ON IMPLEMENTATION OF COMPENSATION REFORM PLAN FOR THE NATIONAL SECURITY AGENCY.—It is the sense of Congress that—

(1) the Director of the National Security Agency should not implement before February 1, 2004, a plan for the compensation of employees of the National Security Agency that differs from the plan in effect on October 1, 2002; and

(2) an employee performance evaluation mechanism with evaluation training for managers and employees of the National Security Agency should be phased in before the implementation of any new compensation plan.

(d) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. USE OF FUNDS FOR COUNTERDRUG AND COUNTERTERRORISM ACTIVITIES FOR COLOMBIA.

(a) AUTHORITY.—Funds designated for intelligence or intelligence-related purposes for assistance to the Government of Colombia for counterdrug activities for fiscal years 2002 and 2003, and any unobligated funds available to any element of the intelligence community for such activities for a prior fiscal year, shall be available to support a unified campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations (such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC)), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(b) REQUIREMENT FOR CERTIFICATION.—(1) The authorities provided in subsection (a) shall not be exercised until the Secretary of Defense certifies to the Congress that the provisions of paragraph (2) have been complied with.

(2) In order to ensure the effectiveness of United States support for such a unified campaign, prior to the exercise of the authority contained in subsection (a), the Secretary of State shall report to the appropriate committees of Congress that the newly elected President of Colombia has—

(A) committed, in writing, to establish comprehensive policies to combat illicit drug cultivation, manufacturing, and trafficking (particularly with respect to providing economic opportunities that offer viable alternatives to illicit crops) and to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations;

(B) committed, in writing, to implement significant budgetary and personnel reforms of the Colombian Armed Forces; and

(C) committed, in writing, to support substantial additional Colombian financial and other resources to implement such policies and reforms, particularly to meet the country's previous commitments under ''Plan Colombia''.

In this paragraph, the term ''appropriate committees of Congress'' means the Permanent Select Committee on Intelligence and the Committees on Appropriations and Armed Services of the House of Representatives and the Select Committee on Intelligence and the Committees on Appropriations and Armed Services of the Senate.

(c) TERMINATION OF AUTHORITY.—The authority provided in subsection (a) shall cease to be effective if the Secretary of Defense has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(d) APPLICATION OF CERTAIN PROVISIONS OF LAW.—Sections 556, 567, and 568 of Public Law 107–115, section 8093 of the Department of Defense Appropriations Act, 2002, and the numerical limitations on the number of United States military personnel and United States individual civilian contractors in section 3204(b)(1) of Public Law 106–246 shall be applicable to funds made available pursuant to the authority contained in subsection (a).

(e) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available under this section, except for the purpose of acting in self defense or rescuing any United States citizen to include United States Armed Forces personnel, United States civilian employees, and civilian contractors employed by the United States.

SEC. 502. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 105C (50 U.S.C. 403–5c) the following new section:

''PROTECTION OF OPERATIONAL FILES OF THE NATIONAL RECONNAISSANCE OFFICE

''SEC. 105D. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) The Director of the National Reconnaissance Office, with the coordination of the Director of Central Intelligence, may exempt operational files of the National Reconnaissance Office from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

''(2)(A) Subject to subparagraph (B), for the purposes of this section, the term 'operational files' means files of the National Reconnaissance Office (hereafter in this section referred to as 'NRO') that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems.

''(B) Files which are the sole repository of disseminated intelligence are not operational files.

''(3) Notwithstanding paragraph (1), exempted operational files shall continue to be subject to search and review for information concerning—

''(A) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code;

''(B) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code; or

''(C) the specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(i) The Permanent Select Committee on Intelligence of the House of Representatives.

''(ii) The Select Committee on Intelligence of the Senate.

''(iii) The Intelligence Oversight Board.

''(iv) The Department of Justice.

''(v) The Office of General Counsel of NRO.

''(vi) The Office of the Director of NRO.

''(4)(A) Files that are not exempted under paragraph (1) which contain information derived or disseminated from exempted operational files shall be subject to search and review.

''(B) The inclusion of information from exempted operational files in files that are not exempted under paragraph (1) shall not affect the exemption under paragraph (1) of the originating operational files from search, review, publication, or disclosure.

''(C) The declassification of some of the information contained in exempted operational files shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

''(D) Records from exempted operational files which have been disseminated to and referenced in files that are not exempted under paragraph (1) and which have been returned to exempted operational files for sole retention shall be subject to search and review.

''(5) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of the enactment of this section, and which specifically cites and repeals or modifies its provisions.

''(6)(A) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that NRO has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

''(i) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by NRO, such information shall be examined ex parte, in camera by the court.

''(ii) The court shall, to the fullest extent practicable, determine the issues of fact based on sworn written submissions of the parties.

''(iii) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(iv)(I) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, NRO shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in paragraph (2).

''(II) The court may not order NRO to review the content of any exempted operational file or files in order to make the demonstration required under subclause (I), unless the complainant disputes NRO's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(v) In proceedings under clauses (iii) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

''(vi) If the court finds under this paragraph that NRO has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order NRO to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this subsection.

''(vii) If at any time following the filing of a complaint pursuant to this paragraph NRO agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

''(viii) Any information filed with, or produced for the court pursuant to clauses (i) and (iv) shall be coordinated with the Director of Central Intelligence prior to submission to the court.

''(b) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of the National Reconnaissance Office and the Director of Central Intelligence shall review the exemptions in force under subsection (a)(1) to determine whether such exemptions may be removed from the category of exempted files or any portion thereof. The Director of Central Intelligence must approve any determination to remove such exemptions.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that NRO has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether NRO has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of this section or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether NRO, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.''.

(b) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 105C the following new item:

''Sec. 105D. Protection of operational files of the National Reconnaissance Office.''.

SEC. 503. ELIGIBILITY OF EMPLOYEES IN INTELLIGENCE SENIOR LEVEL POSITIONS FOR PRESIDENTIAL RANK AWARDS.

Section 1607 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) AWARD OF RANK TO EMPLOYEES IN INTELLIGENCE SENIOR LEVEL POSITIONS.—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507a of title 5 to employees in Intelligence Senior Level positions designated under subsection (a). The award of such rank shall be made in a manner consistent with the provisions of that section.''.

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SEC. 601. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the ''Commission'').

SEC. 602. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the facts and causes relating to the terrorist attacks of September 11, 2001, occurring at the World Trade Center in New York, New York, in Somerset County, Pennsylvania, and at the Pentagon in Virginia;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks of September 11, 2001, (hereinafter in this title referred to as the ''Joint Inquiry''); and

(B) other executive branch, congressional, or independent commission investigations into the terrorist attacks of September 11, 2001, other terrorist attacks, and terrorism generally;

(4) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and immediate response to, the attacks; and

(5) investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

SEC. 603. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, commerce (including aviation matters), and foreign affairs.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before December 15, 2002.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 604. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive Order, regulation, plan, policy, practice, or procedure; and

(B) may include relevant facts and circumstances relating to—

(i) intelligence agencies;

(ii) law enforcement agencies;

(iii) diplomacy;

(iv) immigration, nonimmigrant visas, and border control;

(v) the flow of assets to terrorist organizations;

(vi) commercial aviation;

(vii) the role of congressional oversight and resource allocation; and

(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry;

(2) identify, review, and evaluate the lessons learned from the terrorist attacks of September 11, 2001, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to such terrorist attacks; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(b) RELATIONSHIP TO INTELLIGENCE COMMITTEES' INQUIRY.—When investigating facts and circumstances relating to the intelligence community, the Commission shall—

(1) first review the information compiled by, and the findings, conclusions, and recommendations of, the Joint Inquiry; and

(2) after that review pursue any appropriate area of inquiry if the Commission determines that—

(A) the Joint Inquiry had not investigated that area;

(B) the Joint Inquiry's investigation of that area had not been complete; or

(C) new information not reviewed by the Joint Inquiry had become available with respect to that area.

SEC. 605. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive Orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 606. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 610 (a) and (b).

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive Order.

SEC. 607. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 608. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 609. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 610. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. 611. FUNDING.

(a) TRANSFER FROM THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.—Of the amounts authorized to be appropriated by this Act and made available in public law 107–248 (Department of Defense Appropriations Act, 2003) for the National Foreign Intelligence Program, not to exceed $3,000,000 shall be available for transfer to the Commission for purposes of the activities of the Commission under this title.

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

TITLE VII—INFORMATION SHARING

SEC. 701. SHORT TITLE.

This title may be cited as the ''Homeland Security Information Sharing Act''.

SEC. 702. FINDINGS AND SENSE OF CONGRESS.

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

(1) The Federal Government is required by the Constitution to provide for the common defense, which includes defense against terrorist attacks.

(2) The Federal Government relies on State and local personnel to protect against terrorist attacks.

(3) The Federal Government collects, creates, manages, and protects classified and sensitive but unclassified information to enhance homeland security.

(4) Some homeland security information is needed by the State and local personnel to prevent and prepare for terrorist attacks.

(5) The needs of State and local personnel to have access to relevant homeland security information to combat terrorism must be reconciled with the need to preserve the protected status of such information and to protect the sources and methods used to acquire such information.

(6) Granting security clearances to certain State and local personnel is one way to facilitate the sharing of information regarding specific terrorist threats among Federal, State, and local levels of government.

(7) Methods exist to declassify, redact, or otherwise adapt classified information so it may be shared with State and local personnel without the need for granting additional security clearances.

(8) State and local personnel have capabilities and opportunities to gather information on suspicious activities and terrorist threats not possessed by Federal agencies.

(9) The Federal Government and State and local governments and agencies in other jurisdictions may benefit from such information.

(10) Federal, State, and local governments and intelligence, law enforcement, and other emergency preparation and response agencies must act in partnership to maximize the benefits of information gathering and analysis to prevent and respond to terrorist attacks.

(11) Information systems, including the National Law Enforcement Telecommunications System and the Terrorist Threat Warning System, have been established for rapid sharing of classified and sensitive but unclassified information among Federal, State, and local entities.

(12) Increased efforts to share homeland security information should avoid duplicating existing information systems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal, State, and local entities should share homeland security information to the maximum extent practicable, with special emphasis on hard-to-reach urban and rural communities.

SEC. 703. FACILITATING HOMELAND SECURITY INFORMATION SHARING PROCEDURES.

(a) PROCEDURES FOR DETERMINING EXTENT OF SHARING OF HOMELAND SECURITY INFORMATION.—(1) The President shall prescribe and implement procedures under which relevant Federal agencies determine—

(A) whether, how, and to what extent homeland security information may be shared with appropriate State and local personnel, and with which such personnel it may be shared;

(B) how to identify and safeguard homeland security information that is sensitive but unclassified; and

(C) to the extent such information is in classified form, whether, how, and to what extent to remove classified information, as appropriate, and with which such personnel it may be shared after such information is removed.

(2) The President shall ensure that such procedures apply to all agencies of the Federal Government.

(3) Such procedures shall not change the substantive requirements for the classification and safeguarding of classified information.

(4) Such procedures shall not change the requirements and authorities to protect sources and methods.

(b) PROCEDURES FOR SHARING OF HOMELAND SECURITY INFORMATION.—(1) Under procedures prescribed by the President, all appropriate agencies, including the intelligence community, shall, through information sharing systems, share homeland security information with appropriate State and local personnel to the extent such information may be shared, as determined in accordance with subsection (a), together with assessments of the credibility of such information.

(2) Each information sharing system through which information is shared under paragraph (1) shall—

(A) have the capability to transmit unclassified or classified information, though the procedures and recipients for each capability may differ;

(B) have the capability to restrict delivery of information to specified subgroups by geographic location, type of organization, position of a recipient within an organization, or a recipient's need to know such information;

(C) be configured to allow the efficient and effective sharing of information; and

(D) be accessible to appropriate State and local personnel.

(3) The procedures prescribed under paragraph (1) shall establish conditions on the use of information shared under paragraph (1)—

(A) to limit the redissemination of such information to ensure that such information is not used for an unauthorized purpose;

(B) to ensure the security and confidentiality of such information;

(C) to protect the constitutional and statutory rights of any individuals who are subjects of such information; and

(D) to provide data integrity through the timely removal and destruction of obsolete or erroneous names and information.

(4) The procedures prescribed under paragraph (1) shall ensure, to the greatest extent practicable, that the information sharing system through which information is shared under such paragraph include existing information sharing systems, including, but not limited to, the National Law Enforcement Telecommunications System, the Regional Information Sharing System, and the Terrorist Threat Warning System of the Federal Bureau of Investigation.

(5) Each appropriate Federal agency, as determined by the President, shall have access to each information sharing system through which information is shared under paragraph (1), and shall therefore have access to all information, as appropriate, shared under such paragraph.

(6) The procedures prescribed under paragraph (1) shall ensure that appropriate State and local personnel are authorized to use such information sharing systems—

(A) to access information shared with such personnel; and

(B) to share, with others who have access to such information sharing systems, the homeland security information of their own jurisdictions, which shall be marked appropriately as pertaining to potential terrorist activity.

(7) Under procedures prescribed jointly by the Director of Central Intelligence and the Attorney General, each appropriate Federal agency, as determined by the President, shall review and assess the information shared under paragraph (6) and integrate such information with existing intelligence.

(c) SHARING OF CLASSIFIED INFORMATION AND SENSITIVE BUT UNCLASSIFIED INFORMATION WITH STATE AND LOCAL PERSONNEL.—(1) The President shall prescribe procedures under which Federal agencies may, to the extent the President considers necessary, share with appropriate State and local personnel homeland security information that remains classified or otherwise protected after the determinations prescribed under the procedures set forth in subsection (a).

(2) It is the sense of Congress that such procedures may include one or more of the following means:

(A) Carrying out security clearance investigations with respect to appropriate State and local personnel.

(B) With respect to information that is sensitive but unclassified, entering into nondisclosure agreements with appropriate State and local personnel.

(C) Increased use of information-sharing partnerships that include appropriate State and local personnel, such as the Joint Terrorism Task Forces of the Federal Bureau of Investigation, the Anti-Terrorism Task Forces of the Department of Justice, and regional Terrorism Early Warning Groups.

(d) RESPONSIBLE OFFICIALS.—For each affected Federal agency, the head of such agency shall designate an official to administer this title with respect to such agency.

(e) FEDERAL CONTROL OF INFORMATION.—Under procedures prescribed under this section, information obtained by a State or local government from a Federal agency under this section shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such information.

(f) DEFINITIONS.—As used in this section:

(1) The term ''homeland security information'' means any information (other than information that includes individually identifiable information collected solely for statistical purposes) possessed by a Federal, State, or local agency that—

(A) relates to the threat of terrorist activity;

(B) relates to the ability to prevent, interdict, or disrupt terrorist activity;

(C) would improve the identification or investigation of a suspected terrorist or terrorist organization; or

(D) would improve the response to a terrorist act.

(2) The term ''intelligence community'' has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) The term ''State and local personnel'' means any of the following persons involved in prevention, preparation, or response for terrorist attacks:

(A) State Governors, mayors, and other locally elected officials.

(B) State and local law enforcement personnel and firefighters.

(C) Public health and medical professionals.

(D) Regional, State, and local emergency management agency personnel, including State adjutant generals.

(E) Other appropriate emergency response agency personnel.

(F) Employees of private sector entities that affect critical infrastructure, cyber, economic, or public health security, as designated by the Federal Government in procedures developed pursuant to this section.

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

SEC. 704. REPORT.

(a) REPORT REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the President shall submit to the congressional committees specified in subsection (b) a report on the implementation of section 703. The report shall include any recommendations for additional measures or appropriation requests, beyond the requirements of section 703, to increase the effectiveness of sharing of information between and among Federal, State, and local entities.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following committees:

(1) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out section 703.

SEC. 706. COORDINATION PROVISION.

(a) PRIOR ENACTMENT.—If this Act is enacted before the Homeland Security Act of 2002, then upon the date of the enactment of the Homeland Security Act of 2002, this title shall be deemed for all purposes not to have taken effect and shall cease to be in effect.

(b) SUBSEQUENT ENACTMENT.—If the Homeland Security Act of 2002 is enacted before this Act, then this title shall not take effect.

TITLE VIII—REPORTING REQUIREMENTS

Subtitle A—Overdue Reports

SEC. 801. DEADLINE FOR SUBMITTAL OF VARIOUS OVERDUE REPORTS.

(a) DEADLINE.—The reports described in subsection (c) shall be submitted to Congress not later than 180 days after the date of the enactment of this Act.

(b) NONCOMPLIANCE.—(1) If all the reports described in subsection (c) are not submitted to Congress by the date specified in subsection (a), amounts available to be obligated or expended after that date to carry out the functions or duties of the Office of the Director of Central Intelligence shall be reduced by ⅓.

(2) The reduction applicable under paragraph (1) shall not apply if the Director of Central Intelligence certifies to Congress by the date referred to in subsection (a) that all reports referred to in subsection (c) have been submitted to Congress.

(c) REPORTS DESCRIBED.—The reports referred to in subsection (a) are reports mandated by law for which the Director of Central Intelligence has sole or primary responsibility to prepare, coordinate, and submit to Congress which, as of the date of the enactment of this Act, have not been submitted to Congress.

Subtitle B—Submittal of Reports to Intelligence Committees

SEC. 811. DATES FOR SUBMITTAL OF VARIOUS ANNUAL AND SEMIANNUAL REPORTS TO THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

(a) IN GENERAL.—(1) Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

''DATES FOR SUBMITTAL OF VARIOUS ANNUAL AND SEMIANNUAL REPORTS TO THE CONGRESSIONAL INTELLIGENCE COMMITTEES

''SEC. 507. (a) ANNUAL REPORTS.—(1) The date for the submittal to the congressional intelligence committees of the following annual reports shall be the date each year provided in subsection (c)(1)(A):

''(A) The annual evaluation of the performance and responsiveness of certain elements of the intelligence community required by section 105(d).

''(B) The annual report on intelligence required by section 109.

''(C) The annual report on intelligence community cooperation with Federal law enforcement agencies required by section 114(a)(2).

''(D) The annual report on the protection of the identities of covert agents required by section 603.

''(E) The annual report of the Inspectors Generals of the intelligence community on proposed resources and activities of their offices required by section 8H(g) of the Inspector General Act of 1978.

''(F) The annual report on commercial activities as security for intelligence collection required by section 437(c) of title 10, United States Code.

''(G) The annual report on expenditures for postemployment assistance for terminated intelligence employees required by section 1611(e)(2) of title 10, United States Code.

''(H) The annual update on foreign industrial espionage required by section 809(b) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359; 50 U.S.C. App. 2170b(b)).

''(I) The annual report on coordination of counterintelligence matters with the Federal Bureau of Investigation required by section 811(c)(6) of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 402a(c)(6)).

''(J) The annual report on foreign companies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets required by section 827 of the Intelligence Authorization Act for Fiscal Year 2003.

''(K) The annual report on certifications for immunity in interdiction of aircraft engaged in illicit drug trafficking required by section 1012(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2291–4(c)(2)).

''(L) The annual report on exceptions to consumer disclosure requirements for national security investigations under section 604(b)(4)(E) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)(4)(E)).

''(M) The annual report on activities under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) required by section 806(a) of that Act (50 U.S.C. 1906(a)).

''(N) The annual report on hiring and retention of minority employees in the intelligence community required by section 114(c).

''(2) The date for the submittal to the congressional intelligence committees of the following annual reports shall be the date each year provided in subsection (c)(1)(B):

''(A) The annual report on the safety and security of Russian nuclear facilities and nuclear military forces required by section 114(b).

''(B) The annual report on the threat of attack on the United States from weapons of mass destruction required by section 114(d).

''(C) The annual report on covert leases required by section 114(e).

''(D) The annual report on improvements of the financial statements of the intelligence community for auditing purposes required by section 114A.

''(E) The annual report on activities of personnel of the Federal Bureau of Investigation outside the United States required by section 540C(c)(2) of title 28, United States Code.

''(F) The annual report on intelligence activities of the People's Republic of China required by section 308(c) of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105–107; 50 U.S.C. 402a note).

''(G) The annual report on counterdrug intelligence matters required by section 826 of the Intelligence Authorization Act for Fiscal Year 2003.

''(b) SEMIANNUAL REPORTS.—The dates for the submittal to the congressional intelligence committees of the following semiannual reports shall be the dates each year provided in subsection (c)(2):

''(1) The periodic reports on intelligence provided to the United Nations required by section 112(b).

''(2) The semiannual reports on the Office of the Inspector General of the Central Intelligence Agency required by section 17(d)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(1)).

''(3) The semiannual reports on decisions not to prosecute certain violations of law under the Classified Information Procedures Act (18 U.S.C. App.) as required by section 13 of that Act.

''(4) The semiannual reports on the acquisition of technology relating to weapons of mass destruction and advanced conventional munitions required by section 721(b) of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104–293; 50 U.S.C. 2366(b)).

''(5) The semiannual reports on the activities of the Diplomatic Telecommunications Service Program Office (DTS–PO) required by section 322(a)(6)(D)(ii) of the Intelligence Authorization Act for Fiscal Year 2001 (22 U.S.C. 7302(a)(6)(D)(ii)).

''(6) The semiannual reports on the disclosure of information and consumer reports to the Federal Bureau of Investigation for counterintelligence purposes required by section 624(h)(2) of the Fair Credit Reporting Act (15 U.S.C. 1681u(h)(2)).

''(7) The semiannual provision of information on requests for financial information for foreign counterintelligence purposes required by section 1114(a)(5)(C) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(C)).

''(8) The semiannual report on financial intelligence on terrorist assets required by section 118.

''(c) SUBMITTAL DATES FOR REPORTS.—(1)(A) Except as provided in subsection (d), each annual report listed in subsection (a)(1) shall be submitted not later than February 1.

''(B) Except as provided in subsection (d), each annual report listed in subsection (a)(2) shall be submitted not later than December 1.

''(2) Except as provided in subsection (d), each semiannual report listed in subsection (b) shall be submitted not later than February 1 and August 1.

''(d) POSTPONEMENT OF SUBMITTAL.—(1) Subject to paragraph (3), the date for the submittal of—

''(A) an annual report listed in subsection (a)(1) may be postponed until March 1;

''(B) an annual report listed in subsection (a)(2) may be postponed until January 1; and

''(C) a semiannual report listed in subsection (b) may be postponed until March 1 or September 1, as the case may be,

if the official required to submit such report submits to the congressional intelligence committees a written notification of such postponement.

''(2)(A) Notwithstanding any other provision of law and subject to paragraph (3), the date for the submittal to the congressional intelligence committees of any report described in subparagraph (B) may be postponed by not more than 30 days from the date otherwise specified in the provision of law for the submittal of such report if the official required to submit such report submits to the congressional intelligence committees a written notification of such postponement.

''(B) A report described in this subparagraph is any report on intelligence or intelligence-related activities of the United States Government that is submitted under a provision of law requiring the submittal of only a single report.

''(3)(A) The date for the submittal of a report whose submittal is postponed under paragraph (1) or (2) may be postponed beyond the time provided for the submittal of such report under such paragraph if the official required to submit such report submits to the congressional intelligence committees a written certification that preparation and submittal of such report at such time will impede the work of officers or employees of the intelligence community in a manner that will be detrimental to the national security of the United States.

''(B) A certification with respect to a report under subparagraph (A) shall include a proposed submittal date for such report, and such report shall be submitted not later than that date.''.

(2) The table of sections for the National Security Act of 1947, as amended by section 311 of this Act, is further amended by inserting after the item relating to section 506 the following new item:

''Sec. 507. Dates for submittal of various annual and semiannual reports to the congressional intelligence committees.''.

(b) CONFORMING AMENDMENTS TO EXISTING REPORTING REQUIREMENTS.—

(1) NATIONAL SECURITY ACT OF 1947.—(A) Subsection (d) of section 105 of the National Security Act of 1947 (50 U.S.C. 403–5) is amended to read as follows:

''(d) ANNUAL EVALUATION OF PERFORMANCE AND RESPONSIVENESS OF CERTAIN ELEMENTS OF INTELLIGENCE COMMUNITY.—(1) Not later each year than the date provided in section 507, the Director shall submit to the congressional intelligence committees the evaluation described in paragraph (3).

''(2) The Director shall submit each year to the Committee on Foreign Intelligence of the National Security Council, and to the Committees on Armed Services and Appropriations of the Senate and House of Representatives, the evaluation described in paragraph (3).

''(3) An evaluation described in this paragraph is an evaluation of the performance and responsiveness of the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping Agency in meeting their respective national missions.

''(4) The Director shall submit each evaluation under this subsection in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.''.

(B) Section 109 of that Act (50 U.S.C. 404d) is amended—

(i) in subsection (a), by striking paragraph (1) and inserting the following new paragraph (1):

''(1)(A) Not later each year than the date provided in section 507, the President shall submit to the congressional intelligence committees a report on the requirements of the United States for intelligence and the activities of the intelligence community.

''(B) Not later than January 31 each year, and included with the budget of the President for the next fiscal year under section 1105(a) of title 31, United States Code, the President shall submit to the appropriate congressional committees the report described in subparagraph (A).'';

(ii) in subsection (c), as amended by section 803(a) of the Intelligence Renewal and Reform Act of 1996 (title VIII of Public Law 104–293; 110 Stat. 3475)—

(I) in paragraph (1), by striking ''The Select Committee on Intelligence, the Committee on Appropriations,'' and inserting ''The Committee on Appropriations''; and

(II) in paragraph (2), by striking ''The Permanent Select Committee on Intelligence, the Committee on Appropriations,'' and inserting ''The Committee on Appropriations''; and

(iii) by striking subsection (c), as added by section 304(a) of the Intelligence Authorization Act for Fiscal Year 1994 (Public Law 103–178; 107 Stat. 2034).

(C) Section 112(b) of that Act (50 U.S.C. 404g(b)) is amended by adding at the end the following new paragraph:

''(3) In the case of periodic reports required to be submitted under the first sentence of paragraph (1) to the congressional intelligence committees, the submittal dates for such reports shall be as provided in section 507.''.

(D) Section 114 of that Act (50 U.S.C. 404i) is amended—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''the congressional intelligence committees and'';

(II) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(III) by inserting after paragraph (1) the following new paragraph (2):

''(2) Not later each year than the date provided in section 507, the Director shall submit to the congressional intelligence committees the report required to be submitted under paragraph (1) during the preceding year.''; and

(ii) in subsection (b)(1), by striking '', on an annual basis'' and all that follows through ''leadership'' and inserting ''submit to the congressional leadership on an annual basis, and to the congressional intelligence committees on the date each year provided in section 507,''.

(E) Section 603 of that Act (50 U.S.C. 423) is amended—

(i) in subsection (a), by adding at the end the following new sentence: ''The date for the submittal of the report shall be the date provided in section 507.''; and

(ii) in subsection (b), by striking the second sentence.

(2) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 17(d)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(1)) is amended in the second sentence by striking ''Within thirty days of receipt of such reports,'' and inserting ''Not later than the dates each year provided for the transmittal of such reports in section 507 of the National Security Act of 1947,''.

(3) CLASSIFIED INFORMATION PROCEDURES ACT.—Section 13 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) In the case of the semiannual reports (whether oral or written) required to be submitted under subsection (a) to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, the submittal dates for such reports shall be as provided in section 507 of the National Security Act of 1947.''.

(4) TITLE 10, UNITED STATES CODE.—(A) Section 437 of title 10, United States Code, is amended—

(i) in subsection (c), by striking ''Not later than'' and all that follows through ''of Congress'' and inserting ''Not later each year than the date provided in section 507 of the National Security Act of 1947, the Secretary shall submit to the congressional intelligence committees (as defined in section 3 of that Act (50 U.S.C. 401a))''; and

(ii) by striking subsection (d).

(B) Section 1611(e) of that title is amended—

(i) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following new paragraph (2):

''(2) In the case of a report required to be submitted under paragraph (1) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, the date for the submittal of such report shall be as provided in section 507 of the National Security Act of 1947.''.

(5) INTELLIGENCE AUTHORIZATION ACTS.—(A) Section 809 of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359; 108 Stat. 3454; 50 U.S.C. App. 2170b) is amended by striking subsection (b) and inserting the following new subsection (b):

''(b) ANNUAL UPDATE.—

''(1) SUBMITTAL TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—Not later each year than the date provided in section 507 of the National Security Act of 1947, the President shall submit to the congressional intelligence committees a report updating the information referred to in subsection (a)(1)(D).

''(2) SUBMITTAL TO CONGRESSIONAL LEADERSHIP.—Not later than April 14 each year, the President shall submit to the congressional leadership a report updating the information referred to in subsection (a)(1)(D).

''(3) DEFINITIONS.—In this subsection:

''(A) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

''(B) CONGRESSIONAL LEADERSHIP.—The term 'congressional leadership' means the Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.''.

(B) Paragraph (6) of section 811(c) of that Act (50 U.S.C. 402a(c)) is amended to read as follows:

''(6)(A) Not later each year than the date provided in section 507 of the National Security Act of 1947, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees (as defined in section 3 of that Act (50 U.S.C. 401a)) a report with respect to compliance with paragraphs (1) and (2) during the previous calendar year.

''(B) Not later than February 1 each year, the Director shall, in accordance with applicable security procedures, submit to the Committees on the Judiciary of the Senate and House of Representatives a report with respect to compliance with paragraphs (1) and (2) during the previous calendar year.

''(C) The Director of the Federal Bureau of Investigation shall submit each report under this paragraph in consultation with the Director of Central Intelligence and the Secretary of Defense.''.

(C) Section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104–293; 110 Stat. 3474; 50 U.S.C. 2366) is amended—

(i) in subsection (a), by striking ''Not later than'' and all that follows through ''the Director'' and inserting ''The Director'';

(ii) by redesignating subsection (b) as subsection (c);

(iii) by inserting after subsection (a) the following new subsection (b):

''(b) SUBMITTAL DATES.—(1) The report required by subsection (a) shall be submitted each year to the congressional intelligence committees and the congressional leadership on a semiannual basis on the dates provided in section 507 of the National Security Act of 1947.

''(2) In this subsection:

''(A) The term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

''(B) The term 'congressional leadership' means the Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.''; and

(iv) in subsection (c), as so redesignated, by striking ''The reports'' and inserting ''Each report''.

(D) Section 308 of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105–107; 111 Stat. 2253; 50 U.S.C. 402a note) is amended—

(i) in subsection (a)—

(I) by striking ''Not later than'' and all that follows through ''the Director of Central Intelligence'' and inserting ''The Director of Central Intelligence''; and

(II) by inserting ''on an annual basis'' after ''to Congress''; and

(ii) by adding at the end the end the following new subsection (c):

''(c) SUBMITTAL DATE OF REPORT TO LEADERSHIP OF CONGRESSIONAL INTELLIGENCE COMMITTEES.—The date each year for the submittal to the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives and the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate of the report required by subsection (a) shall be the date provided in section 507 of the National Security Act of 1947.''.

(E) Section 322(a)(6)(D) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 114 Stat. 2844; 22 U.S.C. 7302(a)(6)(D)) is amended—

(i) in clause (i), by striking ''Beginning on'' and inserting ''Except as provided in clause (ii), beginning on'';

(ii) by redesignating clause (ii) as clause (iii);

(iii) by inserting after clause (i) the following new clause (ii):

''(ii) SUBMITTAL DATE OF REPORTS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of reports required to be submitted under clause (i) to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the submittal dates for such reports shall be as provided in section 507 of that Act.''; and

(iv) in clause (iii), as so redesignated, by striking ''report'' and inserting ''reports''.

(6) PUBLIC LAW 103–337.—Section 1012(c) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2291–4(c)) is amended—

(A) in paragraph (1), by striking ''Not later than'' and inserting ''Except as provided in paragraph (2), not later than'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) In the case of a report required to be submitted under paragraph (1) to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the submittal date for such report shall be as provided in section 507 of that Act.''.

(7) DAVID L. BOREN NATIONAL SECURITY EDUCATION ACT OF 1991.—The David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) is amended—

(A) in section 806(a) (50 U.S.C. 1906(a))—

(i) by inserting ''(1)'' before ''The Secretary'';

(ii) in paragraph (1), as so designated, by striking ''the Congress'' and inserting ''the congressional intelligence committees'';

(iii) by designating the second sentence as paragraph (2) and by aligning such paragraph with the paragraph added by clause (v);

(iv) in paragraph (2), as so designated, by inserting ''submitted to the President'' after ''The report''; and

(v) by adding at the end the following new paragraph (3):

''(3) The report submitted to the congressional intelligence committees shall be submitted on the date provided in section 507 of the National Security Act of 1947.''; and

(B) in section 808 (50 U.S.C. 1908), by adding at the end the following new paragraph (5):

''(5) The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.''.

(8) FAIR CREDIT REPORTING ACT.—(A) Section 604(b)(4) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)(4)) is amended—

(i) in subparagraph (D), by striking ''Not later than'' and inserting ''Except as provided in subparagraph (E), not later than'';

(ii) by redesignating subparagraph (E) as subparagraph (F); and

(iii) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) REPORTS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of a report to be submitted under subparagraph (D) to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), the submittal date for such report shall be as provided in section 507 of that Act.''.

(B) Section 625(h) of that Act (15 U.S.C. 1681u(h)) is amended—

(i) by inserting ''(1)'' before ''On a semiannual basis,''; and

(ii) by adding at the end the following new paragraph:

''(2) In the case of the semiannual reports required to be submitted under paragraph (1) to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, the submittal dates for such reports shall be as provided in section 507 of the National Security Act of 1947.''.

(9) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1114(a)(5)(C) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(C)) is amended by striking ''On a semiannual'' and all that follows through ''the Senate'' and inserting ''On the dates provided in section 507 of the National Security Act of 1947, the Attorney General shall fully inform the congressional intelligence committees (as defined in section 3 of that Act (50 U.S.C. 401a))''.

Subtitle C—Recurring Annual Reports

SEC. 821. ANNUAL REPORT ON THREAT OF ATTACK ON THE UNITED STATES USING WEAPONS OF MASS DESTRUCTION.

Section 114 of the National Security Act of 1947, as amended by section 353(b)(6) of this Act, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) ANNUAL REPORT ON THREAT OF ATTACK ON THE UNITED STATES USING WEAPONS OF MASS DESTRUCTION.—(1) Not later each year than the date provided in section 507, the Director shall submit to the congressional committees specified in paragraph (3) a report assessing the following:

''(A) The current threat of attack on the United States using ballistic missiles or cruise missiles.

''(B) The current threat of attack on the United States using a chemical, biological, or nuclear weapon delivered by a system other than a ballistic missile or cruise missile.

''(2) Each report under paragraph (1) shall be a national intelligence estimate, or have the formality of a national intelligence estimate.

''(3) The congressional committees referred to in paragraph (1) are the following:

''(A) The congressional intelligence committees.

''(B) The Committees on Foreign Relations and Armed Services of the Senate.

''(C) The Committees on International Relations and Armed Services of the House of Representatives.''.

SEC. 822. ANNUAL REPORT ON COVERT LEASES.

Section 114 of the National Security Act of 1947, as amended by section 821 of this Act, is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) ANNUAL REPORT ON COVERT LEASES.—(1) Not later each year than the date provided in section 507, the Director shall submit to the congressional intelligence committees a report on each covert lease of an element of the intelligence community that is in force as of the end of the preceding year.

''(2) Each report under paragraph (1) shall include the following:

''(A) A list of each lease described by that paragraph.

''(B) For each lease—

''(i) the cost of such lease;

''(ii) the duration of such lease;

''(iii) the purpose of such lease; and

''(iv) the directorate or office that controls such lease.''.

SEC. 823. ANNUAL REPORT ON IMPROVEMENT OF FINANCIAL STATEMENTS OF CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY FOR AUDITING PURPOSES.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 114 the following new section:

''ANNUAL REPORT ON IMPROVEMENT OF FINANCIAL STATEMENTS FOR AUDITING PURPOSES

''SEC. 114A. Not later each year than the date provided in section 507, the Director of Central Intelligence, the Director of the National Security Agency, the Director of the Defense Intelligence Agency, and the Director of the National Imagery and Mapping Agency shall each submit to the congressional intelligence committees a report describing the activities being undertaken by such official to ensure that the financial statements of such agency can be audited in accordance with applicable law and requirements of the Office of Management and Budget.''.

(b) CLERICAL AMENDMENT.—The table of sections for the National Security Act of 1947 is amended by inserting after the item relating to section 114 the following new item:

''Sec. 114A. Annual report on improvement of financial statements for auditing purposes.''.

SEC. 824. ANNUAL REPORT ON ACTIVITIES OF FEDERAL BUREAU OF INVESTIGATION PERSONNEL OUTSIDE THE UNITED STATES.

(a) ANNUAL REPORT.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 540C. Annual report on activities of Federal Bureau of Investigation personnel outside the United States

''(a) The Director of the Federal Bureau of Investigation shall submit to the appropriate committees of Congress each year a report on the activities of personnel of the Federal Bureau of Investigation outside the United States.

''(b) The report under subsection (a) shall include the following:

''(1) For the year preceding the year in which the report is required to be submitted—

''(A) the number of personnel of the Bureau posted or detailed outside the United States during the year;

''(B) a description of the coordination of the investigations, asset handling, liaison, and operational activities of the Bureau during the year with other elements of the intelligence community; and

''(C) a description of the extent to which information derived from activities described in subparagraph (B) was shared with other elements of the intelligence community.

''(2) For the year in which the report is required to be submitted—

''(A) a description of the plans, if any, of the Director—

''(i) to modify the number of personnel of the Bureau posted or detailed outside the United States; or

''(ii) to modify the scope of the activities of personnel of the Bureau posted or detailed outside the United States; and

''(B) a description of the manner and extent to which information derived from activities of the Bureau described in paragraph (1)(B) during the year will be shared with other elements of the intelligence community.

''(c) The date of the submittal each year of the report required by subsection (a) shall be the date provided in section 507 of the National Security Act of 1947.

''(d) In this section, the term 'appropriate committees of Congress' means—

''(1) the Committees on the Judiciary of the Senate and House of Representatives; and

''(2) the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of that title is amended by inserting after the item relating to section 540B the following new item:

''540C. Annual report on activities of Federal Bureau of Investigation personnel outside the United States.''.

SEC. 825. ANNUAL REPORTS OF INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY ON PROPOSED RESOURCES AND ACTIVITIES OF THEIR OFFICES.

Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (f), by striking ''this section'' and inserting ''subsections (a) through (e)'';

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

''(g)(1) The Inspector General of the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and the National Security Agency shall each submit to the congressional intelligence committees each year a report that sets forth the following:

''(A) The personnel and funds requested by such Inspector General for the fiscal year beginning in such year for the activities of the office of such Inspector General in such fiscal year.

''(B) The plan of such Inspector General for such activities, including the programs and activities scheduled for review by the office of such Inspector General during such fiscal year.

''(C) An assessment of the current ability of such Inspector General to hire and retain qualified personnel for the office of such Inspector General.

''(D) Any matters that such Inspector General considers appropriate regarding the independence and effectiveness of the office of such Inspector General.

''(2) The submittal date for a report under paragraph (1) each year shall be the date provided in section 507 of the National Security Act of 1947.

''(3) In this subsection, the term 'congressional intelligence committees' shall have the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).''.

SEC. 826. ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.

(a) ANNUAL REPORT.—The Counterdrug Intelligence Coordinating Group shall submit to the appropriate committees of Congress each year a report on current counterdrug intelligence matters. The report shall include the recommendations of the Counterdrug Intelligence Coordinating Group on the appropriate number of permanent staff, and of detailed personnel, for the staff of the Counterdrug Intelligence Executive Secretariat.

(b) SUBMITTAL DATE.—The date of the submittal each year of the report required by subsection (a) shall be the date provided in section 507 of the National Security Act of 1947, as added by section 811 of this Act.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Appropriations of the Senate and House of Representatives; and

(2) the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)).

SEC. 827. ANNUAL REPORT ON FOREIGN COMPANIES INVOLVED IN THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION THAT RAISE FUNDS IN THE UNITED STATES CAPITAL MARKETS.

(a) ANNUAL REPORT REQUIRED.—The Director of Central Intelligence shall submit to the appropriate committees of Congress on an annual basis a report setting forth each foreign company described in subsection (b) that raised or attempted to raise funds in the United States capital markets during the preceding year.

(b) COVERED FOREIGN COMPANIES.—A foreign company described in this subsection is any foreign company determined by the Director to be engaged or involved in the proliferation of weapons of mass destruction (including nuclear, biological, or chemical weapons) or the means to deliver such weapons.

(c) SUBMITTAL DATE.—The date each year for the submittal of the report required by subsection (a) shall be the date provided in section 507 of the National Security Act of 1947, as added by section 811 of this Act.

(d) FORM OF REPORTS.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives;

(2) the Committees on Armed Services, Banking, Housing, and Urban Affairs, Governmental Affairs, and Foreign Relations of the Senate; and

(3) the Committees on Armed Services, Financial Services, Government Reform, and International Relations of the House of Representatives.

Subtitle D—Other Reports

SEC. 831. REPORT ON EFFECT OF COUNTRY-RELEASE RESTRICTIONS ON ALLIED INTELLIGENCE-SHARING RELATIONSHIPS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence shall, in consultation with the Secretary of Defense, submit to the congressional intelligence committees a report containing an assessment of the effect of the use of ''NOFORN'' classifications, and of other country-release policies, procedures, and classification restrictions, on intelligence-sharing relationships and coordinated intelligence operations and military operations between the United States and its allies. The report shall include an assessment of the effect of the use of such classifications, and of such policies, procedures, and restrictions, on counterterrorism operations in Afghanistan and elsewhere.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committee'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 832. EVALUATION OF POLICIES AND PROCEDURES OF DEPARTMENT OF STATE ON PROTECTION OF CLASSIFIED INFORMATION AT DEPARTMENT HEADQUARTERS.

(a) EVALUATION REQUIRED.—Not later than December 31 of 2002, 2003, and 2004, the Inspector General of the Department of State shall conduct an evaluation of the policies and procedures of the Department on the protection of classified information at the Headquarters of the Department, including compliance with the directives of the Director of Central Intelligence (DCIDs) regarding the storage and handling of Sensitive Compartmented Information (SCI) material.

(b) ANNUAL REPORT.—Except as provided in subsection (c), not later than February 1 of 2003, 2004, and 2005, the Inspector General shall submit to the following committees a report on the evaluation conducted under subsection (a) during the preceding year:

(1) The congressional intelligence committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(c) EXCEPTION.—The date each year for the submittal of a report under subsection (b) may be postponed in accordance with section 507(d) of the National Security Act of 1947, as added by section 811 of this Act.

(d) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle E—Repeal of Certain Report Requirements

SEC. 841. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) ANNUAL REPORT ON THE DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL.—Section 113 of the National Security Act of 1947 (50 U.S.C. 404h) is amended by striking subsection (c).

(b) ANNUAL REPORT ON EXERCISE OF NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION PAY AUTHORITY.—Section 301(j) of the National Security Act of 1947 (50 U.S.C. 409a(j)), as amended by section 353(b)(2)(A) of this Act, is further amended—

(1) by striking ''REPORTING REQUIREMENTS.—'' and all that follows through ''The Director may'' and inserting ''NOTIFICATION OF EXERCISE OF AUTHORITY.—The Director may''; and

(2) by striking paragraph (2).

(c) ANNUAL REPORT ON TRANSFERS OF AMOUNTS FOR ACQUISITION OF LAND BY THE CENTRAL INTELLIGENCE AGENCY.—Section 5(c)(2) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(c)(2)) is amended by striking ''an annual report on the transfers of sums described in paragraph (1).'' and inserting ''a report on the transfer of sums described in paragraph (1) each time that authority is exercised.''.

(d) ANNUAL REPORT ON USE OF CIA PERSONNEL AS SPECIAL POLICEMEN.—Section 15(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o(a)) is amended by striking paragraph (5).

(e) ANNUAL AUDIT OF THE CENTRAL SERVICES PROGRAM OF THE CENTRAL INTELLIGENCE AGENCY.—Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(f) ANNUAL REPORT ON SPECIAL POLICE AUTHORITY FOR THE NATIONAL SECURITY AGENCY.—Section 11(a)(5) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting ''through 2004'' after ''Not later than July 1 each year''.

TITLE IX—COUNTERINTELLIGENCE ACTIVITIES

SEC. 901. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the ''Counterintelligence Enhancement Act of 2002''.

(b) PURPOSE.—The purpose of this title is to facilitate the enhancement of the counterintelligence activities of the United States Government by—

(1) enabling the counterintelligence community of the United States Government to fulfill better its mission of identifying, assessing, prioritizing, and countering the intelligence threats to the United States;

(2) ensuring that the counterintelligence community of the United States Government acts in an efficient and effective manner; and

(3) providing for the integration of all the counterintelligence activities of the United States Government.

SEC. 902. NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) ESTABLISHMENT.—(1) There shall be a National Counterintelligence Executive, who shall be appointed by the President.

(2) It is the sense of Congress that the President should seek the views of the Attorney General, Secretary of Defense, and Director of Central Intelligence in selecting an individual for appointment as the Executive.

(b) MISSION.—The mission of the National Counterintelligence Executive shall be to serve as the head of national counterintelligence for the United States Government.

(c) DUTIES.—Subject to the direction and control of the President, the duties of the National Counterintelligence Executive are as follows:

(1) To carry out the mission referred to in subsection (b).

(2) To act as chairperson of the National Counterintelligence Policy Board under section 811 of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359; 50 U.S.C. 402a), as amended by section 903 of this Act.

(3) To act as head of the Office of the National Counterintelligence Executive under section 904.

(4) To participate as an observer on such boards, committees, and entities of the executive branch as the President considers appropriate for the discharge of the mission and functions of the Executive and the Office of the National Counterintelligence Executive under section 904.

SEC. 903. NATIONAL COUNTERINTELLIGENCE POLICY BOARD.

(a) CHAIRPERSON.—Section 811 of the Counterintelligence and Security Enhancements Act of 1994 (title VII of Public Law 103–359; 50 U.S.C. 402a), as amended by section 811(b)(5)(B) of this Act, is further amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) CHAIRPERSON.—The National Counterintelligence Executive under section 902 of the Counterintelligence Enhancement Act of 2002 shall serve as the chairperson of the Board.''.

(b) MEMBERSHIP.—That section is further amended by inserting after subsection (b), as amended by subsection (a)(3) of this section, the following new subsection (c):

''(c) MEMBERSHIP.—The membership of the National Counterintelligence Policy Board shall consist of the following:

''(1) The National Counterintelligence Executive.

''(2) Senior personnel of departments and elements of the United States Government, appointed by the head of the department or element concerned, as follows:

''(A) The Department of Justice, including the Federal Bureau of Investigation.

''(B) The Department of Defense, including the Joint Chiefs of Staff.

''(C) The Department of State.

''(D) The Department of Energy.

''(E) The Central Intelligence Agency.

''(F) Any other department, agency, or element of the United States Government specified by the President.''.

(c) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—That section is further amended by inserting after subsection (c), as amended by subsection (b) of this section, the following new subsection:

''(d) FUNCTIONS AND DISCHARGE OF FUNCTIONS.—(1) The Board shall—

''(A) serve as the principal mechanism for—

''(i) developing policies and procedures for the approval of the President to govern the conduct of counterintelligence activities; and

''(ii) upon the direction of the President, resolving conflicts that arise between elements of the Government conducting such activities; and

''(B) act as an interagency working group to—

''(i) ensure the discussion and review of matters relating to the implementation of the Counterintelligence Enhancement Act of 2002; and

''(ii) provide advice to the National Counterintelligence Executive on priorities in the implementation of the National Counterintelligence Strategy produced by the Office of the National Counterintelligence Executive under section 904(e)(2) of that Act.

''(2) The Board may, for purposes of carrying out its functions under this section, establish such interagency boards and working groups as the Board considers appropriate.''.

SEC. 904. OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) ESTABLISHMENT.—There shall be an Office of the National Counterintelligence Executive.

(b) HEAD OF OFFICE.—The National Counterintelligence Executive shall be the head of the Office of the National Counterintelligence Executive.

(c) LOCATION OF OFFICE.—The Office of the National Counterintelligence Executive shall be located in the Office of the Director of Central Intelligence.

(d) GENERAL COUNSEL.—(1) There shall be in the Office of the National Counterintelligence Executive a general counsel who shall serve as principal legal advisor to the National Counterintelligence Executive.

(2) The general counsel shall—

(A) provide legal advice and counsel to the Executive on matters relating to functions of the Office;

(B) ensure that the Office complies with all applicable laws, regulations, Executive orders, and guidelines; and

(C) carry out such other duties as the Executive may specify.

(e) FUNCTIONS.—Subject to the direction and control of the National Counterintelligence Executive, the functions of the Office of the National Counterintelligence Executive shall be as follows:

(1) NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENT.—Subject to subsection (f), in consultation with appropriate department and agencies of the United States Government, and private sector entities, to produce on an annual basis a strategic planning assessment of the counterintelligence requirements of the United States to be known as the National Threat Identification and Prioritization Assessment.

(2) NATIONAL COUNTERINTELLIGENCE STRATEGY.—Subject to subsection (f), in consultation with appropriate department and agencies of the United States Government, and private sector entities, and based on the most current National Threat Identification and Prioritization Assessment under paragraph (1), to produce on an annual basis a strategy for the counterintelligence programs and activities of the United States Government to be known as the National Counterintelligence Strategy.

(3) IMPLEMENTATION OF NATIONAL COUNTERINTELLIGENCE STRATEGY.—To evaluate on an ongoing basis the implementation of the National Counterintelligence Strategy and to submit to the President periodic reports on such evaluation, including a discussion of any shortfalls in the implementation of the Strategy and recommendations for remedies for such shortfalls.

(4) NATIONAL COUNTERINTELLIGENCE STRATEGIC ANALYSES.—As directed by the Director of Central Intelligence and in consultation with appropriate elements of the departments and agencies of the United States Government, to oversee and coordinate the production of strategic analyses of counterintelligence matters, including the production of counterintelligence damage assessments and assessments of lessons learned from counterintelligence activities.

(5) NATIONAL COUNTERINTELLIGENCE PROGRAM BUDGET.—In consultation with the Director of Central Intelligence—

(A) to coordinate the development of budgets and resource allocation plans for the counterintelligence programs and activities of the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and other appropriate elements of the United States Government;

(B) to ensure that the budgets and resource allocation plans developed under subparagraph (A) address the objectives and priorities for counterintelligence under the National Counterintelligence Strategy; and

(C) to submit to the National Security Council periodic reports on the activities undertaken by the Office under subparagraphs (A) and (B).

(6) NATIONAL COUNTERINTELLIGENCE COLLECTION AND TARGETING COORDINATION.—To develop priorities for counterintelligence investigations and operations, and for collection of counterintelligence, for purposes of the National Counterintelligence Strategy, except that the Office may not—

(A) carry out any counterintelligence investigations or operations; or

(B) establish its own contacts, or carry out its own activities, with foreign intelligence services.

(7) NATIONAL COUNTERINTELLIGENCE OUTREACH, WATCH, AND WARNING.—

(A) COUNTERINTELLIGENCE VULNERABILITY SURVEYS.—To carry out and coordinate surveys of the vulnerability of the United States Government, and the private sector, to intelligence threats in order to identify the areas, programs, and activities that require protection from such threats.

(B) OUTREACH.—To carry out and coordinate outreach programs and activities on counterintelligence to other elements of the United States Government, and the private sector, and to coordinate the dissemination to the public of warnings on intelligence threats to the United States.

(C) RESEARCH AND DEVELOPMENT.—To ensure that research and development programs and activities of the United States Government, and the private sector, direct attention to the needs of the counterintelligence community for technologies, products, and services.

(D) TRAINING AND PROFESSIONAL DEVELOPMENT.—To develop policies and standards for training and professional development of individuals engaged in counterintelligence activities and to manage the conduct of joint training exercises for such personnel.

(f) ADDITIONAL REQUIREMENTS REGARDING NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENT AND NATIONAL COUNTERINTELLIGENCE STRATEGY.—(1) A National Threat Identification and Prioritization Assessment under subsection (e)(1), and any modification of such assessment, shall not go into effect until approved by the President.

(2) A National Counterintelligence Strategy under subsection (e)(2), and any modification of such strategy, shall not go into effect until approved by the President.

(3) The National Counterintelligence Executive shall submit to the congressional intelligence committees each National Threat Identification and Prioritization Assessment, or modification thereof, and each National Counterintelligence Strategy, or modification thereof, approved under this section.

(4) In this subsection, the term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(g) PERSONNEL.—(1) Personnel of the Office of the National Counterintelligence Executive may consist of personnel employed by the Office or personnel on detail from any other department, agency, or element of the Federal Government. Any such detail may be on a reimbursable or nonreimbursable basis, at the election of the head of the agency detailing such personnel.

(2) Notwithstanding section 104(d) or any other provision of law limiting the period of the detail of personnel on a nonreimbursable basis, the detail of an officer or employee of United States or a member of the Armed Forces under paragraph (1) on a nonreimbursable basis may be for any period in excess of one year that the National Counterintelligence Executive and the head of the department, agency, or element concerned consider appropriate.

(3) The employment of personnel by the Office, including the appointment, compensation and benefits, management, and separation of such personnel, shall be governed by the provisions of law on such matters with respect to the personnel of the Central Intelligence Agency, except that, for purposes of the applicability of such provisions of law to personnel of the Office, the National Counterintelligence Executive shall be treated as the head of the Office.

(4) Positions in the Office shall be excepted service positions for purposes of title 5, United States Code.

(h) SUPPORT.—(1) The Attorney General, Secretary of Defense, and Director of Central Intelligence may each provide the Office of the National Counterintelligence Executive such support as may be necessary to permit the Office to carry out its functions under this section.

(2) Subject to any terms and conditions specified by the Director of Central Intelligence, the Director may provide administrative and contract support to the Office as if the Office were an element of the Central Intelligence Agency.

(3) Support provided under this subsection may be provided on a reimbursable or nonreimbursable basis, at the election of the official providing such support.

(i) AVAILABILITY OF FUNDS FOR REIMBURSEMENT.—The National Counterintelligence Executive may, from amounts available for the Office, transfer to a department or agency detailing personnel under subsection (g), or providing support under subsection (h), on a reimbursable basis amounts appropriate to reimburse such department or agency for the detail of such personnel or the provision of such support, as the case may be.

(j) CONTRACTS.—(1) Subject to paragraph (2), the National Counterintelligence Executive may enter into any contract, lease, cooperative agreement, or other transaction that the Executive considers appropriate to carry out the functions of the Office of the National Counterintelligence Executive under this section.

(2) The authority under paragraph (1) to enter into contracts, leases, cooperative agreements, and other transactions shall be subject to any terms, conditions, and limitations applicable to the Central Intelligence Agency under law with respect to similar contracts, leases, cooperative agreements, and other transactions.

(k) TREATMENT OF ACTIVITIES UNDER CERTAIN ADMINISTRATIVE LAWS.—The files of the Office shall be treated as operational files of the Central Intelligence Agency for purposes of section 701 of the National Security Act of 1947 (50 U.S.C. 431) to the extent such files meet criteria under subsection (b) of that section for treatment of files as operational files of an element of the Agency.

(l) OVERSIGHT BY CONGRESS.—The location of the Office of the National Counterintelligence Executive within the Office of the Director of Central Intelligence shall not be construed as affecting access by Congress, or any committee of Congress, to—

(1) any information, document, record, or paper in the possession of the Office; or

(2) any personnel of the Office.

(m) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Director of Central Intelligence, the Secretary of Defense, the Secretary of State, the Attorney General, or the Director of the Federal Bureau of Investigation as provided or specified under the National Security Act of 1947 or under other provisions of law.

TITLE X—NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

SEC. 1001. FINDINGS.

Congress makes the following findings:

(1) Research and development efforts under the purview of the intelligence community are vitally important to the national security of the United States.

(2) The intelligence community must operate in a dynamic, highly-challenging environment, characterized by rapid technological growth, against a growing number of hostile, technically-sophisticated threats. Research and development programs under the purview of the intelligence community are critical to ensuring that intelligence agencies, and their personnel, are provided with important technological capabilities to detect, characterize, assess, and ultimately counter the full range of threats to the national security of the United States.

(3) There is a need to review the full range of current research and development programs under the purview of the intelligence community, evaluate such programs against the scientific and technological fields judged to be of most importance, and articulate program and resource priorities for future research and development activities to ensure a unified and coherent research and development program across the entire intelligence community.

SEC. 1002. NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission for the Review of the Research and Development Programs of the United States Intelligence Community'' (in this title referred to as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of 12 members, as follows:

(1) The Deputy Director of Central Intelligence for Community Management.

(2) A senior intelligence official of the Office of the Secretary of Defense, as designated by the Secretary of Defense.

(3) Three members appointed by the majority leader of the Senate, in consultation with the Chairman of the Select Committee on Intelligence of the Senate, one from Members of the Senate and two from private life.

(4) Two members appointed by the minority leader of the Senate, in consultation with the Vice Chairman of the Select Committee on Intelligence of the Senate, one from Members of the Senate and one from private life.

(5) Three members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, one from Members of the House of Representatives and two from private life.

(6) Two members appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives, one from Members of the House of Representatives and one from private life.

(c) MEMBERSHIP.—(1) The individuals appointed from private life as members of the Commission shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(A) research and development programs;

(B) technology discovery and insertion;

(C) use of intelligence information by national policymakers and military leaders; or

(D) the implementation, funding, or oversight of the national security policies of the United States.

(2) An official who appoints members of the Commission may not appoint an individual as a member of the Commission if, in the judgment of the official, such individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(3) All members of the Commission appointed from private life shall possess an appropriate security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(d) CO-CHAIRS.—(1) The Commission shall have two co-chairs, selected from among the members of the Commission.

(2) One co-chair of the Commission shall be a member of the Democratic Party, and one co-chair shall be a member of the Republican Party.

(3) The individuals who serve as the co-chairs of the Commission shall be jointly agreed upon by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

(e) APPOINTMENT; INITIAL MEETING.—(1) Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(2) The Commission shall hold its initial meeting on the date that is 60 days after the date of the enactment of this Act.

(f) MEETINGS; QUORUM; VACANCIES.—(1) After its initial meeting, the Commission shall meet upon the call of the co-chairs of the Commission.

(2) Six members of the Commission shall constitute a quorum for purposes of conducting business, except that two members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day.

(g) ACTIONS OF COMMISSION.—(1) The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this title. The actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(3) Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this title.

(h) DUTIES.—The duties of the Commission shall be—

(1) to conduct, until not later than the date on which the Commission submits the report under section 1007(a), the review described in subsection (i); and

(2) to submit to the congressional intelligence committees, the Director of Central Intelligence, and the Secretary of Defense a final report on the results of the review.

(i) REVIEW.—The Commission shall review the status of research and development programs and activities within the intelligence community, including—

(1) an assessment of the advisability of modifying the scope of research and development for purposes of such programs and activities;

(2) a review of the particular individual research and development activities under such programs;

(3) an evaluation of the current allocation of resources for research and development, including whether the allocation of such resources for that purpose should be modified;

(4) an identification of the scientific and technological fields judged to be of most importance to the intelligence community;

(5) an evaluation of the relationship between the research and development programs and activities of the intelligence community and the research and development programs and activities of other departments and agencies of the Federal Government; and

(6) an evaluation of the relationship between the research and development programs and activities of the intelligence community and the research and development programs and activities of the private sector.

SEC. 1003. POWERS OF COMMISSION.

(a) IN GENERAL.—(1) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member considers necessary.

(2) Subpoenas may be issued under subparagraph (1)(B) under the signature of the co-chairs of the Commission, and may be served by any person designated by such co-chairs.

(3) The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of a witness to comply with any subpoena or to testify when summoned under authority of this section.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each such department, agency, bureau, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request of the co-chairs of the Commission. The Commission shall handle and protect all classified information provided to it under this section in accordance with applicable statutes and regulations.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—(1) The Director of Central Intelligence shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this title.

(2) The Secretary of Defense may provide the Commission, on a nonreimbursable basis, with such administrative services, staff, and other support services as the Commission may request.

(3) In addition to the assistance set forth in paragraphs (1) and (2), other departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(4) The Commission shall receive the full and timely cooperation of any official, department, or agency of the United States Government whose assistance is necessary for the fulfillment of the duties of the Commission under this title, including the provision of full and current briefings and analyses.

(e) PROHIBITION ON WITHHOLDING INFORMATION.—No department or agency of the Government may withhold information from the Commission on the grounds that providing the information to the Commission would constitute the unauthorized disclosure of classified information or information relating to intelligence sources or methods.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

(g) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this title.

SEC. 1004. STAFF OF COMMISSION.

(a) IN GENERAL.—(1) The co-chairs of the Commission, in accordance with rules agreed upon by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(2) Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(3) All staff of the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(b) CONSULTANT SERVICES.—(1) The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(2) All experts and consultants employed by the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

SEC. 1005. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—(1) Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission under this title.

(2) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 1006. TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.

(a) IN GENERAL.—(1) The Director of Central Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this title.

(2) Any information related to the national security of the United States that is provided to the Commission by a congressional intelligence committee may not be further provided or released without the approval of the chairman of such committee.

(b) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under section 1007, only the Members and designated staff of the congressional intelligence committees, the Director of Central Intelligence (and the designees of the Director), and such other officials of the executive branch as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

SEC. 1007. FINAL REPORT; TERMINATION.

(a) FINAL REPORT.—Not later than September 1, 2003, the Commission shall submit to the congressional intelligence committees, the Director of Central Intelligence, and the Secretary of Defense a final report as required by section 1002(h)(2).

(b) TERMINATION.—(1) The Commission, and all the authorities of this title, shall terminate at the end of the 120-day period beginning on the date on which the final report under subsection (a) is transmitted to the congressional intelligence committees.

(2) The Commission may use the 120-day period referred to in paragraph (1) for the purposes of concluding its activities, including providing testimony to Congress concerning the final report referred to in that paragraph and disseminating the report.

SEC. 1008. ASSESSMENTS OF FINAL REPORT.

Not later than 60 days after receipt of the final report under section 1007(a), the Director of Central Intelligence and the Secretary of Defense shall each submit to the congressional intelligence committees an assessment by the Director or the Secretary, as the case may be, of the final report. Each assessment shall include such comments on the findings and recommendations contained in the final report as the Director or Secretary, as the case may be, considers appropriate.

SEC. 1009. INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.

(a) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission under this title.

(b) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), shall not apply to the activities, records, and proceedings of the Commission under this title.

SEC. 1010. FUNDING.

(a) TRANSFER FROM THE COMMUNITY MANAGEMENT ACCOUNT.—Of the amounts authorized to be appropriated by this Act for the Intelligence Technology Innovation Center of the Community Management Account, the Deputy Director of Central Intelligence for Community Management shall transfer to the Director of Central Intelligence $2,000,000 for purposes of the activities of the Commission under this title.

(b) AVAILABILITY IN GENERAL.—The Director of Central Intelligence shall make available to the Commission, from the amount transferred to the Director under subsection (a), such amounts as the Commission may require for purposes of the activities of the Commission under this title.

(c) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (b) shall remain available until expended.

SEC. 1011. DEFINITIONS.

In this title:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PORTER J. GOSS,
DOUG BEREUTER,
MICHAEL N. CASTLE,
SHERWOOD BOEHLERT,
JIM GIBBONS,
RANDY ''DUKE'' CUNNINGHAM,
PETE HOEKSTRA,
RICHARD BURR,
SAXBY CHAMBLISS,
TERRY EVERETT,
NANCY PELOSI,

SANFORD D. BISHOP, Jr.,
JANE HARMAN,
TIM ROEMER,
SILVESTRE REYES,
LEONARD L. BOSWELL,
COLLIN C. PETERSON,

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

ROBERT STUMP,
DUNCAN HUNTER,
Managers on the Part of the House.

BOB GRAHAM,
JAY ROCKEFELLER,
DIANNE FEINSTEIN,
RON WYDEN,
DICK DURBIN,
JOHN EDWARDS,
RICHARD SHELBY,
JON KYL,
MIKE DEWINE,
FRED THOMPSON,
DICK LUGAR,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4628), to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

THE NATION'S INTELLIGENCE CAPABILITIES—A NEW PERSPECTIVE

The conferees note that, in the wake of the September 11, 2001 terrorist attacks, the fiscal year 2003 budget submitted by the President includes the most substantial increase for programs funded in the National Foreign Intelligence Program in history. This authorization bill supports that investment by focusing on authorizations that enhance programs and information sharing across the various Intelligence Community (IC) agencies. Further, the President's funding increase appears to respond to congressional exhortations to develop a long-term funding program to correct serious IC deficiencies that have developed over the past decade. The conferees recognize that these deficiencies existed prior to September 11 and, indeed, the intelligence committees have been consistently highlighting these shortfalls for the past eight years. Put simply, although the end of the Cold War warranted a reordering of national priorities, the steady decline in intelligence funding since the mid-1990s left the nation with a diminished ability to address emerging threats—such as global terrorism—and the technical challenges of the 21st Century. Further, the IC's lack of a corporate approach to addressing enduring intelligence problems helped to create a culture that hindered data collection (especially human intelligence collection), data sharing, and collaborative analysis.

In this budget, the conferees seek to highlight four priority areas that must received significant, sustained attention beginning immediately if intelligence is to fulfill its role in our national security strategy. Those are: (1) improving information sharing and all-source analysis; (2) improving IC professional training with a major emphasis on developing language skills; (3) ensuring national imagery collection program viability and effectiveness; and (4) correcting enduring systemic problems, deficiencies in human intelligence, and rebuilding a robust research and development program.

The conferees' top priority last year was the revitalization of the NSA. Although this continues to be one of the conferees' priority concerns, the focus this year must be on information sharing and cross-community analysis. The conferees note that the individual intelligence agencies and, moreover, their extremely talented and dedicated people, labor continuously to provide the absolute best intelligence products possible in defense of the nation. These efforts are, however, generally conducted in isolation from one another, and, most disturbingly, existing rules and procedures often restrict information from the community's depth and breadth of analytic talent. Therefore, those individual efforts can usually only piece together fragments of the overall intelligence puzzle. What is critical in the post-9/11 era is having a community that is, to the maximum extent possible, devoid of information sharing restrictions and one that fosters a greater culture focused on collaborative analysis. The conferees have included detailed language on the need for the IC to breakdown information sharing barriers and the need to cease the practice of allowing agencies to routinely restrict ''their data'' from other agencies, including law enforcement.

In order to maximize the IC's analytic effectiveness and output further, we must ensure that the dedicated professionals of the IC are properly trained and provided the skills necessary for the tasks that are required to fight the global war on terrorism and other emerging threats. For a number of years, the House and Senate Intelligence Committees, separately and jointly, have stated specific concerns about the dearth of language skills throughout the IC. The lack of depth in the so-called 'low density' languages was acutely experienced during operations in Afghanistan. The conferees believe this is unacceptable and have put a great deal of emphasis in training efforts, particularly on foreign language training.

With respect to the nation's imagery architecture, the conferees are very concerned about the viability and effectiveness of a future overhead architecture, given the apparent lack of a comprehensive architectural plan for the overhead system of systems, specifically in the area of imagery. For example, the conferees believe the administration is facing a major challenge in addressing technical and funding problems with the Future Imagery Architecture (FIA) program that could force untenable trades between critical future capabilities and legacy systems. In this conference report, the conferees have addressed the known FIA problems as well as the need to develop imagery alternatives if developmental problems exist or persist. The conferees note, however, a continuing pattern by which many individual programs have been justified and provided resources with little or no regard to the entire set of IC collection capabilities, including space-based and airborne. The conferees believe that, although individual systems may have specific merit, the real measure of merit is in what the overall collective mix brings to bear against the range of threats to U.S. national security. Moreover, the ability to fund all legacy, developmental, and desired systems has a finite limit. Therefore, there is a critical need to review each program in the context of the others, so that viable trades can be made based on substance, and long-term funding of healthy programs can be provided.

Finally, the conferees have focused their attention for a number of years on a number of enduring IC challenges. Once again, the Conferees have addressed in this bill such issues as the need to improve NSA acquisition efforts, the need to improve the depth and breadth of HUMINT, and improving research and development (R&D). With respect to the NSA, the conferees are pleased with the Director's attempts to baseline current capabilities so that future needs can be properly identified and resulting acquisition decisions made. The conferees have provided incentives to complete these later two efforts. In terms of improving HUMINT, the conferees have focused on improving training, providing technical resources to operations, and properly funding analytic efforts. All of these capabilities are supported by R&D efforts. Therefore, the conferees have supported the administration's increases to agencies' basic R&D programs. The conferees note that this funding support is based on the perspective that the IC must continue to renew itself of the ever-changing world. The new perspective on national security is that intelligence is the first line of defense against an illusive and unstructured threat that uses asymmetric means to harm America. It is from that perspective that the conferees have made the decision contained herein.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations

Section 101 of the conference report lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 2003.

Sec. 102. Classified schedule of authorizations

Section 102 of the conference report makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and applicable personnel ceilings covered under this title for fiscal year 2003 are contained in a classified Schedule of Authorizations. The classified Schedule of Authorizations is incorporated into the Act by this section. The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The classified annex provides details of the Schedule. Section 102 is identical to section 102 of the House bill.

Sec. 103. Personnel Ceiling Adjustments

Section 103 of the conference report authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 2003 to authorize employment of civilian personnel in excess of the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not to exceed two percent of the total of the ceilings applicable under section 102. The Director of Central Intelligence may exercise this authority only if necessary to the performance of important intelligence functions. Any exercise of this authority must be reported to the intelligence committees of the Congress.

The managers emphasize that the authority conferred by section 103 is not intended

to permit wholesale increase in personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility top adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring new employees and attrition of current employees. The managers do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs that are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this bill. Section 103 is identical to section 103 of the House bill and section 103 of the Senate amendment.

Sec. 104. Intelligence Community Management Account

Section 104 of the conference report authorizes appropriations for the Intelligence Community Management Account (CMA) of the Director of Central Intelligence (DCI) and sets the personnel end-strength for the Intelligence Community management staff for fiscal year 2003.

Subsection (a) authorizes appropriations of $158,254,000 for fiscal year 2003 for the activities of the CMA of the DCI.

Subsection (b) authorizes 322 full-time personnel for the Intelligence Community Management Staff for fiscal year 2003 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States government.

Subsection (c) authorizes additional appropriations and personnel for the CMA as specified in the classified Schedule of Authorizations and permits these additional amounts to remain available through September 30, 2004.

Subsection (d) requires that, except as provided in Section 113 of the National Security Act of 1947, personnel from another element of the United States Government be detailed to an element of the CMA on a reimbursable basis, or for temporary situations of less than one year on a non-reimbursable basis.

Subsection (e) authorizes $34,100,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). Subsection (e) requires to DCI to transfer these funds to the Department of Justice to be used for NDIC activities under the authority of the Attorney General and subject to section 103(d)(1) of the National Security Act. Subsection (e) is similar to subsection (e) of the House bill.

Sec. 105. Authorization of emergency supplemental appropriations for fiscal year 2002

Section 105 is identical to Section 105 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Sec. 106. Additional authorizations of appropriations for intelligence for the war on terrorism

Section 106 is identical to Section 106 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Sec. 107. Specific authorization of funds for intelligence or intelligence-related activities for which fiscal year 2003 appropriations exceed amounts authorized

Section 107 authorizes, solely for the purposes of reprogramming under Section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) those funds appropriated for an intelligence or intelligence-related activity in fiscal year 2003 in excess of the amount specified for such activity in the classified Schedule of Authorizations to accompany this conference report.

Sec. 108. Incorporation of reporting requirements

Section 108 is similar to Section 105 of the Senate amendment. The House bill had no similar provision. Section 107 incorporates into the Act each requirement to submit a report contained in the joint explanatory statement to accompany the conference report or in the classified annex to the Act.

Sec. 109. Preparation and submittal of reports, reviews, studies, and plans relating to intelligence activities of Department of Defense or Department of Energy

Section 109 is identical to Section 106 of the Senate amendment. The House bill had no similar provision. The House recedes.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations

Section 201 authorizes appropriations of $225,500,000 for the Central Intelligence Agency Retirement and Disability Fund.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

Sec. 301. Increase in employee compensation and benefits authorized by law

Section 301 is identical to Section 301 of the Senate amendment and Section 301 of the House bill.

Sec. 302. Restriction of conduct of intelligence activities

Section 302 is identical to Section 302 of the Senate amendment and Section 302 of the House bill.

Sec. 303. Sense of Congress on Intelligence Community contracting

Section 303 is identical to Section 303 of the Senate amendment. The House bill had no similar provision. The Senate recedes.

Subtitle B—Intelligence

Sec. 311. Specificity of National Foreign Intelligence Program budget amounts for counterterrorism, counterproliferation, counternarcotices, and counterintelligence

Section 311 is identical to section 304 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 312. Prohibition on compliance with request for information submitted by foreign governments

Section 312 is identical to Section 307 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Sec. 313. National Virtual Translation Center

Section 313 is identical to Section 311 of the Senate amendment. The House bill had no similar provision. The House recedes.

Subtitle C—Personnel

Sec. 321. Standards and qualifications for the performance of intelligence activities

Section 321 is similar to Section 308 of the Senate amendment. The House bill had no similar provisions. The House recedes.

Sec. 322. Modification of accepted agency voluntary leave transfer authority

Section 322 is similar of Section 305 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Sec. 323. Sense of Congress on diversity in the workforce of intelligence community agencies

Section 323 is identical of Section 312 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Sec. 324. Annual report on hiring and retention of minority employees in the intelligence community

Section 324 is identical to Section 313 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Sec. 325. Report on establishment of a civilian linguist reserve corps

Section 325 is identical 311 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Subtitle D—Education

Sec. 331. Scholarships and work study for pursuit of graduate degrees in science and technology

Section 331 is identical to Section 310 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 332. Cooperative relationship between the national security education program and the foreign language center of the defense language institute

Section 332 is identical to Section 308 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Sec. 333. Establishment of a national flagship language initiative within the National Security Education Program

Section 333 includes Section 309 of the House bill. Section 309 of the Senate amendment also created a national foreign language initiative. The Senate recedes.

Sec. 334. Report on the National Security Education Program

Section 334 is similar to the reporting requirement of Section 309 of the Senate amendment. Section 334 requires the Secretary of Defense to submit a report in 180 days after enactment of the program of scholarship, fellowships, and grants under the David L. Boren National Security Education Act of 1991, including an assessment of the effectiveness of the program in meeting its goals and its administrative costs, and the advisability of converting funding of the program from funding through the National Security Education Trust Fund to funding through appropriations.

Subtitle E—Terrorism

Sec. 341. Foreign Terrorist Asset Tracking Center

Section 341 is identical to Section 312 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 342. Semiannual Report on Financial Intelligence on Terrorist Assets (FITA)

Section 342 is identical to Section 304 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Sec. 343. Terrorist Identification Classification System

Section 343 is identical to Section 313 of the Senate amendment. The House bill had no similar provision. The House recedes.

Subtitle F—Other Matters

Sec. 351. Additional one-year suspension of reorganization of Diplomatic Telecommunications Service Program Office

Section 351 is identical to Section 306 of the House bill and similar to Section 316 of the Senate amendment. The Senate recedes.

Sec. 352. Standardized transliteration of names into the roman alphabet

Section 352 is similar to Section 307 of the Senate amendment. The House bill had no similar provision. The House recedes with modifications.

Sec. 353. Definition of congressional intelligence committees in National Security Act of 1947

Section 353 is similar to Section 303 of the Senate amendment. The House bill had no similar provision. The House recedes with modifications.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Two-year extension of Central Intelligence Agency Voluntary Separation Pay Act

Section 401 is identical to Section 401 of the House bill and Section 315 of the Senate amendment.

Sec. 402. Implementation of compensation reform plan

Section 402 is similar to Section 402 of the House bill. The Senate amendment had no similar provision. Section 402 delays implementation of the Central Intelligence Agency's proposed compensation reform plan until February 1, 2004 or the submission of a report on a compensation pilot project, whichever is later. The Director of Central Intelligence shall conduct the pilot project to assess the efficacy and fairness of a revised personnel compensation plan, and report to the congressional intelligence committees 45 days after completion of the pilot project. Section 402 includes a sense of the Congress that an employee personnel evaluation mechanism with evaluation training for managers and employees of the CIA and the National Security Agency should be phased in first, and then followed by the introduction of a new compensation plans.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Use of funds for counterdrug and counterterrorism activities for Colombia

Section 501 is similar to Section 501 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Sec. 502. Protection of operational files of the National Reconnaissance Office

Section 502 is identical to Section 502 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

Sec. 502. Eligibility of employees in intelligence senior level positions for Presidential rank awards.

Section 503 is identical to Section 503 of the House bill. The Senate amendment had no similar provision. The Senate recedes.

TITLE VI—NATIONAL COMMISSION ON TERRORIST ATTACKS

Title VI is substantially similar to Title VI of the House bill as well as language found in Senate amendment 4694 to H.R. 5005, a bill to establish the Department of Homeland Security

TITLE VII—INFORMATION SHARING

Title VII is similar to Title VII of the House bill and H.R. 4598, the Homeland Security Information Sharing Act, which passed the House on June 26, 2002 in a 422–2 vote. Title VII is also similar to sections 891–894 of H.R. 5710, establishing the Department of Homeland Security, which passed the House on November 13, 2002. Section 706 has been add by the conferees to coordinate the different versions of the Homeland Information Sharing Act, which are found in this bill and in H.R. 5710.

The Senate amendment had no similar provision. The Senate recedes.

TITLE VIII—REPORTING REQUIREMENTS

Subtitle A—Overdue Reports

Sec. 801. Deadline for submittal of various overdue reports

Section Section 801 is similar to Section 310 of the House bill. Section 801 reduces by one-third the amounts available to be obligated or expended by the Office of the Director of Central Intelligence if certain reports are not submitted to the Congress 180 days after enactment. The reports referred to in this section are reports mandated by law for which the DCI has sole or primary responsibility to prepare or coordinate and submit to Congress, which, as of the date of enactment, have not been submitted to Congress if mandated to be submitted prior to the date of enactment. The fence will not be imposed if the DCI certifies in writing to the intelligence committees that all overdue reports specified in Section 801 are completed. The Senate amendment had no similar provision. The Senate recedes.

Subtitle B—Submittal of Reports to Intelligence Committees

Sec. 811. Dates for submittal of various annual and semi-annual reports to the congressional intelligence committees

Section 811 is similar to Section 401 of the Senate amendment. The House bill had no similar provision. The House recedes with modifications.

Subtitle C—Recurring Annual Reports

Sec. 821. Annual report on threat of attack on the United States using weapons of mass destruction

Section 821 is identical to Section 412 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 822. Annual report on convert leases

Section 822 is identical to Section 413 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 823. Annual report on improvement of financial statements of certain elements of the Intelligence Community for auditing purposes

Section 823 is identical to Section 414 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 824. Annual report on activities of Federal Bureau of Investigation personnel outside the United States

Section 824 is identical to Section 415 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 825. Annual reports of Inspectors General of the Intelligence Community on proposed resources and activities of their offices

Section 825 is identical to Section 416 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 826. Annual report on counterdrug intelligence matters

Section 826 is identical to Section 417 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 827. Annual report on foreign companies involved in the proliferation of weapons of mass destruction that raise funds in the United States capital markets

Section 827 is identical to Section 314 of the Senate amendment. The House bill had no similar provision. The House recedes.

Subtitle D—Other Reports

Sec. 831. Report on effect of country-release restrictions on allied intelligence-sharing relationships

Section 831 is identical to Section 431 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 832. Evaluation of policies and procedures of Department of State on protection of classified information at department headquarters

Section 832 is identical to Section 432 of the Senate amendment. The House bill had no similar provision. The House recedes.

Subtitle E—Repeal of Certain Report Requirements

Sec. 841. Repeal of certain report requirements

Section 841 is substantially similar to Section 441 of the Senate amendment, although the conferees have agreed to repeal certain additional Intelligence Community reporting requirements. The House bill had no similar provision. The House recedes with modifications.

TITLE IX—COUNTERINTELLIGENCE ACTIVITIES

Sec. 901. Short title; purpose

Section 901 is identical to Section 501 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 902. National counterintelligence executive

Section 902 is identical to Section 502 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 903. National Counterintelligence Policy Board

Section 903 is identical to Section 503 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 904. Office of the National Counterintelligence Executive

Section 904 is similar to Section 504 of the Senate amendment. The House bill had no similar provision. The conferees agree to place the Office of the National Counterintelligence Executive within the Office of the Director of Central Intelligence. Further, the provision makes clear that nothing in this section shall be construed as affecting the authority of the Director of Central Intelligence, the Secretary of Defense, the Secretary of State, the Attorney General, or the Director of the FBI as provided or specified under the National Security Act of 1947 or under other provisions of law. The House recedes with modifications.

TITLE X—NATIONAL COMMISSION FOR REVIEW OF RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY

Sec. 1001. Findings

Section 1001 is identical to Section 601 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 1002. National Commission for review of research and development programs of the United States Intelligence Community

Section 1002 is identical to Section 602 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 1003. Powers of Commission

Section 1003 is identical to Section 603 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 1004. Staff of Commission

Section 1004 is identical to Section 604 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 1005. Compensation and travel expenses

Section 1005 is identical to Section 605 of the Senate amendment. The House bill had no similar provision. The House recedes.

Sec. 1006. Treatment of information relating to national security

Section 1006 is identical to Section 606 of the Senate amendment. The House bill has no similar provision. The House recedes.

Sec. 1007. Final report; termination

Section 1007 is identical to Section 607 of the Senate amendment. The House bill has no similar provision. The House recedes.

Sec. 1008. Assessments of final report

Section 1008 is identical to Section 608 of the Senate amendment. The House bill has no similar provision. The House recedes.

Sec. 1009. Inapplicability of certain administrative provisions

Section 1009 is identical to Section 609 of the Senate amendment. The House bill has no similar provision. The House recedes.

Sec. 1010. Funding

Section 1010 is identical to Section 610 of the Senate amendment. The House bill has no similar provision. The House recedes.

Sec. 1011. Definitions

Section 1011 is identical to Section 611 of the Senate amendment. The House bill had no similar provision. The House recedes.

ITEMS NOT INCLUDED

Section 305 of the Senate amendment contained a provision to clarify Section 504 of the National Security Act of 1947 with respect to the reprogramming of funds from one intelligence activity to another. The House bill had no similar provisions. The Senate recedes.

Section 306 of the Senate amendment required disclosure to Congress of information regarding pending criminal investigations and prosecutions that is currently subject to statutory and other disclosure prohibitions, such as grand jury matters under Rule 6(e) of the Federal Rules of Criminal Procedure, communications intercepted under Title III domestic wiretap provisions, and other sensitive law enforcement information. The House bill had no similar provisions. The Senate recedes.

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

PORTER J. GOSS,
DOUG BEREUTER,
MICHAEL N. CASTLE,
SHERWOOD BOEHLERT,
JIM GIBBONS,
RANDY ''DUKE'' CUNNINGHAM,
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From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

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Managers on the Part of the House.

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, our Help in all the ups and downs of life, all the triumphs and defeats of political life, and all the changes and challenges of leadership, You are our Lord in all seasons and for all reasons. We can come to You when life makes us glad or sad. There is no circumstance beyond Your control. Wherever we go, You are there waiting for us. You are already at work with people before we encounter them. You prepare solutions for our complexities, and You are always ready to help us resolve conflicts even before we ask. We claim Your promise given through Jeremiah: ''I have plans for you: plans for good and not evil, to give you a future and a hope'' (Jeremiah 29:11).

Lord, we want to do our work this day so that we will hear You say, ''Well done, good and faithful servant.'' Our only goal is to please You in what we say and accomplish. Bless the Senators in the decisions they make and the votes they cast. Give them, and all of us who work with them, Your strength to endure and Your courage to triumph in things great and small that we may attempt the good of all. In Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARL LEVIN 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:

NOTICE

If the 107th Congress, 2d Session, adjourns sine die on or before November 22, 2002, a final issue of the Congressional Record for the 107th Congress, 2d Session, will be published on Monday, December 16, 2002, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 13. The final issue will be dated Monday, December 16, 2002, and will be delivered on Tuesday, December 17, 2002.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record@Sec.Senate.gov''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

MARK DAYTON, *Chairman.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 14, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the chairman of the Commerce Committee has just come into the Chamber. As the Chair will announce, we will have a rollcall vote at approximately 10:30 this morning.

Upon the conclusion of that action on the conference report on Port Security, the Senate will resume consideration of H.R. 5005, the homeland security legislation. Prior to that, however, Senator SANTORUM is going to be recognized to offer a UC. And it is my understanding that Senator CANTWELL is also going to be recognized to offer a unanimous consent request.

Currently pending is a Gramm substitute amendment and a Lieberman first-degree amendment to the homeland security legislation. Cloture was filed on the Gramm amendment and on the bill itself. Therefore, Senators have until 1 p.m. today to file first-degree amendments to that legislation.

Mr. President, the Senate is also expected to consider other important legislation today. We understand that last night the House took to the Rules Committee the conference report on bankruptcy, which we have been waiting for for more than a year, and also the terrorism insurance conference report, legislation we have been trying to complete for more than a year. So we should be able to complete those two matters. It may be necessary, on one of them, to file a cloture motion, but that would be determined at a subsequent time.

So other votes could occur over the course of today's session. Certainly on Friday there will be votes with respect to cloture and maybe other items.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MARITIME TRANSPORTATION SECURITY ACT OF 2002—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany S. 1214, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1214), to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes, having met, have agreed that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment and the House agree to the same, signed by all conferees on the part of both Houses.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 13, 2002.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate on the conference report, with the time to be equally divided and controlled between the chairman and ranking member of the Commerce Committee.

The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, first, I ask for the yeas and nays on the conference report.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the American public is most familiar with airline, highway and rail transportation. But perhaps the most vulnerable link in our transportation system is the component that few Americans ever see: our major seaports.

Our 361 sea and river ports handle 95 percent of U.S. international trade. These ports annually transfer more than 2 billion tons of freight—often in huge containers from ships that discharge directly onto trucks and railcars that immediately head onto our highways and rail systems. But less than 2 percent of those 5 million containers are ever checked by customs or law enforcement officials.

That is a gaping hole in our national security that must be fixed. That is why the Senate passed The Port and Maritime Security Act of 2001 in December of 2001 and the House and Senate have filed the conference report on the Maritime Transportation Security Act of 2002.

Before discussing the specifics of this conference report, I want to discuss the vulnerabilities at America's seaports:

Lloyd's List International reported that a NATO country's intelligence service has identified 20 merchant vessels believed to be linked to Osama bin Laden. Those vessels are now subject to seizure in ports all over the world. Some of the vessels are thought to be owned outright by bin Laden's business interests, while others are on long-term charter. The Times of London reported that bin Laden used his ships to import into Kenya the explosives used to destroy the U.S. embassies in Kenya and Tanzania.

A suspected member of the al-Quida terrorist network was arrested in Italy after he tried to stow-away in a shipping container heading to Toronto. The container was furnished with a bed, a toilet, and its own power source to operate the heater and recharge batteries. According to the Toronto Sun, the man also had a global satellite telephone, a laptop computer, an airline mechanics certificate, and security passes for airports in Canada, Thailand and Egypt.

In October, a French-flagged tanker was attacked by terrorists in a manner very similar to the speed boat attack on the USS *Cole* in 2000. The attack caused 60,000 tons of oil to be released into the waters off Yemen and killed one crew member.

These stories really bring home this issue of seaport security. Except for those of us who live in port cities like Charleston, people often do not think about their ports—the ports that load industrial and consumer goods onto trucks and railroad cars heading directly to their hometowns. But making these ports more secure is vital to protecting our national security. The destruction that can be accomplished through security holes at our seaports potentially exceed any other mode of transportation. And yet we have failed to make seaport security a priority.

Most Americans would be surprised to discover that until the provisions in this bill there has been no unified federal plan for overseeing the security of the international borders at our seaports. And that's what seaports are: international borders that must be protected as well as our land borders with Canada and Mexico.

The U.S. Coast Guard and U.S. Customs Service are doing an outstanding job, but they are outgunned. In the year 2000, we imported 5.5 million trailer truckloads of cargo. Due to that volume, the U.S. Customs Service is only able to inspect between 1 to 2 percent of containers. In other words, potential terrorists and drug smugglers have a 98 percent chance of randomly importing illegal and dangerous materials.

Senator BOB GRAHAM a few years ago convinced President Clinton to appoint a commission to look at seaport security. At the time, the main focus of port security was stopping illegal drugs, the smuggling of people, and cargo theft. While those problems still exist, the new—and very real—threat of terrorism strikes right at the heart of our national defense.

The Interagency Commission on Crime and Security at U.S. Seaports issued a report a year ago that said security at U.S. seaports ''ranges from poor to fair.'' Let me repeat that: 17 federal agencies reviewed our port security system and found it in poor shape.

According to the Commission:

Control of access to the seaport or sensitive areas within the seaports is often lacking. Practices to restrict or control the access of vehicles to vessels, cargo receipt and delivery operations, and passenger processing operations at seaports are either not present or not consistently enforced, increasing the risk that violators could quickly remove cargo or contraband. Many ports do not have identification cards issued to personnel to restrict access to vehicles, cargo receipt and delivery operations, and passenger processing operations.

The report said:

At many seaports, the carrying of firearms is to restricted, and thus internal conspirators and other criminals are allowed armed access to cargo vessels and cruise line terminals. In addition, many seaports rely on private security personnel who lack the crime prevention and law enforcement training and capability of regular police officers.

The report also found that port-related businesses did not know where to report cargo theft and other crimes, and that federal, state and local law enforcement agencies responsible for a port's security rarely meet to coordinate their work.

That is what our legislation does—it creates mechanisms to integrate all these different security agencies and their efforts to improve the security of our seaports, and the railways and highways that converge at our seaports. Our seaport security bill also directly funds more security officers, more screening equipment, and the building of important security infrastructure.

Each agency is good at what they do individually. But they will be even stronger working together, sharing information and tactics, and coordinating security coverage at our seaports. More teamwork between these federal, state and local agencies—along with our security partners in the private sector—will produce a more secure seaport environment that is stronger than the sum of each agency's individual efforts. To foster that teamwork, our bill sets up a National Maritime Security Advisory Committee responsible for coordinating programs to enhance the security and safety of U.S. seaports.

Most important in the bill are the requirements to implement security plans that will provide for efficient, coordinated and effective action to deter and minimize damage from a transportation security incident. The plans will be developed as a national plan, a regional area plan, and facility and vessel plans. The National and Area Security Plans will be developed by the Coast Guard and will be adequate to deter a transportation security incident to the maximum extent possible. The facility and vessel plans are for the individual waterfront facilities and vessels and must be consistent with the federal and area plans. The Secretary of Transportation will conduct an initial assessment of vessels and facilities on and near the water. The assessment will identify those facilities and vessel types that pose a high risk of being involved in a transportation security incident. These assessments will identify the vulnerable assets and infrastructure as well as the threats to those assets and infrastructure.

Within a year the initial assessments will be made, interim security measures will be implemented, and more detailed assessments will be conducted, from which vessel and facility security plans will be devised. These plans will be based on the Coast Guard vulnerability assessments and security recommendations. The plans will be submitted to the Coast Guard by port authorities, waterfront facilities, and vessel operators. All ports, waterfront facilities and vessels are required to operate under approved security plans that are consistent with the Federal and Area Security Plans.

To further enhance law enforcement cooperation, we will require the establishment of Area Security Advisory Committees at each port to coordinate security plans among all the involved agencies: law enforcement, intelligence agencies, Customs, Coast Guard, Immigration, port authorities, shipping companies, and port workers. The bill also creates new programs to professionally train port security personnel. Certification and training of maritime security personnel will be crucial in increasing the professionalism of our federal, state, local, and private sector security personnel.

To address the immediate risk of terrorist activities at or through our seaports, the bill directs the Secretary of Transportation to immediately establish domestic maritime safety and security teams to respond to terrorist activity, criminal activity, or other threats. The units will be composed of officers trained in anti-terrorism, drug interdiction, navigation assistance, and facilitating response to security threats. I would like to thank Senator EDWARDS for his work on this provision. The bill also creates a Sea Marshal program to more specifically authorize the Coast Guard to board vessels in order to deter, prevent, or respond to acts of terrorism. These Sea Marshals will ride along aboard some vessels entering U.S. ports as a deterrent against hijacking or other criminal activity. I would like to thank Senator JOHN KERRY and Senator JOHN BREAUX for working on the Sea Marshal initiative. I also commend Senator BREAUX for all his work on seaport security. He is the Chairman of the Subcommittee on Surface Transportation and Merchant Marine, he has toured throughout the nation reviewing security at our seaports and has done a yeoman's job helping to pass this bill.

The bill will require ports to limit access to security-sensitive areas. Ports also will be required to limit cars and trucks, coordinate with local and private law enforcement, and develop an evacuation plan. Port areas will have increased security with specific area within the port being designated as controlled access where only those with the appropriate credentials will be allowed. The bill also will require criminal background checks of employees with access to ocean manifests or access-controlled areas of a port or terminal. These background checks are designed to ensure that individuals with access to our terminals and cargo facilities are not a terrorism security threat. A system of appeals and waivers will be provided to ensure that port workers are given full and adequate opportunity to explain mitigating factors justifying any waiver requests.

This bill will require for the first time that we know more in advance about the cargo and crew members coming into the United States. The more we know about a ship's cargo—and where it originated—the better our Customs agents and other law enforcement officers can target the most suspicious containers and passengers. I am also pleased that we established performance standards for the locking and sealing of containers. It is vitally important that we ensure that shipping containers are adequately designed and constructed and that we check that they are securely locked for shipment.

The bill modifies a rulemaking requirement for advanced cargo information. The original requirement was included in the Senate passed version of the bill. The rulemaking was then included in the Trade Act, and S. 1214 makes modifications to the Trade Act to incorporate additional changes. I would like to thank the Finance Committee for their cooperative spirit in our effort to enhance cargo security.

Perhaps most importantly, we will give port authorities and local entities support in implementing and paying the costs of addressing Coast Guard identified vulnerabilities. We are dealing with an issue of national security—and we will treat it as such. It would be great if we could simply declare our ports to be more secure. But it takes money to make sure these international borders at our seaports are fully staffed with customs, law enforcement, and immigration personnel. It takes money to make sure they have modern security equipment, including the newest scanners to check cargo for the most dangerous materials. And it takes money to build the physical infrastructure of a secure port.

For seaport security infrastructure, the bill directly authorizes amounts sufficient to upgrade security infrastructure such as gates and fencing, security-related lighting systems, and remote surveillance systems, equipment such as security vessels and screening equipment. I had hoped that we would have an agreement on a dedicated funding mechanism to ensure that state, local and private sector entities that are required to comply with federal security mandates would have the necessary funds to aggressively pursue compliance with security requirements. Unfortunately, I was not able to

convince all of the conferees that this was the proper course of action. I was happy that we did reach an agreement to have the Administration report on how to pay for the federal portion of the seaport security responsibility. I will be following this very closely to ensure that we have some sort of agreement to allow for the aggressive pursuit of a new system of seaport security.

U.S. Customs officers must be able to screen more than just 2 percent of the cargo coming into our seaports. We cannot expect to screen every marine container entering the United States, but there must be some expectation of inspection to deter cargo smugglers. While we spend billions of dollars on an anti-ballistic missile defense system, we fail to see perhaps even a greater threat to our national security coming through our ports. A cargo container can be delivered to anywhere in the United States for less than $5,000. The enemies of America can afford $5,000 to import a container of explosive or hazardous materials much more easily than millions of dollars to launch a rocket.

Investing in new screening technologies will help human screeners inspect more cargo, and detect the most dangerous shipments. To increase the amount of cargo screened, the bill directly grants and authorizes $90 million in research and development grants to be awarded to develop methods to increase the ability of the U.S. Customs Service to inspect merchandise carried on any vessel that will arrive in the United States; develop equipment to detect nuclear materials; improving the tags and seals used on shipping containers, including smart sensors for tracking shipments; and tools to mitigate the consequences of terrorist attack. The research and development funds are intended to fund any enhancements that are necessary to enhance technology at U.S. Seaports.

The destruction that can be accomplished through security holes at our seaports potentially exceeds any other mode of transportation. We all know the damage that can be caused by one truck bomb. But one ship can carry thousands of truck-sized containers filled with hazardous materials. A hijacked tanker holding 32 million gallons of oil or other explosive material that is rammed into a port city like Boston, New York, Miami, Los Angeles or Seattle could potentially kill thousands of people and destroy many city blocks.

That vulnerability is magnified by the type of facilities along our coasts and rivers. There are 68 nuclear power plants located along U.S. waterways. Along the 52-mile Houston Ship Channel, there are 150 chemical plants, storage facilities and oil refineries. The Baltimore Sun reported that ''within a mile of the Inner Harbor of Baltimore is a major East Coast import and export hub for a broad range of dry and liquid chemicals. If ignited, many are capable of producing ferocious fires, explosions and clouds of noxious fumes—immediately adjacent to such densely populated row house neighborhoods as Locust Point, Highlandtown, and Canton.''

Most of the security procedures and infrastructure improvements contained in our bill have long been practiced at our airports and land border crossings. But, for some unfathomable reason, we don't take these preventive steps at our seaports—where most of our cargo arrives, and where we are most vulnerable.

Our agents at the Mexican border near Tijuana will tear the seats out of a car to search for drugs—while a crane just up the coast in Los Angeles lifts thousands of truck-sized cargo containers onto the dock with no inspection at all.

For the first time we will require federal approval of seaport security plans, better coordination and training of law enforcement, more information about cargo, and directly fund more Coast Guard personnel, U.S. Customs agents and security screening equipment to protect against crime and terrorism threats.

Prior to September 11, 2001 we already faced security problems at our seaports related to smuggling, drugs, and cargo theft. But now we face the even greater threat of terrorism—a threat that requires us to immediately tighten security at our seaports, the most vulnerable part of our international border, in the defense of our nation.

This landmark bill also incorporates a Coast Guard authorization bill—the first Coast Guard authorization bill that has passed Congress since 1998. The Coast Guard provisions in the bill reflect the provisions of S. 951, the Coast Guard Authorization Act of 2001, which was reported out of the Commerce Committee last year.

The bill provides increased authorization levels for appropriations in fiscal year 2003, as well as increased personnel. The bill authorizes approximately $6 billion for the Coast Guard's total budget for fiscal year 2003. This is approximately $1 billion higher than the amount appropriated in the FY 2002 Transportation Appropriations bill, and is approximately $200 million higher than the $5.8 billion of total enacted amounts in FY 2002, which includes two supplemental appropriations.

The bill also increases the maximum end-of-year strength to 45,500 active duty military personnel, up from about 35,500, and includes personnel incentives.

The authorizations of appropriations in this bill include $725,000,000 for capital investments, to ensure that the multi-year Deepwater program and the overhaul of the National Distress and Response System (NDS), or ''Maritime 911,'' are adequately funded in 2003.

Ensuring that the Coast Guard has sufficient personnel and capital resources could not come at a more important time. Since the tragic events of September 11, far greater demands have been placed on the Coast Guard in the area of homeland security. Traditionally, the Coast Guard invested only 2 percent of its operating budget into seaport security; this climbed to over 50 percent of its total operating budget after September 11. Now, approximately 22 percent of the budget is envisioned for seaport security.

The Coast Guard has unique missions not covered by any other federal agency. It has the primary responsibility of enforcing U.S. fisheries laws, carrying out drug interdiction at sea, search and rescue operations, and protecting the marine environment against pollution.

With the new responsibilities for port security, combined with the traditional role the Coast Guard plays in other mission areas, it is critically important that the Coast Guard has a vision for how to achieve the ''new normalcy,'' wherein it carries out all of its traditional and new missions, as well as the means to ensure its ability to carry out such functions.

This bill requires the Coast Guard to examine and report to Congress its expenditures by mission area before and after September 11, and the level of funding need to fulfill the Coast Guard's additional responsibilities. The bill also requires the Coast Guard to provide a strategic plan to Congress identifying mission targets for 2003, 2004 and 2005 and the specific steps necessary to achieve those targets.

Even prior to 9/11, there were serious concerns about the Coast Guard's ability to carry out its core missions. For example, the Coast Guard's 30-year-old National Distress and Response System (NDS), also known as ''Maritime 911,'' is breaking down, and has 88 gaps in its geographical area of coverage. Failure to retain experienced crew has plagued the Coast Guard for years. The lack of experienced personnel has resulted in tragedy, with unanswered calls for help leading to the loss of lives at sea. In 1997, all four passengers of the sailboat *Morning Dew*, three of them children, drowned outside of Charleston Harbor as a result of a failed search and rescue system.

The bill requires the Coast Guard to establish and implement standards for the safe operation of all search and rescue facilities. These include standards for the length of time an individual may serve on watch, and acquisition of equipment to achieve safety in the interim, as the entire system is upgraded.

Since the events of September 11, our demands on the Coast Guard have risen dramatically. We must ensure that the Coast Guard is equipped with all of the tools and resources that it needs to protect our seaports, and to carry out all of its traditional missions. I am pleased that we have reached a successful result in the Conference with the House, and that by enacting a Port Security bill, we will at the same time be

passing a Coast Guard authorization bill this year.

Mr. President, the morning news reports that Osama bin Laden is alive and well and al-Qaida operates. Four years ago, we started working on this measure, because it was just prior to that time that one of al-Qaida's tankers pulled into Mombassa, the port at Kenya, and the terrorist crew jumped off and blew up the embassy at Nairobi and then Dar Es Salaam's embassy in Tanzania. Lloyds of London reports Osama bin Laden has actual ownership of some 10 oil tankers, and he has control of some other 10 cargo tankers.

I point this out because it is the real threat. Yes, we have maybe a hijacking threat, but the real threat now, as we see it develop, is with respect to our seaports. That is why we started in the committee, some 4 years ago, with respect to seaport security.

Only, last year in Italy we found a suspected al-Qaida terrorist network was operating, coming in through containers. There are some 5 million containers that come into the United States of America each year with 2 billion tons of freight. Only 2 percent of those containers are inspected at this time.

But that one particular suspected terrorist had a bed and a toilet; he had his own power source and everything else like that ready to operate. He could just as easily have come, and may have, unbeknownst to us, into the United States of America.

But let's go right to just last month, the oil tanker off of Yemen, the French tanker with some 60,000 tons of oil. As they blew up the USS *Cole*, they blew up this particular tanker. One can easily foresee that a regular tanker could come up the Delaware River with a suicidal al-Qaida group in operation or in control, where they throw the captain overboard and run it right into an oil tank farm there in Philadelphia, blowing the whole thing up, closing down the eastern seaboard.

So we worked very hard on this legislation. I commend the Senate itself because it was last year at this time, and both sides of the aisle, under the leadership and working with my distinguished colleague, Senator MCCAIN—the soon-to-be chairman again—we worked and unanimously reported out a port security bill from our Commerce Committee. We passed it in the Senate 100 to 0.

It languished on the House side for some months. And it was in June that they finally passed it. And we have been with the staff.

I must emphasize the outstanding work of our staff in this particular regard. We worked all summer long. We thank particularly our colleague Mr. OBERSTAR who worked with us as diligently as he could. In any event, now we have the conference report. It is not complete in the sense that it is not funded. We provide in here certain sums as is necessary to be reported to us in the Congress within 6 months.

We tried to get funding. The Senate had approved a user fee. They called it a tax, and we had some effort over the summer working it out to make sure it was a user fee. Then they said it was an origination problem. Thereupon we said: All right. Just take the conference report. You introduce it. We are not proud of its origin particularly. And you put it in, and we will approve it on the Senate side. So that caused a great delay, but now it's ready to go.

The Maritime Transportation Security Act will provide for the first time a national system for securing our maritime borders. Heretofore, we have known every plane that approaches the continental limits of the United States. They have transponders. We have the radar. We track them. But we couldn't tell what ship was coming, when it was coming, or how. We moved some weather satellites to repair that particular deficiency. We now know, with the Coast Guard working overtime, of the ships approaching. But we now have a secure system for our maritime borders.

We have to first ask that the Secretary of Transportation conduct an assessment of all vessels and facilities on or near the water and identify the risks of being involved in an incident. Then we develop a port and area security plan.

Let me emphasize, you have the Coast Guard. You have Customs. You have DEA. You have local law enforcement. You have the Immigration and Naturalization Service. When everybody is in charge, nobody is in charge. Under the present law, the captain of the port is in charge. We haven't changed that, but we have given him assistance.

We have the Coast Guard authorization bill also in this particular conference report, increasing the Coast Guard amounts and authorizations some $1 billion this fiscal year 2003 over 2002. So we are beginning now to upgrade the wherewithal of the Coast Guard itself that has been doing an outstanding job.

The plans are based on the Coast Guard security recommendations, which they will make within 1 year, of all ports, facilities, and vessels determined to be vulnerable. They then have the local port security committees, which will coordinate the Federal, State, and local and private enforcement efforts.

We have been doing this, I know in the ports of Charleston and several others on the eastern seaboard. They have just been awaiting this legislation to make sure we are working in lockstep with the Federal requirements. But then when I say they have to have the private efforts, think about it. If you went down to the Rio Grande, to the border, and to the State of Arizona and told a rancher down there: Wait a minute, there are some illegal immigrants coming across the border in the nighttime, and what you have to do is not only put a barbed wire enclosure around your particular ranch, but you have to turn the lights on at night and everything else like that, this is a private ranch, he would look at you and laugh. He would say: What are you talking about?

That is what we are doing with respect to many of the ports that are operated privately. The Danes operate the Port of New York; the Chinese operate the Long Beach Port; the union operates the Seattle Port; the State of South Carolina operates our ports. So you can see this particular task has to be a comprehensive and coordinated effort.

We then develop secure areas in the ports as part of the security plans. That is approved by the Department of Transportation. There is a grant program here of allocations to the different ports authority, the size, the threat, and whatever else is there. There is $90 million in research grants to be awarded to develop the methods to increase the ability of the U.S. Customs to inspect the merchandise. There is a $33 million program intended for the development of security training.

There is an established maritime intelligence system to work with this new Department of Homeland Security. They have to take all of this information, not just from the FBI, CIA, NSA, and Secret Service, but the DEA in large measure furnishes intelligence.

We will have transponders on the various vessels coming in. Within that year, we will have a certified system of transportation that is a secure system of transportation allowing for secure maritime borders. They will have to be screened prior to entry.

The transportation oversight board will establish a security program to develop the secure areas as well as the standards. People working in those secure areas will be required to have background checks. Not everybody coming there delivering the Cokes for the Coke machine or whatever will need it, but there will be secure areas, and people working in them will have to have background checks. We have established a sea marshal program that the maritime folks have wanted for quite a while.

We have an assessment of the foreign antiterrorism measure. And let me commend Mr. Bonner, the Director of Customs, who has already gone overseas and coordinated this. What we are doing is establishing assessment and check methods and secure methods for the ports of the cargo being loaded into the containers before they leave, let's say, the Port of London. We are going to have to do the same things to facilitate delivery when it comes into the United States.

I emphasize the Coast Guard authorization bill. We haven't had one since 1998. We have been struggling with that. But now everybody has in their minds front and center the Coast Guard, the magnificent job it has been doing, even as it has been understaffed and underfunded. We are going to build that up.

I yield such time as is necessary to the distinguished Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, let me start by, once again, thanking Chairman HOLLINGS for his leadership in addressing identified safety and security problems at our Nation's seaports. I applaud his leadership and steadfastness as we finally bring this important piece of legislation to completion.

The conference report we are considering today is an important step forward and will provide both the guidance and funding authorization needed to improve maritime and port security. It is past time to send this legislation to the President for his signature.

The old adage, ''a chain is only as strong as its weakest link,'' is very true when it comes to securing our homeland. Today, our Nation's seaports remain a weak link in border security. This conference agreement will go a long way in strengthening that link.

Both the Hart-Rudman Report on Homeland Security and the Interagency Commission on Crime and Seaport Security found our seaports to be vulnerable to crime and terrorism. While there is no way to make our Nation's seaports completely crime free and impenetrable to terrorist attacks, this conference report will undoubtably advance port security and help strengthen overall national security.

The report by the Interagency Commission on Crime and Seaport Security, also known as the Graham Commission, in recognition of Senator GRAHAM's efforts to establish such a commission,was a catalyst 2 years ago for the Commerce Committee's initial efforts to address crime and security issues at our Nation's seaports.

The committee held a number of hearings in Washington focused on seaport security issues and the Subcommittee on Surface Transportation and Merchant Marine also held field hearings on the west coast in Seattle, WA, and Portland, OR, and on the southeast and gulf coast in Port Everglades, FL, New Orleans, LA, Houston, TX, and Charleston, SC. The input from numerous witnesses contributed significantly to the development of this agreement.

As I have mentioned many times during the past year, it is widely reported that transportation systems are the target of 40 percent of terrorist attacks worldwide. This conference agreement would provide for increased security at our Nation's seaports, helping to reduce crime and protect vessels and vital transportation infrastructure from terrorist attacks.

The conference agreement includes a number of important provisions. It requires coordination among the many entities that play a role in security at our Nation's seaports and on our navigable waterways, including the Coast Guard, the Customs Service, and the many other Federal, State, local, and private agencies. It directs these entities to work together to establish security plans aimed at decreasing vulnerabilities and reducing threats to our ports and maritime transportation system. These plans will help define specific responsibilities and secure our seaports.

The conference agreement also requires the Secretary to establish incident response plans that explain the role of each agency and how their efforts are to be coordinated in the event of an attack on our Nation's maritime transportation system. In addition to providing guidance on how to respond in the event of an attack, it is expected the detailed planning called for in the agreement will help deter terrorist attacks and other criminal acts aimed at our seaports.

The conference agreement further requires the Secretary to establish a grant program to provide much needed funding to ports and facilities to help defray the compliance costs associated with both area and facility security plans. The Secretary will also be required to establish a program to provide grants to look at new and existing technologies that can be used to better secure and protect our Nation's maritime transportation system.

The conference agreement takes into account not only the wide range of threats and crimes surrounding our seaports, but also the unique nature of our ports. A ''one-size-fits-all'' approach will not work. The planning process established in the conference agreement requires the Secretary to consider the fact that our Nation's seaports are complex and diverse in both geography and infrastructure.

While there are still many questions regarding how far we must go to secure our ports and waterways, I am confident that the compromise reached with our House colleagues will create a safer and more secure maritime transportation system in the United States and allow the flow of commerce to continue.

Mr. President, this conference agreement also includes the provisions from our Coast Guard authorization. The Coast Guard has been operating without an authorization since 1998, and the resources and personnel benefits provided in this measure for the men and women serving in the Coast Guard are long overdue.

This agreement authorizes funding for the Coast Guard for fiscal year 2003 at the levels requested by the President for six accounts: one, operation and maintenance expenses; two, acquisition, construction, and improvement of facilities and equipment, AC&I; three, research, development, testing, and evaluation, RDT&E; four, retirement pay; five, environmental compliance and restoration; and six, alteration or removal of bridges. It also authorizes end-of-year military strength and training loads to ensure that the Coast Guard will have the flexibility to respond to its ever growing missions.

The provisions from the Coast Guard authorization bill include numerous measures which will improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. The conference agreement addresses various Coast Guard personnel management issues such as promotions, retention, housing authorities, and education, along with measures that grant the Coast Guard parity with its Department of Defense counterparts.

Additionally, this legislation provides a number of changes to U.S. maritime laws and Coast Guard authorities such as extending the time for recreational vessel recalls, and increasing penalties for negligent vessel operations. This bill also provides much needed advance funding authority for the Oil Spill Liability Trust Fund which will allow the Coast Guard to better respond to the ever increasing costs of environmental cleanups.

In closing, Mr. President, I want to commend the conferees for their work to reach a compromise on this important legislation. I urge my colleagues to support final passage of this legislation.

Again, I thank Senator HOLLINGS for his dedicated and deeply involved work on this legislation, including conduct of field hearings throughout the United States, including the important port of Charleston, SC.

Mr. President, I know the Senator from Texas, Mrs. HUTCHISON, wishes to speak on the conference report. I yield the floor.

Mr. HOLLINGS. Momentarily our distinguished colleague from Florida will speak. It was Senator GRAHAM of Florida who persuaded President Clinton to appoint the investigating commission with respect to seaport security.

I wish to add a couple comments with respect to the Coast Guard authorization. As I have stated, it is the first authorization since 1998, and it increases the Coast Guard budget $1 billion, with 10,000 additional active duty military personnel. They have been understaffed. I know of a tragic situation of search and rescue that did not work in Charleston, SC, my backyard. There are provisions in this legislation so we have adequate personnel manpower there.

The Coast Guard is to examine and report to Congress its expenditures and missions by September of next year. We want to get in lockstep as they increase their effort from 2 percent of the budget to some 22 percent of the budget with respect to seaport security.

I can point out many other provisions, but I will yield such time as is necessary to the distinguished Senator from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, first, I wish to extend my congratulations to the Senator from South Carolina and the Senator from Arizona, who have

been working on this issue for many months and have carried the position of the Senate in the conference committee. I commend you for the success we have achieved today and for the battles we both recognize will be required in the future in order to fully realize the goals of this legislation.

Mr. HOLLINGS. I thank the Senator.

Mr. GRAHAM. Mr. President, I am very pleased to rise in support of the Maritime Transportation Security Act of 2002.

This legislation will secure one of our Nation's greatest vulnerabilities, our seaports.

This bill not only ensures that our ports remain a driving force in the American economy, it also commences the closing of the floodgates of vulnerability to the terrorist threat to American seaports.

Mr. President, there is much work that remains to be done.

For this legislation to be effective, it must have a predictable and sustained funding source for the agencies tasked with maintaining the security of our maritime borders.

It was in December of 2001, almost a year ago, that the Senate unanimously passed a comprehensive seaport security bill. The House of Representatives passed its own version in June of 2002. This legislation has been in conference for 4 months. Valuable time has been passing while an important part of our homeland economy, as well as our homeland security and the Nation's 360 seaports, have remained extremely vulnerable.

I am pleased a final agreement has been reached and the bill is completed and it will soon go to the President for his signature.

To quote the Florida Ports Council:

> Seaport security must be addressed in a comprehensive, intelligent, practical manner by the Federal Government—now, not in 2004 or 2006, or 2008.
>
> The security of our borders is a national responsibility. No matter how good our State processes and practices are—without the Federal Government requiring realistic security plans and standards—the public domain will remain at risk.

I am pleased we are doing that today and starting to fulfill our Federal responsibilities.

We live not only in a democracy but also in a nation that allows its citizens and visitors the freedom to travel throughout our great country.

The United States thrives on global trade and global travel.

But support for democracy and freedom must go hand-in-hand with strong protection of our maritime borders.

Fortunately, our seaports have not yet been attacked. Fortunately, as of today, one of those container cargoes, 16,000 of which arrive at America's seaports every day, has not been used as the means by which a weapon of mass destruction will be delivered within the United States.

This means instead of looking at the security of America's seaports through the rearview mirror, as we have been doing since the events affecting airlines and airports as a result of September 11, 2001, we are looking at seaport security through the windshield, albeit a foggy windshield. We not only have a responsibility but an opportunity to take steps to avoid the head-on collision at America's seaports that has not yet occurred.

Since September 11, there has been a lot of discussion about connecting the dots, what could have been pieced together, the things we should have seen before that tragic day. And, like 9/11, information about our seaports presents a disturbing array of dots. But from these, there is a clear pattern of vulnerability at our seaports and the cargo containers which they deliver.

Many of these dots are available only in classified form, which are not disclosed for national security reasons. But there are many instances of security breaches at seaports that have been publicly disclosed—in open sources—that paint a stunning portrait of our maritime vulnerabilities. Weekly, I read newspaper accounts of stowaways and narcotics arriving in our country, and of security lapses at our ports.

I have several articles I would like to bring to the attention of my colleagues, and I ask unanimous consent that they be printed in their entirety in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. On May 13, 2001, Fox News and the Associated Press reported that 25 Islamic extremists, hidden on commercial freighters as stowaways, illegally entered the United States. These individuals reportedly entered the United States through four seaports in Miami; Port Everglades, Fort Lauderdale; Savannah; and Long Beach. Where have these men gone and, more importantly, what are their intentions?

The Washington Times, in a January 22, 2002, article entitled ''Seaports Seen as Terrorist Target,'' reported al-Qaida ''shipped arms and bomb-making materials via Osama bin Laden's covertly owned freighters.'' These explosives were later used to blow up the U.S. embassies in Kenya and Tanzania.

What if these ships were making port calls at a port in the United States of America?

Further, in a front page article dated February 26, 2002, USA Today reported that in October of 2001, a month after 9/11, port authorities in Italy opened a suspicious container and found an Egyptian-born Canadian person, equipped with a satellite phone, laptop, false credit cards, and security passes for airports in Egypt, Thailand, and Canada. What if this container and person made a successful, undetected entry into the United States?

On June 16, 2002, the Washington Post reported that three men captured by CIA and Morrocan authorities told interrogators they escaped Afghanistan and came to Morocco on a mission to use bomb-laden speedboats for suicide attacks on U.S. and British warcrafts in the Strait of Gibraltar.

On October 6, 2002, the French-flagged supertanker *Limberg* was attacked and holed by a small boat packed with explosives, possibly a remote-controlled boat, off the coast of Yemen. This attack is now widely believed to be the work of al-Qaida operatives.

Yemen is, of course, the same location as the USS *Cole* bombing of 2 years earlier.

On October 29, 2002, as seen on national television, a 50-foot coastal freighter with 234 Haitians and 2 Dominicans landed close to Miami, in Biscayne Bay, Florida. How did this boat manage to get so close to a major American city? This vessel was not detected by the Coast Guard until the last few hours of its voyage.

Finally, less than 2 weeks ago, November 4, 2002, The Houston Chronicle reported 23 stowaways to Honduras who were captured at the port, 16 on the barge and 7 more who had tried to swim ashore.

Mr. President, the current assessment from the U.S. intelligence community is that 19 of the 35 State Department-designated foreign terrorist organizations have access to maritime conveyances, or are directly associated with maritime terrorism.

Since 1991, there have been 131 maritime attacks. This includes 19 ship hijackings, bombings, armed attacks, or kidnappings in the 4-year period between January 1996 and December of 2000.

Clearly, both our seaports and maritime borders and their vulnerability to terrorists remain a primary U.S. security concern.

In 1998, I asked former President Bill Clinton to establish a Federal commission to evaluate both the nature and extent of crime in our seaports. I have become aware of the extensive and expanding use of seaports for a variety of criminal activities.

In response to this request, President Clinton established the Interagency Commission on Crime and Security in U.S. Seaports on April 27, 1999.

The three distinguished cochairs of the commission were Raymond Kelly, then commissioner of the U.S. Customs Service, now head of the New York City police department; James Robinson, then assistant Attorney General; and Clyde Hart, then administrator of the Maritime Administration.

In October of 2000, the commission issued its final report. This report outlined many of the common security problems that were unearthed at U.S. seaports. The commission made 20 findings and included recommendations to respond to these threats. Our seaport security bill addresses many of them directly.

For example; the Commission reported a ''need for a more comprehensive and definitive statement of the

specific federal responsibilities,'' including the ''lead agencies'' of Customs for international cargo and Coast Guard for seaport security.

Our seaport security bill provides new authorities for both of these agencies.

The Commission also noted that:

Comprehensive interagency crime threat assessments * * * currently are not conducted at seaports and that the federal government should establish baseline vulnerability and threat assessments for terrorism at U.S. seaports.

The seaport security bill requires the Coast Guard to survey all ports, prioritize them, and then conduct detailed port and vessel type vulnerability assessments.

The Commission called for a ''comprehensive initiative to improve cargo import procedures,'' noting that ''vessel manifest information, import and export, is sometimes deficient'' and ''is more easily utilized * * * if it is received in electronic data formats before the arrival of the vessel.''

The seaport security bill requires vessel and cargo data to be submitted in advance and in a format to be prescribed by the Secretary of Transportation.

The Commission was concerned that ''no minimum security standards or guidelines exist for seaports and their facilities.''

The seaport security bill would require security standards and provide federal grants for these improvements.

These are but a few of the many vital provisions in this seaport security bill.

On September 11, 2001, four commercial airliners were hijacked and turned into weapons of mass destruction, crashing into three symbols of American strength. The fourth airliner was destined for yet another symbol of American strength but for the courageous passengers and crew who intervened. We were not able to prevent these hijackings before they happened.

After that tragic day, Congress quickly responded and introduced the Aviation Security Act on September 24. It was signed into law on November 19, 2001. This law requires safer cockpits, air marshals, Federal oversight of all the airport security operations, advanced anti-hijacking training for all flight crews, establishment of a security fee, and background checks for flight school students.

On September 21, 2001, 10 days after the attack, Congress approved a relief package for the airline industry. This included $5 billion of immediate cash infusion for U.S. air carriers and $10 billion in loan guarantees.

We responded because we had been hit. The challenge of this legislation is: Are we prepared to respond before we are assaulted?

I believe we are beginning to answer that question in the affirmative with the adoption of this legislation.

The threat to our seaports is urgent and real. When a cargo container arrives on our shores, it is quickly loaded into a truck or a train, leaving all Americans, not just those who are located close to a seaport, vulnerable to a security lapse which occurs at the seaport because the seaport is the last point at which that container can reasonably be checked and evaluated to determine if it represents a threat to the American people.

While our bill is a step in the right direction, we must fully commit to our seaports as we have to our airports, which includes a steady stream of funding.

As my colleagues may be aware, the primary reason this seaport security bill was in conference for 4 months was the inability of Members to reach agreement on how to fund these security measures. So what we are passing today is essentially an authorization bill. We are providing the basic architecture of the security, but the challenge to provide the plumbing and the electrical systems that will bring this architecture to life is yet to be faced.

My preference was to pass a bill which would have contained that plumbing and electrical system in the form of user fees, as we have already done for airports and airlines, giving our ports an immediate influx of money to quickly address the security lapses that have been identified.

Why is this so important? If we do not have a dedicated stream of user-generated revenue, our commitment to seaport security may be viewed as temporary and piecemeal.

The PRESIDING OFFICER. The time reserved for the Senator from South Carolina has expired. The Senator from Arizona controls the balance of the time.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eighteen and a half minutes.

Mr. GRAHAM. I ask the Senator from Arizona for a minute to close.

Mr. MCCAIN. Certainly. I yield 3 minutes to the Senator from Florida.

Mr. GRAHAM. As chairman of the Senate Select Committee on Intelligence, over the past 2 years, I have worked with the committee on a 5-year plan of enhancing technology and human skills within the intelligence community.

It is our expectation that these investments will yield rich dividends in the intelligence community, to understand the terrorist threat to our Nation, better inform decisionmakers on policies that can defend against these threats, and take direct action against the terrorists.

It should be no different at our Nation's seaports. Investing in security along our maritime borders is as vital as investing in our intelligence capabilities or our Nation's airports. But I am troubled by the prospects. The administration has shown no willingness to request any funding for our seaports.

The administration's fiscal year 2002 and 2003 budgets contained no funding for seaport security. To date, all funding for enhancing security at our seaports has been as a result of congressional action on supplemental appropriation bills.

Illustrative of this gap between congressional funding and the administration's funding is the fact that only $93 million was available from the Transportation Security Administration for over $700 million of seaport security grant requests.

While this funding has aided some ports, comprehensive security improvements for all ports will cost significantly more.

Based on a survey of just 52 large ports by the American Association of Port Authorities, the improvement costs totaled over $2.2 billion.

In addition, the United States needs a consistent policy on how much of the additional security costs are the responsibility of the Government and how much by industry and its consumers. We need to fairly apply this policy across all parts of the industries and economy.

Ultimately, it should be similar to our approach, and response to, the aviation industry. Undoubtedly, funding security improvements at our ports must be a major task and priority for the 108th Congress.

Seaports are an important economic engine. They are the major gateway to America for cargo and consumer goods.

Annually, the U.S. marine transportation system handles 2 billion tons of freight, 3 billion tons of oil, and 7 million cruise ship passengers. Over 800 ships make more than 22,000 port visits per year in the United States.

One terrorist incident at a seaport could impact an entire coast or the entire economy of the United States. The financial impact of the closing of our seaports would be devastating.

As reported last September in USA Today and numerous other publications, the closure of 29 seaports on the west coast due to labor issues reportedly cost $1 billion a day.

I ask my colleagues, what would happen if we had to close all of our 361 seaports? Factories and plants would quickly be out of parts and be forced to shut down. Commodity hoarding would begin and prices would rise. The stock market would undoubtedly be shaken. Energy and oil prices would rocket upwards.

On April 1, 2002, Business Week magazine observed that ''if a disruption at one of the country's 361 ports leads the U.S. Government to shut them down the way it grounded air traffic in September, it would bring some $2 billion a day in seaborne trade to a dead stop and instantly cripple the domestic economy.''

The issue of seaport security is not going away.

Foreign trade accounts for over one-fourth of the total U.S. gross domestic product.

According to the U.S. Coast Guard, by 2020, one-third of all container ships

will be massive vessels termed ''megaships,'' oil imports will increase to two-thirds of our consumption, and liquefied natural gas imports will increase by nine-fold.

The Customs Service estimates that by 2020 the volume of imported cargo will more than double.

While we have passed this important bill, we now have a responsibility to finding funding for these need security improvements.

I urge my colleagues to make the security of our ports a priority and to pass, and later fund, this legislation.

We must not leave our maritime industry vulnerable to the potential use by a terrorist organization. The possibilities are horrific: The possibility of major loss of life, the possibility of major economic damage, or the possibility of the delivery of a weapon of mass destruction.

We have take the first steps forward in aviation. Why would we leave our seaports and the maritime industry behind? The action that we take today is a beginning.

For this beginning to realize its promise of substantially enhanced security at America's seaports, within the flood tide of cargo containers that arrive each day, further action is required.

Working with the House of Representatives, it is my hope that, early in 2003, we will take the next step, providing a permanent and sufficient funding source for today's legislation.

An appropriate place to start the discussion is using the model of airports and aviation security, where funding is provided by the industry and its customers and the general public.

The President will recommend in his budget for 2004 what he considers the appropriate level for seaport security.

I urge him to be more forthcoming than in the last two budget submissions.

With the President's level of general revenue support, the Congress will be in a better position to determine what level of user fee will give Americans assurance of security at our Nation's seaports.

We understand the threat and the horrible outcomes from terrorism so much better than 1 year ago.

After the terrorist attacks, Congress took quick action to restructure our aviation security program, in order to better protect our country and prevent another attack.

We need to strengthen our seaports, with the same intensity demonstrated at our airports. We must guard our maritime borders against obvious weaknesses and their potential use as a terrorist target.

Our seaports are a vital national asset.

I close by saying we have work to do, and the primary focus of that work is going to be to arrive at a sustainable, reliable funding source for these important security measures. We will have an early indication of what portion of this the President is going to recommend be paid through general tax revenue when we see his budget for the year 2004.

This legislation also requires the President, within 6 months of enactment, to submit a funding proposal on a permanent basis to the Congress. It is my hope that funding proposal will use as its starting point what we have already done for the airline industry where we have made some decisions as to how much of the security costs should be borne by general taxpayers and how much should be borne by the users and the industry. It seems to me we should strive to have a parity and balance of allocation of financial responsibility across our transportation systems. If we are committed, as the action today indicates, to providing security for our seaports before they are attacked and will not await a 9/11 to arrive at a city in the United States through a cargo container with a weapon of mass destruction, which 48 hours earlier had come through a seaport, if we are committed to security without having to be awakened through an assault, then we should also be committed to recognize this is not going to be cheap and it is not going to be a temporary commitment. It will be expensive and it will be sustained and we should provide the revenue to meet those realities.

EXHIBIT 1

[From USA Today, Feb. 26, 2002]

SHIPPING CONTAINERS COULD HIDE THREAT TO U.S.

(By Fred Bayles)

CHARLESTON, S.C.—The odd noises that came from the 40-foot shipping container at Gioia Tauro, Italy, harbor in October demonstrated the danger facing officials at ports around the world. When port authorities opened the suspect container, they found Amir, Farid Rizk, 43, an Egyptian-born Canadian equipped with satellite phone, laptop, false credit cards and security passes for airports in Egypt, Thailand and Canada.

Officials charged Rizk with terrorism but later released him after his lawyers argued he was fleeing religious and legal persecution in Egypt and was not a terrorist.

Rizk's choice of transportation highlighted a security problem that has troubled U.S. officials since well before Sept. 11.

More than 6 million shipping containers arrive here at Wando Welch yards in Charleston and other U.S. ports annually. Only 2% are inspected. The rest remain sealed as they are shipped throughout the country. It would be easy, some fear, to take a container, stuff it with explosives, a chemical weapon or a nuclear device and inject it into the nation's economic bloodstream. Security experts had thought about the massive flow of unchecked containers before the attacks on New York and Washington. In the November 2000 issue of Foreign Affairs, Coast Guard Cmdr. Stephen Flynn, a security expert with the Council on Foreign Relations, offered this scenario.

Suppose, he wrote, Osama bin Laden loaded a biological weapon into a container and shipped it through foreign ports to the USA. The container, unnoticed in the day-to-day bustle of trade, could then be put on a rail car at Long Beach destined for Newark, N.J. Somewhere along the 2,800-mile route, it is detonated.

As bad as the destruction such an attack might cause, the chaos that would follow could devastate the nation's economy.

The nation's shipping system could shut down, as airports did after Sept. 11. ''The economic damage would be incalculable,'' Flynn says. ''It would accomplish what a terrorist group wants to do, which is to disrupt this country's economic structure.''

So what can be done? Looking inside each of the 6 million containers from abroad would disrupt the flow of goods. Technological solutions, including x-ray machines, are costly, expensive and not infallible. The answer may lie in better surveillance at the container's point of origin. Instead of inspecting every container upon arrival, sophisticated computer and intelligence systems are being established to identify suspicious containers before they leave foreign ports.

''You want to do something that doesn't wait until the container is offloaded here,'' U.S. Customs Commissioner Robert Bonner says. ''The big idea is to think about how to push the border back.''

WANDO WELCH

In South Carolina, the blur of movement at the port of Charleston's Wando Welch Terminal vividly shows the shipping business's need for speed. Massive cranes lift cargo containers off merchant ships arriving from around the world. The containers are stacked like giant Lego pieces across the 237-acre facility.

The activity at this, the nation's third-busiest, container facility is a tribute to the efficiency of the ''intermodal'' transportation system, which makes possible the quick transfer of seaborne containers to railcars and trucks without unloading and reloading their contents. The system touches every facet of the economy. Each state receives goods from an average 15 different ports every day, according to the American Association of Port Authorities.

That is why the industry balks at inspecting every container coming into the country. Several members of Congress, including Sen. Charles Schumer, D–N.Y., have proposed such steps.

At the Wando yards, the time a Customs inspector needs to examine a single container illustrates the challenge. One container, singled out because its manifest listed a cargo of ''human aids,'' turns out to have been filled with bundles of used clothing bound from Italy to Bolivia. It took the inspector and a civilian crew most of the day to offload and inspect the bundles, then reload the container and send it back to the shipping yards.

''It would be very difficult to search every container without severely disrupting the flow of goods,'' Bonner says.

A glimpse of that kind of disruption came in late 1999. The nation's Western rail system slowed dramatically as it adjusted to a merger of two railroads, a booming economy and other factors.

The slowdown created havoc for weeks. Christmas items did not arrive to stores on time. Perishable goods rotted. Factories closed because needed parts were delayed.

''It was only temporary, but it created big headaches,'' says John Foertsch, the Southeast operations manager for OOCL (Orient Overseas Container Line), a major container shipper based in Hong Kong. ''It's hard to imagine the chaos that would come if delays like that became the routine.''

TECHNOLOGY SOLUTIONS

Some look to technology as a solution. Last summer, Customs agents at busier ports began using drive-through mobile X-ray units that can scan containers as they are driven past a checkpoint, much like luggage through an airport screening station.

Sitting in the cab of such a unit on the Charleston docks, Customs Inspector Eddie Basham peers at a computer screen displaying the shadowy interiors of passing containers. ''Tires,'' he says, pointing to a stack of spirals filling one container. On the next, he notices a dark, irregular shape and sends it to the side for inspection.

Occasionally, the equipment hits immediate pay dirt. ''There's a few times I've seen people standing in the inside of a container,'' Basham says. Police took the illegal immigrants into custody.

Other screening devices are being tested and deployed. In Norfolk, Va., Virginia International Terminals is installing radiation detectors on cranes, which will screen each container as it is offloaded. As of now, Customs agents use pager-sized radiation monitors that warn of excessive radiation as they walk by rows of containers. Some estimates put the cost of equipping all major ports with large scanners at $5 billion.

BETTER INTELLIGENCE

Some say the solution would be to inspect all U.S.-bound containers before they leave a foreign port. But the difficulty of doing that may be too great.

''No one can argue against vetting cargo before it is shipped, but you need the political will and resources to do it,'' says John Hyde, general manager for security with Maersk Sealand, one of the world's largest shipping companies. ''When you're talking about putting requirements on other sovereign nations, you can never be sure of what the reaction will be.''

Many in industry and government, argue that there is no need to check each of the thousands of containers that arrive daily. They note that only 1,000 < less than 1% < of the 450,000 shippers who send cargo to the USA, account for nearly 60% of all containers shipped to this country. A majority of containers come from well-known and trusted companies that make regular weekly runs to U.S. ports. ''It is impossible to inspect everything, but you don't need to inspect everything,''Bonner says. ''We are pretty good at being able to sort out what needs to be inspected.''

To that end, the Coast Guard has joined with Customs, the Immigration and Naturalization Service and several intelligence agencies to begin sorting out information about containers before they arrive. After Sept. 11, the Coast Guard initiated the Ship Arrival Notification System, the nation's first centralized database on the movement of cargo ships.

Before this system, the Coast Guard captain in charge of security at each port only had to be notified of a shipment 24 hours before a cargo ship was due to arrive. Now that same information arrives 96 hours in advance at the Coast Guard's computer center in West Virginia. Information about the ship, its containers and crew is entered into a database that can be cross-referenced with immigration, FBI and Customs data.

The database allows many agencies to track the movement of cargo around the world. Officials hope it will help zero in on unknown shipping companies or a sudden shift in business practices or cargoes that makes no sense. ''If a ship leaves Genoa, Italy with palm oil bound for a port that normally doesn't import palm oil, you might take a closer look,'' says Capt. Tony Regalbutto, the Coast Guard's director of port security.

Flynn sees this as the first step to a system that will track individual containers as they are loaded overseas and sent to U.S. ports. ''People have compared this to a needle in a haystack problem,'' he says. ''But if you develop good intelligence about what is a threat and what isn't, you get the information down to a manageable number of targets. ''

[From Business Week, Apr. 1, 2002]

COMMENTARY: FREIGHT TRANSPORT: SAFE FROM TERROR?

(By Lorraine Woellert)

With its heavy traffic and massive chemical-storage tanks, the Port of Houston would seem a tempting target for terrorists. Touring the site in January, Senator John Breaux (D-La.) asked what had been done to protect the 25-mile-long seaway. A Coast Guard official assured him that the harbor had been declared a security zone. Breaux was unimpressed. ''That's like putting a 'No Trespassing' sign on a nuclear reactor,'' he said.

In the wake of the September 11 attacks, Washington scrambled to shore up aviation security with tough new passenger- and baggage-screening laws and criminal-background checks on airport workers. But half a year later, U.S. land and sea borders remain almost as vulnerable as ever. Lawmakers hot to jump on the homeland-security bandwagon a few months ago have succumbed to inertia, leaving the nation's most at-risk transportation systems unprotected. ''There has been a gross lack of focus,'' says Edward Wytkind, executive director of the AFL–CIO's transportation-trades division.

Altogether, trains, trucks, and ships move more than $1 trillion worth of freight—about 99% of all U.S. cargo—into the country every year. Seaports, which handle some $700 billion of that cargo, are the first line of vulnerability. If a disruption at one of the country's 361 ports leads the U.S. government to shut them down the way it grounded air traffic in September, it would bring some $2 billion a day in seaborne trade to a dead stop and instantly cripple the domestic economy.

Today, port ''security'' means little more than a few miles of fencing and the occasional container search. Despite stepped-up patrols by Coast Guard and Customs agents after September 11, ships sail freely in and out of the nation's inland and coastal ports. The network relies on an honor system: It's up to carriers to announce their arrivals and disclose their hauls. Federal agents search only about 2% of the 11 million containers that make their way through the U.S. maritime system each year—double the pre-September 11 rate but still frighteningly low. ''You have a ship with 7,000 containers on it, and what do we do? Check the manifest,'' laments Representative Don Young (R-Ala.), chair of the House Transportation & Infrastructure Committee, which is working on a port-security bill. ''We're taking containers from Pakistan, and we don't know what's in them.''

Lawmakers may be indignant, but their efforts to plug security gaps have been few and ill-fated. In December, the Senate, led by Commerce Committee Chairman Earnest F. Hollings (D–S.C.), passed a $4 billion wish list of grants and loans to buy equipment to search more incoming cargo containers. Hollings' bill also would toughen hiring standards by requiring maritime workers to pass a criminal-background check similar to one imposed on nearly all airport workers.

However, the idea of eliminating felons from the workforce, a provision that sailed through Congress as part of an aviation-security bill last year, has come under fire from labor, including the Teamsters and the AFL–CIO-affiliated longshoremen. They say requiring no felony convictions as a prerequisite to holding a job amounts to double jeopardy for workers who have already paid their dues to society.

Industry has its own problems with the idea. As a major player at U.S. ports, the American Trucking Assn. supports criminal-background checks but fears its members could be sued by disgruntled job applicants denied work because of something that showed up on their record. The ATA wants protection from liability. It also worries that a background check involving multiple agencies will prove time-consuming and costly.

In the House, Young has labeled the Hollings measure ''stupid'' because it puts the onus on the U.S. government to search every incoming vessel instead of forcing overseas transportation centers such as China and Panama to boost their own security. But Young's vision has problems of its own. He is seeking to establish an entirely new cargo-information tracking system under the Transportation Dept., duplicating work already being done by Customs and adding another layer to the multi-agency bureaucracy that now regulates container traffic. ''Neither shippers, carriers, nor the government would be served by competing cargo-information systems,'' says Christopher L. Koch, president and CEO of the World Shipping Council in Washington.

Lawmakers—lacking the attention span or the willpower necessary to sort out freight's complexities—seem inclined to settle on politically expedient legislation that emphasizes high-tech gadgetry, spot container searches, and other piecemeal fixes. Such an approach could derail container-traffic flow as dramatically as a terrorist attack. ''It would grind the U.S. economy to a halt,'' says Jonathan Gold, trade-policy director at the International Mass Retailers Assn.

As Congress treads water, the next-best option is emerging in the U.N., where the Coast Guard is pushing new international standards for container inspection, worker licensing, sea marshals, and a long-overdue system for tracking ships at sea. It's an ambitious goal, and one that requires U.S. cooperation. ''If we ask these foreign ports to put security measures in place, then we have to be prepared to do the same thing here,'' Fold says. Whether it's motivated by fear or by shame, Congress must push harder for secure transportation systems.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. It is my understanding from leadership that the vote is now going to take place at 11:15. I ask unanimous consent that the remaining time be equally divided between now and 11:15.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield to the Senator from Alaska such time as he may consume.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Aviation Security Act of 2001 came in the immediate wake of the September 11 terrorist attacks and we may soon send to the President for his signature the bill creating the Department of Homeland Security. The Maritime and Transportation Security Act of 2002 is another important piece of national security legislation that will provide the organizational structure, coordination and planning needed to safeguard our Nation's ports. I thank Senator HOLLINGS, Senator MCCAIN and Congressman DON YOUNG for their tireless efforts to move this legislation through Congress.

Under the Act, initial vulnerability assessments will be made to determine vessels and ports that pose a high risk of being involved in a marine transportation security incident. Attention will be given to deterring and responding to such incidents, and an overall evaluation will be provided on the potential threat level of maritime terrorist attacks.

This port security assessment is imperative for our State of Alaska, which has roughly one-half the coastline in the United States. Alaska's economy and quality of life are directly related to the functionality of it's numerous ports. The majority of our Alaskan communities, including Juneau our State Capital, are not on the road system and depend almost exclusively on marine trade for the delivery of basic goods. A terrorist attack at a port in Alaska, or anywhere on the West Coast, would cause significant interruptions in maritime service to our State, greatly affecting our way of life.

In addition, there are several other ports in Alaska vital to Alaska and the rest of the Nation. This is especially true of the Port of Valdez, which is the southern terminus of the 800 mile long Trans-Alaska oil pipeline. Valdez is an important off-loading terminal for our Nation's domestic energy supply. A terrorist incident here would impact U.S. oil production, without any question, and have a devastating effect on Alaska's fisheries. Dutch Harbor is consistently the top commercial fishing port in America, processing and shipping product to the rest of the world. Kodiak has the largest Coast Guard presence in the Nation and the Island of Kodiak has launch facilities that make it an important staging area for future military and NASA operations that are vital to our Nation's national missile defense system.

The Maritime and Transportation Security Act of 2002 also includes Coast Guard authorization for fiscal year 2003. This is extremely important for the continued success of the Coast Guard in its ever evolving and expanding role in securing our Nation's coastal boundaries.

I commend the chairman and the future chairman of the Commerce Committee for bringing this bill to the floor, and I support its immediate passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. REID. Will the Senator yield?

Mr. HOLLINGS. Yes.

Mr. REID. For purposes of notifying Members of the Senate, there has been a train accident. I hope it is not serious, but we have a couple of people on the train. We are now in the process of working out a unanimous consent agreement to have the vote maybe 45 minutes later than scheduled.

Mr. HOLLINGS. We scheduled the vote for 11 a.m.

Mr. MCCAIN. Actually, 11:15.

Mr. REID. It may be later than that.

Mr. HOLLINGS. I yield such time as he may consume to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank my distinguished chairman of the Commerce Committee for his involvement and his leadership in bringing this legislation to the floor, as well as the ranking member of the Commerce Committee, the Senator from Arizona, and everyone really who has been involved in this legislation.

Suffice it to say, the conditions in the world, and in the United States in particular, have changed dramatically since the events of 9/11. Things we took for granted, things we did not pay a great deal of attention to, are no longer the status quo. The Commerce Committee, to the credit of the leadership of our committee and Senator HOLLINGS, had taken up the concept of making sure our ports were more secure even before 9/11.

The Commerce Committee in August of 2001, before 9/11, passed a seaport security bill by a unanimous vote. The committee was clearly on top of potential problems before 9/11. But certainly after the events of 9/11 it became clear we needed to do more even than we originally had done in the legislation.

I have the privilege of chairing, under the Commerce Committee, the Subcommittee on Surface Transportation. At the suggestion of the chairman, it was determined we should have field hearings around the United States. We had field hearings in six different port cities in the country. We had hearings in the chairman's hometown of Charleston, SC, and the home of the Senator from Texas, the Port of Houston. We had hearings in the Port of New Orleans. We had hearings in Fort Lauderdale. We had hearings on the west coast. We had hearings on the gulf, Atlantic, and Pacific, to learn the conditions of the ports of the United States regarding security.

We found when everyone is in charge, no one is in charge. In a number of ports, the sheriff's department was involved in security. In some ports they had port security police partially in charge. In some areas they depended totally on the U.S. Coast Guard to do all the work—which they cannot do. Some had very lax security on the perimeter, on the shore surrounding the ports.

Every day, literally thousands and thousands of men and women drive trucks loaded with containers into port facilities. We need to know who they are. We need to know what their purpose in being there is. We need to know as much as we can about who comes and who exits these international ports.

It is very interesting how commerce works. One container can carry as much as 60,000 pounds of whatever you want to put in it. There are ships entering our ports and laying alongside the docks containing as much as 3,000 separate containers on one ship. Each container carried as much as 60,000 pounds of whatever someone wants to put in them.

The USS *Cole* had a small vessel pull alongside of it and blow a hole in the side of it, killing American sailors; one relatively small boat pulled right alongside the USS *Cole*, a military naval warship. At the same time, remember what happened in Oklahoma City. Approximately 15,000 pounds of explosives blew down the Federal Building with drastic consequences to human life and to the stability of that city, shaking the confidence of this Nation. One person with 15,000 pounds of explosives knocked down an entire Federal building.

One container has 60,000 pounds of product that can be put into a ship that may have 3,000 containers. The potential for damage if a terrorist wants to target one of the ports of this country by placing explosives in one of these containers is great.

We had the example of one Egyptian who took a container and practically made an apartment out of it. He got a container in the Middle East, had himself equipped with a cell phone, food, a bunk to sleep in, and literally was transported from the Middle East, through Italy, destined for Canada, and ultimately to the United States. Who knows what he was intent on doing? Again, one ship, with 3,000 containers; how do we determine what is in each container?

Some of our large container vessels pull alongside our ports. We saw in Houston, in the Port of New Orleans at the hearings we held, the Port of south Louisiana, the Port of Baton Rouge—there are miles and miles of ports—some of these ports have, right alongside them, a liquefied natural gas facility. Next to the liquefied natural gas facility there could be an oil and gas refinery. Imagine the damage that could occur with one container loaded with explosives in a ship docked alongside an LNG facility, which is next to an oil and gas refinery, which may be followed by several other chemical plants. One container exploding could set off a chain reaction with a great deal of damage and a great loss of life.

Some of our ports are located in urban areas. The Port of Houston, the Port of New Orleans, the Port of New York, the Port of New Jersey, the Port of Fort Lauderdale, the Port of Savannah, the Port of Charleston they are all located in urban areas. There is a grave potential for damage.

The point I make is that things have changed since 9/11. A port manager was asked: How do you secure vessels pulling alongside these LNG facilities? How do you assure they know what they are doing? How do you secure the area? This individual said: Well, we have a sign posted that says ''No Trespassing.'' I doubt a person intent on blowing up a city or doing grave damage to one of our ports will be deterred by a sign that says ''No Trespassing.'' They will not pay any attention to it.

The fact is we have to have people involved in security. We have to have people in a chain of command, people who know what they are doing, who is doing it, and what is the responsibility of each particular segment of law enforcement operations.

This legislation will help do that. This legislation for the first time will say every port in the United States of America will have to develop a comprehensive port security plan. Some of them have plans in place now, but I don't think they are as comprehensive as they need to be, and some have almost nothing. A comprehensive port security plan under the U.S. Coast Guard, working with the local port and local law enforcement officials, can design a plan that fits a particular port. What may be necessary in the Port of Savannah may not be necessary in the Port of Houston. What is necessary in the Port of Houston may not fit in the Port of Charleston. Each port has to have a plan designed to meet the needs of that particular area.

Not only do the operations along the water's edge have to be better secured, the entire facility has to be secured. As I said, we have literally thousands of incoming and outgoing trucks loaded with containers. We need to know who those people are bringing in the containers, what their purpose is. No longer can a port be a tourist attraction. No longer can someone say let's go to the port and see the ships. Unfortunately, times have changed. We need better security, better perimeter protection, better knowledge about the cargo on the ships, better knowledge of the crew on the ships.

We have transponders on airplanes. We have GPS systems in automobiles. There is no reason every ship that comes into an American port will not have a GPS system on it, an identification system on it, an automatic identification signal that can transport to the port authorities where that ship is at all times—not just when it comes in, but when it actually reaches the floor, while it is in port.

Senator GRAHAM, who has been instrumental in helping pass this legislation, raised at the press conference yesterday the concern about the vessel that came in from Haiti. That vessel did not just come close to the U.S. shores, it actually landed on the beaches of Key Biscayne, FL. As Senator GRAHAM has pointed out, instead of being a group of refugees, suppose it was a same-sized vessel, loaded with explosives, with a terrorist who was willing to commit suicide, who instead of dropping off several hundred refugees had pulled alongside one of the large buildings in the Port of Miami, or pulled alongside one of the cruise vessels loaded with passengers, and blew up his vessel and the vessels surrounding his vessel. That cannot be allowed to happen.

This legislation will help the ports do the job they need to do. Unfortunately, we do not have any funding other than a grant program to the local ports. Most of the cost will have to be borne by the U.S. Coast Guard. I say to Senator HOLLINGS and those on the Appropriations Committee, it is going to be their great task to make sure we adequately fund the Coast Guard to carry out those plans, because they are going to cost more. We have to do a better job. It is going to cost money. What about the local ports? We talked about a user fee, which I thought was a better idea, to spread the cost across society. It would be very small if we did it that way, but that's not part of this bill. There are local grants that ports can apply for, because it is going to cost to do the security they need. I am hopeful that program will be sufficient in order to allow our ports to do the work that is needed.

This is a good piece of legislation. It can go a long way toward securing U.S. ports, which today are very vulnerable, which today, I would add, are potential targets. This legislation, when in place, will go a long way to providing the security of which we can all be proud.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I would first like to thank Senator HOLLINGS and Senator MCCAIN for helping us get this bill through the committee. Senator BREAUX's remarks were right on target. I hosted Senator BREAUX's hearing in Houston. He toured the Port of Houston with me. We saw firsthand what some of the problems are.

I have to say, I was very impressed with what the Port of Houston is doing on its own. Using its own resources, it has beefed up its patrols and its security guards. Certainly, the Coast Guard is more involved in checking manifests and the ships that come into the Port of Houston. But the fact is, the Port of Houston is the largest port in America in terms of foreign tonnage. It handles more than half of the Nation's petrochemical capacity. We certainly need Federal funding and support to make sure a port like this one, which is vulnerable, and presents such a risk, has a fully implemented security system.

I thank Senator BREAUX for coming to see firsthand this great port in my State, for looking at what they are doing on their own, and then realizing the need to give them added help through this port security bill. I am very pleased that we are taking this first step.

Due to the volume of hazardous materials, a terrorist attack in the Port of Houston could result in the loss of millions of lives. Of course, it would also interrupt our Nation's energy supplies, delivering a huge blow to our economy at a time when we certainly cannot afford any more economic disturbances. However, there are other ports as well in my State, and smaller ports throughout our Nation.

In my State of Texas we have Corpus Christi, Brownsville, Port Lavaca, Galveston, Freeport, and Texas City. They each have different challenges. Some have to safeguard cruise ships. Cruise ships are a new, burgeoning tourist industry that is working particularly in Galveston. We are very happy about this, but it means we have to safeguard these cruise ships by taking similar security measures.

Texas City, on the other hand, faces the security challenge of screening cargo containers and shipping vessels on a shoestring budget. We have Brownsville and Corpus Christi that are becoming very important ports for Central and South American goods coming in. We are very pleased about that, but they too need security.

So this is a compromise bill. It lays the foundation for a port security system under the Transportation Security Administration. It requires security plans for every port, background checks for employees with access to secure areas, and improved identification technology for both individuals and vessels traveling in United States waters. The proposed Homeland Security Department would also be tasked to assess potential threats presented by security practices at foreign ports, so that we are able to find out if a foreign port is particularly lax. Then we would have to take extra steps for ships coming into the United States from that port, whether it is the port of origin or whether it is a through-port.

I think those are the steps we need to take. I support this compromise because certainly it is important to take these immediate first steps. However, I do not think the bill goes far enough. I am an original cosponsor, with Senator FEINSTEIN, of the Comprehensive Seaport and Container Security Act that would provide more resources and greater emphasis on port security. Our bill requires profiling of cargo containers and scrutiny of high-risk shippers.

We are not closing the book on port security with the passage of this compromise bill, but we are taking a major first step. I look forward to working with Senator MCCAIN, Senator HOLLINGS, Senator BREAUX, and others who are very concerned about the whole port security issue. In the next session, I look forward to really addressing the container cargo and other high-risk port needs, and to assure we do not have a void in our port areas. Senator STEVENS was saying the other night that 50 percent of the American people live within 50 miles of a port. That is a very important statistic. We have to check our ports, our people, and the goods coming into this country.

I am very pleased we have taken this first step, because what we have done in aviation certainly has been a huge improvement. Are we finished with aviation? No, we are not. But are our airports safer today than they were on 9/10/01? Yes, they are.

I travel as much as anybody in America, commuting back and forth to my home State every week. I see a significant difference in the quality of screening with the new Transportation Authority personnel. They are trained. They are polite. They are doing their jobs in a professional way and I am very proud of that. We need to do more and, hopefully, we are going to address some of the other aviation needs in the very near future. But right now we are addressing a major area of responsibility for our country and that is the security of our ports, the people, and the cargo that comes through our ports.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I will be brief. I came over from my committee meeting for two reasons. One is to compliment the chairman, the Senator from South Carolina. Frankly, were it not for his consistent and persistent efforts on security—port security and, I might add, rail security—we would not be standing here today. There is much to say about this legislation and I am not going to take the time now.

I do want to add one other point. I am sorry many more of my colleagues, understandably, are in committee meetings right now and are not here to hear this. We are taking the action that is necessary to deal with a legitimate and real security concern for America's ports. I might add there is more traffic up and down the Delaware River into Philadelphia, with oil traffic in particular, than I think almost any other place in the country. There are a number of refineries in my State and in the neighboring State of Pennsylvania and ports in New Jersey and Pennsylvania and Delaware. So this is very important to us.

But equally important to us is rail security. My friend, the Presiding Officer, a former Governor, knows about security, what the CIA indicated. I can publicly indicate it. They indicated the most likely target is going to be rail. Since 9/11, my friend from South Carolina passed out very significant rail security legislation—$1.2 billion. It is a clearly documented need and an overwhelming concern, listed by the CIA as a likely target for terrorists—and we have done nothing on it. We have done nothing.

I realize it is a bit of a broken record. I have been on the floor many times speaking to this. But I just say we are going to rue the day we failed to take the action that has been documented which we need to take to enhance the security of our rail system.

Let me give you again two examples. Then I will cease. But I want the RECORD to show every day we wait, we are putting thousands of lives in jeopardy. When you say thousands of lives, what are you talking about, Senator? Right now, as we speak, there are more people in a tunnel on a train under New York City—at this moment—than there are on five full 747 aircraft. Those tunnels were built at the turn of the century. They have no escape. They have no lighting. They have no ventilation. Immediately after the Civil War, the Baltimore tunnel was built for freight and passengers.

You may remember that a little over a year ago there was a fire in the Baltimore tunnel—just a regular old fire—no terrorist act. It shut down Baltimore. In that tunnel, there is nothing. It was cut through granite in 1869. Nothing has been done to that tunnel. Even its signal systems are not adequate. We know this. Contracts have already been let. We already have the design. There is no need for design work. It has already been done. We could literally start tomorrow.

My friend from South Carolina has documented all of this in his hearings. He has laid it out in spades. He has made it clear to everybody. But somehow we just think, OK, rail transportation is not very much. It is the ultimate stepchild, both in terms of our transportation network and in terms of security.

It has been over a year since my friend from South Carolina reported out a $1.2 billion piece of legislation on security. I am not even talking about Amtrak—just basic security needs. We don't even have dogs available to sniff luggage in cars. There is nothing. There is virtually nothing at all.

I just want to say I am not going to be here saying I told you so, because that would be unfair. But we are making a serious mistake, totally ignoring what the CIA has publicly pointed out is a targeting concern, and what everybody knows; that is, the threat of terror and the richness of the targets available on the rail system.

I am all for this port security bill. I think it is a very positive step forward. But I just say to my friends we are making a tragic mistake having held up now for the better part of a year the rail security legislation that was passed out of committee and for which I think there is a consensus. We can't get a vote on it. I think it is a tragic mistake.

Again, this is not in any way suggesting my State is very much impacted by this port security legislation. We have thousands upon thousands of containers coming into my little State. We have major export and import of automobiles coming in the Port of Wilmington. We are within the shadow of the Port of Philadelphia in Camden. More oil comes up the Delaware River than I think any other estuary, taking care of the Delaware Valley where there are over 10 million people.

I am in no way suggesting we shouldn't be doing what we are doing. I am suggesting we are making a tragic mistake by not acting on rail security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may take.

I am very surprised by the comments made by the Senator from Delaware. The fact is we did pass out a rail security bill. The Senator from Delaware wanted to add on billions of dollars for all kinds of assistance to railroads, which has had very little to do with security. I am all for security. But the Senator from Delaware and I are known for our differences of opinion about Amtrak and how much of American tax dollars should be spent on Amtrak. In fact, it has been about $20 billion to $30 billion in the last few years. We are still subsidizing rail routes to the tune of $200 to $300 per passenger.

But the fact is the reason we don't have a rail security bill is because of the desire to add on the bill billions and billions that have nothing to do with rail security.

If the Senator from Delaware wants to pass our version of the bill which has nothing to do with the additional billions that are the subject of debate on the transportation bill and other bills, that is fine. But the reason we are making a tragic mistake here is because we didn't move forward just rail security. There was a strong desire by supporters of Amtrak to lard onto it billions of dollars of additional spending having nothing to do with rail security.

I look forward to working with the Senator from Delaware. They should be separated. Subsidization forever of Amtrak is not something this Senator will ever support when we subsidize rail routes, in the case of a line in Wisconsin—recently terminated, thank God—at $2,000 per passenger. There is something wrong with the way Amtrak is being subsidized.

I look forward to working with the Senator from Delaware. But let us have no doubt as to why rail security didn't pass this floor with this Senator's endorsement, which is because of the additional billions of dollars that were going to be added onto it.

Mr. MCCAIN. Mr. President, that has nothing to do with rail security. And as incoming chairman of the committee, I will be glad to review this issue of Amtrak. We will get the GAO up again, and the GAO will talk about the incredible subsidization of Amtrak which costs American taxpayers billions and billions of dollars per passenger. That is the subject of another day of debate.

But to come on this floor and say that we are making a ''tragic mistake,'' in the words of the Senator from Delaware, by not passing the rail security bill, I say it is a tragic mistake to add billions of dollars of pork onto rail security when rail security should have been the primary and only focus of a rail security bill.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I agree this is not the moment for debate on that. Let me respond very briefly.

The bill was $1.2 billion and $900 million was for the tunnels, period. I don't know where the additional billions of

dollars come from. OK, $1.2 billion. Subtract $900 million. You are then talking about $300 million. Of that, the money went to a lot of things that relate to dogs, sniffers, and a whole range of additional Amtrak police. We can argue about rail signal systems and other things, which I think are essential. Let us get the numbers straight. We are talking about $1.2 billion. Usually what we do when we have billions like this is we disagree. We at least bring them up and debate them on the floor. We can't even get the bill brought up and debated on the floor.

If my friend from Arizona—and he is my friend—is correct about billions of dollars of subsidization to Amtrak, then I am sure he will prevail when we talk about a security bill. But I respectfully suggest that is not the case.

No. 2, this really is for another day. I will just take 2 minutes.

We talk about, for example, the Wisconsin line. We do airports. We pay $150 million a year. I think we added another $100 million—don't hold me to that—to go into something like 350 cities where nobody wants to fly, nobody wants to go. We pay the airlines. We subsidize them to go into Bemidji, MN. I don't know where they go—places that no one wants to fly into or out of. We subsidize them with 150 million bucks. We do that. We just roll over. That is no problem.

At any rate, that is for another day. But in the meantime, I hope we will at least be able to get to the point where we can debate on the floor here the rail security legislation and not prevent it from being discussed on the floor unless we have what individual Members want in a bill before it even gets to the floor.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I would like to briefly speak in support of this legislation.

I come from a coastal area. When I was in the House of Representatives, I served on the Merchant Marine and Fisheries Committee and was a member of the Commerce Committee. I pay close attention to the maritime industry and what is happening with our ports and our ships and shipping industry.

I am very pleased to see this legislation has been brought to the floor. I commend the chairman of the committee, Senator HOLLINGS, and the ranking member, Senator MCCAIN, as well as others who were involved in working through some of the difficulties to produce results. Senator STEVENS was involved in that, and Congressman YOUNG on the House side. I had more than one conversation with Senator THOMAS and Senators BAUCUS and GRASSLEY.

A lot of people worked to help make the production of this legislation possible. I must say, I am amazed it took that kind of a heave because this is such necessary legislation. We probably could have and should have done it last summer. There is no use reviewing all of what went into that, but there is no doubt in my mind that we need to pay attention to port security. That is a place where we could have vulnerability.

I believe we are making progress in using sophisticated technology to begin to address those threats, but, still, we need to pay attention to this area and make sure we are doing all we can to protect the American people from terrorist attack or exploitation in our ports.

The vast majority of the U.S. international trade flows through our ports. And I have worried that some enterprising terrorist could put some very devastating material on a tramp steamer or a boat that would come into South Carolina, New York, Baltimore, or Pascagoula, MS, and have a devastating impact on those communities. So we need to think through this.

Over the past few decades, international and domestic port transportation systems have responded to ever-increasing volumes of two-way trade by increasing their efficiency at moving cargo. The challenge before us, though, is to take steps to find out what is on those ships, what is in that cargo. We have to look at the port of demarcation. How do we deal with them on the high seas? How do we make sure a threat is properly checked into or assessed? What do we do once they get into the ports?

So this is important legislation. It is not to diminish the threat in all the areas of transportation. We have to think about and review all of them: aviation, trucking, automobiles, points of entry on land. But this is one area in which we need to take action, and that is what the legislation does.

The administration took immediate steps to increase the security for our maritime transportation system. The Coast Guard dedicated increasing resources to protecting our ports. The Customs Service initiated programs to improve its awareness of all cargo movements into the United States and to push its inbound cargo screening efforts out to foreign ports.

The Maritime Transportation Security Act of 2002, that we are considering now, provides new direction to the administration and additional authority so we can deal with this area in a comprehensive manner.

The bill establishes a system of national, area, port, and waterfront facility and vessel security and response planning and involves the State officials, local officials, and Federal officials and industry representatives.

The bill improves the authority for the Customs Service to collect cargo information. It promotes the sharing of intelligence information among agencies involved in maritime transportation security and close coordination of security planning and operations among those agencies.

To me, it is unfathomable that they could not do that anyway; that is, exchange information and get information. This bill will make sure that authority is there.

The bill establishes a national transportation security card system to control personnel access to secure maritime terminal areas, including performing background checks on applicants. Again, I cannot believe we actually did not already have a system such as this in place. I hope the administration will, and I urge them to, work closely with the maritime industry, especially in those sectors with frequent personnel turnover, such as the inland waterway towing vessel industry, to address their needs for quick approval of employee access to these secure areas. We do not want to become another bureaucratic nightmare and maze of delay, but this system needs to be put in place.

So I do believe this bill will help us to assess the effectiveness of our antiterrorism measures at foreign ports and to work with those ports to improve those measures. It will provide additional funds in this area. It will give the Coast Guard more authority and authorizes more assistance as they deal with marine safety and the maritime policy improvements.

So this bill is a good achievement. I am glad we are getting it done. It may wind up being one of only four or five conference reports on which we do complete action before we leave at the end of this session, but this is one of which we should be proud.

I commend the chairman, once again, for being willing to take my calls and sit down and say: Can't we just work together? We did and we got the results. So I thank you, Mr. Chairman.

Mr. HOLLINGS. Will the Senator yield?

Mr. LOTT. I yield to the Senator from South Carolina.

Mr. HOLLINGS. I was asked at a news conference yesterday, did we capitulate on account of the elections? I said no. Under Senator LOTT's leadership, we capitulated before the election. You got us together, and I really thank the Senator on behalf of all of us.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield such time as is necessary to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank our distinguished chairman, our distinguished now minority leader, and our distinguished ranking member for this legislation of vital importance to my community of New York, one of the largest ports in the world.

We all know what the bill does. And all of these things are good steps forward. I particularly thank Chairman HOLLINGS for his steadfastness on this bill.

All of us probably would have wanted a little more in this bill, and in a

minute I am going to talk about one particular area of importance to me. But one of our jobs here is not to let the perfect be the enemy of the good.

We need to do so much in our ports, and this is a good first step. The idea of assessing what our problems are, the idea of having a security identification card, background checks, and all of these other things I think are extremely important in terms of getting the needed technology because the terrorists are going to look for our most vulnerable pressure points.

We are doing the job on tightening up air security. I flew in from New York this morning. I saw the new Federal people there. It is better. I do not know if it is good enough yet, but it is better. But with our ports, we have virtually done nothing. This bill is a very good first step. And, again, I thank our chairman.

I want to talk about one area, and that is, the authorizing language is in the bill we worked on, but, unfortunately, not all the money is there to do it. I will try to alert my colleagues to this.

My great nightmare, as I think of how the terrorists would come back and strike us again—it might be al-Qaida; it might be Iraq; but who knows, it could be someone else, Chechens, East Timorese—but someone takes a nuclear weapon and smuggles it into one of the containers that come into one of our ports over our northern or southern borders and then detonates it in a huge population area. As horrible as 9/11 was—and, believe me, I know that horror—this would be much worse.

So we should be doing everything we can to make sure our ports are secure and to prevent nuclear weapons from being smuggled into our country, particularly in one of the large containers that come, by the thousands, to our ports on the east coast and west coast and the containers that come over our borders.

I have talked to experts, and they have said there is good news. The good news is that every nuclear device emits gamma rays, and gamma rays go through almost everything, so they are detectable. Only lead can stop it. And that can be dealt with by having an x-ray detector there as well.

The good news, in addition, was that at our national energy labs, such as Brookhaven and Argonne Forest, have such detection devices that work 50 or 60 feet away. Unfortunately, the bad news is the only practical commercial device is a Geiger counter. A Geiger counter works from 2 or 3 feet away. And it is virtually impossible for us to send personnel on to every container that comes to our ports or across our borders and hold that Geiger counter a couple of inches from each of the scores of crates that are on each container.

As I talked further to these experts, they said, for a relatively small sum, they could take the radiation detectors that now exist in our cyclotrons and can detect radiation 50 or 60 feet away and make them practical; namely, they have to make them smaller because they are very large, and they have to make them less delicate because they could bounce around. But imagine if we had such detectors. We could put them on every crane that loads or unloads a container. We could put them on every tollbooth that a truck, over the Mexican border or Canadian border, drives by and prevent a nuclear weapon from coming in. And even if these terrorists were so sophisticated that they surrounded the bomb in lead, we put an x ray next to it, and the x ray could detect the lead, and we know something is up, and we inspect the crate.

I brought this to the attention of my friend from Virginia, Senator WARNER, and we introduced legislation that would do just this. We worked long and hard to try to get it as part of the homeland security bill, but that did not happen. But the knight on the white horse in this area was the chairman from South Carolina because he put the language that we devised, with some suggestions by the Senator from Arizona and some by his own folks, in this bill.

We are now authorized to do research to figure out a way to detect nuclear devices from 50 or 60 or 70 feet away to prevent—God forbid—somebody from bringing in a device.

There is only one problem. I regret to bring this up, but it is true. The Senator from South Carolina has made the fight. We need about $250 million to come up with such a device. Unfortunately, only $90 million is authorized for the entire research and development section of this bill. This is not a frivolous expenditure. This is not pork. This is vital to our security.

I am supportive of this bill. I am grateful to the chairman. He made the fight. I don't care if the Government or the private sector pays for this; somebody should be paying for this research because we don't want to wake up one morning and find a device smuggled into our country when we can stop it. That is the frustrating thing. We can stop it. This is not one of those things like cancer where we can put billions of dollars in and hope and pray that research finds a cure and stops the disease.

We know if we put in the money, these devices, which already exist, can be practicalized so they can be put on every crane and on every toll booth where a truck with a container comes over our borders.

I hope when we come back next year—this is hardly a partisan issue; as I said, it was the Senator from Virginia and myself who spearheaded this—that we will put new effort into authorizing and appropriating a few more dollars so the research that needs to be done to make us nuclear secure is done.

I supported our President's motion for the war on Iraq. One of the reasons I did was I was afraid that Iraq would develop nuclear weapons down the road, and we couldn't allow them to do that because they might be smuggled in here. It is not going to be just Iraq. In our brave new world, our post-9/11 world, other groups can come up with these devices. It is our solemn obligation to do everything we can to prevent them from being smuggled in.

The bill the chairman has sponsored is a great first step. I hope with his leadership and that of the Senator from Arizona, who made many suggestions to this part of our bill, that next year we will move forward to appropriate the necessary dollars to get this done quickly and make our country safe.

I yield back the time to the Senator from South Carolina.

Mrs. FEINSTEIN. Mr. President, I rise today to speak on the Maritime Transportation Security Act of 2002.

I applaud Senator HOLLINGS, Chairman of the Commerce Committee, Senator MCCAIN, the Ranking Member, and other members of the Port Security Conference Committee for their efforts, but I believe this legislation can best be summed up as ''too little, too late.''

The Senate passed Port Security Legislation last December, yet only now, almost a year later, is the Congress sending this bill to the President. Moreover, once this legislation passes, it will be years before the Department of Transportation and the Department of Homeland Security implement effective security measures at our 361 seaports.

I would have preferred seeing the Conferees embrace other ideas to improve port security such as the legislation I introduced with Senators KYL, SNOWE, and HUTCHISON. Instead, the Conferees rejected many proposals on port security and slimmed down the Senate Bill so that it is now one part security and three parts Coast Guard authorization language that has nothing to do with security.

I believe Congress ''missed the boat'' with this legislation and squandered an opportunity to take aggressive action to erect a formidable barrier at our seaports.

We know ports present optimal targets to terrorists. And we know al-Qaida operatives are coming after us. As CIA director George Tenet said recently before the Intelligence Committee, of which I am a member: ''al-Qaida is in an execution phase and intends to strike us both here and overseas; that's unambiguous as far as I am concerned.''

And this week we learned of a new tape that seems to be by Osama bin Laden, which made clear al-Qaida intends to go after us again soon.

The October 2002 report by Gary Hart and Warren Rudman demonstrates that our ports remain especially vulnerable even more than a year after September 11. The report points out, ''Only the tiniest percentage of containers, ships, trucks, and trains that enter the United States each day are subject to

examination, and a weapon of mass destruction could well be hidden among this cargo.''

The Hart-Rudman report recommends revising transportation security because ''the vulnerabilities are greater and the stakes are higher in the sea and land modes than in commercial aviation. Systems such as those used in the aviation sector, which start from the assumption that every passenger and every bag of luggage poses an equal risk, must give way to more intelligence-driven and layered security approaches that emphasize prescreening and monitoring based on risk-criteria.''

Since we cannot inspect every ship and every container, I introduced the ''Comprehensive Seaport and Container Security Act'' earlier this year to establish a system for container profiling. The Feinstein-Kyl-Snowe-Hutchison Port Security Bill would also push U.S. security scrutiny beyond our Nation's borders to intercept cargo before it arrives near America's shores.

This complements the strategy Customs Commissioner Robert C. Bonner is in the process of implementing. To prevent a weapon of mass destruction from getting to the U.S. in the first place, Customs has entered into formal agreements with a handful of foreign governments to station U.S. inspectors at ports overseas to profile high risk cargo and target suspicious shipments for inspection.

The Customs Service is working to put groups of U.S. experts at the top 20 ports as soon as possible and they are moving at an impressive pace.

Hitting the 20 port threshold is essential because together, these ports account for approximately 70 percent of the 5.7 million containers shipped by sea to the U.S. annually.

We have known for a long time that America's ports needed an extensive security strategy and upgrade. In the fall of 2000, a comprehensive report was issued by the ''Interagency Commission on Crime and Security in U.S. Seaports.'' I testified before the Commission and I believe the group's report serves as a very thorough primer on seaport security issues.

While often out of the public eye, ports across the United States are our nation's economic gateways. Every year U.S. ports handle over 800 million tons of cargo valued at approximately $600 billion. Excluding trade with Mexico and Canada, America's ports handle 95 percent of U.S. trade. Two of the busiest ports in the nation are in California, at Los Angeles / Long Beach and at Oakland.

S. 1214, the Senate-passed bill written by Chairman HOLLINGS and members of the Commerce Committee, was drafted before the September 11 terrorist attacks to incorporate the recommendations made by the Interagency Commission into law. While changes were made to this legislation before the Senate passed it in December of 2001 to focus more on antiterrorism, I believe the Conferees could have taken more aggressive action to improve the bill.

I would like to cite a few examples to show how this Conference Report is weaker than the Comprehensive Seaport and Container Security Act I have introduced.

The Feinstein-Kyl-Snowe-Hutchison port security bill establishes a comprehensive risk profiling plan for the Customs Service to focus their limited inspection capabilities on high-risk cargo containers.

However, the only mention of such a plan in the Maritime Security Act conference report is this paragraph of report language: ''A vessel screening system which provides shipping intelligence and analysis can be utilized to identify those vessels requiring close inspection by the Coast Guard and other agencies. We urge the Coast Guard and port authorities to include vessel risk profiling in their enhanced security procedures.''

The Feinstein-Kyl-Snowe-Hutchison port security bill strengthens U.S. security scrutiny beyond our Nation's borders to monitor and inspect cargo and containers before they arrive on America's shores.

However, the conferees of this Maritime Transportation Security Act only required foreign ports to be evaluated and authorized a program for U.S. officials to train foreign security officers abroad.

The Feinstein-Kyl-Snowe-Hutchison port security bill imposes steep monetary sanctions and criminal penalties for incorrect cargo manifest information or failure to comply with filing requirements.

However, the conferees of this Maritime Transportation Security Act only authorized civil penalties of up to $25,000 for a violation.

The Feinstein-Kyl-Snowe-Hutchison port security bill requires the Transportation Security Administration to set standards to ensure each port has a secure perimeter, secure parking facilities, controlled points of access into the port, sufficient lighting, buildings with secure doors and windows and an alarm.

However, the conferees of this Maritime Transportation Security Act only required vulnerability assessments and a National Maritime Transportation Security Plan.

The Feinstein-Kyl-Snowe-Hutchison port security bill requires the use of high security seals and electronic tags on all containers coming into the U.S. and requires empty containers destined for U.S. ports to be sealed.

However, the conferees of this Maritime Transportation Security Act only mandated the development of performance standards for seals and locks on cargo containers.

I have pointed out several areas where I believe the Conferees could have taken more aggressive steps, but I do want to endorse many of the security measures in this conference report such as the requirement for all workers in a secure area of the port to have a transportation security card and I support the $15 million annual authorization for 5 years to fund research and development efforts.

I thank Senator HOLLINGS, Senator MCCAIN, and other members of the Commerce Committee for the work they have done on this important issue.

I look forward to continue to work with the chairman and ranking member of the Commerce Committee to address the threats to our ports. I believe additional legislation will be essential to follow up on this security bill. We must be better prepared for a terrorist attack than we were last year.

Mr. KERRY. Mr. President, I would like to take this opportunity to congratulate Senator HOLLINGS and Senator MCCAIN the Chairman and Ranking Member of the Commerce Committee for reaching an agreement with the House on the Maritime Transportation and Security Act of 2002, S. 1214. I am proud to have served as a conferee on this very important legislation that will significantly improve security in our Nations seaports. In addition the bill would reauthorize the Coast Guard, a major component in improving security in our ports and harbors.

As Chairman of the Oceans, Fisheries and Atmosphere Subcommittee, I had the opportunity to chair an oversight hearing on the Coast Guard's role in improving maritime security after the terrible attacks of September 11. As Senators HOLLINGS and MCCAIN well know, even before September 11, our maritime and port security was in sorry shape.

I wish to thank Chairman HOLLINGS for including three provisions from S. 1587, the Port Threat and Security Act, which I introduced last year in order to improve safety and security in our nations ports.

The first provision requires an annual report to the Congress that would list those nations whose vessels the Coast Guard has found would pose a risk to our ports, or that have presented our government with false, partial, or fraudulent information concerning cargo manifests, crew identity, or registration of the vessel. In addition the report would identify nations that do not exercise adequate control over their vessel registration and ownership procedures, particularly with respect to security issues. We need hard information like this if we are to force ''flag of convenience'' nations from providing cover to criminals and terrorists. This is very important as Osama bin Laden has used flags of convenience to hide his ownership in various international shipping interests. In 1998, one of bin Laden's cargo freighters unloaded supplies in Kenya for the suicide bombers who later destroyed the embassies in Kenya and Tanzania.

Also included from S. 1587, was my proposal on Sea Marshals. Sea Marshals would be authorized to be used on

vessels as well as shore facilities both private and public to ensure safe transportation of high interest vessels into our ports, such as liquefied natural gas tankers and cruise ships. In Boston we have an LNG facility in the middle of Boston Harbor. Obviously we need increased security each time an LNG tanker offloads natural gas. Prior to September 11 these vessels were escorted by Coast Guard vessels into the port but no armed guards were present on the vessel. I strongly believe that having armed personnel, such as sea marshals, on these high interest vessels is very important and will considerably increase security in our Nation's ports, including Boston. The ability of terrorists to board a vessel and cause a deliberate release of LNG or gasoline for that matter is very real. Sea marshals will make it much more difficult for this to happen. In addition, this legislation would require a feasibility study to determine the potential to use other Federal, State or local law enforcement personnel as well as documented United States Merchant Marine personnel as sea marshals in the future.

Finally, this legislation includes a provision that would require the administration to begin a vigorous foreign port threat assessment program. Inspectors would evaluate the effectiveness of security practices in both cargo and passenger terminals around the world. This legislation allows the United States to prohibit any vessel from entering the United States if the vessel has embarked passengers or cargo from foreign ports that do not have adequate security measures as determined by our port threat assessment teams. Last year, inspectors in Italy checking a container bound for Canada discovered a member of the al-Qaida terrorist organization hiding in a shipping container equipped with a bed and makeshift bathroom. The suspect, an Egyptian in a business suit, had with him a Canadian passport, a laptop computer, two cell phones, airport maps, security passes for airports in three countries and a certificate proclaiming him an airplane mechanic. We simply cannot allow any country to have such poor security such that terrorists can stow away in a shipping container.

As I mentioned earlier this bill would also reauthorize the Coast Guard. The events of September 11 resulted in a new normalcy for the Coast Guard as port security and homeland defense missions rose to the forefront and our country realized the security shortcomings in our ports. This legislation recognizes this fact and authorizes nearly $6 billion for the Coast Guard in 2003. Obviously this country needs a viable and robust Coast Guard to safeguard our ports, and to ensure that commerce and trade can continue to occur in our ports, safely, efficiently and most importantly without terrorist incident.

At the same time, the Coast Guard also has unique missions not covered by any other federal agency. It is the only U.S. military service with domestic law enforcement authority. It has the primary responsibility of enforcing U.S. fisheries laws, carrying out drug interdiction at sea, and protecting the marine environment against pollution. I want to make it clear that all of these missions are important. And these traditional missions are suffering from resource constraints.

This bill would also increase authorization for Coast Guard personnel from approximately 35,000 today, which is roughly the size of the New York City Police Department to 45,500 by the end of this fiscal year.

This bill would authorize $4.3 billion for operating expenses in FY2003. Operating expenses cover all of the various activities of the Coast Guard, from boater safety and drug interdiction to port security, and adequate authorization is necessary to ensure that all of these Coast Guard operations can be carried out effectively.

This bill would also authorize $725 million in FY2003 for acquisition, construction, and improvement of equipment and facilities. Most of this funding will be used to fund the Deepwater Project, a long overdue modernization of the Coast Guard's Deepwater assets. The Coast Guard is the world's 7th largest navy yet they operate a fleet of ships that rank 39th in age out of the world's 41 maritime fleets. The Coast Guard is operating World War II-era cutters in the deepwater environment to perform crucial environmental protection, national defense, and law enforcement missions. In addition, Coast Guard aircraft, which are operated in a maintenance-intensive salt water environment, are reaching the end of their useful lives as well. Besides high operating costs, these assets are technologically and operationally obsolete. The Deepwater program will not only reduce operational and maintenance costs, but will significantly improve upon current command and control capabilities in the deepwater environment. I am delighted to see this program moving forward.

Every day on average, the Coast Guard saves 14 lives, seizes 209 pounds of marijuana and 170 pounds of cocaine, and saves $2.5 million in property. Through boater safety programs and maintenance of an extensive network of aids to navigation, the Coast Guard protects thousands of other people engaged in coastwise trade, commercial fishing activities, and recreational boating. In addition, the Coast Guard has a role to play in Homeland Defense. It is vitally important that we adequately fund and staff all of the missions of the Coast Guard. This legislation, while not as generous as many of us would like, is a step in the right direction.

Ms. SNOWE. Mr. President, I rise today in support of the legislation before the Senate which is designed to overhaul port security in this Nation. Port security is a national imperative in the wake of September 11. Frankly, I think it is regrettable that it has taken us this long to get to this point. After all, like aviation security, port security is national security, and it must now be viewed as such. We have to assume that every facet of our transportation system remains a target for terrorism. Last year, we moved swiftly in an effort to close many of the gaps in our aviation security system, but we still have a long way to go on port and maritime security.

We cannot underestimate the importance of this issue. A terrorist attack at a major port could cost countless lives and have a devastating impact on the national and global economy. As U.S. Customs Service Commissioner Robert Bonner said recently, ''if terrorists used a sea container to conceal a weapon of mass destruction and detonated it on arrival at a port, the impact on global trade and the global economy could be immediate and devastating—all nations would be affected.'' At the same time, the 2000 interagency commission report found the state of security in U.S. seaports generally ranges from poor to fair.

Remember, our ports link us to the world. They serve a crucial purpose. They give us access to global markets. Ships carry goods totaling 95 percent of our foreign trade, excluding that with Canada and Mexico. Furthermore, the volume of goods passing through our ports is expected to double in the next 20 years. United States waters also sustain a $24 billion commercial fishing industry and a $71 billion recreational and tourism industry.

As a member of the Senate Committee on Commerce, Science, and Transportation and the port security conference committee, I am aware of the important responsibility we have to turn this situation around. And we can only achieve this with a comprehensive, exhaustive approach that recognizes that the entire system is only as strong as its weakest link.

The conference report before us today represents a multifaceted approach that runs the gamut and sets the stage for a complete reevaluation of port security from the ground up. We have an incredible amount of collective talent and experience in this country, and I hope that it can all be brought together to effect the kind of changes we need to fix the deficiencies brought tragically home by 9/11.

First and foremost, it is vital that we ensure that the sum total of the knowledge and resources of Federal, State, and local governments are brought to bear to both prevent disasters and respond to them. In that light, coordination is critical, and the measure before us today provides for greater coordination in this regard. In the wake of the September 11 attacks, we saw outstanding responses at the local level, but these actions were ad hoc—there were no national, standardized directives that could have been quickly disseminated and uniformly understood

and applied—in contrast to the FAA directive to ground all planes, which was enormously successful.

Well, I do not think there is any doubt we can no longer afford such a piecemeal approach—if we are talking about our national security, which we are, we are talking about the need to establish a national response.

To confront the challenge of terrorism aimed at our maritime sector, we need better information, better information sharing, and more coordination. We need to enhance our ability to track cargo, and know what is being moved, with more inspectors, and improved technology. And we need stringent international standards, so we stop terrorist plots before they reach our shores.

Security coordination between Federal, State, and local authorities has been one of my top priorities in the aftermath of September 11, and I am pleased that the conference report greatly enhances coordination with respect to port security. The bill requires comprehensive security and incident response plans for the Nation's 361 commercial seaports. It also establishes a national maritime security committee and local maritime security committees at each local port to better coordinate efforts and share critical information and intelligence.

I am particularly pleased that the conference report includes provisions that build on legislation I introduced last fall to require ships to electronically send their cargo manifests to a port before gaining clearance to enter. The port security conference report expands on cargo security measures contained in the Trade Act of 2002 by requiring that cargo and crew member information be relayed to port security authorities prior to a cargo carrier's arrival in the United States. The U.S. Customs Service would determine how far in advance to require such pre-arrival information.

The bill will also provide grants to local port security authorities, as well as $15 million annually during fiscal years 2003 through 2008 for research and development grants for port security. I have seen firsthand how important these port security grants are. In my home State of Maine, the city of Portland recently received a Federal grant of $175,000 for port security upgrades. However, the fact is that ports in Maine and across the country still need additional security-related funding.

The conference report also addresses the complex issue of access to secure areas of a port by requiring the Secretary of Transportation to design a comprehensive credentialing process for port workers. The bill establishes a national standard for biometric security cards for transportation workers, and would allow the Secretary to determine whether an individual posed enough of a security risk to be denied an identification card.

Finally, as ranking member of the commerce Committee's Subcommittee on Oceans, Atmosphere, and Fisheries, I am please that this conference agreement includes provisions from my Coast Guard authorization bill. The conference report will provide the Coast Guard with the funding and personnel authorization levels it needs as well as over 30 other provisions important to the Coast Guard and the maritime community. This is the first time the Coast Guard has had an authorization bill since 1998 and it was drafted to provide the Coast Guard with the tools it needs to operate in our post-September 11 reality.

The legislation provides a 1-year authorization for the Coast Guard to reflect the agency's changing priorities since September 11, including authorization for $1 billion in new funding, as President Bush proposed in Portland, ME in February, and the authority to hire 5,500 new personnel to meet both its new homeland security needs as well as carry out its other traditional missions.

This bill also includes numerous measures which will improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. It addresses various Coast Guard personnel management and quality of life issues such as promotions, retention, housing authorities, and education.

Last year alone, the Coast Guard responded to over 40,000 calls for assistance, assisted $1.4 billion in property, and saved 3,355 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, and other national security threats. In 2001, the Coast Guard seized a record 132,920 pounds of cocaine and 50,000 pounds of marijuana, preventing these substances from reaching our streets and playgrounds. they also stopped 4,210 illegal migrants from reaching our shores. They conducted patrols to protect our vital fisheries stocks and they responded to over 11,000 pollution incidents.

And in the wake of September 11, the men and women of the Coast Guard have been working harder than ever in the service's largest peacetime port security operation since World War II. These operations are all critical to defending our country, protecting our borders, preserving our environment, saving lives, and ensuring commerce moves safely through our waters.

As a conferee on this bill, I am proud of the work we have done, and that we are sending a strong and meaningful port security bill to the President. We know full well that the world has changed, and seaport security cannot be taken for granted. We also know that our transportation system must be secure if we are to move the Nation forward, and also ensure that we are in a position of strength to be able to wage the kind of war necessary to eradicate terrorism.

So I urge all my colleagues to offer a strong show up support for this important legislation.

Mr. WYDEN. Mr. President, I rise to express my strong support for the important agreement that my fellow conferees and I achieved in the conference on the Port and Maritime Security bill. For many months, our staffs have worked tirelessly to help us reach an agreement that meets the needs of security while allowing commerce to flourish. This bipartisan legislation strikes a good balance between security and trade, and I'm glad to see that it will be headed for the President's desk.

This legislation, of which I am an original cosponsor, aims to protect U.S. ports against terrorist attacks. The safer Oregon's ports are, the more prosperous they will be. I am also pleased to see that many programs important to Oregon will continue to thrive. These programs play a critical role in supporting Oregon's commerce and ports, which support 1 in 7 jobs in the State. The Maritime Fire Safety Association on the Lower Columbia will continue its important work along with the important Coast Guard stations that maintain safety and manage fisheries for communities on the Columbia River and along Oregon's coast.

In addition to safeguards for Oregon businesses, I am also pleased that the agreement recognizes the important environmental laws that help maintain our State's environmental treasures and will continue to protect Oregon's ocean and coastal environment.

I especially want to commend Chairman HOLLINGS for his perseverance on this legislation, and I thank my fellow conferees for their hard work on this important bill.

Mr. BIDEN. Mr. President, today, the Senate will consider and approve a final agreement on maritime and seaport security. This important legislation will address critical security issues at America's seaports, and I rise to applaud the efforts of Chairman HOLLINGS and my other colleagues who served on the conference committee that brokered this historic agreement.

Conference negotiations always involve a delicate dance of give-and-take. In this case, the conferees have been true to the intent and spirit of the originally passed legislation. They have retained important improvements, including a requirement that ports develop terrorism response plans; the creation of a coordinated maritime intelligence system; and a mandate that the U.S. Department of Transportation conduct background checks of port workers and require worker identification cards. As important, the agreement reflects some of the priorities I advanced in my own port security legislation—including enhanced requirements for the electronic submission of cargo information and the development of a uniform system for securing containers destined for the United States. This legislation, while not a cure-all, constitutes a substantial improvement over the current security situation at many of our Nation's ports, and I proudly cast my vote in favor of it.

That said, passage of this legislation should not lessen our resolve to remain vigilant in our efforts to protect America's seaports. Each year, an estimated 11 million containers worldwide are loaded and unloaded at least 10 times. The U.S. marine transportation system alone moves more than 2 billion tons of domestic and international freight and imports 3.3 billion tons of oil. Surprisingly, notwithstanding the magnitude of cargo transported by sea, there exists no uniform or mandatory standards for security at leading facilities, no uniform or mandatory system of sealing containers, and no independent checks to ensure that basic safeguards are undertaken.

In order to remedy these gaps in our current security scheme, there remains much work to be done. As I have suggested, we should recalibrate our transportation agenda to focus more sequarely on threats to sea and land. We should adopt stiffer criminal penalties, including enhanced penalties for noncompliance with certain reporting requirements; continue to explore policies and technologies that will ensure container security—shockingly, as an independent task force recently observed, most containers are now seated with a 50-cent lead tag—make sure that border agents are trained and equipped to detect threats like nuclear devices, which would easily be concealed in the mass of uninspected cargo that enters the United States each day; work in partnership with the trade community to ensure appropriate data security; and provide for proper data collection and reporting systems that capture the magnitude of serious crime at seaports and related facilities.

Let there be no doubt about it: this legislation provides no reprieve from our obligation to safeguard the homeland. The task will be difficult and requires dogged perseverance, but the building blocks are before us. Moreover, we know what we must do: first, we must have solid intelligence to identify and track our enemies; second, we must erect the proper barriers and preventive strategies to keep weapons and other instruments of destruction out of their hands; third, if those strategies fail, we must be prepared and able to stop any threat before it arrives on our shores; and fourth, as a fail-stop measure, we must have the capacity to detect and destroy any threat that makes its way to our borders. No matter what your political stripe or special interest, those basic principles must guide our fundamental strategy. And this legislation moves us substantially in that direction. I am committed to continuing to work aggressively on these issues in the 108th Congress and invite my colleagues on both sides of the aisle to join me.

Mr. NELSON of Florida. Mr. President, I rise in support of the Maritime Transportation Security Act of 2002. Of all of the important legislation we have worked on this year to protect our Nation from further acts of terrorism, I consider this bill to be one of utmost importance.

Most terrorist attacks around the world target transportation, and the Nation's 361 seaports, 14 of which are in Florida, are especially vulnerable. Our seaports are open and exposed to acts of terrorism as well as to drug trafficking, cargo theft, and especially important to Florida, the smuggling of illegal immigrants. The fact that many of our ports are located in and around large urban areas makes the security of the seaports of paramount importance. The extreme vulnerability of the urban areas in and around seaports was underscored recently by the fishing boat that eluded Coast Guard interdiction and arrived just off the shores of Key Biscayne, FL, carrying a large number of Haitian immigrants. Had this boat carried terrorists or dangerous cargo, a tragedy might have occurred.

A terrorist attack at our seaports would produce devastating effects both in terms of loss of life and in economic disruption. Florida's seaports play a critical role in our national, State, and local economies. Florida's seaports are major gateways of commerce for the flow of goods and passengers along the Nation's and Florida's transportation corridors of commerce. Florida ranks fourth in the Nation's total container movements, and is home to four of the major container ports in the country.

Florida has the top three busiest cruise ports in the world. Approximately twelve million passengers embarked or disembarked at Florida seaports during 2001 and approximately 80 percent of those passengers were U.S. citizens. The security of the Nation's seaports is crucial to the future of the cruise tourism industry.

Although Florida has the largest international water border in the continental U.S., and thus the largest Federal maritime domain of any State in the continental U.S., Florida's seaports receive very limited Federal law enforcement resources, and no Federal funding for security infrastructure to provide the security controls necessary to protect themselves from threats of large-scale terrorism, cargo theft, drug trafficking, and the smuggling of contraband and aliens. The increased threat of terrorism at our borders demands that action be taken immediately.

This legislation lays out important security measures that must be taken to ensure the safety and security of our seaports. It significantly increases funding for the Coast Guard to $6 billion in fiscal year 2003. It also authorizes $90 million in research and development grants to improve our ability to screen cargo for dangerous contraband, to detect unauthorized people or goods from entering through seaports, and to secure access to sensitive areas of our ports. This bill also mandates the development of standards for training Federal, State, and private security professionals and provides funding to carry out that training and education. It also mandates for the first time, the development by ports, facilities, and vessels, of comprehensive security and incident response plans.

Unfortunately, the final version of this legislation does not include a dedicated funding source necessary to carry out the needed security measures. The grant program it establishes will help fund some of the security enhancements, but there must be more funding allocated to individual seaports. Florida has already spent more than $7 million securing our 14 deepwater seaports. Florida needs more Federal funding to comply with the mandated security measures of this bill. We must also ensure that ports that have already spent substantial amounts of funding on security measures are reimbursed for those improvements. Without a dedicated funding source, it is hard to see how we will achieve the high level of security at our seaports envisioned by this bill.

No one deserves more credit for the passage of this important legislation than my good friend and colleague Senator BOB GRAHAM. It is an important step forward to securing our seaports and making our nation safer. But, as Senator BOB GRAHAM has said, we have much more to do. I look forward to working with him and my colleagues on the Commerce Committee to take the next steps in making our seaports safe.

Mr. MCCAIN. How much time remains on both sides?

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from South Carolina controls 17 minutes; the Senator from Arizona, 11½.

Mr. MCCAIN. Mr. President, I am glad to yield some of my time to the Senator from South Carolina, if he needs it.

Mr. HOLLINGS. I appreciate it.

Let me thank the distinguished Senator from New York. He is right as rain. We did not get adequate funds. That was a struggle over on the House side. That was the Gordian knot broken by our distinguished minority leader, Senator TRENT LOTT. But we are going to have to find not only the money for the research, we will have to find about $4 billion at least to implement this measure.

I thank the Senator from New York. I particularly thank the Senator and chairman of our subcommittee, Senator BREAUX. We had those six field hearings. We had the Director of Customs there. We had the Commandant of the Coast Guard. They were very comprehensive hearings with limited time. I can tell you now, we saw at one particular port a Ford pickup truck back out of that container, and another container that we happened upon had a bunch of mahogany desks from Mexico that we didn't see at the particular time. But later on up in Delaware, the Philadelphia area, it was opened up. It was all full of cocaine. So we made a good raid at one of those hearings.

Otherwise, the chairman on the House side, Mr. DON YOUNG, and his ranking member, JIM OBERSTAR, worked around the clock. They had to feel like we had over on the Senate side to take care of this with the user fee. But we just couldn't get the support on the House side. We are only here on account of the leadership of Chairman YOUNG and Congressman OBERSTAR. We had Senator TED STEVENS reconciling a good bit of the differences from time to time. And in the financial area, we had Senator BOB GRAHAM and Chairman CHUCK GRASSLEY of the Finance Committee who worked with us.

I think we ought to understand that this, for the first time, requires a national maritime security plan. As part of the plan, each regional area would be required to have a security plan. It requires for the first time ever that all waterfront facilities and vessels have a security plan that would have to be reviewed and approved by the Coast Guard. It requires for the first time ever that the Government will do assessments of security at our ports, and these reports would be the basis for port security planners. The security requirements will be implemented instantly after review by the Coast Guard, and the act would be fully implemented within 1 year.

We have background checks on all of the employees. We have the development of technology for seaport security, the maritime intelligence system; that requires tracking of vessels through satellite legal authority over territorial waters, advanced reporting requirements for vessels and cargo. And one final word: We did work with the unions in this particular measure. The White House, the unions, the Republicans, the Democrats, the House, the Senate worked out those background checks on union employees. So when we got together and much has been said that on the homeland security bill that was the holdup—we worked out a very comprehensive system that was approved by all and will give security to our port facilities.

I thank the distinguished Senator from Arizona for his courtesy in yielding and his leadership on this particular measure.

The PRESIDING OFFICER. The Senator from Arizona controls the remainder of the time.

Mr. MCCAIN. Mr. President, I want to go back for a moment to the discussion I had with the Senator from Delware concerning rail security.

First of all, I agree with the Senator from Delaware. We need absolutely to pass that legislation, particularly now that we have acted on airport and port security. Rail security is obviously a very critical item. My point was that there are two bills: One is S. 1550, the rail security bill, which provides $1.7 billion, $515 million for Amtrak systemwide security, and then $998 million for tunnel life safety projects in New York, Baltimore, and Washington, DC, which comes up to $998 million, and $254 million for safety and security improvements.

That bill I supported and worked through the committee and would support it, even though over 50 percent of it goes for just three areas: New York, Baltimore, and Washington, DC. But that is where tunnels that need work are located.

I was referring also to S. 1991, which is the Amtrak reauthorization, which calls for $4 billion annually and also includes the provisions of S. 1550. Holds were put on S. 1550. I do not support S. 1991 because it authorizes as much as $4 billion annually.

The Senator from Delaware always talks about the fact that we subsidize aviation projects. We do. We do primarily through user fees. There are no user fees that are imposed on the railways of America and Amtrak.

I am pleased with some of the actions that have been taken by the new regime over at Amtrak. The new chairman is doing a much better job in making some very tough decisions.

I look forward to working with the Senators from Delaware. The junior Senator from Delaware, Mr. CARPER, has been very committed and involved in the project. I look forward to working with him and Senator HOLLINGS. A top priority will be, in my view, rail security; we should pass it.

I want to make it clear I don't believe other extraneous projects should be associated with it. The Amtrak reauthorization should be taken up on its merits or demerits. But I hope we can move forward with S. 1550, the rail security bill. Holds have been put on the bill. It has received my support, as well as that of the distinguished chairman of the committee.

The issue of Amtrak rail security is of prime importance. The issue of the future of Amtrak is also of significant importance—not as important as that of rail security. I look forward to working with Senator HOLLINGS and the Senators from Delaware and the members of the committee, including Senator BREAUX, as we try to work through this whole issue of the future of Amtrak. There are a number of different kinds of proposals, and Mr. Ken Mead of GAO, under whose responsibilities Amtrak lies, is one to whom all of us pay a great deal of attention.

Finally, I again thank Senator HOLLINGS for his leadership on this very important legislation. I don't think there is any doubt in the minds of most safety and security experts that port security is an area of significant vulnerability. We hold no illusions there will be immediate confidence that we can have security in the airports of America, but I am confident that the implementation of this legislation, over time, will provide Americans, to a large extent, with the security and safety that is necessary in the ports of America.

In some ways, you can argue that the way the ports operate in America, the challenges are even greater than at the airports, or even rail security, given the hundreds of thousands of containers that come through these ports on a daily basis, and how vital they are to the economy of the United States, as we found out in the slowdown/strike in the west coast ports recently.

So I again thank all involved. I also thank our friends in the other body, the House, and also for the involvement of the administration.

Mr. President, I yield whatever remaining time I have to the Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Arizona. I am glad to hear him say we are going to work together on port security and the reauthorization of Amtrak because that is vital. I think if the leader here, the Senator from Nevada, and the other side are ready, we can yield back time and proceed to the vote. I yield back any time I may have. I thank the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The Senator from Arizona and the Senator from South Carolina yielded back their time. I think it is appropriate to start the vote a couple minutes early.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—95

Akaka	Crapo	Kerry
Allard	Daschle	Kohl
Allen	Dayton	Kyl
Barkley	DeWine	Leahy
Baucus	Dodd	Levin
Bayh	Domenici	Lieberman
Bennett	Dorgan	Lincoln
Biden	Durbin	Lott
Bingaman	Edwards	Lugar
Bond	Ensign	McCain
Boxer	Enzi	McConnell
Breaux	Feingold	Mikulski
Brownback	Feinstein	Miller
Bunning	Fitzgerald	Murkowski
Burns	Frist	Murray
Byrd	Graham	Nelson (FL)
Campbell	Gramm	Nelson (NE)
Cantwell	Grassley	Nickles
Carnahan	Gregg	Reed
Carper	Hagel	Reid
Chafee	Harkin	Roberts
Cleland	Hatch	Rockefeller
Clinton	Hollings	Santorum
Cochran	Hutchinson	Sarbanes
Collins	Hutchison	Schumer
Conrad	Inhofe	Sessions
Corzine	Jeffords	Shelby
Craig	Johnson	Smith (NH)

Smith (OR)	Stevens	Voinovich
Snowe	Thomas	Warner
Specter	Thompson	Wyden
Stabenow	Thurmond	

NOT VOTING—5

Helms	Kennedy	Torricelli
Inouye	Landrieu	

The conference report was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

CHARITY AID RECOVERY AND EMPOWERMENT ACT OF 2002

Mr. SANTORUM. I thank the Presiding Officer. I appreciate the opportunity to speak. I am prepared to offer a unanimous consent on the CARE Act, which is the act that passed out of the Finance Committee 147 days ago. It is the Charity Aid Recovery and Empowerment Act of 2002. I will let the Members know what the legislation does, and then I will ask unanimous consent to consider the legislation before we leave.

This legislation came out of the Finance Committee with 28 bipartisan cosponsors. More than 1,600 small and large charitable organizations support this act because it promotes giving, it promotes savings for low-income individuals, and makes the Tax Code more fair, particularly for the low-income and moderate-income individuals who do not fill out the long form on their tax return.

It provides 86 million Americans the opportunity to itemize charitable organizations, which now they cannot do because they do not fill out the long form. It allows 300,000 low-income individuals the opportunity to build assets through something that Senator LIEBERMAN and Senator FEINSTEIN and others on both sides of the aisle have promoted—individual development accounts. It will provide incentives for $1 billion in food donations from farmers, restaurants, and corporations. It will provide $150 million in a compassionate capital fund to provide money for smaller charities.

A lot of charities do not participate in government funding programs because they do not have the technical expertise to do so. We are providing money for technical assistance to some of the community grassroots organizations, faith-based organizations, and non-faith-based organizations to participate in providing social services in a very effective and compassionate way.

This is the way to do it. It adds something Senator LIEBERMAN was a great advocate of, $1.2 billion in new social service block grant funds to provide social services to those in need in our society. It allows people to give tax-free contributions from their individual retirement accounts. Again, right now if someone wants to give to a charitable organization, and you want to give it out of your IRA, you have to pay taxes and penalties. This allows for a distribution from people who have money in their IRA's who have a desire to give to charitable organizations. We will allow them to do that, liberating hundreds of millions and billions of dollars to faith-based organizations.

This is legislation designed in response to 9/11 and the recession we have been going through to try to target resources to these small, charitable organizations; to try to get moderate- or low-income individuals the opportunity to deduct the charitable contributions. One of the ways it is paid for is through corporate inversion. I argue we are nailing corporations that are moving their operations out of the United States and avoiding taxes. We are taking money that could be raised by these corporate inversion provisions and channeling it to those most in need in our society.

That is what the legislation does. There is one other provision I make clear. There is equal treatment language in this legislation. Let me state what that does. It is noncontroversial, equal treatment language. It says organizations that receive government funds can display a religious icon, that they can have a religious name. Believe it or not, I have been to many organizations, particularly in the Jewish community, and because they have a Hebrew name, they are automatically left off the list of organizations that can participate in government funds, even though they are not Jewish in nature. They may be Jewish, but they are not in any way affiliated with the Jewish faith. They just happen to be culturally a Jewish organization.

Having a religious name like St. John's should not eliminate you from participating in government funds, if you are not religious in nature, or do something unique for a religious purpose. You can have religious language in your chartering documents, you can quote the Bible in your chartering documents, and it should not eliminate you from Federal funds. Again, these are not controversial. You can use on your governing boards, nonprofits, not paid governing boards some sort of religious criteria as to who serves. So if you are the Mormon Church and have a governing board on your social service agencies, you can require they be Mormons. I don't know that necessarily discriminates against anybody in the sense these are not paid positions. They are church-affiliated. We are not discriminating in the hiring. We are talking about oversight of charitable organizations.

These are the provisions of this act. I believe if you look just at the four walls of this bill, there is not a lot of controversy in this legislation. What we have attempted to do, Senator LIEBERMAN and myself—we have been working this legislation now for almost 150 days. Obviously this is legislation the President strongly supports. He believes we need to get this money out into communities to try to help those in need in our society.

We have been working with Senator DASCHLE. I thank Senator DASCHLE and Senator REID for their good-faith effort to try to move this legislation forward. As many here in the Chamber know, Senator DASCHLE said publicly over and over, over the past couple of years, he would give the President a vote on this initiative, which is just a piece of the President's faith-based initiative. He has worked diligently to try to make that happen.

We have been hotlining a unanimous consent agreement. The unanimous consent agreement would allow for four Democrat amendments on the substance of the legislation, attacking the substance of the legislation, and one Republican amendment.

I want to repeat we are allowing the Democrat side four amendments and we have accepted it on our side. We hotlined it this week. There is no objection on our side of the aisle to giving four times as many amendments to the Democrats as we have on this side.

I am hopeful that, given the importance of this legislation, given the fact this is going to help those in need at a time of economic distress and uncertainty, we can liberate literally billions of dollars to be targeted to organizations that want to help those in need in our society.

I ask unanimous consent that at a time determined by the majority leader, after consultation with the Republican leader—however, no later than the close of business of the Senate—the Senate proceed to the consideration of Calendar No. 496, H.R. 7, and it be considered under the following limitations: That there be 1 hour for general debate on the bill equally divided between the two managers, the only amendments in order, other than the managers' substitute, be the following: An amendment prohibiting proselytization using public funds, an amendment prohibiting discrimination using public funds, an amendment prohibiting direct funding of religion, an amendment preserving State and local government options—these amendments were provided to us by Senator DASCHLE, I believe to be offered by Senator REID—and a Republican amendment, to be offered by Senator GRAMM, is an amendment expanding benefits of land conservation provisions to all charities; the amendments be limited to 60 minutes each, to be divided between the proponents and opponents, with no second degrees in order. I ask following the disposition of the amendments and expiration of debate, the bill will be read a third time, and the Senate proceed to a vote on passage of the bill with no further intervening action or debate.

Several Senators addressed the Chair.

Mr. LIEBERMAN. Mr. President, reserving the right to object, and I will

not object, I support the request of the Senator from Pennsylvania for unanimous consent. I have been his cosponsor and coworker in this cause for many a year now. This is part of an attempt to find a constitutionally appropriate way to engage. The initial attempt was to engage faith-based groups in making this a better society, using the particular skills they have, and sense of mission that faith-based groups have, to help us deal with some of society's social problems.

Of course, there are thousands of faith-based groups that are doing that today with regard to fundamental human needs such as hunger and homelessness, and going beyond that, to violence, family dysfunction, drug abuse, substance abuse, and a host of other problems. This was an attempt to see if we could find a constitutionally appropriate way to have the Government help these groups do that.

Along the way many concerns were raised. The bill was passed in the House, so-called charitable choice, building, in fact, on a charitable choice provision that was in the welfare reform bill of 1996 and signed by President Clinton. A similar provision was adopted in three other social service programs, but when it came to introducing this legislation last year—which President Bush had coordinated and initiated—there was some opposition and controversy around it.

I must say here, and perhaps it is timely and appropriate to say it, as the pending legislation before the Senate is the homeland security legislation, where this Senator has said several times I have felt the administration, on a particular point, has been inflexible or—in any case, in this measure, with regard to faith-based institutions, the administration has in fact been quite flexible. We have now come together on a proposal that is not really any longer strictly a faith-based initiative. It is a charity initiative. We have eliminated all of the controversial sections that were in the House-passed legislation, passed earlier in the 107th session. We have it honed down now to very significant tax incentives for charitable giving, for people to give to charities, faith-based and otherwise, at a time when those charities' income is falling because of the economy and other demands. Yet the needs, if anything, as the economy is stagnating, are even greater.

As to the $1.2 billion to social services block grants, if there was nothing else in this bill, I would say it was worth it because these are critically important, humane programs that are carried out. Again, they don't just go to faith-based groups. They go to all—they go mostly to nonfaith-based groups. And then technical assistance for charities to be able to qualify for public assistance, the Individual Development Accounts, which were a wonderful way—experimented with in several places around the country—to help poor people build savings that are matched by financial institutions, to get some wealth and work their way up into the middle class.

I know there remain some concerns about the bill. But they are not about the language of the bill, which I believe is noncontroversial at this point. They are about trying, around this bill, to change some language that is in the statute now—particular language in title VII of the Civil Rights Act that allows faith-based groups to hire people only of the faith of the group. That is an issue on which we can all agree or disagree. But I plead with my colleagues, it is an issue for another day.

The fact is, under the unanimous consent proposal that the Senator from Pennsylvania has made, our colleagues who are concerned about that issue, though it is not specifically within the parameters of this proposal, will have the opportunity to introduce amendments to alter it.

I think this is a very reasonable proposal which is all good and will help charitable groups of all kinds help us make this a better country. Therefore, I appeal to my colleagues to allow this unanimous consent to be adopted so that, before we leave, we can in a sense give a gift, as we approach the holiday season, to those who are most in need in our society and particularly directly to those charitable groups where the focus is on helping those most in need.

I hope we can agree on this unanimous consent proposal.

I yield the floor.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, my problem with this unanimous consent request relates to the limitation on amendments. There have been four amendments specified. I have been trying for weeks and months, in some cases years, and other Members of this body have also been attempting to get other amendments that relate to the Finance Committee's work before this body for a vote.

The Senator from Connecticut talks about the needy. Clearly, he is right. There are needy people in this country. One of the neediest groups is the people who have exhausted their unemployment benefits. We have been trying for months to get an extension of unemployment compensation before this body for a vote. In prior recessions, there have been extensions of unemployment of 29 weeks in 1974, 26 weeks in 1981, 33 weeks in 1990, and 26 weeks in 2002. We need an extension of unemployment benefits. We have a large number of people—900,000 workers—who have exhausted all of their additional weeks of Federal unemployment insurance between May and July of 2002. This number is going to grow to 2.2 million before the end of the year. We have lost 2 million private sector jobs in this country since January of 2001—an actual decline in private sector jobs for the first time in 50 years.

We have economic problems. We have suffering. We want to extend unemployment benefits. Yet I am precluded—as have our other colleagues who have been working diligently on this issue—from offering an amendment to this bill to extend unemployment benefits. It is that limitation, that restriction, that prohibition in the unanimous consent proposal that I have a problem with. I think it is important that those who are fighting for an extension of unemployment compensation have this opportunity on this bill because this is a bill which can pass and offer immediate and critical help to our people.

That is the problem I have with the unanimous consent request.

In addition to the extension of unemployment benefits, I ask if the author of this unanimous consent request would consider modifying his request to allow three amendments I have been trying to get considered by this body. One is the extension of unemployment compensation which many people have been attempting for months to have considered by this body. I would like to see that locked in and guaranteed for consideration on this bill. This bill can pass. No. 1.

No. 2, an amendment relevant to stock options which was blocked. Senator MCCAIN was blocked from offering it a number of months ago. The amendment would simply require the Financial Accounting Standards Board to consider the issue of stock options within a year and report back.

The third is the Securities and Exchange Commission administrative enforcement amendment.

We circulated those amendments. They are clearly within the jurisdiction of this committee. The only way we are going to get these amendments considered is if they are part of a unanimous consent request such as this.

I ask the Senator from Pennsylvania whether he would consider amending his unanimous consent request to allow three additional amendments. That is the only problem I have with his unanimous consent request—it precludes amendments from being offered which are within the jurisdiction of this committee, which are critically important to this country, and which won't be considered unless we can make them part of a unanimous consent request.

That is my question to the sponsor of the unanimous consent.

Mr. SANTORUM. Mr. President, let me address the three amendments.

With respect to the first amendment, I agree with the Senator from Michigan. That is something we should do. Even though I believe it is not germane to the package we have before us, it is certainly within—from the standpoint of what this bill is trying to do, which is help with the financial and economic stress—it certainly meets the overall goal of the legislation.

My understanding is that there is a very good chance the House is going to

pass an extension today and send that over. In fact, I feel very confident about that. They are going to pass an extension and send it over, which I hope we will be able to act upon and pass.

I would say to the Senator from Michigan with respect to this piece of legislation that I think you will have an opportunity to deal with that issue on the bill that certainly will have just as much chance of passing as this bill.

Mr. LEVIN. Will the Senator yield on that point? Is it the Senator's understanding that that extension is simply an extension or part of a larger package which has many other features to it?

Mr. SANTORUM. I do not know if anybody else has a better understanding than I do. If they do, feel free to chime in.

My understanding is they are going to pass a clean extension.

Mr. SARBANES. Mr. President, will the Senator from Michigan yield on that question?

Mr. LEVIN. Yes.

Mr. SARBANES. It is my understanding that the unemployment extension benefits that the House is considering, first of all, are embraced within the package that encompasses other things as well.

Second, and more importantly perhaps, the unemployment insurance benefits issue itself is very limited and falls far short of the sort of amendment the Senator from Michigan is considering in terms of extending these unemployment insurance benefits, which is a growing crisis in the country. We need to recognize that. I certainly support the Senator from Michigan in his effort to ensure the unemployment benefits. But what the House is considering, as I understand it, is grossly inadequate in terms of addressing the unemployment insurance. It doesn't even carry forward a full extension of the current situation beyond that. There are going to be people falling off the cliff here very shortly. Many of them have already fallen off the cliff.

Mr. SANTORUM. Mr. President, the Senator is making the point that he doesn't have another vehicle for an opportunity to offer his amendment. My point is, when this bill comes over, he will have an opportunity to offer an amendment on unemployment extension, and he does not need to use this vehicle. That is the point.

Mr. LEVIN. Is my understanding correct that an unemployment benefit extension is part of a larger package which has many controversial issues in it? If so, then that bill may not go anywhere because of the other parts of it—not because of the unemployment extension, which purportedly everyone favors around here but then wants it to be used to produce other achievements and successes that are highly controversial.

This is not a controversial amendment. This extension we are talking about is not a particularly controversial amendment. The Senator from Pennsylvania favors it. And yet, when I am asking whether he favors an extension——

Mr. SANTORUM. I haven't seen the amendment. I do not know.

Mr. LEVIN. I withdraw that—favors an extension of unemployment compensation, we may be able to sit down and work out something that the Senator from Pennsylvania does favor in the area of unemployment compensation extension and include that in his unanimous consent.

But it seems to me it is absolutely reasonable to ask for a more certain way of getting an unemployment benefit extension passed through this Congress. It is critically important to hundreds of thousands of people who are suffering. It is immediate. It is urgent.

I therefore renew my request that those three amendments be added to the unanimous consent request of the Senator.

Mr. SANTORUM. Mr. President, I would certainly be willing on the first amendment to sit down with the Senator to see if there is an unemployment extension that can be agreed to. I think it is something we need to do. I think there is a willingness on our side to have an unemployment extension. I would have no objection to setting aside the unanimous consent request to try to work out a unanimous agreement on the issue of unemployment compensation.

There are other issues which are really outside the scope of this, and they are very controversial. I understand the Senator—I know because I have been on the floor many times—from Michigan has attempted to get the initiative aired. I understand his passion on it. I respect how he feels about it. But I think the Senator from Michigan would agree with me that these are hotly contested. In fact, one of the cosponsors of this legislation on the other side of that issue is the Senator from Michigan. I think adding those two amendments that really aren't germane for helping those in need in our society are outside of the scope, and in fact the amendments would sink the entire bill if they were adopted.

I can try to meet the Senator halfway. Let us try to work together on unemployment. If we can do that, and if the Senator is willing to set aside the other two amendments, then we can try to move forward with the consent request. I would be happy to work with him.

Mr. LEVIN. Mr. President, let me ask the Senator from Pennsylvania about the third amendment to which I referred, which wasn't particularly controversial but yet precluded when we considered the Sarbanes bill, which has to do with administrative enforcement by the SEC of their regulations.

The only area that the SEC cannot now administratively enforce with civil fines is the area of regulations involving corporate executives and auditors. When it comes to the stockbrokers, they are able to enforce administratively their regulations with the use of civil fines, of course subject to the appeals courts. But the area which has been so crucial and so sensitive—violations of regulations which have contributed so much to the suffering in the economy, violations by corporate executives and by auditors—in that area, the SEC does not have the authority to proceed administratively. They want it. I do not know of folks who oppose it. But unless we can act on it this year, there will be another delay.

I ask the Senator from Pennsylvania whether or not his offer to go halfway would include the second of the three amendments relative to the SEC administrative enforcement.

Mr. SANTORUM. My understanding is that third amendment is not a tax-related amendment and would be appropriate to be offered, for example, if you wanted to, on the homeland security bill or another piece of legislation that is coming through. So there isn't a need to have that amendment attached particularly to a tax vehicle.

I understand your second amendment has tax implications and is necessary to offer to a tax bill. But this amendment you could offer, if you wanted to, once we leave this unanimous consent, to homeland security. It probably has a much better chance of being passed and signed by the President in this legislation.

So I would say to the Senator, if he wants to do that, I would argue that the better opportunity for him to do it is on homeland security, not this tax bill.

Mr. LEVIN. Will the Senator yield on that?

Actually, both the amendments have tax revenue implications. Stock options have been, in my judgment, excessively used in an inconsistent way, where a tax deduction is given to a stock option which is not shown as an expense on the books but is taken as an expense on the tax return. So there are very significant tax issues on the stock option issue.

Also, on the auditors and executive issue, there are tax revenue implications because in both cases we have lost significant amounts. Because of violation of regulations by auditors and by executives, we have lost tax revenue.

Mr. SANTORUM. Mr. President, I say to the Senator from Michigan, the third amendment, from my reading of it, is an amendment that is under the jurisdiction of the Banking Committee and not under the jurisdiction of the Finance Committee and not a tax-related amendment. There may be revenue implications, but there are lots of revenue implications of things we do here that are in the jurisdiction of other committees having to do with enforcement. But there is no tax implication. Therefore, there is no need to offer it here in this tax legislation. The second one certainly does.

Mr. LEVIN. On the stock option, there has even been a hearing in the Finance Committee.

Mr. SANTORUM. I understand the third one, that you are arguing for now, is not necessarily appropriate for this legislation.

Mr. LEVIN. Happily, the Senator's argument against it on the third amendment helps me on the second amendment because it is clearly in the jurisdiction——

Mr. SANTORUM. The second amendment is highly controversial and would be an amendment that would surely sink any possibility of this legislation being passed.

Mr. SARBANES. Would the Senator yield for a question about his second amendment on the stock option?

Mr. LEVIN. Yes.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Does the Senator from Pennsylvania yield?

Mr. SANTORUM. I yield.

Mr. SARBANES. It is my understanding that the amendment the Senator from Michigan is talking about on stock options does not have a substantive result contained in the amendment. It is simply a request that the Financial Accounting Standards Board study the issue and report back.

Mr. LEVIN. The Senator is correct.

Mr. SARBANES. In that sense, it is neutral on the substance of the issue; is that correct?

Mr. LEVIN. That is correct. There is a requirement that they report back in a year. But the Senator is correct, on the substance of the issue, it is neutral.

I think the Senator from Pennsylvania might also find that some of the people who previously opposed the effort in the area of stock options may not object to having the Financial Accounting Standards Board review this matter and report back in a year, for the very reason that the Senator from Maryland raises, which is that it is substantively neutral.

Mr. DURBIN addressed the Chair.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Pennsylvania has the floor.

Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you very much.

I say to my colleague from Pennsylvania and my colleague from Connecticut, I understand the importance of this issue to each of you personally, and to those who are cosponsors, and why you are anxious to raise the flag and at least raise the issue in the closing days and hours of this session.

I find it interesting, in listening to the presentation here, that we have focused on the Finance Committee and tax implications, referrals from the Finance Committee, and their debate, and really have, unfortunately, not addressed what I consider to be the larger issue, an issue which should have been addressed by the Judiciary Committee, an issue which goes to constitutionality and the premise of the separation of church and state in the United States of America—something that many of us find fundamental to the American experience and to our American society.

I do not quarrel with the premise of the Senator from Pennsylvania. I could list, and he could, too, so many faith-based charities in his home State and my home State that have done wonderful work, and continue to do so. They receive Government assistance, and they should. I have supported them. I have found appropriations for them. I will continue to do that. I do not believe that is the issue here.

Frankly, if that were the referendum before us, it would receive a unanimous vote. We all concede charitable and faith-based organizations do exceptional work, and governmental assistance, under the right circumstances, can be of benefit to America as a society.

But the President's initiative that you have brought to the floor suggests the way we have done business in America for decades has to be changed substantially, dramatically. Those changes deserve an airing and full debate.

The Senator from Pennsylvania has been kind enough to acknowledge four amendments prepared by Senator JACK REED of Rhode Island as well as myself to bring to the floor. I would argue, perhaps, that 1 hour of debate for each of these amendments, considering the gravity and importance, is not nearly adequate.

But I also say this to my colleague from Pennsylvania. Is it not a fact that with the House minutes or hours away from adjournment, and the fact that no conference committee is likely to ever convene on this issue, there is little that can be accomplished in a substantive way on an issue of this importance?

Is it also not a fact that this issue is of such importance to us that we should take time to engage in a debate which, frankly, will give all sides an opportunity to express themselves, to make certain we do not——

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The Senator from Oklahoma has called for the regular order.

Mr. DURBIN. Let me say I reserve the right to object.

The PRESIDING OFFICER. The regular order is that a request has been made.

Mr. DURBIN. Well, then, I object.

The PRESIDING OFFICER. And a Senator, when the regular order is called for, must either object or the request will be granted.

Did the Senator from Illinois object?

Mr. DURBIN. I was trying to keep the floor open for those who wanted to express themselves on this issue. If I am forced to object, I will, but I have other colleagues here who would like to share some concerns with the Senator from Pennsylvania. And as I understood, there was a dialogue between us, or at least I hoped there would be. That was the reason I was asking questions of the Senator. And if it is necessary at this point to object, and it will foreclose my colleagues from making a statement, I did not want that to happen. But if that is where we stand on this, I suppose I have no alternative. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania continues to have the floor.

Mr. SANTORUM. Mr. President, I am very disappointed that there was an objection. I understand the Senator from Illinois and the Senator from Rhode Island have objections to this legislation. As the Senator from Connecticut said very clearly and very articulately in his statement, the objections they have are not with this legislation. They may be with current law, the 1996 Welfare Act and the three other provisions that were signed by President Clinton and passed by this Senate, two of which were passed unanimously, to my recollection.

The objections are to underlying law, not to this legislation. This legislation does not deal with any of the issues that are in the amendments the Senator from Illinois has offered.

The Senator mentioned that an hour's debate is not enough. I am willing to spend as long—2 hours, 3 hours per amendment. I offered an hour of debate as an accommodation to the leader, to the majority leader, in trying to find a reasonable amount of time to finish.

I agree with the Senator from Illinois, this is a very important piece of legislation. But if the problem is that we need more time for debate, I certainly would, and I know the Senator from Connecticut would, be perfectly willing to come here.

I think these are important issues, but I would argue they are not issues about this legislation. They are not issues in your amendments having to do with proselytization using public funds. There is nothing in this legislation that permits that—nothing. Nothing even addresses it or comes close to it. These are tax provisions that allow——

Mr. REED. Will the Senator yield?

Mrs. CLINTON. Mr. President, regular order.

The PRESIDING OFFICER. The Senator from Pennsylvania does have the floor.

Mr. SANTORUM. Thank you, Mr. President. I will yield to the Senator from Rhode Island for a question.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. The Senator from Pennsylvania points out that the legislation is silent on the critical issues, but the

silence is not correct. There are potential constitutional flaws that are inherent in the legislation. As I understand it, part of the legislation is to authorize directly funding religious institutions to provide social services.

Mr. SANTORUM. Reclaiming my time, I will read to you the provisions of this legislation on what the money is expended for. No. 1, it talks about $2.6 billion of this legislation is a nonitemized or charitable deduction. It is not for religious organizations. It allows people who fill out the short form to deduct charitable contributions.

No. 2, IRA charitable rollovers. What it says is people who have an IRA can roll over that IRA into a charitable organization, qualified under 501(c)(3) or other, whatever organizations would be eligible, and that is $2.9 billion over the next 10 years—again, nothing to do with faith-based organizations; no direct government dollars to anybody.

Third has to do with enhancing charitable deductions for farmers, restaurateurs, and businesses for food donations. Again, it has nothing to do with charitable choice, nothing to do with any kind of government funds going to charitable organizations.

Fourth, we have enhanced charitable deductions for book donations—again, nothing to do with charitable choice. Incentives for S corporations to give more money to charities—again, nothing to do with faith-based organizations. We have an IDA amendment, which is something the Senator from Connecticut and the Senator from California, Mrs. FEINSTEIN, have championed, and I have worked on our side to allow low-income individuals to have matched savings accounts for purposes of buying a home, going to school, or starting a small business—again, nothing to do with charitable, faith-based organizations.

Also, we have the social services block grant fund which I know is wildly popular on the Democratic side of the aisle. That is $1.37 billion over the next 2 years.

So if you look at all of these provisions, I understand the Senator from Rhode Island and the Senator from Illinois have serious concerns about the existing charitable choice provisions in law. I accept that. I understand that. I understand the Senators from Rhode Island and from Illinois have problems with the bill the House passed because it did have an expansion of that in the House-passed bill. But the Senator from Connecticut has been very tough at negotiating with the White House and with the Senator from Pennsylvania in leaving every controversial element that could touch on any kind of constitutional infirmity out of this legislation.

You can argue that we don't fix the problem that may be in existing law, but there is nothing in this legislation that even comes close to any of those provisions. You have as much argument, in my opinion, to offer the amendments that you have offered to homeland security as you do to this bill because neither of them deal with the subject of your amendments.

I understand there is a problem. I understand there is a debate that needs to be had on these issues, but not on this bill because this bill doesn't do what many are suggesting it does.

Mr. REID. Will the Senator yield for a question?

Mr. SANTORUM. I am happy to yield.

Mr. REID. I worked with the two leaders in arranging time that you could offer this unanimous consent request. The two managers are very anxious to get to homeland security. We have two cloture votes facing us. People wanted to offer amendments. I would ask that the Senator from Pennsylvania, as soon as he has completed his statement, yield the floor so we automatically, as I understand it, go back to homeland security. Is that right, Mr. President?

The PRESIDING OFFICER. The Senator from Nevada is right. The Senate would resume consideration of the pending business which is the substitute on homeland security.

Mr. REID. I would say to the Senator from Pennsylvania, we anticipated this taking just a little bit of time. It has taken a large amount of time.

To all my friends who have problems with this legislation, as has been indicated, the homeland defense bill is open for debate and certainly amendment. Anyone who has anything they have not been able to complete saying now on this issue could complete their statements on H.R. 5005.

All I am saying is, I hope the Senator from Pennsylvania won't talk too much longer.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SANTORUM. Mr. President, I want to say with all respect to the Senator from Nevada, the Senator from Pennsylvania has been trying to respond, actually giving the opportunity to other Members to express their concerns about this legislation. I did not call for regular order. I did not try to limit in any way those who have concerns about the legislation from having the opportunity to speak. I was using the time I had to give them the opportunity to express their concerns and then, to the extent I could, try to respond to their concerns.

I have no intention of trying to hold up the homeland security bill. I just wanted the opportunity, if we could, to have a discussion to see if we could reach some sort of accord to actually move what many of us believe is a very important piece of legislation. It does not look as if that is going to happen.

I am disappointed because I do not believe the issues that have been raised about infirmities of other pieces of statutory law are in any way impacted by this legislation. It is a tragedy that literally tens of billions of dollars that could go to low-income individuals, incentives for people to give, the opportunity to have matched savings accounts for low-income individuals to buy a home and to start a small business or to get an education, that is going to be forfeited on issues that have nothing to do with the underlying bill.

That is unfortunate. I am hopeful that now that we have had this discussion, Members will think more about it and hopefully come to a different conclusion as to whether to object to this legislation.

The PRESIDING OFFICER. The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 3009

Mrs. CLINTON. Mr. President, I intend to offer a unanimous consent request that the Senate proceed to immediate consideration of the extension of unemployment insurance. As the dialog between the distinguished Senators from Pennsylvania and Michigan just illustrated, this is an issue that had bipartisan support—really, nonpartisan support.

There are 2.2 million workers who have exhausted or are about to exhaust their benefits without finding a job. Ignoring these people, especially as we are about to enter into the Thanksgiving-Christmas holiday season, will not make them go away. It is not going to help them automatically find a job because they have been out there diligently looking.

The fact is, we don't have enough jobs right now. All of us hope that is going to turn around. But if you look at the statistics available, there are 1.7 million workers who have been unemployed for longer than 6 months as of October. That is an increase of 70,000 over September and over 180,000 over August. One out of every five of these unemployed has been out of work for more than 6 months. That is a proportion larger than at any time in the previous 8 years.

I believe that extending these benefits now sends a message to those who lost their jobs through no fault of their own in States such as mine and that of Senator CANTWELL of Washington. The provision we are asking unanimous consent on would provide 13 more weeks of unemployment insurance for everyone who lost their job, were laid off, cannot find a job. The bill would not provide a single additional benefit, if you look at what the Republicans are proposing. So our bill is a much better one because the Republicans would permit those who are about to crash into the brick wall of December 31 no relief.

I believe it is imperative that we take action before we leave.

Mr. NICKLES. Will the Senator yield for a question?

Mrs. CLINTON. Certainly.

Mr. NICKLES. I wish to ask her a question before she asks unanimous consent. Just to clarify the record, to be correct, I believe she stated her proposal is a 13-week extension. Is her proposal S. 3009?

Mrs. CLINTON. Yes, it is.

Mr. NICKLES. Just to clarify, I believe that is not a 13-week extension; it is a 26-week extension.

Also, just for your information, the House may soon try to pass legislation that would eliminate this cliff as of December 31. So I want the Senator to know that efforts are being made by some in the House to pass legislation that would address the unemployment compensation issue, and extend welfare authorization, among other things.

I wanted to make sure you are aware that the bill you are trying to pass by unanimous consent, S. 3009, is not a 13-week extension, but it is a 26-week extension and costs $17.1 billion. A simple 13-week extension costs less than half of that. I wanted to make those few facts known before I object to the Senator's request.

Mrs. CLINTON. I appreciate the Senator's factual intervention. It is the same proposal that was used in the early 1990s to extend unemployment insurance under the first President Bush. It is what has historically been done. Now, some people benefit more because of the circumstances in which they find themselves. Indeed, when we passed the only extension of unemployment insurance back in, I think, March, there were a couple of States that had been very hard hit that were given additional benefits.

As the Senator points out, what the House is about to send over is not just an unemployment insurance extension; it changes welfare law, it provides Medicare benefits to a certain category of Medicare recipients and not to others. So I think that it would be far better for us to ensure that an unemployment insurance benefit was going to be extended.

Ms. CANTWELL. Will the Senator yield?

Mrs. CLINTON. Yes.

Ms. CANTWELL. I am joining the Senator in support of bringing this up under a unanimous consent. The issue the House is looking at is simply another 5-week extension. So, yes, maybe more for the holidays people will think they have 5 more weeks. But the issue is that expansion of this unemployment program is about helping people through a tough economic time. We don't expect that it is going to get any better January 1 or January 31.

Frankly, I think if you listen to Alan Greenspan and everybody else in the administration, they don't expect it is going to get any better in the next 5 months. So the point is that we want to have a stimulus for those local economies.

My State of Washington, with nearly 80,000 people impacted, has been putting something into the economy. But starting December 31, they won't be because they won't be able to make mortgage payments or take care of health care or do a lot of things. So this is about making a statement and expanding the program beyond another 5-week Band-Aid. If we had a commitment that we were going to be here on January 1 when the next 5 weeks runs out, and we were going to take a look at the next 6 months—but we are not doing that. We are saying we expect no economic improvement. We are not willing to step up, as the Bush 1 administration was willing to do in the 1990s, and say, yes, an extension of unemployment is a good stimulus, a safeguard, while the economy is needed to improve. That is what we are talking about here. So the Band-Aid approach that the House is sending over is simply 5 weeks, basically taking care of the worse case scenario. We need to make a positive statement. I have talked to many business people in my State who are supportive from that perspective of not taking out this income from the local economies that are being crunched.

I wanted to add to my colleague from New York, the numbers are staggering. New York has over 300,000 people who will be impacted as of December. Other States: Illinois with almost 170,000 people; Georgia, 125,000 people; Pennsylvania, 125,000 people; Texas, 215,000 people.

So there are States throughout this country that are feeling this impact. I think the previous Bush administration was very wise to say a good stimulus and a good support for unemployed workers who have lost jobs through no fault of their own, who cannot find employment, let's keep the basic income going and give a stimulus to the economy. I don't know that the Senator from New York is opposed to negotiating any kind of proposal that would get us past just a Band-Aid. I think we are willing to look at what the proposal is, but this is about the sixth or seventh unanimous consent request and negotiation proposal this side of the aisle has put forward.

We are saying that the time has run out and that these individuals are going to get very minimal—if next to nothing—good news about their economic opportunity for the next year or year and a half.

Mr. NICKLES. Will the Senator yield for a question?

Mrs. CLINTON. I yield to the Senator from Maryland.

Mr. SARBANES. I commend the Senator for offering this unanimous consent request. Secondly, in response to the points raised by the Senator from Oklahoma, as I understand it, the bill provides for an additional 13 weeks. If you have exhausted your benefits, having drawn the basic 26 weeks, and the additional 13 weeks that we have provided for in March of this year, you could then draw another 13 weeks. So for that limited group would, in fact, get 52 weeks. I point out that that limited group is unemployed. They have not been able to get a job in a labor market that is not working.

In fact, Chairman Greenspan, yesterday, testifying before the Joint Economic Committee, when asked about extending unemployment insurance benefits, testified that the extended unemployment insurance provides a timely boost of disposable income. He acknowledged that we are currently in a period where jobs are falling. He stated:

> I have always argued that in periods like this that the economic restraints on the unemployment insurance system almost surely ought to be eased.

That is exactly what this legislation seeks to do.

Secondly, there is $27 billion in the trust fund to pay unemployment insurance benefits, specifically designed to meet this kind of situation. Those moneys have been paid into the trust fund over a period of time. The whole system was structured to have this trust fund build up in good times, and then to utilize it in bad times.

We certainly are facing bad times now. In fact, we have 2.2 million who have lost, or will lose, their unemployment benefits by the end of the year. The long-term unemployed—those more than 26 weeks—rose 71,000 last month alone. There are now more than 1.6 million long-term unemployed—a million more than when President Bush took office.

What the Senator is seeking to do was done, I must point out, under President Bush the first. For the life of me, I don't understand why President Bush the second won't agree to and support this measure.

What are these people to do who have lost their jobs? The premise of the system is you get some short-term support, the labor market picks up, and you can go back and find a job. They cannot find these jobs. In fact, not only can they not find them, more people are losing their jobs. So the labor market is constraining, not expanding. These people need help. There is $27 billion that has been paid into the trust fund for the very purpose of providing unextended employment insurance benefits.

Now, the Senator in this legislation has not, as I understand it, sought to do some of the other proposals that have been floating around here in terms of providing a more extended coverage of the system, upping the benefits and other proposals.

There are many who think the existing system is inadequate. She is not seeking to correct that, as I understand it. We are only seeking to do this 13-week extension. I certainly think we ought to do that before this Congress leaves.

I thank the Senator.

Mrs. CLINTON. I thank the Senator.

Mr. NICKLES. Will the Senator yield?

Mrs. CLINTON. Yes, I yield to the Senator from Oklahoma.

Mr. NICKLES. I want to make a statement. Too many times it happens—the Senator yields to me to ask a question, not to make a speech—many times in the debate people have yielded the floor as if they control the floor. The Presiding Officer controls

the floor. The Senator can yield for a question but not yield for a speech. I did not hear a question the last time. I do not want to get too technical, but we ought to adhere to normal Senate rules.

Now my question: The Senator is trying to pass a bill. I stated that the bill is a 26-week extension, not a 13-week extension. I keep hearing people say it is a 13-week extension. That is not factually correct. It is a 26-week extension. If you just entered into the program, am I not correct, you can exhaust your 26 weeks of State benefits and qualify for 26 weeks of 100 percent Federal benefits? It is a 26-week extension which doubles the cost of the program. It is a $17 billion program. Am I not correct—I want to be factually correct. If I am wrong, I am happy to be corrected. But am I not correct it is really a 26-week extension for anybody entering into the program? So people could qualify for 26 weeks of State benefits and 26 weeks of Federal benefits if the Senator's bill should pass?

Mrs. CLINTON. With all due respect to my friend from Oklahoma, that is not what the bill says. The bill provides 13 weeks for those first coming into the system, but for people who have already exhausted their 13 weeks, it does provide an additional 13 weeks, which adds up to 26 weeks.

Maybe it is not artfully enough drafted. I certainly have the greatest respect for my colleague from Oklahoma, who is one of the premier legislators in this body, but if it is not clear, then I will be more than happy to write it so it is absolutely clear.

The intention is, as I have stated, to provide an additional 13 weeks to people who have exhausted their benefits. To echo the eloquent comments of my colleagues from Washington and Maryland, there are lots of people out there. The Senator from Washington read the numbers. Let me give you one quick example.

Mr. NICKLES. I want an answer to my question.

Mrs. CLINTON. The answer is the bill does not provide for those first coming into the system 26 weeks. It does provide an additional 13 weeks so that those who have exhausted their first 13 weeks can have 26 weeks.

Mr. NICKLES. Will the Senator yield further for a question?

Mrs. CLINTON. Yes.

Mr. NICKLES. I believe the bill offers 26 additional weeks for anybody who just came into the system.

Mrs. CLINTON. We would be more than happy to clarify that. That is not the way the bill was intended. It certainly is not the way it was meant to be drafted. If there is any—

Mr. NICKLES. Will the Senator yield for an additional question?

Mrs. CLINTON. Let me finish my answer. You get to ask, I get to answer. My answer is, it is intended to be a 13-week extension. If there needs to be a cutoff point so it is absolutely clear that this is the intention, we stand ready to do that.

In contrast, the bill the House is working on is a 5-week extension for those who already are in the system, and then it is over. No more help. From my perspective, representing 300,000 unemployed New Yorkers, 120,000 of whom lost their jobs directly as a result of September 11, it is very hard to go back to New York and look at people such as Felix Batista who worked for 22 years at Windows on the World, with four children—luckily was not there that day when the terrorist attack occurred—and has not been able to find work, even though we have all been trying to help him. He is a man of limited skills, but a good, hard-working person, a father of four. He has no help. What is he supposed to do? Let me ask that question of the Senator from Oklahoma. Where is my office supposed to send literally thousands of people who have no work because the economy is not producing jobs?

Mr. NICKLES. Will the Senator yield for an additional question?

Mrs. CLINTON. Yes, I will be more than happy to yield.

Mr. NICKLES. The proposal before us still has the adjusted insured unemployment rate to where it includes the following paragraph:

> Except that individuals exhausting their right to regular compensation during the most recent three calendar months for which data is available before the close of the period for which such rate is being determined shall be taken into account as if they were individuals filing claims for regular compensation for each week during the period for which the rate is being determined.

Basically that means if someone even completes the system and gets a job, they still are counted as unemployed; is that still in this legislation?

Mrs. CLINTON. What we did, in response to the Senator from Oklahoma—and maybe we were misinformed about this—we went back to our last recession under the previous President Bush. We thought that would be a good model as to what was done five times to extend unemployment insurance benefits. We took the language the first Bush administration and the bipartisan body here at that time decided was the appropriate legislative language to bring about the result that people agreed was needed.

If it was in some way misguided to rely upon the first Bush administration's extension of unemployment insurance, then we are going to say we did the best we could to look at what had been effective and worked in the past.

In direct response, the people who are still being counted in the unemployment insurance is a relatively small number because, obviously, to get them on and off does take some bureaucratic and technical adjustments. There are certainly some—I am sure I could find a few in Oklahoma and a few in New York. But the fact is the overwhelming number of people who will be eligible and will receive benefits are people who deserve it, and that is, I think, the goal we should be addressing.

Mr. NICKLES. So the answer to my question is that language is still in the bill?

Mrs. CLINTON. We have the same language that was used in the first Bush recession. Now we are in the second Bush recession. We are using the same language. It worked then.

Mr. NICKLES. Will the Senator yield again? So that language is still in there. I will tell my colleague, I will never agree to this language passing. I will also tell my colleague, if she is politicizing this, talking about the first Bush recession and the second Bush recession, the first compensation package did not have the same triggers. I did not agree with the first. I do not like the language that somebody who gets a job is still counted as unemployed for these rates. I would never agree to it. I did not know it was in the first program ten or so years ago, and it will not be in the next one if I am still standing around here.

I also ask my colleague, are not the triggers different under this proposal than the compensation packages that passed in the early nineties?

Mrs. CLINTON. It is the same kind of trigger, I am advised.

Mr. NICKLES. There are different triggers. More States would qualify for greater benefits; is that not correct?

Mrs. CLINTON. It includes States with concentrated high unemployment. That is true, there is a slightly different trigger. Again, I was not around in 1991 and 1992, so I cannot speak to what the Senator would or would not have done. The fact is, we have a problem. We have tried repeatedly—eight separate times—to work out some way to provide some additional benefits for people who deserve them. If there is a way to work out a better approach, to do something that will clearly meet the objections of the Senator from Oklahoma, I stand ready to do that.

I am just worried about all of these decent people who are running out of unemployment benefits. There is nowhere for them to go. I do not know what else to bring to the floor other than those stories. We can argue about triggers. I am sure between the two of us, we can fix a trigger if there was a willingness to act on that. What is coming over from the House, larded with other controversial provisions, is not a good-faith effort to extend unemployment benefits to people in need. It is an effort to basically try to say something was done which will not have any lasting benefit for those who are most in need.

Mr. NICKLES. Will the Senator yield?

(Ms. CANTWELL assumed the chair.)

Mrs. CLINTON. Clearly, if the Senator from Oklahoma is going to object to our following the precedent of the triggers of the President Bush 1 package, then obviously we are going to have to go back to the drawing board.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar

No. 619, S. 3009, a bill to provide for a 13-week extension of unemployment compensation; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Madam President, reserving the right to object, the UC request, as I read it, says it is a 13-week extension. The bill before us is a 26-week extension. A 13-week extension, I believe, costs $7.3 billion; a 26-week extension cost—by CBO—is $17.1 billion. That is the proposal before us, and, therefore, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Nevada.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding that we now automatically go to the homeland security legislation. Is that true?

Mrs. CLINTON. Will the Senator from Nevada yield?

Mr. REID. Yes.

Mrs. CLINTON. Did the Senator from Oklahoma actually propound an objection or reserve the right to object?

Mr. NICKLES. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Nevada.

Mr. REID. The two managers of this bill have been very patient and cooperative, but we have to ask their patience once again. We have a matter that the Senator from Minnesota, Mr. BARKLEY, wishes to bring forward in honor of Senator Wellstone. This will take a short period of time, and I ask that we be able to move to that at this time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask for time before the Senators from Minnesota speak.

Mr. REID. I ask that the Senator from Washington be recognized after the two Senators from Minnesota speak. Would that be appropriate?

Mrs. MURRAY. How much time will the Senators from Minnesota require?

Mr. REID. Could I ask of my two friends how much time they wish to take on this matter?

Mr. BARKLEY. Madam President, I wish to take approximately 4 minutes.

Mr. DAYTON. Madam President, I will be approximately the same.

Mr. REID. I ask unanimous consent that the two Senators from Minnesota be recognized for 10 minutes equally divided between the two of them. Following their statements—I understand they want to move legislation—I ask unanimous consent that the Senator from Washington be recognized.

Senator MURRAY indicates she only wishes to speak for up to 5 minutes. So I am sure my two friends would allow her to proceed for up to 5 minutes, and then following that the two Senators from Minnesota would be recognized for up to 10 minutes.

Following that, we will definitely go to the homeland security bill. There are people waiting to offer amendments. So I make that in the form of a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Madam President, I thank my colleague from Nevada for his indulgence, and I thank my colleagues from Minnesota for allowing me a few minutes before they pay a very important tribute to Senator Paul Wellstone.

PIPELINE SAFETY

Mrs. MURRAY. I rise today to note a very significant event that occurred last night on the floor of the Senate, and that was the passage of the pipeline safety conference report.

As the Presiding Officer knows, in our State of Washington, a tragic accident occurred 3½ years ago when a pipeline blew up on a sunny June afternoon, tragically killing three young children in our State and devastating a mile-wide section of a river that travels through Bellingham, WA. This was a traumatic event that has impacted the lives not only of those families and their friends but hundreds of people in Bellingham and across this country.

At the time, I thought this was a uniquely tragic accident that occurred in my State when a pipeline suddenly blew up on a sunny Friday afternoon, after school. But after coming back to Washington, DC, and researching what was known about pipelines, I found out that in a short time period, between 1986 and 1999, there had been 5,700 pipeline accidents.

What happened in my home State was not unique. Three hundred twenty-five people had died in that time period. There had been 1,500 injuries that had occurred and $850 million in environmental damage. Working with many colleagues, Senator MCCAIN, who chaired the Commerce Committee, and Senator HOLLINGS, who worked diligently with me, Senators INOUYE, BREAUX, WYDEN, BROWNBACK, BINGAMAN, DOMENICI, CORZINE, TORRICELLI, my colleague who is presiding today, Senator CANTWELL, and former Senator Gorton, made this an issue in this country. It has been a long and difficult road. We have passed this bill out of the Senate on several occasions. We have been stopped in the House, and today we are finally at a point where the House, I believe, is going to pass this legislation as well, and it will be sent to the President of the United States. It will put into place significant new improvements on training and qualifications of our pipeline personnel, on inspection and prevention practices, on tough penalties for people who violate this, and States' abilities to expand their safety activities.

For the thousands of families who live next to pipelines, who work next to pipelines, who send their kids to schools next to pipelines, this is definitely an improvement in our law.

Is it everything we ask for? No. But today I want to rise and thank all of my colleagues, and Congressman LARSEN as well, for finally moving us to a point where the families of Wade King, Stephen Tsiorvas, and Liam Wood can realize the hard work they have put in is going to finally result in a change of law that means some future child, some future family, some future community, will not have to face the situation as they have.

I thank my colleagues for their work on this, and I look forward to having the President sign this into law.

I yield the floor.

PAUL AND SHEILA WELLSTONE CENTER FOR COMMUNITY BUILDING ACT

Mr. BARKLEY. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 3156, introduced earlier today by myself and Senator DAYTON.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3156) to provide a grant for the construction of a new community center in St. Paul, Minnesota, in honor of the late Senator Paul Wellstone and his beloved wife, Sheila.

There being no objection, the Senate proceeded to consider the bill.

Mr. BARKLEY. Madam President, today, Senator DAYTON and I are introducing legislation to pay tribute to Senator Paul Wellstone and his beloved wife Sheila.

Our legislation would provide a $10 million authorization of Federal funds for construction of the ''Paul and Sheila Wellstone Center for Community Building'' at Neighborhood House in St. Paul, MN, where Paul and Sheila lived.

First, let me thank the leadership on both sides of the aisle for facilitating consideration of this legislation. Senator DAYTON and his staff, Senator Wellstone's family and staff, and especially my colleague from West Virginia, Senator BYRD, have literally moved heaven and earth to bring this bill to the floor.

I may be the newest Member of this Chamber, but I fully appreciate the extraordinary efforts of so many to allow Senator DAYTON and I to create a living legacy in honor of Paul and Sheila Wellstone in such short order.

Neighborhood House was founded by the women of Mount Zion Temple in the 1880's as a settlement house, helping newly arrived Eastern European Jewish immigrants to establish a new life and thrive in their new community.

Senator Wellstone always had a genuine affinity for Neighborhood House,

as his parents, Leon and Minnie, were Russian Jewish immigrants themselves. But his affinity reached far beyond this personal link. Neighborhood House truly embodies everything that Paul Wellstone fought for over the course of his entire life: that all people, no matter their background or economic status or country of origin or race or creed, would have a fair shake at life, and an opportunity to belong to and enrich their communities.

Neighborhood House has been building doorways of opportunity for diverse communities for nearly 120 years. The Neighborhood House is a multicultural-multilingual agency that provides and houses an array of programs, including legal services, child care, recreation programs, senior programs and education. ''Senator Paul,'' as he was referred to by many at Neighborhood House, came every year to the Freedom Festival at Neighborhood House to honor the new American citizens from the Hmong, Latino, and other communities.

Indeed, the entire Wellstone family was very committed to Neighborhood House. Just 2 weeks before their deaths, Senator Wellstone sent his daughter Marcia to tour Neighborhood House and talk with staff about important issues for our community.

In addition, Sheila Wellstone's championing of women's issues is embodied in Neighborhood House programs such as Hispanic Women in Action, a cultural empowerment group that enables women to retain their culture while learning a new one, address challenging family issues, and develop into leaders not only for their families but also their community.

When Neighborhood House began to research the construction of a new facility to meet growing needs, it was Senator Wellstone himself who suggested that the organization seek a Federal statute to help fund the construction.

The Paul and Sheila Wellstone Center for Community Building will be a 93,000 square foot state-of-the-art community gathering place on St. Paul's west side. It will house social services, community engagement, recreation, and arts programs for residents of St. Paul, as well as new Americans in the greater Twin Cities area.

The Paul and Sheila Wellstone Center for Community Building will also serve as an education and learning center for communities throughout the entire State of Minnesota. Last evening, the memorial program for the service to celebrate the lives of Paul and Sheila Wellstone contained these words:

> Complete those dear, unfinished tasks of mine. And I, perchance, may therein comfort you.

Paul, this is our first step toward finishing your work. I also commit to working during my short tenure in this distinguished body to try to help pass your signature legislation, the Mental Health Parity Act.

Again, I thank the Senate leadership for the extraordinary accommodation to allow us to bring this bill to the floor today. It, too, is a tribute to the respect and love of Paul Wellstone by his Senate colleagues.

I yield the floor.

Mr. DAYTON. Madam President, I am proud to join with my colleague, Senator BARKLEY, in cosponsoring the Paul and Sheila Wellstone Center for Community Building Act. I pay tribute to my colleague, Senator BARKLEY, for taking the initiative on this matter, for your leadership. I believe it has been one week to the day since the Senator arrived in Washington, and even before he had undertaken the oath of office and assumed the official title of Senator from Minnesota, he was acting on behalf of our State.

He deserves the credit for this measure. Others are moving Heaven and Earth, as the Senator said. I believe he is too modest. He is the prime mover in this matter. I salute my colleague for his doing so under such extraordinary circumstances. I could not think of a better way for anyone to begin service in this Chamber than to honor our colleague, Paul Wellstone, and his wife Sheila, who cared about these matters from their own heart.

As Senator BARKLEY said, with the experience that Paul had being the son of immigrants and his undying compassion for those who came to this country under any circumstances, Paul's concern extended beyond those who could do him some good in this society. Paul's concern was for those he could do good in this society. He devoted countless hours, thousands and thousands of hours to people and causes where there was no benefit for him, there was no political advantage.

Most of the people coming to this center were not citizens and would not be for a number of years. Paul did it out of his heart; Sheila did it out of her heart, out of their common compassion for their fellow citizens, with no thought of gain or benefit to themselves.

This is a fitting first tribute. I hope it will be only the first tribute. I join with Senator BARKLEY in asking my colleagues here and in the House to ultimately pay tribute to Paul and Sheila, especially Paul, since this was his matter of concern, the Mental Health Parity Act. He worked tirelessly with Senator DOMENICI to pass this in the Senate, and unfortunately it was not adopted in conference committee.

I join Senator BARKLEY in hoping that measure could be passed in this session. If it is not possible, I will do everything I can, working with Senator DOMENICI and others next year to see it does pass. This is an important statement of the Senate and the House. We need to pass it, honoring Paul and Sheila Wellstone. It is appropriate because it symbolizes that compassion, that spirit of humanity which marked their lives.

The PRESIDING OFFICER (Mr. JOHNSON). Do Senators yield back their time?

Mr. BARKLEY. Mr. President, I ask unanimous consent the bill be read three times and passed and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3156) was read the third time and passed, as follows:

S. 3156

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 ''Paul and Sheila Wellstone Center for Community Building Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Senator Paul Wellstone was a tireless advocate for the people of Minnesota, particularly for new immigrants and the economically disadvantaged.

(2) Paul and Sheila Wellstone loved St. Paul, Minnesota, and often walked the neighborhoods of St. Paul to better understand the needs of the people.

(3) Neighborhood House was founded in the late 1800's in St. Paul, Minnesota, by the women of Mount Zion Temple as a settlement house to help newly arrived Eastern European Jewish immigrants establish a new life and thrive in their new community.

(4) Paul and Sheila Wellstone were very committed to Neighborhood House and its mission to improve the lives of its residents.

(5) When Senator Wellstone became aware that the Neighborhood House Community Center was no longer adequate to meet the needs of the St. Paul community, he suggested that Neighborhood House request Federal funding to construct a new facility.

(6) As an honor to Paul and Sheila Wellstone, a Federal grant shall be awarded to Neighborhood House to be used for the design and construction of a new community center in St. Paul, Minnesota, to be known as ''The Paul and Sheila Wellstone Center for Community Building''.

SEC. 3. CONSTRUCTION GRANT.

(a) GRANT AUTHORIZED.—The Secretary of Housing and Urban Development shall award a grant to Neighborhood House of St. Paul, Minnesota, to finance the construction of a new community center in St. Paul, Minnesota, to be known as ''The Paul and Sheila Wellstone Center for Community Building''.

(b) MAXIMUM AMOUNT.—The grant awarded under this section shall be $10,000,000.

(c) USE OF FUNDS.—Funds awarded under this section shall only be used for the design and construction of the Paul and Sheila Wellstone Center for Community Building.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for fiscal year 2003, which shall remain available until expended, to carry out this Act.

The PRESIDING OFFICER. The Senator from Connecticut

Mr. LIEBERMAN. I congratulate our new colleague from Minnesota, not only for the nobility of the purpose for which this legislation is dedicated, to honor the memory of our dear friends Paul and Sheila Wellstone, but for the fact he achieved the passage of a measure so early in his time here as a Member of the Senate. I congratulate him for his purpose and for his success.

HOMELAND SECURITY ACT OF 2002—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Thompson (for Gramm) amendment No. 4901, in the nature of a substitute.

Lieberman/McCain amendment No. 4902 (to amendment No. 4901), to establish within the legislative branch the National Commission on Terrorist Attacks Upon the United States.

Mr. LIEBERMAN. Mr. President, I will speak on the substitute on homeland security introduced yesterday by Senator THOMPSON on behalf of Senators GRAMM and MILLER. My feelings about this substitute, to put it as directly as I can, are mixed. The substitute would create a single strong Department of Homeland Security under the leadership of an accountable Secretary, which many Members have supported, actually, for more than a year now in response to the terrorist attacks of September 11, 2001, and the dangerous vulnerabilities in our federal homeland security system that those attacks revealed.

The substitute is also problematic in many ways. I categorize them in four chunks.

First, this substitute contains several provisions that are just ill-conceived, missed opportunities to close vulnerabilities in our security or that otherwise make the wrong choice.

Second, the bill contains provisions that are unrelated to homeland security legislation. Apparently, as often happens in Congress, some of our colleagues have decided to put the provisions on what they assumed was the last bus out of town during this session rather than waiting for the right ride.

Third, the bill contains provisions that do seem, as we approach December, to be gift wrapped by lobbyists to satisfy some special interests, not carefully considered to improve the security of the American people.

Fourth, a number of provisions in the bill are 11th hour additions, new to everyone in the Senate, not previously included either in the legislation that came from our Governmental Affairs Committee or in the so-called Graham-Miller substitute, at least in its previous iterations. This makes it difficult to know whether these provisions are good or bad. It is in that sense that these last-minute conditions on a critically important bill are not up to the standards the Senate should follow, and are not of the urgent necessity that cries out for this bill, which is to protect the homeland security of the American people.

There are many good things to say about the substitute in a number of areas. The bill has made real progress from earlier proposals, both from the President and from our Republican colleagues. I am grateful, once again, as in the previous Gramm-Miller substitute, the overall architecture and composition of the proposed Department of Homeland Security is quite similar to what we conceived in the legislation approved by the Governmental Affairs Committee, first on a partisan vote in May and then unfortunately in a bipartisan vote in July of this year.

This bill, the substitute, would create a new Department with major provisions responsible for border and transportation security, intelligence, and critical infrastructure protection, emergency preparedness and response, science and technology, and immigration services.

This bill is nearly identical to the bill approved by the Governmental Affairs Committee in deciding which domestic defense-related agencies and offices should be transferred and how they should be organized. In fact, when we say, as has been said so often in this debate in this Chamber, that there is agreement on 90 to 95 percent of what we should be doing here with regard to homeland security, that is what we mean. We mean we agree on the big picture, if I may put it that way. That is a big deal.

We recognize that today's terrible vulnerabilities are there and we agree not only on the need for a comprehensive reorganization to close those vulnerabilities but almost all of the components that have reorganization.

Today, homeland security is institutionally homeless—everyone is in charge and therefore no one is in charge. Under this substitute, as under our committee-approved legislation, that will no longer be the case. Under this bill, as under our bill, for the first time we would bolster emergency preparedness and response efforts to ensure that all areas and levels of government are working together to anticipate and prepare for the worst. Today, the fact is that coordination of our homeland security agencies is the exception, not the rule. That is unacceptable.

Under this bill, as under our bill, for the first time we will have a single focal point for all of the intelligence available to our Government so it can be properly fused and analyzed, and so that we will enhance our ability to deter, prevent, and respond to terrorist attacks.

This was clearly one of the most glaring weaknesses of our Government leading up to September 11, 2001, as the excellent work done by the Joint Intelligence Committee investigations has made clear.

Under this bill, again as under our committee bill, for the first time we would build strong bonds between Federal, State, and local governments to target terrorism. State and local officials are on the front lines of the fight against terrorism, as we learned so clearly and painfully in the death tallies of the September 11 heroes. Today, local communities are waiting for better training, for new tools, and for coordinated prevention and protection strategy. And this proposal, as under our committee bill, would accomplish that.

Under this bill also, as under our committee bill, for the first time we would bring key border and national entry agencies together to ensure that dangerous people and dangerous goods are kept out of our country without restricting the flow of legal immigration and commerce that clearly nourishes our Nation. Today, threats to America may be slipping through the cracks because of our disorganization, and that is indefensible.

Under this bill, as under our bill, for the first time we would promote significant new research and technology development opportunities and homeland defense. The war against terrorism has no traditional battlefield. One of the untraditional battlefields where we must fight to emerge victorious is the laboratory. Today these efforts are dispersed and often blurred. That is unwise. We cannot tolerate this any longer.

Under this bill, as under our bill, for the first time we would facilitate close and comprehensive coordination between the public and private sectors to protect critical infrastructure. Fully 85 percent of our critical infrastructure is owned and operated by the private sector. We are talking here about electric grids, transportation, food distribution systems, cyber-systems, and the like. We have to close vulnerabilities in those systems before terrorists strike them. To do so, we have to be working with the private sector.

In all of these areas, this piece of legislation, the substitute, will usher in, I am confident, a much more secure nation. Beyond its overall structure, I am also pleased the substitute has moved toward our committee-approved bill in a number of specific areas, namely intelligence, science, and technology, workforce improvement, and appropriations. I want to discuss these each briefly now.

First, intelligence. The President's initial proposal had a very limited conception of the intelligence powers and responsibilities of the new Department. The intelligence provisions in this bill borrowed heavily from our legislation, and as a result will give our Government a much better opportunity to avoid repeating the disastrous disconnects that prevented us from connecting those dots before September 11.

First, the bill would, like our committee legislation, make it clear that the purpose of the new Department's information analysis function includes fusing, analyzing, and disseminating intelligence to deter, prevent, preempt or respond to all terrorist threats against the United States. That is a central change from the President's initial, more limited conception of an intelligence division designed primarily to protect our critical infrastructure. We argued that was inadequate because—well, the World Trade

Center itself, and the Pentagon, are not parts of our traditional critical infrastructure, nor are shopping malls and places of public gathering which terrorists unfortunately strike.

This substitute also made progress in priority setting. It gives the Under Secretary the authority to work with the Director of Central Intelligence and other agencies to establish intelligence collection priorities and insures that the Department of Homeland Security will be at the table with the rest of the intelligence community when intelligence requirements and priorities are established.

Finally on this point, the bill does seem to have moved closer to the committee bill on the crucial issue of access to information by giving the new Department access to information except in cases where the President objects.

However, some differences do remain on intelligence. Rather than creating separate Senate-confirmed Under Secretary positions to oversee intelligence analysis and infrastructure protection, the substitute creates Assistant Secretaries within the same division of the new Department. In my view, intelligence and infrastructure protection should each be led by a separate Senate-confirmed Under Secretary, each of whom can bring the necessary clout, attention, resources, and attention to those complex and different challenges. The access to information provisions—Senator SPECTER and I agree, and he may also have an amendment on them—also could be enhanced.

On the whole, however, this critical function of the Department, intelligence, has been greatly improved in this substitute. The Department created by this bill will systematically organize, scrutinize, and bring together all relevant data in order to much better protect the American people from terrorism.

Science and technology next. So, too, has this substitute moved toward our legislation on science and technology. Our committee worked very hard to give this new Department the creative abilities it needs to develop and deploy a full range of technologies to detect and defeat danger on our home soil.

In World War II, of course, we had the Manhattan Project, scientists who came together to design revolutionary weaponry which was ultimately decisive in that war.

In the war against terrorism here at home, we need revolutionary defense technologies, machines that can scan for dangerous materials—biometric identification systems, information analysis software, vaccines and antidotes to deadly pathogens—poisons. The list goes on and on, most of it probably at this moment unimaginable in detail but critically important to our future security.

I am very gratified to see the substitute before us provides for a Directorate of Science and Technology headed by a Senate-confirmed Under Secretary, a Homeland Security Advanced Research Projects Agency that is modeled after DARPA in the Department of Defense, federally funded research and development centers to provide analytical support to the Department, and a mechanism for allowing the Department to access any of the Department of Energy laboratories and sites.

All of these were not included in the President's original homeland security proposal. I am grateful to the authors of the substitute for including them now.

There are some other points of progress in the bill I think are worth noting.

First, thanks I gather in large measure to the effective advocacy by the senior Senator from Alaska, Senator STEVENS, and unlike the President's original proposal, this substitute has wisely preserved congressional accountability over spending by the new Department—after all, that is our constitutional role—and in doing so has rejected the administration's call for expansive authority to shift money among accounts—appropriated money, the public's money—without approval by Congress.

Second, this bill has made significant strides in safeguarding the Department's integrity, cost-effectiveness, and respect for individual rights.

The original Gramm-Miller substitute, offered on behalf of the administration, would have created a department without a civil rights officer or privacy officer, and with an inspector general over whom the Department's Secretary would have had unprecedented authority, thereby making it possible that the inspector general's independence would have been compromised.

In this new substitute now pending, there is once again a civil rights officer in the Department, there is a privacy officer, and the Secretary's authority over the inspector general has been substantially checked.

I wish the improvements had gone further. Our committee-endorsed bill, for instance, would have given the civil rights officer and the inspector general more authority than the substitute does and, therefore, help assure a new Department of Homeland Security that would more likely adhere to the highest standards of values and conduct. But I am grateful for what has changed in this substitute.

Finally, I am pleased that the substitute amendment has incorporated the entire Federal workforce improvement bipartisan proposal developed by Senators AKAKA and VOINOVICH, both distinguished members of our Governmental Affairs Committee. That reform package will help this Department and all other Federal Departments attract, retain, and reward the best talent with the help of new personnel management tools and management flexibility given to the new Secretary.

Mr. President, unfortunately, as I said at the beginning, there is some bad news. That was the good news in the substitute. There is some bad news as well.

While this bill, as I have just indicated, does incorporate, particularly in the Akaka-Voinovich agreement, some substantial human capital reforms for the Federal workforce, it unfortunately also takes a step backward in other related areas. On the personnel issues—the Federal workforce issues that became such an unfortunate wedge between us here in this Chamber for so long—I must say I am not happy with the outcome. I don't want to rehash the arguments for and against keeping civil service protections in place and giving union representative employees basic protection against having their rights arbitrarily terminated. But let me just say this. What motivated us all along was a desire to ensure this new Department would from day one have not only the best leadership, the most sensible organization, and the resources necessary to do the big job we are giving it, but that it would also have the highest quality and best motivated workforce it could possibly have; that we would not begin the history of this new Department with expressions of suspicion about the commitment—even perhaps the patriotism—of these Federal employees, but that we would engage them together as part of a team, as respected members of the team, and indeed as those members of the team who would be doing the critical work every hour of every day to protect the security of the American people at home.

We often in our debate referred to the events of September 11 and the fact that those firefighters and police officers who we honored for their heroism, who we mourned for the ultimate sacrifice that they gave, were all members of unions, were all governed by civil service rules. But in the hour of crisis, in the hour of public need, not a single one of them but for a second thought about their union rights, or their collective bargaining agreement, or their civil service agreement. They rushed to the duty that they had, and accepted it as public employees.

At one point a few months ago, a group of us met with a battalion chief from the New York City Fire Department. He told us that on that day, September 11, he was off duty with a group of friends who were off duty. When they heard the planes had hit the World Trade Center, they just rushed to the scene. He talked about terrible frustration and heartbreak because some of his colleagues, when they got to the scene, were told they could not go into the building to try to rescue those who were there. That is what public service is about. Civil service protections and collective bargaining rights never come between public employees and their obligation or responsibility to do duty. It was shown over and over again by the Federal employees in the departments and agencies that will be consolidated into this new Department.

On this front, this substitute continues to be a disappointment to me. The bill fails to correct major problems in the previous Gramm-Miller substitute, and, as a result, I fear, invites politicization, arbitrary treatment, and other personnel abuses in the Federal Government in a way that may damage the merit-based workplace Federal employees and the American people—we the American people—who these Federal employees serve and in this new Department must protect have come to depend upon.

I hope, of course, that what many fear does not occur and that if, or probably when, this substitute passes, this and future administrations will not overstep their bounds, will not unfairly use the unprecedented authority they are given in parts of this legislation, and will not undermine thereby the effectiveness of the new Department.

I must say I still personally fail to understand why any President would need to remove collective bargaining rights from unionized employees who have a long and proud history of helping to protect the homeland, as the 45,000-some employees who will be unionized of the 170,000, who will be moved to this Department, and who will continue to do exactly the same work they have done for decades.

While previous Presidents have had the same authority and have not exercised it to remove their collective bargaining rights, they will continue to do that work in this new Department. If and when this President or any future Presidents should decide to eliminate collective bargaining within a unit of the Department—as they will have the legal power to do if this substitute passes unilaterally—I am confident the Congress will not just sit back and watch.

We will expect the President to take such a step only if it is truly essential to national security and not merely a management convenience or an ideological compulsion. We will expect the Department's leadership will have first made good-faith efforts to work cooperatively with their employees who are union members, determining that union representation is in fact incompatible with national security. We will expect the explanation the President provides to Congress, required under this substitute, to be thorough. The administration for its part has said, particularly in recent days, it is not out to break Federal employee unions, but only to retain an extraordinary authority that has been exercised only a handful of times over the last four decades. We in Congress and our successors and I believe the American people will hold both this President and his successors to that promise.

When it comes to the creation of a modified personnel management system, we expect the employees in the new Department will be hired, promoted, disciplined, and fired based only on merit. We expect that if and when existing civil service rights and protections are altered or removed, the administration can demonstrate a clear need for doing so in the context of the homeland security mission of the Department. We expect fair and independent procedures will be maintained for all employees with grievances, especially those who allege abuse or corruption within the Department—whistleblowers. We expect changes to the system will be carefully crafted through negotiation and collaboration with employees and their representatives at all levels, from the rank and file to top echelons of management. And if a disagreement arises, or an agreement is not possible to obtain, the required 30 days of mediation and negotiation between the administration and the unions will be substantial and in good faith, not cosmetic.

The administration has pledged not to undermine the integrity of a merit-based public-sector workplace. Here again, the American people and we in Congress will be watching, and watching carefully.

Let me discuss a few other concerns that I have about the substitute. On immigration, this bill takes what, in my view, is a step backward from our committee-approved legislation by splitting the Immigration and Naturalization Service programs between the Border Directorate, where all immigration enforcement will be housed, and a new Bureau for Citizenship and Immigration Services, which will handle immigration services.

I am concerned that this configuration may diffuse responsibility for immigration policy and coordination among a large number of officials. And it is contrary to the earlier bipartisan Kennedy-Brownback immigration legislation.

I am also troubled that the bill weakens provisions we had carefully developed to ensure that the independence of immigration courts would be preserved and that vulnerable child aliens would not be lost in the shuffle to the new Department.

I regret that the bill would shield private-sector information that is voluntarily submitted to the new Department from the Freedom of Information Act from being used in civil litigation and even from release by State and local governments under their own sunshine laws. That is a major retreat from the carefully crafted bipartisan Bennett-Levin-Leahy compromise that was included in our committee bill and in the Gramm-Miller substitute in its original form, and is of particular concern to community groups, workers, environmental advocates, and watchdogs who depend on access to this information to help them reduce environmental health and safety risks to themselves, their families, and the public.

In addition, out of the blue, if I may phrase it that way, this substitute includes a provision that had not been seen in any previous proposals regarding homeland security, and that would take complaints about vaccine additives out of the courts and require them to be made through the Federal Vaccine Injury Compensation Program.

That would affect potential claims involving the mercury-based preservative thimerosal. Because there are a number of class action lawsuits pending on this issue, this is a highly controversial and complicated issue, one that the relevant committee of the Senate, which has been working on it, the HELP Committee, has not been able to come to a consensus on after several months of deliberation.

So why is this provision being rushed through now in the context of homeland security legislation in a way that makes it very hard for us to reach a proper conclusion, though we have very significant fears that rights of injured parties are being severely limited?

The bill also omits a vital provision in our bill that would have provided $1 billion for each of the fiscal years 2003 and 2004 to local governments to hire firefighters. This provision, sponsored in our committee, and cosponsored—again, bipartisan—by Senators Carnahan and Collins, would create what is effectively a firefighter's version of the immensely successful and productive and valued COPS Program that we created in the 1990s. I believe it started in 1994 for police officers locally.

After September 11, the firefighters are people we depend on, particularly in an emergency. The fire departments have taken on new responsibilities throughout the country post September 11 and are doing more hiring, so we need to help them pay for their new personnel. We need to help them train and equip those personnel. Unfortunately, that pathbreaking, productive, progressive provision has been taken out of the substitute.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LIEBERMAN. I will yield for a question from the Senator from West Virginia.

Mr. BYRD. My question is this: The distinguished Senator is pointing out some very glaring differences between the bill—I call it a bill. Is this the hydra-headed monster that has come over from the House in the last 24 hours or so? And is this the item before the Senate today? And is this the vehicle to which the distinguished Senator from Connecticut is addressing his remarks? That would be my first question.

Mr. LIEBERMAN. Through the Chair, I thank the Senator from West Virginia.

The House, last night, adopted a proposal which I gather is essentially the same, perhaps totally the same, as this substitute which was offered yesterday by Senators THOMPSON, GRAMM, and MILLER.

Mr. BYRD. So what we have before the Senate—Mr. President, will the Senator yield further?

Mr. LIEBERMAN. I will.

Mr. BYRD. What we have before the Senate is a massive piece of legislation with 480-odd pages, that has been virtually dropped into our laps within the last 36 hours, allowing for yesterday and thus far today. This is a virtually new bill, as I see it; is it not? It is something that was—I read about it in the newspapers—something to the effect this is a compromise that was passed by the House and sent to the Senate. It is now under discussion in the Senate.

The distinguished Senator from Connecticut is performing, as I see it, a great service in addressing his remarks to this monstrosity. That is my word for it. It is a monstrosity. It is almost 500 pages, and it is just suddenly dropped into our laps. This is not the bill which came out of the committee chaired by the Senator from Connecticut, is it?

Mr. LIEBERMAN. I thank the Senator. As I said at the outset of the remarks I am giving here, there is a lot that is in this substitute that has, in fact, been taken from our committee bill. But as I am enumerating now, there is a lot also that has been added, and some of it really at the last moment.

Some of it is compromise legislation, for instance, on the question of Federal worker rights, which we have been debating here for several weeks now. But some of it, such as the provision on child vaccine and the liability of pharmaceutical companies in cases of injury from that vaccine, we have never seen in any of the many forms of homeland security legislation that have been introduced or discussed, and not only in the Senate but I believe in the House as well.

Mr. BYRD. Mr. President, will the distinguished Senator yield for a further question?

Mr. LIEBERMAN. I will.

Mr. BYRD. Mr. President, in speaking of the vaccines, as you know, in this town, and in this Chamber, there is often a great deal said about pork, about pork, and particularly with reference to appropriations bills.

This seems, to me, to be some pork—some pork—in this bill for the pharmaceutical companies.

That is what it sounds like. I believe the distinguished Senator from Illinois will later have something to say about this, possibly have an amendment in regard to it. That was kind of what I understood from a conversation earlier today. It sounds to me as if this is something brand new to the distinguished Senator from Connecticut.

What I am leading up to is this question: Here we have a bill we are being asked to pass virtually sight unseen. We have had yesterday and thus far today to study this new vehicle that has come to us from the House, passed by the House, I believe. And this vehicle itself did not come before the committee that is so ably chaired by the distinguished Senator from Connecticut. This is a new piece of legislation, virtually sight unseen in many ways. There are many parts of it, of course, that, as the distinguished Senator from Connecticut has indicated, were probably lifted out of the measure which he and the other members of his committee, both Republicans and Democrats, reported from that committee some several months ago, that bill we referred to back in those days as the Lieberman substitute.

Mr. LIEBERMAN. I remember those days fondly.

Mr. BYRD. Yes, I remember them fondly also.

Mr. LIEBERMAN. I thank the Senator.

Mr. BYRD. But I am very disturbed by the fact that here we have before the Senate a measure which is in many ways a measure that has not been seen, studied, except for the few hours of yesterday and today we and our staffs have been able to allot to it. This is something new, and we are going to be asked to vote on cloture on this vehicle, this piece of legislation. We are going to be asked to vote on cloture by no later than tomorrow on this matter, and we don't know what is in it. I don't know what is in it. I have had my staff on it since yesterday when it first made its appearance in my office in the form of several separate pages which I hold in my hand, various and sundry pieces of it, almost 500 pages.

Here we are going to be asked to vote on cloture on this measure tomorrow. I hope we don't invoke cloture. I hope Senators will not vote to invoke cloture on this matter tomorrow. The Senate is entitled to have more time in studying this measure before we vote on it. The American people are entitled to know more about what is in this bill as it comes to us now from the House, what is in the bill before we vote on cloture. I think people are entitled to that.

I say to the distinguished Senator from Connecticut, again, he is performing an extremely important service to the Senate, to his people, and to the people of the United States. I was in my office when I heard him talking. I heard him talking about the vaccines. I heard him talking about other areas of the bill which are new to him, some of which he had not seen. He indicated they are new to him.

Why should we vote? I ask this question. The distinguished Senator may not wish to answer it right now, but it is a question. I am within my rights to ask the Senator a question, if he is willing to listen to my question. Perhaps this is a rhetorical question. But why should Senators invoke cloture? Why should Senators vote to invoke cloture on a measure when they don't know what is in it? Many of them did not know what was in H.R. 5005 before the August recess, and many of the Senators, I assume, did not know a great deal about what was in that bill even after we debated it for a considerable length of time.

The distinguished Senator from Connecticut has put most of the summer and a great deal of the spring of this year into his bill. He and his committee have worked hard. Mr. THOMPSON and others have worked hard on this homeland security bill.

I will take my own time on the floor later today to say these things, but I will just say this: We are being importuned by this administration, by this President, to vote quickly on this bill creating a department of homeland security. I think it is irresponsible of the administration to insist upon the Senate's acting on this legislation in such a great hurry.

One might say, well, they have had all summer. But we have not had all summer. We have something new here that was just brought into the Senate yesterday, and we are being importuned to vote for this legislation before we go out of session, presumably maybe at the end of next week, maybe not. But I think it is most irresponsible for the administration to put this kind of pressure on the Senate, especially when the administration has turned its back on appropriations bills that have been reported from my committee, the committee chaired by me and the ranking member, Mr. TED STEVENS, former chairman of the Appropriations Committee and soon to be chairman again.

I think the administration has had before it these various and sundry appropriations bills, many of which contain homeland security appropriations. Yet this administration has put the pressure on the other body, the Republican-controlled House, not to pass those appropriations bills.

There was homeland security. There was real homeland security. If the administration would just have taken the bonds or the chains or the handcuffs off the House and let it act on those appropriations bills, there is homeland security. If we really want to do something for the people, do it fast for them—and I will go into this in greater length later today—there was the chance. Instead of putting the pressure on that, instead of pushing hard to get the appropriations bills through and get them down to the President so he could sign them, the administration has instead put great pressure on the Senate now to pass this homeland security bill.

Yet we don't know what is in the bill. We haven't had much time.

My question is—the Senator may not want to answer it—does he not think that the Senate ought to take more time before invoking cloture? I respect the fact that sooner or later cloture will be invoked. But it wouldn't hurt—I will say this on my own—for this bill to go over until next year when we could have more time to look at the 485 pages—I may be missing one or two—so that we could take our time and know what we are voting on.

They will say: Something may happen. The terrorists may strike. We need to get this done.

Let me say to my dear friend the Senator and other Senators and to the

Chair: Passing this bill won't make one whit of difference if a terrorist attack occurs tonight, tomorrow, next week, next month. Passing this bill will not make one whit of difference. The people who are to protect us under this bill, if we ever get the bill passed and get it implemented, this new department up and running, the people who will be ensuring the safety of the American people under this bill are out there right now: Immigration and Naturalization Service, the Customs Bureau, the policemen, firemen, the emergency health personnel, the border security personnel, the security at the ports. These people are out there now. They are out there every day.

This bill, only for political reasons, is going to amount to a hill of beans. That will be all it will be worth. They can say, well, they passed the bill. But it won't make the people of this country a bit more secure.

As a matter of fact, they will be lulled into a feeling of security when they will be very insecure with this bill—as much so, or more, perhaps, than if we didn't pass it. I am one of those who, first, may I say to my friend—if he will allow one further comment and then my question—I am one of those who first advocated a Department of Homeland Security; I am one of the first to advocate it. But I have had the bitter experience of trying to get the Director of Homeland Security up before the Appropriations Committee, and Mr. STEVENS, the ranking member, joined me in inviting Mr. Ridge up before the committee, but the President said no. He put his foot down and said, no, he is on my staff; he doesn't have to come. We had no alternative but to go ahead with the seven department heads and various and sundry mayors and Governors throughout this country, and police organizations, health organizations, firemen organizations, and so on.

We came up with a good bill. But in that bill, we also included language that would have required the Director of Homeland Security to be confirmed by the U.S. Senate. So we said, OK, it won't be done by invitation; you will come because you are going to have to be confirmed by the Senate, and then you will come. So the administration saw that coming down like a Mack truck. They saw it coming down the track. It passed the Senate with 71 votes—at least 71, as I recall. There wasn't a finger raised against that provision, not an amendment offered to strike that provision; and the administration saw that bearing down on them like a Mack truck, so they rushed to get ahead of the wave, which they are pretty good at doing. Out of the bowels of the White House, they hatched this idea of homeland security, and here it was—not here it is. This is something new. It came up here. This Department of Homeland Security had been hatched by Mitch Daniels, Director of the Office of Management and Budget, and by Andrew Card, and by Tom Ridge, and Mr. Gonzalez, the White House counsel. Those four eminent public officials hatched up this great, grand idea and unveiled it.

The President called us down for the unveiling. I remember, he said he had to go to St. Louis to make a speech, but before he went, he said he had this package. He didn't explain what was in the package. He referred to it as ''this package.'' He wanted to see this package passed quickly and he was going to have to go to St. Louis and make a speech. I seldom go down to the White House. I am not invited much anymore, but I am not crying about that. I don't want to go down there, as a matter of fact. I went down when I was majority leader and minority leader and majority whip so much that I got tired of going. Others may have the pleasure. But on this occasion I went.

The President said here we have this package, and he said he wanted to thank the Members of Congress for their input. I scratched my head. What input is he talking about? The Members of Congress haven't had any input. He said, ''I have to hurry and go to speak.'' He called on the Speaker for a few words. He called on the distinguished Republican leader here, and he called upon the distinguished Democratic leader, and he called upon the distinguished Democratic leader in the House, and then he was finished. He didn't call on me. I was just invited to come as an ornament, I suppose, one that is not often seen by people at the White House.

In any event, the President started off to make that speech in St. Louis. I said, ''Wait a minute, Mr. President. I heard you say something about this package, how you want this passed. I don't know what is in this package.'' Then he said to somebody down the line that may have been a Member of the House, may have been a Democratic leader there—I don't recall—maybe I do, but I don't need to say. Anyhow, when reference was made to this ''thing,'' that we need to pass this thing in time for the first anniversary of September 11, I said, ''I heard something said about this 'thing,' that we need to pass it in time for the first anniversary. I don't know what this 'thing' is.''

I kind of dismissed it in my feeble way, in that manner, saying I didn't know what they are talking about, this thing, this package. Nobody explained this ''package'' to me down there. Nobody explained what this thing was down there. So I came back up to the Hill, knowing little more than I knew when I went down.

I say all that to say this: Here, today, we don't even have the ''package'' they had that day. We don't even have the ''thing'' they were talking about that day. Here is a brand new animal that has been brought in here—480-odd pages—and they are saying we have to pass it. The Senator and I and others are going to be asked to vote for cloture on this ''thing''—the new thing.

My question is, does not the Senator feel it would be time well spent if this Senate did not invoke cloture tomorrow, or maybe the day after, or next week, but would it not be time well spent if the Senate took the necessary hours to carefully study what is in this new package that has been dropped on our desks not more than 6 hours ago? Is that a fair question?

Mr. LIEBERMAN. I thank the Senator from West Virginia. It is a fair question. I would like to answer it by continuing to outline some of the shortcomings in the substitute before us, and then offering a conclusion, and then I will yield to the Senator from Illinois, who has been waiting to be recognized.

I thank the Senator from West Virginia for his comments and his recollection of the history here.

Mr. BYRD. Also, the Senator has made some valuable contributions today by pointing out already some of the differences that he sees in the new language. So it seems to me—I will answer my own question—that we need to take more time than just tomorrow in invoking cloture on this bill. We owe it to ourselves and to the people.

We are creating a brand spanking new, big, massive Department. In this package, we are going to make a massive transfer of power to the executive branch. I plead to Senators that they not vote for cloture on this tomorrow. At least give us another week.

I thank the distinguished Senator for his patience, which is a customary characteristic of his. I value him, and I am going to listen with great interest to what he continues to have to say about this measure.

Mr. LIEBERMAN. I thank the distinguished Senator from West Virginia once again. I mentioned, when the Senator asked a question or two, about the omission from the bill of the program that our committee created, which would have authorized a COPS-like program for firefighters, which would be critically important to local fire departments all around America, who are already spending more money to get ready to protect their people from terrorist attack. I want to go on with a few more of what I call the bad news in the substitute. The substitute also grants—it's ironic that I come to this moment now, but it grants the Secretary of the Department of Homeland Security broad reorganization—I'm sure Senator BYRD will speak to this later in the day—with no need for congressional approval. The President would simply submit a reorganization plan to Congress within 60 days after enactment. No congressional approval would be required, as it would under both Gramm-Miller and our committee bill. Only notice.

The substitute also contains a sweeping liability protection provision that eliminates punitive damages and provides other caps and immunities from

liability for any products that the Secretary of the new Department of Homeland Security certifies as antiterrorism technologies.

This provision, if construed broadly, could do serious damage to individuals' rights. The Secretary must simply designate that a new technology is antiterrorism-related, and the exemption and the protections that are provided by this section of the bill go into effect.

Perhaps the most egregious flaw is the bill would cap liability at the limits of a seller's insurance, meaning people who allege they have been injured by one of these technologies certified by the Secretary can go either completely or partially uncompensated even if a seller who is liable has more than enough money to compensate them because the provision of this bill says the limits of liability are the limits of coverage of the seller's insurance.

Even if, as I read this provision, the seller has assets and the plaintiff has proved that his or her injuries are the result of negligence by the seller, the liability is capped at the limit of the insurance policy. That is a significant change in tort law.

At various times in this Senate, I have been quite active in advancing what is broadly called tort reform. This section some may describe as tort reform, but I think it goes way over the line in compromising the rights of individuals under our system of negligence and tort law.

Finally, the bill fails to include a package of vital information technology reforms initiated by Senator DURBIN, who will speak soon, and cosponsored by Senator THOMPSON and myself that were included in our committee-approved legislation. This amendment would dramatically improve the way data is managed in the new Department, and that will be central to the Department's effectiveness of protecting the security of the American people at home.

It would also improve the way data is managed throughout all agencies related to homeland security by allowing agencies to share and integrate their data swiftly and seamlessly. By failing to tackle information technology management, the substitute misses a huge opportunity to fix one of the most frustrating bureaucratic barriers to effective homeland security, and it will be a shame if this provision, which is noncontroversial, is omitted from the substitute.

Finally, I wish to say briefly, because I spoke to this yesterday when Senator MCCAIN and I offered the amendment, I was deeply disappointed to find that the substitute bill fails to include an independent citizens commission to investigate the September 11 attacks. How can we learn from the past if we do not face up to our own failures honestly and directly and bravely? How can we reassure the American people we are taking every necessary step to protect them against terrorism if we are unwilling to scrutinize every agency in our Federal system unflinchingly?

The answer, unfortunately, is we cannot. That is why the homeland security legislation our committee proposed was amended by the Senate by a resounding, overwhelming bipartisan vote of 90 to 8 to include a provision offered by Senator MCCAIN and me and others to create a bipartisan, nonpolitical blue ribbon commission to investigate the Government's failures in all the years leading up to September 11.

In fact, the earlier iteration of the so-called Gramm-Miller substitute embraced, after the Senate spoke so resoundingly, that same idea for a bipartisan commission. Yet this substitute omits that proposal. That is outrageous and unacceptable. We should not accept it, and I can tell you that the families of the victims of September 11 do not and will not accept it.

Senator MCCAIN and I said yesterday, and I repeat today, that we, and I am sure many others on both sides of the aisle, will be persistent and steadfast and continue to search for and find every possible vehicle and method we can to get this independent commission to investigate September 11 adopted.

Let me now say by way of conclusion, I have tried to describe the good parts of this bill because, again, most of the proposals in the bill, the overall architecture of the new Department, and most of the specific provisions are taken from the bipartisan legislation that emerged from the Governmental Affairs Committee in the Senate, which I have been privileged to chair.

In fact, in some significant ways that I have outlined, this second iteration of the Gramm-Miller substitute has been improved to take in even more parts of our initial proposal. We have all learned together how to improve this legislation. That is all to the good.

I do disagree respectfully with my dear colleague from West Virginia because I believe there is an urgent necessity now to better organize our homeland defenses because the current disorganization was part of the cause of September 11. The continuing disorganization is dangerous. Yes, the various agencies are out there, but as I said at the beginning of my statement, everyone is in charge, therefore no one is in charge. We need to bring these agencies together. We need to eliminate overlap and save some money by doing that. We need to make them more efficient and, most of all, have a clear line of accountability.

There remains—and this really gnaws at me, and I know many Members of the Senate—a disconnection between too much of our intelligence community apparatus and law enforcement apparatus, including State and local law enforcement, and that disconnection means we do not have in one place all the information that can telegraph to this new agency that a terrorist attack is coming and give us the time to stop it before the terrorists act. This agency will create such an intelligence division now. The urgent necessity for a new Department has to be weighed against the shortcomings and the late additions that I have described.

I cannot repeat the plain facts about our persistent vulnerabilities often enough. I have said them before and I will repeat them. The writer H.G. Wells once said:

> Adapt or perish, now as ever, is nature's inexorable imperative.

Adapt or perish, and that is our challenge and our choice today. Adapt to the new terrorist threat or grow weaker and watch some of our fellow Americans perish.

Adapt to build on our strength and our ingenuity, or continue to have the American people live in fear.

Adapt or have your children grow up feeling that they are at the mercy of our terrorist enemies, no matter how strong we are in conventional military power, in economic strength, in cultural strength, in values, rather than seize the moment and control our own destiny through our strength and the organization of it.

A bill creating a Department of Homeland Security led by a strong and accountable Secretary will make sure that our domestic defense efforts do adapt to this new threat. It is really a source of continuing regret and frustration that the substitute comes to us now not only with compromises that have been made that are less than I would have liked—very few of us get exactly what we would like in legislation; that is the nature of the process—but that irrelevant and very troubling additions have been made to the legislation, and that is the balance that we are going to have to strike.

For my part, I have filed several amendments by the 1 o'clock deadline today to strike various parts of this substitute that I think are not only marginally relevant but, in some cases, totally irrelevant to the central task of homeland security, and not only do not add but subtract from the rights and freedom from fear of the American people.

It is nonetheless urgent to go forward and act on this measure. I, for one, do intend to vote for cloture to bring this debate to a conclusion, but I have attempted to fashion the amendments I have filed in a way that cloture will not prevent me from obtaining a vote in my attempt to strike some of the objectionable and unnecessary provisions of this substitute proposal.

''Adapt or perish, now as ever, is nature's inexorable imperative,'' those words of H.G. Wells speak to each one of us as we balance the good and bad in this substitute and decide how to vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I express my gratitude to the Senator from Connecticut, the chairman of the Governmental Affairs Committee. I do not

believe those following this debate, unless they have watched it for a long time, can appreciate the amount of time and effort that has been put into this bill by Senator LIEBERMAN and his staff. The record and history will demonstrate that before the President introduced a Department of Homeland Security, Senator LIEBERMAN not only introduced one, which I was proud to cosponsor, but passed it favorably from the Governmental Affairs Committee without the support of a single Republican Senator.

There was some confusion on the Republican side as to what the President's intentions were, but there was no confusion on the Democratic side. Senator LIEBERMAN believed, and still does, as I do, that a Department of Homeland Security is important for the defense of America against the threat of terrorism.

About 2 weeks after Senator LIEBERMAN's bill passed out of committee, the President introduced his own. Senator LIEBERMAN then addressed the issue again to make his bill and our bill conform more closely with the President's intentions and brought this matter to the floor. There was a controversy which ensued. It was an incredible controversy because it related to the rights of new employees in this Department. I use the word ''new'' advisedly because the 170,000 employees of the Department of Homeland Security are already working for the Federal Government.

With the passage of this legislation and its implementation, they will come under a new roof and a new title, but, frankly, they will be doing many of the same things they have done for years.

There was a question as to whether or not we would be able to protect these employees who had collective bargaining rights in the new Department. It was a contentious issue and one on which the White House and many Members of Congress disagreed.

Senator LIEBERMAN, again in good faith, tried to find some common ground. With the help of some of our colleagues, such as Senators Breaux and Landrieu of Louisiana, as well as many Republicans, we came up with compromise language weeks ago that could have raised this issue and moved it forward.

I say pointblank, there were Members of the Senate who did not want this issue resolved before the election. They did not want the Department of Homeland Security enacted before the election. They wanted to be able to campaign across America suggesting that the Democratic Senate had not passed this important legislation. As a result, they used every procedural trick in the book. They slowed down the process. They refused to have a vote and they got their way. We left for the election without the passage of this important legislation with the compromise language that had been prepared.

In many States and many congressional districts across the Nation, this became a political issue. Sadly, it had an impact on the election far beyond its actual gravity because we could have passed this legislation, and sadly, we come today in an effort to try to bring this issue to a close in the hopes of doing it before we adjourn for the year, before the new Congress comes into session. I certainly hope we can achieve that.

The point has been made by Senator BYRD, Senator LIEBERMAN, and others that we were literally given a 484-page document, which passed the House of Representatives late last night, which creates this new Department of Homeland Security. There are many items in this document that are repetitive. Looking back to the President's original proposal and the proposal from the Governmental Affairs Committee, a lot of this is not new although many things are new. Many of us are trying to digest it.

I was paging through this bill as the debate was ensuing on the floor, picking out sections that raised questions in my own mind. If one looks around the Senate Chamber, they will see a 484-page bill on each desk. By my rough calculation, some 48,000 pages of documentation, many of which will never be read, are looked at by colleagues in the Senate. I do not say that being critical because, frankly, it is almost impossible for an individual Senator to monitor and evaluate every page of a bill. We rely on staff and people who we trust to get that done. But the fact is this just came over.

The reason I raise that issue is as soon as I finish this presentation, I am going to propose a second-degree amendment to Senator LIEBERMAN's amendment which relates to an issue that is completely ignored in this 484-page bill on the Department of Homeland Security.

To give a little background, on September 11, 2001, I was in a meeting in this building when word came that we had to evacuate because of the planes flying into the World Trade Center. With hundreds of others, I raced down the steps of the Capitol on to the lawn outside. We stood there, not knowing quite what to do next. I heard a sonic boom as we scrambled the fighter jets over Washington, DC, to prepare for further attack. We could see on the other side of the Capitol the black smoke billowing out of the Pentagon. Many of us who are entrusted with the responsibilities of serving in Congress were bewildered as to what had happened to our country and wondered what we could do, as individual Senators and Congressmen, to make it safer. I thought about it long and hard, and there is one area on which I decided to focus. I do not profess great expertise when it comes to first response in fighting terrorism, but the one omission I found that needed to be addressed in the administration of our Government was the information technology systems, the computer systems used by the Federal Government.

The reason I had been alerted to this problem was that in a hearing in the Senate Judiciary Committee a few weeks before September 11 we brought in the Federal Bureau of Investigation and, among other things, asked them about the state of their computers.

I am sorry to report to the Senate and those following this debate that the computer systems in the Federal Bureau of Investigation, the premier law enforcement agency in the United States of America, is disgraceful. It reflects a mentality within that agency that has resisted change, resisted new technology and, as a result, is currently operating with computer systems that small businesses in my hometown of Springfield, IL, would reject out of hand as archaic.

I dare say, we could bring in from anyplace in the United States a grade school student who is familiar with computers and they would find the FBI computer system laughable. What they are using to fight crime in the United States, to track down terrorism around the world, is outclassed by computers that can be purchased off the shelf at Sears, Best Buy, and Radio Shack. As hard as that may be to believe, it is a fact.

I also might add that we came to learn that the computer systems of the major agencies which we are depending on to protect America cannot communicate with one another. Would any of my colleagues want to be the CEO of a corporation with a variety of different departments and offices around America that had computer systems that could not communicate with each other? That is a fact today in the Federal Government. It is a fact of life, and it is a disgrace. This bill which we are considering to establish the Department of Homeland Security virtually ignores this problem.

How could we say to the American people, we are going to create a Department to make them and their family feel safer if we do not address the most fundamental issue of the exchange of information? In my concern over this issue, I decided to try to focus on it. I said this is the one thing I will work on. There are 535 Members of Congress. Everyone has a different agenda. I am going to try to carve out this niche and work on upgrading the computer systems in the FBI and creating what they call interoperability, the power of computers in different Federal agencies to communicate with one another. I have worked on it for over a year. I came up with some ideas based on historical experience.

I looked back in history because others have written of this challenge. They make reference to the Manhattan Project. For those who are not students of history, that was in 1939, before World War II. Before the attack on Pearl Harbor, our scientists in America discovered nuclear fission. It was a breakthrough. They knew they had something with great potential with the nuclear fission process. They were

not quite sure what they could do with it on a positive or negative basis.

Then President Franklin Roosevelt created the uranium committee to explore the various scientific things that could be done with nuclear fission and report back. The committee, like most, did some things but did not do them very quickly and did not produce much.

Then came December 7, 1941. The Japanese attacked Pearl Harbor. Within 2 days, President Roosevelt came before a joint session of Congress and asked for a resolution of war against the empire of Japan and its allies, Germany and Italy, and America was truly at war.

In August of 1942, President Roosevelt was reminded about this uranium committee. He made a historic decision. He put them out of business. He said, we want to create a new project under the Army Corps of Engineers. We are going to, in this new project, try to take on a much bigger challenge. In charge of this project was an individual, a commanding officer named General Leslie R. Grove. Under what was called the Manhattan Project, we said to General Grove, you have the responsibility to gather together in the Manhattan Project the scientific, industrial, and military capability of America so that we can take nuclear fission and develop weapons that could win World War II.

General Grove is an interesting figure. From what I have read, I understand he was a powerful individual. In the course of several years, 4 years, he spent $2 billion. This is the early 1940s. In today's dollars, that would be $20 billion on the Manhattan Project. He developed four bombs, which were detonated over Japan, which brought an end to World War II. The Manhattan Project was successful.

Think about that when we talk about our own computer capability. I believe we need a Manhattan Project when it comes to the computer information technology of our Federal Government. I believe we need to empower a person and an agency to not only look to bring the most modern technology to each agency but to determine how they work together. That is what is missing.

The Department of Homeland Security bill, 484 pages long, does not even envision this as a challenge to be met. How, then, can we offer security to this country? How, then, can we use the best technology and scientific resources to make this a safer nation?

Currently, each of the agencies—the Coast Guard, the Customs Service, FEMA, INS, the Secret Service, the new Transportation Security Administration, and others—are to be coordinated under this Homeland Security Department. They each operate with their own information technology system and with their own budget. Needless to say, they do not communicate with outside agencies as the FBI or the CIA. These agencies already spend about $2 billion a year on information technology. The President is asking for $37.5 billion for a new Department, which is being gathered from current budgets.

Let me illustrate for a moment an example of why this challenge is important. A few hours ago, we considered port security—I voted for it; 95 Senators did—to try to make our ports safer in the United States. Of course, representing Chicago and Lake Michigan, I understand the importance of port security. Take a ship entering the U.S. waters that comes down the St. Lawrence Seaway. It comes into the Great Lakes. What happens? Four agencies of the Federal Government collect information on that ship. One agency determines whether the ship is carrying contraband. Another Federal agency checks whether the ship has paid its tariffs and fees. Another agency determines whether the ship and its crew comply with immigration law. And another agency checks for adherence to health and safety regulations. One ship, four different Federal agencies.

As currently planned, much of this information will end up in separate systems—some of them new and expensive. One of those, a $1.3 billion Customs Services project known as the automated commercial environment, is an import processing system. Another, the student exchange and visitor information system, is being developed by the Immigration and Naturalization Service. Other border protection is held on databases held by the Coast Guard and by the Department of Agriculture.

The new Transportation Security Administration also will collect and hold relevant information in its systems. Think of how many different agencies I have just mentioned are concerned about the one ship that we fear may be bringing the wrong people with the wrong cargo to threaten the United States.

Now reflect on this: None of these information technology systems are designed to communicate with one another, none of them. How in the world can we assure the American people of their safety when we are dealing with such archaic standards, when we are ignoring the most basic requirement—that these agencies work together and share information? This bill, 484 pages in length, ignores this challenge. We cannot ignore this challenge. Frankly, we have to respond because these divergent systems will ultimately need to be linked to the Homeland Security Department. We need to make certain there is a seamless interconnected system.

We have to ask key questions about the best way to ensure that the homeland security components communicate and share information with one another. By whom, when, how, and at what cost can the systems be linked. In addition, it is equally important to establish appropriate links between the Homeland Security Department and other agencies, particularly the intelligence community and law enforcement agencies.

Think about the ship coming into Lake Michigan from a foreign port and all of the questions that I just proposed. Would you not want to make certain that the FBI and the CIA had access to that information? In addition, the National Security Agency, Department of Defense, State Department, State and local officials, all of them could benefit by having access to that information. These links are needed because the Homeland Security Department will be inordinately dependent upon full and timely information exchange.

We cannot put a soldier or policeman on every corner in America and make this a safe nation. But what we can do is gather important information and share it so that it can be evaluated and coordinated and acted upon. That cannot happen with this bill as it currently stands before the Senate. This bill does not even envision that as a goal to be met. The status quo, which unfortunately this bill in many ways preserves, is not adequate to do the job.

At a June 26 Governmental Affairs Committee meeting focusing on the Department of Homeland Security in the intelligence community, I introduced the concept of ensuring interoperability, the communication of different computer systems in the Federal Government. I talked about the history of the Manhattan Project. My premise was if we are going to combine the intelligence resources and gathering of the Department of Defense, the Department of State, the Department of Justice, and the new Department of Homeland Security, would it not make common sense to establish a Manhattan Project when it comes to information technologies so all these agencies can communicate with one another, share information, and try to make the job more effective?

We have all this discussion on reorganization, but we are not facing the basic challenge. Given the current state of affairs in the Federal information technology systems, it is obvious we need to address the information technology issues that are raised as part of the new Manhattan Project.

Let me tell you about some of the current problems and challenges we face, if you wonder how we are going to make America safer against the threats of terrorism. Six years ago the U.S. Congress mandated the Immigration and Naturalization Service to establish a database to record visa holders exiting the United States. Understand the process. You are a foreign national and you want to come to the United States for any number of reasons—as a student, as a visitor, for some other reason. You go through the Immigration and Naturalization Service and a visa is offered to you through our consulates overseas. That is recorded. That is part of their database.

We then said to the INS we want you to make a record of those leaving the

United States so we have, at any given time, an inventory of people who are visa holders in our country. It makes sense. If you don't do that, frankly, you are turning loose visa holders with no accountability as to whether they overstayed the legally permitted period for their visa or something else.

Six years ago we said to the INS, come up with a database that will record the exit dates of visa holders. We received a report a few months ago from the Director General that, despite 6 years of effort, the INS is unable and incapable of creating this database. Think about that for a second, about making America safer, about visa holders and people coming into this country. We have been unable in a 6-year period of time to establish that database.

Let me give you one other illustration. Both the Federal Bureau of Investigation and the Immigration and Naturalization Service collect fingerprints. They, of course, do that in the course of law enforcement, in the course of people visiting the United States. Three years ago we said to these two agencies, the INS and the FBI, combine the fingerprint database. We want to know if you have a person who is a criminal suspect who also may be out of status with the Immigration and Naturalization Service. We want to put that information together into one single database of fingerprints available to law enforcement in the United States. Three years later, still it has not been done.

As we look at the challenges we face, it is one thing to move the boxes around on the chart, to talk about a new Department of Homeland Security with 170,000 employees, but it is quite another to make certain that when these employees sit down at their desks in their offices, they have computer capability to literally protect America. This bill does not address that.

This is our Department of Homeland Security. It is being given to us by the House, which will soon adjourn without any effort to address this challenge.

An article in the July 27 edition of Fortune magazine also ascribes such a styling to the concept, pointing out:

> There is an abundance of breathtakingly versatile technology available to counter the menace of terrorist attacks at home. Now for the bad news: Computers are only as smart as the bureaucrats who use them.

This is Fortune magazine speaking.

> It may require a Manhattan Project of social engineering to induce agencies that have traditionally viewed each other mostly as rivals for budget dollars to reach out and hold hands.

At the hearing which we held before the Government Affairs Committee, I asked several of our witnesses to comment. One of the witnesses was GEN Hughes, LTG Patrick Hughes, U.S. Army, retired, former director of the Defense Intelligence Agency, 1996 to 1999. I talked to him about what I have just said in my opening remarks here. Here is what he said—first replying. General Hughes said to me:

> First, your characterization of this problem is, in my view, right, but it is not about technology. The technology to do the things that you are talking about wanting to do is present and available. It is about parochial interests, managing and constructing the technology for their own purposes, as opposed to the synergistic, larger effect of mission support across the government.

This man, who for 3 years had the responsibility in the Defense Intelligence Agency, knows what the problem is. He knows, unfortunately, that it is a problem that is not addressed by this Department of Homeland Security proposal. The amendment which I propose to create a Manhattan Project through the Department of Management and Budget had the bipartisan cosponsorship of Senator LIEBERMAN, who was on the floor earlier, as well as Senator THOMPSON, who is here. It was added to the bill by unanimous consent of all members of committee. Section 171 of the committee-approved legislation requires the Director of the Office of Management and Budget to develop a comprehensive enterprise architecture for information systems of agencies related to homeland security.

It calls for designating a key official at OMB, approved by the President, whose primary responsibility is to carry out the duties of the Director. This is our General Grove. This would be our Manhattan Project. The President would have the last word on this person and the responsibilities he would have to execute. OMB must make sure agencies implement the plan and regularly submit status and progress reports to Congress, as they should.

The enterprise architecture and resulting systems must be designed so they can achieve interoperability between and among Federal agencies responsible for homeland security and homeland defense, whether inside or adjunct to the new Department.

These systems must be capable of quick deployment. These must be readily upgraded with improved technologies. Effective security measures must be maintained as well.

The OMB director and Secretary of the new Department shall also facilitate interoperability between information systems of Federal, State, and local agencies responsible for homeland defense. This is a common complaint. I have heard it from the City of Chicago and other agencies across my home State, that the whole question of homeland security has to work its way down to the first responders at the local level, as does the information. This bill, sadly, does not address that because it does not include the amendment which I proposed in committee.

Enterprise architectures require systematically thinking through the relationship between operations and underlying information technologies. Used increasingly by industry and some governments, they can reduce redundancies, modernize operations, and improve program performance.

Historically, Federal agencies have developed information systems in what you call, euphemistically, parochial stovepipes with little or no thought about communication with other agencies. Agencies vital to homeland security are currently plagued by outdated technology, poor information security, and, unfortunately, not the necessary motivation to make the positive change.

An article appearing in this month's issue of Government Executive magazine captured the problem. Let me give you just a few words from that article, if I might. This is from Government Executive, September, 2002:

> When a computer mistakes a 70-year-old black woman for a 28-year-old white man who is a triple murder suspect on the FBI's terrorist group list, something is wrong with the computer or the information inside it. The terrorist list on which this person's name appeared is just one of more than 25 maintained by dozens of law enforcement, intelligence and Defense Department agencies. Those lists are not integrated and often are not shared. We must build a system of systems that can provide the right information at all the right times. Information will be shared horizontally, across each level of government, and vertically among Federal, State, and local government, private industry, and citizens. Electronically tying together the more than 20 agencies to be merged into a new Department will harness their security capabilities, thereby making America safer.

It goes on to quote John Koskinin. He was the Federal Y2K chief brought to avert what we thought might be a computer crisis. He was asked to assess the challenge of bringing them together. I am for bringing them together. Here is a man who worked to analyze all the computers of the Federal Government and what he says is, I am afraid, chilling. I quote:

> You'll never get your arms around it.

He believes placing all the security agency systems under one roof and building more systems will not make agencies communicate. He understands the challenge we face. This bill does not face that challenge and that, unfortunately, is a terrible shortcoming.

Interoperable information systems would permit efficient sharing of data and better communication. I have discussed this with a man I respect very much. Tom Ridge and I came to Congress in 1982, and we served many years together in the House. I was one who praised the President for choosing Governor Ridge of Pennsylvania as the first person to direct our homeland security operation. I called him on this issue. I explained to him what it was all about. Tom said to me, in his own words, he believed that what I am proposing here in this amendment would be a ''force multiplier.'' It would enhance our technology, enhance our ability to protect America.

This substitute which we have before us does not include that force multiplier. This substitute, unfortunately, falls short of utilizing the resources we have most effectively.

It scratches the surface by tasking an under secretary with ensuring informational systems compatibility. Yet there is no corresponding duty outside of this Department of Homeland Security with any other agency or any other director in government.

If there is a coordination of information technology within the Department of Homeland Security, there is no premise or promise that we are going to have this agency communicate with the CIA, with the FBI, with the Department of Defense, with the Department of State, and without that interoperability, we are missing this force multiplier. The amendment would make sense and fill the gap. It would give an overarching job to OMB for homeland security enterprise architectures.

I think we can all agree there is no one single magic silver bullet to protect America. But we have to strengthen our security. We have to use the information we collect and use it effectively.

When you take a look at the systems, we have to consider a recent challenge. On October 23 of this year—a few weeks ago—GovExec.com, an online news service, reported that the FBI ran into serious shortcomings in its effort to capture the Washington-area snipers. A system known as ''Rapid Start'' was set up at the investigation command center in Rockville, MD. Leads called in to the center and to hotlines were manually entered into a database which organized the information to try to find the snipers. They assigned investigators to follow up. According to the news article, Rapid Start—the computer system at the FBI—was never designed to handle the large volume of information and the 67,000 calls they received. The system was overwhelmed. What is even more compelling is that Rapid Start was created by the FBI as a way to avoid working with the Federal Bureau of Investigation's existing computer system, the ''Automated Case Support System.'' The agents of the FBI had already determined the existing computer capability at the FBI could not handle the investigation to find two snipers in the Washington, DC area. The FBI's antiquated technology systems don't allow its agents to share information among field offices.

Let me give an illustration. The September 11 disaster occurred. Within a few hours, we collected photographs of the 19 suspected terrorists who we believed to be on those airplanes. The FBI, when they collected these photographs, communicated that information and these photos to their field offices.

How would you do that if you were at a home computer and you wanted to send a photograph to your grandson or your granddaughter? Virtually every computer system that is worth its salt has the capacity to transmit photographs. But not the computer system of the Federal Bureau of Investigation. They had to FedEx the photos of the suspects to their field offices because the computer system couldn't transmit photographs.

Think about that. Would you buy a computer system if you were a law enforcement agency that couldn't do that? That is a fact today.

The Automated Case Support System that Rapid Start was built to circumvent was blamed for the loss of 4,000 documents in the prosecution of Timothy McVeigh for the Oklahoma City bombing.

According to a recent article, only in recent months did the FBI start a computer system through a project known as Trilogy. It is starting to replace obsolete desktops. I have been talking about this for a long time. This committee has tried to address it. We did address it with a bipartisan amendment agreed to by Senator LIEBERMAN, Senator THOMPSON, Republicans and Democrats in the committee. We put it in the bill. But it is not in this bill that has come over to us from the House of Representatives.

What I am proposing to my colleagues on the Senate floor is this: Please let us depoliticize this issue. Why in the world should this became a partisan matter? The computers of this government are going to serve all of the citizens. No one is going to be able to have bragging rights—Democrats or Republicans, or anyone of any other political stripe. It is a question of whether we are going to put in place the resources and tools and weapons we need to fight terrorism.

The amendment which I am about to propose as a second-degree amendment would do just that. It would take the exact language from the Governmental Affairs Committee on a bipartisan basis, put it in this bill, and give us a chance to establish interoperability and enterprise architecture across the Federal Government.

How in the world can we pass this legislation without doing that? How can we leave Washington and say to America, ''Sleep safely. You know the terrorist threats are there. We are doing everything we can''? We are not.

This 484-page bill fails in one of the most basic challenges. It does not challenge us to establish the very best in computer technology for the Federal Government. The fact of the matter is our current system doesn't even measure up to the most basic standards of requirements of computers and computer basics across America. Shouldn't we bring to the American people the very best in computer technology to protect our Nation, our families, our children? That, I think, is what is at stake here.

I implore my colleagues. I understand what is going on here. We were told the House will leave town, we will get this 484-page bill, don't change a period, a comma, or a single word—no amendments, take it or leave it—and we are going home. That isn't good. That really isn't good.

I think the Senate has a responsibility. We can identify the glaring omissions from this bill—and one that ultimately has to be corrected. But in the months before we return, while this problem still festers and looms, we are not going to be protecting America as much as we should. We will not be providing the American people the kind of defense against terrorism which they deserve. We will not be using the best resources of our government and technology to make America safer.

I am hoping my colleagues will consider this amendment and give it the same type of bipartisan approval they did in the Governmental Affairs Committee.

AMENDMENT NO. 4906 TO AMENDMENT NO. 4902

I would like to offer the amendment which I filed with the clerk as a second-degree amendment to the pending Lieberman amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 4906 to amendment No. 4902.

Mr. DURBIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the development of a comprehensive enterprise architecture for information systems to achieve interoperability within and between agencies with responsibility for homeland security, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. INTEROPERABILITY OF INFORMATION SYSTEMS.

(a) DEFINITION.—In this section, the term ''enterprise architecture''—

(1) means—

(A) a strategic information asset base, which defines the mission;

(B) the information necessary to perform the mission;

(C) the technologies necessary to perform the mission; and

(D) the transitional processes for implementing new technologies in response to changing mission needs; and

(2) includes—

(A) a baseline architecture;

(B) a target architecture; and

(C) a sequencing plan.

(b) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

(1) endeavor to make the information technology systems of the Department, including communications systems, effective, efficient, secure, and appropriately interoperable;

(2) in furtherance of paragraph (1), oversee and ensure the development and implementation of an enterprise architecture for Department-wide information technology, with timetables for implementation;

(3) as the Secretary considers necessary, to oversee and ensure the development and implementation of updated versions of the enterprise architecture under paragraph (2); and

(4) report to Congress on the development and implementation of the enterprise architecture under paragraph (2) in—

(A) each implementation progress report required under this Act; and

(B) each biennial report required under this Act.

(c) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall develop—

(A) a comprehensive enterprise architecture for information systems, including communications systems, to achieve interoperability between and among information systems of agencies with responsibility for homeland security; and

(B) a plan to achieve interoperability between and among information systems, including communications systems, of agencies with responsibility for homeland security and those of State and local agencies with responsibility for homeland security.

(2) TIMETABLES.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall establish timetables for development and implementation of the enterprise architecture and plan under paragraph (1).

(3) IMPLEMENTATION.—The Director of the Office of Management and Budget, in consultation with the Secretary and acting under the responsibilities of the Director under law (including the Clinger-Cohen Act of 1996), shall—

(A) ensure the implementation of the enterprise architecture developed under paragraph (1)(A); and

(B) coordinate, oversee, and evaluate the management and acquisition of information technology by agencies with responsibility for homeland security to ensure interoperability consistent with the enterprise architecture developed under subsection (1)(A).

(4) UPDATED VERSIONS.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall oversee and ensure the development of updated versions of the enterprise architecture and plan developed under paragraph (1), as necessary.

(5) REPORT.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall annually report to Congress on the development and implementation of the enterprise architecture and plan under paragraph (1).

(6) CONSULTATION.—The Director of the Office of Management and Budget shall consult with information systems management experts in the public and private sectors, in the development and implementation of the enterprise architecture and plan under paragraph (1).

(7) PRINCIPAL OFFICER.—The Director of the Office of Management and Budget shall designate, with the approval of the President, a principal officer in the Office of Management and Budget, whose primary responsibility shall be to carry out the duties of the Director under this subsection.

(d) AGENCY COOPERATION.—The head of each agency with responsibility for homeland security shall fully cooperate with the Director of the Office of Management and Budget in the development of a comprehensive enterprise architecture for information systems and in the management and acquisition of information technology consistent with the comprehensive enterprise architecture developed under subsection (c).

(e) CONTENT.—The enterprise architecture developed under subsection (c), and the information systems managed and acquired under the enterprise architecture, shall possess the characteristics of—

(1) rapid deployment;

(2) a highly secure environment, providing data access only to authorized users; and

(3) the capability for continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data.

Mr. DURBIN. Madam President, let me clarify one point. Recent news stories indicate the former national security adviser John Poindexter is working at the Department of Defense to develop a plan to shift private database research in fear that it might be useful for intelligence purposes. That proposal raises some privacy questions, I concede. Another mistaken news story suggests that homeland security will facilitate that kind of investigation into private databases.

My proposal has nothing to do with this DOD plan. My proposal focuses only on making sure the Federal Government computer databases can communicate with one another when necessary to make certain, for example, that the INS and the FBI can share internal information—not information on private databases—to help protect against terrorist risk.

I yield the floor.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENT

Mr. DASCHLE. Madam President, one of the privileges accorded to the majority leader is the opportunity to welcome and to introduce our fellow legislators from the European Parliament. This is a tradition that began in 1972, and it has continued every year since.

Earlier this year in July, we welcomed the President of the European Parliament to the Senate. Today, I am pleased to welcome another 16 of his colleagues representing countries from across that great continent. As I said when Mr. COX visited in July, this tradition is especially meaningful, because although the Atlantic Ocean separates us from our European friends, we are certainly connected—connected in beliefs and in the rule of law, and a commitment to the betterment of the people we serve and the world we share.

Today's visit has added significance, coming as it does at a period of heightened concern across Europe about the potential new terrorist attacks.

So we reiterate today our strong determination to stand together, united by our shared values and by our commitment to stand, as we have for now so long, on issues related to commerce, on issues related to trade, and on issues related to war.

I ask unanimous consent that the names of our colleagues from the European Parliament be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EUROPEAN PARLIAMENT DELEGATION FOR RELATIONS WITH THE UNITED STATES, 55TH EP/US CONGRESS INTERPARLIAMENTARY MEETING, 11–17 NOVEMBER 2002, WASHINGTON, DC, AND SAN DIEGO

[List of participants (16) in protocol order]

	Group	Country
Mr. Jim Nicholson, Chair	PPE–DE	United Kingdom.

EUROPEAN PARLIAMENT DELEGATION FOR RELATIONS WITH THE UNITED STATES, 55TH EP/US CONGRESS INTERPARLIAMENTARY MEETING, 11–17 NOVEMBER 2002, WASHINGTON, DC, AND SAN DIEGO—Continued

[List of participants (16) in protocol order]

	Group	Country
Mr. Bastiaan Belder, 1st Vice-Chair	EDD	Netherlands.
Mr. Harlem Desir, 2nd Vic-Chair	PSE	France.
Mr. Renzo Imbeni	PSE	Italy.
Mr. José Pacheco Pereira	PPE–DE	Portgual.
Mr. Jorge Salvador Hernandez Mollar	PPE–DE	Spain.
Ms. Erika Mann	PSE	Germany.
Mr. Jas Gawronski	PPE–DE	Italy.
Ms. Imelda Mary Read	PSE	United Kingdom.
Mr. Dirk Sterckx	ELDR	Belgium.
Ms. Nuala Ahern	Verts/ALE	Ireland.
Mr. Peter William Skinner	PSE	United Kingdom.
Ms. Arlene McCarthy	PSE	United Kingdom.
Mr. Brian Crowley	UEN	Ireland.
Mr. Marco Cappato	NI	Italy.
Ms. Piia-Noora Kauppi	PPE–DE	Finland.

PPE–DE Group of the European People's Party (Christian Democrats) and European Democrats.
PSE Group of the Party of European Socialists.
ELDR Group of the European Liberal, Democrat and Reform Party.
Verts/ALE Group of the Greens/European Free Alliance.
GUE/NGL Confederal Group of the European United Left/Nordic Green Left.
UEN Union for Europe of the Nations Group.
EDD Group for a Europe of Democracies and Diversities.
NI Non-attached.

Mr. DASCHLE. I would also like to notify Senators that our colleagues from the European Parliament are available now to meet on the floor. I welcome them. I am delighted they are here.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

The Chair recognizes the majority leader.

Mr. DASCHLE. Mr. President, I reiterate again our thanks to our colleagues for their willingness to join us on the Senate floor. It is a real pleasure for us to have the opportunity to talk with them. We wish them well in their travels within the United States.

We again reiterate how welcome they are and how hopeful we are that we can continue to maintain the dialog, the friendship, and the partnership that we have as countries interested in a mutual goal.

We thank them for being here.

HOMELAND SECURITY ACT OF 2002—Continued

Mr. DASCHLE. Madam President, I now ask that we return to the regular order.

The PRESIDING OFFICER (Ms. CANTWELL). Regular order.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to comment on the bill generally, and to discuss three amendments which I have filed.

I believe it is vitally important that the Senate conclude action on homeland security at the earliest possible date. And I believe, regrettably, but importantly, that we should accept the

bill which was passed by the House of Representatives because if we do not, we will not have a bill this year.

The House has passed a homeland security bill and has given notice that it intends to depart. This has left the Senate with the choice of take it or leave it. I believe that the national interest and the public welfare requires that we take it, even though I believe we would have a much better bill if it were to be amended in certain respects.

I have filed three amendments which I think would vastly improve the House bill.

If these amendments are offered and accepted, then there will have to be a conference. The prospects for having a conference, with the House of Representatives having departed, is remote, and the likelihood of passing this bill this year would be virtually nonexistent.

It is with reluctance that I say these amendments will not be offered, but these are amendments which I intend to pursue next year. In coming to this conclusion not to offer these amendments, I have done so at the request of President Bush who is very anxious that this legislation be enacted and sent to his desk so that the country may proceed to reorganize the Government to provide for homeland security.

Earlier today, I talked to President Bush, I talked to Vice President CHENEY, and I talked to Governor Ridge about these three amendments. The President urged me not to offer these amendments so that this legislation could be passed. The President stated that he would be willing to sit down and discuss the concerns I have and the amendments I have proposed, with a view to possible action on them next year. He is obviously not committing to accept these amendments until he has had a chance to review them, but did say there would be full review by the President. The President said that. And the Vice President also said he would review the matters.

I talked at length to Governor Ridge, to whom I have talked on many occasions. These are amendments which I have had an opportunity to discuss with the President in the past, in meetings in the White House. As soon as the homeland security bill was introduced, he brought in a number of Members who were interested. I have had a chance to discuss the amendments with him at several leadership meetings, and when he traveled to Pennsylvania recently to campaign, I had a chance to discuss the matter with him.

One of the amendments I have filed, denominated amendment No. 4920, provides that the Secretary of Homeland Defense, subject to the disapproval of the President, would have the authority to direct the agencies to provide intelligence information, analysis of intelligence information, and such other intelligence-related information as the Assistant Secretary for Information Analysis determines necessary.

This language is important because it would empower the Secretary of Homeland Defense to ''direct.'' That is very different from asking. My experience as chairman of the Intelligence Committee in the 104th Congress convinced me about the turf battles which go on among the various intelligence agencies. Those turf battles are endemic and epidemic.

In chairing the Judiciary Committee Subcommittee on Department of Justice Oversight, I have seen the same turf battles going on in the FBI and know of the turf battles which have gone on in other intelligence agencies.

I believe that had all of the dots been put on a big screen prior to September 11 of 2001, 9/11 could have been prevented. We knew the FBI had an extensive report coming out of Phoenix about a suspicious individual taking flight training. The man had a big picture of Osama bin Laden in his apartment. That FBI memorandum was buried, and never reached appropriate personnel at headquarters.

We know the Central Intelligence Agency had information on two al-Qaida men in Kuala Lumpur. That information was not transmitted to the FBI or the Immigration and Naturalization Service. Those al-Qaida terrorists got into the United States and piloted one of the suicide bombers on 9/11.

We know the computer of Zacharias Moussaoui had a tremendous amount of useful information in his possession which was not obtained because the FBI did not use the proper standard applying for a search warrant under the Foreign Intelligence Surveillance Act. We know that a Pakistani al-Qaida member by the name of Murad had stated in 1995 that al-Qaida planned to have airplanes loaded with explosives fly into the CIA. We know the National Security Agency had a warning on September 10, 2001, about something to happen the next day, and it was not translated until September 12. I believe there was a veritable blueprint, had all of these dots been on the same screen and put together.

When FBI Director Mueller came to testify before the Judiciary Committee in early June of this year and was questioned about the Foreign Intelligence Surveillance Act and I saw the entire picture, I stated at that hearing that I thought there was a veritable blueprint.

I do not agree with CIA Director George Tenet that another 9/11 is imminent. The CIA Director testified to that at a public hearing before the Intelligence Committee a few weeks ago. Perhaps it is an effort to inoculate the CIA so that if there is an attack, somebody can say: Well, after all, we are not surprised.

But I do not believe in the defeatist attitude that we have to sustain another attack. I believe our intelligence services are capable, if they are under one unified direction and they have one screen and put all of the dots on one board, that we have an excellent chance of preventing another September 11.

While it is important to have antidotes for anthrax and to deal with smallpox and to deal with the problems of bacteriological warfare or chemical warfare, that if we are attacked, most of the damage will already have occurred. So a very sharp focus of our attention should be to prevent another 9/11.

To accomplish that, I believe the current bill is not the best of the bills. It does bring all of the analysis agencies under one umbrella, but it does not give the Secretary of Homeland Defense the authority to direct them. If the Secretary of Homeland Defense does not have the authority to direct the head of the CIA or to direct the head of the FBI or to direct the head of the Defense Intelligence Agency or to direct the head of the National Security Agency or the other intelligence agencies, then we are likely to have the same old turf battles which we have had up until now.

That is why I believe this amendment, which I had wanted to offer and have discussed on this floor on many occasions, would vastly improve this bill.

But we all know that the better is often the enemy of the good. I believe it is of sufficient importance to move this bill ahead now that I am prepared to wait until next year and to accept the offer the President has made—and the Vice President and Governor Ridge—to sit down and go over the concerns I have expressed and these amendments, if we can get administration support on these amendments.

There has been enormous controversy on the issue of labor-management relations. This was the subject of extensive debate when this bill was on the floor from September 3 until October 4. This Senator engaged in extensive discussions with Senator LIEBERMAN, the manager of the bill for the Democrats, and Senator THOMPSON, the manager of the bill for the Republicans, as to what the Nelson-Chafee-Breaux amendment meant. That amendment had incorporated the essence of what Representative CONNIE MORELLA had put in with two paragraphs, and the issue was whether or not those two paragraphs were in place of, or in addition to, the paragraphs of existing law.

The paragraphs of existing law, under section 7103 of title 5, provide that there can be a national security waiver of collective bargaining, that the President can make a determination to deny collective bargaining coverage for national security reasons. When the colloquy was entered into with the Senator from Connecticut, Mr. LIEBERMAN, he agreed that the two paragraphs of the Nelson amendment were in addition to and not in place of existing law, and these two additional paragraphs made it a little more difficult for the President to exercise the national security waiver; but still the national security waiver could have been exercised and there could have

been harmony with the employees had that change been made.

Then, with respect to the provisions for personnel flexibility, the amendment I have submitted as No. 4921 would have taken the format for denying collective bargaining coverage with the national security determination and added the additional two paragraphs which, again, would have provided for harmony, meeting the concerns that had been expressed by governmental employees.

It is my hope that we will yet have an opportunity next year, in consultation with the President, the Vice President, and Governor Ridge, to have consideration of this amendment and have the law changed next year.

In addition, I have filed amendment No. 4936, which contains provisions for a Presidential override but has, as a compensating factor, provisions for the utilization of the Federal Services Impasse Panel, and that again would bring harmony with the concerns and objections that have been raised by Federal employees.

So, in essence, what I am proposing to do is not to offer these amendments, Nos. 4920, 4921, and 4936; but I do believe they are important amendments, and I intend to press them in the 108th Congress. To repeat, I have discussed these issues directly with the President, who asked that I not put these amendments forward in the interest of expediting passage of this bill and avoiding a possibility of having a Senate bill different from the House bill, which would then require a conference and, most probably, preclude the enactment of legislation on homeland security this year.

There will be a number of amendments offered. There are already amendments that are pending, and some of them, frankly, I agree with. But I believe that the better is the enemy of the good here, and it is very much in the national interest for national security that this Senate move ahead and pass a bill.

I do not like the fact that the House enacts passage of a bill, sends it here, and then leaves town, which is just an example of legislative blackmail. But that is where we are. It is not an unusual occurrence. Although we had a full month to debate these issues and to vote on them, that never occurred, notwithstanding the fact that this Senator and others were on the floor. And I made these arguments about the necessity for a Secretary of Homeland Defense to have the authority to direct, and I made the arguments that when you added the two paragraphs of the so-called Morella amendment to the existing language, the President's national security waiver remained intact.

At this point, that is all history. Now we are faced with the alternatives of either accepting the House bill and moving on and getting this Department established, so that we can make our maximum effort to protect the American people, or to offer amendments and try to get them passed and improve the bill, which will lead to the conclusion of no legislation this year. So, with great reluctance, I have acceded to the requests of the administration. I will not offer these amendments.

I exhort and urge my colleagues not to change the bill, no matter how good their amendments may be, but to take this bill; and if there are matters that ought to be changed, let's work on them next year. Before we leave town—hopefully this week, but in any event not later than next week—let's put the legislation in a posture where it can be sent to the President, be signed and become law, to do our utmost to protect the American people and to secure our homeland from another terrorist attack.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Tennessee is recognized.

Mr. THOMPSON. Madam President, I thank the Senator from Pennsylvania for his statesmanlike approach to this matter. He is absolutely right that the way we are proceeding is not a usual occurrence. It is also a fact, however, that these are not usual times. I agree with him that it is vitally important we move forward. We have had a month or so of discussion and debate on this bill. We have a small window of opportunity now to do what we all know we need to do, and that is to go ahead and pass a homeland security bill. The Senator's actions that he has just taken will help that along immeasurably, and I thank him for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Madam President, I ask unanimous consent that I may speak up to 15 minutes on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Madam President, I rise today to thank my colleagues in the House and in the Senate, as well as the leaders in the White House, who have worked very well together to arrive at a reasonable plan to allow this President the opportunity to properly establish a Department of Homeland Security and meet this threat before the 107th Congress adjourns.

I especially want to thank Senators FRED THOMPSON and PHIL GRAMM for their tireless work and their dedication, commitment and, as always, their very thoughtful leadership. Both of these gentlemen, Senator THOMPSON of Tennessee and Senator GRAMM of Texas, are concluding their distinguished service in the Senate, and what a perfect way to do it, with such a strong finishing kick in their sterling record of leadership.

I believe the Department of Homeland Security proposal that we are now considering—the same one passed by the House last evening—preserves the essential functions outlined in the President's plan while also addressing several changes that will help ensure successful implementation.

Specifically, the new provisions clarify the roles and responsibilities of the Department and help form a top-notch workforce within the civil service framework. They also enhance research and development opportunities and protect civil liberties.

I am hopeful that my colleagues will come together and support this proposal as soon as possible. Let's get the job done. The job needs to get done without any further dilatory or political delays. Since September 11 of 2001, we have all seen the need to improve our homeland security. This matter has been debated for many months. As Senator SPECTER said—I will paraphrase him—as far as I am concerned, it has been fine-tuned to near perfection. It may not be 100 percent of what everybody wants, but 98 or 99 percent is pretty good work.

Madam President, as you may know, I am the chairman of the Republican high-tech task force, and I am very pleased to see that this proposal highlights the vital role technology and innovation play in our Nation's war to protect the people of our homeland from a variety of permutations of terrorism and terrorist threats.

This measure recognizes the importance of information technology and research and development in achieving the most effective homeland security.

There has been a lot of talk and a lot of focus on flow charts that talk about which department is here and which box goes here and this subagency there. All those flow charts are very interesting and relatively important, but most important is the flow of information, the ability of various Federal agencies to analyze the volumes of information and bits and facts and details—analyze all those thousands or tens of thousands of bits of information, analyze it, flag it, then act on it and, in some cases, also share that information within that Federal agency and also other Federal agencies, as well as State and local law enforcement agencies that also have a need to know that information.

New technologies are being developed every day that can help save lives and improve the ability of our Government to fight and respond to terrorist threats. It is incumbent upon us as elected leaders to ensure our team, in fighting terrorism, is equipped with the best available and the most advanced technology.

I have consistently maintained the Federal Government should and, indeed, must procure, adopt, and use these innovative technologies in an efficient and flexible manner in addressing this country's defense and homeland security needs.

I wish to briefly touch on a few of the important provisions I have worked on with representatives from the technology community and my colleagues in the Senate, such as Senators

BENNETT, WARNER, and WYDEN, which, I am happy to say, are addressed in this legislation. Again, I thank Senator THOMPSON and Senator GRAMM and their staffs for listening—listening to me and listening to my staff as well, and in particular I thank Frank Cavaliere—to these ideas in addressing these important provisions.

Let me highlight a few of the more salient provisions.

First, this proposal protects companies developing advanced technologies that help detect and prevent terrorism from assuming unlimited liabilities for claims arising from a terrorist strike. This provision helps ensure that effective antiterrorism technologies that meet stringent requirements are commercially available.

The reality is that without these safeguards, the threat of unlimited liability prevents leading technology companies from providing their best products to protect American citizens, American businesses, and governmental agencies.

The liability protections in this legislation are responsible to the Government, the industry, and also, very importantly, to the American taxpayer. I thank my colleague from Virginia, Senator WARNER, for all his assistance, experience, and constructive leadership in this important aspect of the bill.

Second, along with Senator BOB BENNETT of Utah, I am very pleased to see this legislation remove some of the legal barriers to information sharing between private industry and the Government. The threat to this country's critical information systems is extraordinary and this bill establishes procedures that encourage private industry to share infrastructure vulnerability information with the Government. The dialog between the Government and the private sector will ultimately help identify and correct weaknesses in our Nation's critical infrastructure while not compromising any of the provisions or protections provided under the Freedom of Information Act in other government agencies.

Information-sharing protections are particularly important in the area of cyber-security and threats. Taking preemptive measures to disclose vulnerabilities with the Government will help both the private and public sectors develop strategies to combat the numerous and constantly evolving cyber attacks threatening our Nation's critical infrastructure.

I encourage industry, law enforcement, and Federal officials to continue to work to build trust-based relationships and processes that will foster more information-sharing reporting.

Removing legal obstacles—which is what this bill does, which is very good—removing legal barriers to information sharing is very important and essential, but so is building trust.

A national forum on combating e-crime and cyber-terrorism was held at the Computer Sciences Corporation offices in Northern Virginia just 2 weeks ago by the Information Technology Association of America and the U.S. Attorney's Office for the Eastern District of Virginia where they brought together law enforcement and private sector leaders from all around the country to address some of the remaining obstacles to improving cooperation. These are the types of efforts I encourage, and I am hopeful this legislation will continue to promote.

Also included in the Thompson-Gramm amendment is the Federal Information Security Management Act, or FISMA, which will strengthen and protect the Federal Government's information and communications networks. FISMA establishes guidelines that are performance based. Let me repeat that. The guidelines are performance based so they can quickly adapt and respond to the fast-changing cybersecurity threats. Strengthening the Government's information security is a vital component and piece of the homeland security puzzle. FISMA will foster accountability and make sure that every agency and department in our Federal Government prioritizes information security and promotes the use of commercially available technologies while avoiding technology-specific or product-specific government-wide security standards.

This is vitally important in making sure we get procurement that is good for the taxpayers and allowing all those who have great ideas to offer their programs, their systems, their products, and their efforts.

I am also happy to see this compromise proposal establishes a national technology guard or NET Guard. This is a bill that Senator WYDEN and I introduced earlier this year to help local communities respond and recover from attacks on their information systems and communications networks.

After the September 11 attacks, I, along with other Senators, received volumes of information from numerous companies about their varied products, their systems, their programs, and their ideas regarding the defense of our homeland. As public servants, we want to be sure the Government has the necessary structure and process in place to test and apply new technologies to meet our homeland security needs.

The new Department of Homeland Security will have a designated center—and this is part of this bill—to serve as a technology clearinghouse to encourage and to support private sector solutions that enhance our homeland security.

Lastly, the Thompson-Gramm amendment makes the coordination of our Federal, State, and local officials charged with protecting our homeland a national priority. Over the last year, I have strongly advocated that any homeland security plan focus on interaction with local public safety officials as they are really on the front line of combating terrorist threats and attacks.

Specifically, I have worked in the Senate to promote the development at the local level of a voice and data interoperable communications system for Federal, State, and local emergency responders. Last year, this Congress appropriated $20 million for the CapWIN project. CapWIN has started to award contracts for the development of an interoperable communications system for Federal, State, and local public safety organizations in the greater Washington, DC area. That is Northern Virginia, the Maryland suburbs, and the District.

The CapWIN project is a real-life example of adapting technologies, specifically communications technologies, to address and overcome existing national security concerns, as well as homeland security concerns in this region.

I again thank my colleagues for listening to me, and to the tech community for their persistence and their positive leadership on this historic legislation. I respectfully urge all of my colleagues to support this carefully crafted measure that will help the President, Federal, State, and local agencies, and the private sector utilize the best innovations of technology, to analyze and respond and, thereby, protect the security of our American homeland.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, this homeland security bill has been debated for 7 weeks. We have pretty well talked about the issue enough. I do believe we are on the verge of acting on it, so I wanted to come over this afternoon, given that we are going to have a vote on cloture tomorrow, to make a few comments.

First, I do not think anybody set out with the goal of turning this into a partisan issue. We came very close to that happening. In the aftermath of the election, I think we have pulled back from that.

I thank the President for that. In the aftermath of an election where the President triumphed—I do not think there is another fair word—there might have been some who in those circumstances would have said: Let's take this over to next year and I will write it exactly like I want it. I think we could have all understood had the President taken that approach.

In the aftermath of the election, he had the right to take that approach, but I would have to say I admire the President for the fact he did not take that approach. There are not many people, after validating an issue in an election, who are still willing to compromise, but that is what the President did.

We now have a bill that will give the President the tools he needs. We have responded to legitimate concerns that have been raised. We have strengthened to some degree the ability of those people who are going to be affected by the second largest governmental reorganization in the history of our country to be heard, but on the other hand not

have the power to obstruct; to have input but not the ability to dictate. I think that represents a reasonable compromise.

Senator BYRD raised probably the most significant issue in that the original proposal would have dramatically transferred power from the legislative branch to the executive branch by giving the President the ability to reorder priorities in appropriations. If the Constitution is clear on one subject, it is that Congress has the power of the purse. I believe we have reached a reasonable compromise in that area. I know Senator BYRD is not for this bill, but I believe a major concern he raised has been dealt with, and I think his input improved the bill.

If I were writing the bill by myself, it would be different than the compromise we have reached, but to be honest it would not be much different. I say to people who are opposed to this bill to look at the alternative as we come down to the final moments before it is adopted. The alternative, it seems to me, is to wait for another bill until next year. For those who oppose the bill and for those who believe it gives the President too much power, I ask them to honestly ask the question: Do they believe waiting 3 more months in a new Congress, under new leadership, they will get a bill more to their liking than the bill that is before us? I believe an honest answer to that question is no.

I also believe 3 months does make a difference. Finishing the work in this Congress is important. Getting on with this Department is the right thing to do. So whichever side my colleagues are on—whether they are on the side of Senator THOMPSON and the President and believe that this is a good bill that ought to be adopted now, or whether they oppose it because they believe it gives the President too much power—it seems to me the right thing to do is to finish this job now, because if we wait until we come back in the next Congress, it will be February before we can get to it. The bill that will be adopted in February will be less to the liking of the President's opponents on this issue than the bill before us, and we will have squandered 3 months.

This is an incredible issue that does not come along very often, where at this point in time, no matter where one stands on the issue, it seems to me a plausible, logical, reasonable, and I believe correct case can be made that we should go ahead and act.

I am not expecting 100 Senators to vote for the bill, but I do hope people will allow us to go forward and adopt the bill. I do hope we get a strong vote. It does make a difference whether a bill passes 51 or 65, especially when we are trying to do something that is going to be very difficult and the President is going to need all the help he can get.

I thank Senator THOMPSON for his leadership and his in-depth knowledge on this issue which has been an indispensable ingredient for those of us who have tried to work on it.

I thank Senator LIEBERMAN. Earlier, when I was off doing something else, I understand Senator LIEBERMAN said he intended to vote for cloture. I think that is an act of leadership, and I applaud him for it.

I thank my dear colleague ZELL MILLER, who has worked with me on the substitute that Senator THOMPSON has offered on our behalf. I think Senator MILLER's leadership has been indispensable on this bill. He has a way of getting down to the bottom line of what an issue is about and express it in terms that people can understand, and that has been a very important ingredient in getting us to this point.

I am ready to move forward. It is my understanding we are going to vote on cloture tomorrow. I hope after that cloture vote we could move to a vote on final passage tomorrow. If that is not to be the case and we carry it over until early next week, then we carry it over into early next week. But I do believe it is important we pass this bill in this Congress.

The House will finish its business this afternoon and will leave town. They have no intention of coming back. This is not really a take it or leave it kind of deal because this deal was negotiated over the weekend. We had broad input. We have some 53 Members who are committed to voting for this compromise. So it clearly has a majority, and I am hopeful that we will see that majority prevail.

I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Tennessee.

Mr. THOMPSON. Madam President, I thank Senator GRAMM of Texas for his strong leadership on this issue. He is one of the most eloquent, logical, and persuasive Senators who has ever served in the Senate, I am sure of that. The Senate is going to miss his strong voice. He is fierce in battle and he is magnanimous in victory. I am proud he is my friend, and I thank him for his comments.

It does look as if we are at a point where we can come together on a homeland security bill. I hope it is not done in a way that is a grudging concession for some, that they believe it is a bad bill but must on balance vote for it. I hope the employees who are going to be in this Homeland Security Department do not feel they are going to be taken advantage of or this bill in some way strips them of basic rights. Those sorts of things have been alluded to, but they are simply not accurate.

This bill preserves the antidiscrimination provisions and protections of title V—for example, discrimination based on color, race, religion, sex, age, handicap, marital status, or political affiliation; those protections are preserved. Those were never at issue. Protection from political coercion, a basic right that is set forth in title V, is preserved. Fair competition for employment is preserved, protection from nepotism whistleblower protection is preserved. Those rights are not trampled upon in any way. Workers are not being deprived of those rights. Veterans preference provisions are preserved. Equal pay for equal work provisions are preserved.

I hope we do not go down this road together, but still separate, in our feeling for the need for this bill because we feel in some way we can still draw lines between management and workers and play on any hostility or misunderstanding that might be out there. It is not based upon reality. It is based upon a recognition that our Government is simply not working very well in some areas, in some basic provisions. Many of our departments have troubles.

Senator DURBIN, with whom I will engage in a colloquy shortly concerning some technology provisions, is absolutely right when he talks about the problems our Government has with regard to getting our computers to talk to each other. This is simply another example of our Government not working very well. We have spent billions of dollars in the IRS trying to get the computers to talk to each other, to upgrade them and incorporate technology capabilities that private industry has employed for a long time. We had great difficulty in doing that. That is one small area of the problem. The other side of that problem coin has to do with personnel.

When the IRS was in such bad shape, we gave them additional flexibility to pay people more, to go outside the personnel rules and pay people more and give them more flexibility as to who they could hire. That is the sort of thing you do to solve the problem. Do not just identify the problem; try to solve the problem.

In department after department, agency after agency, we have looked at the problems our Government has as it grows, as the bureaucracy grows, and we get bogged down and cannot hire the people we need and we cannot fire the people we do not need. We get bogged down in endless disputes over minute matters such as smoking facilities and the color of the carpets in offices and things of that nature. We have given flexibilities to get around those things. That is what we are doing in this bill.

It is not a heavy-handed cram down that violates people's rights. It is simply a response to the fact that this Nation is in a different era now. We recognize the difference we are in, the different threat this Nation faces, one that it has never faced before. We are not fearful of vast armies and tanks and battalions rushing across Europe anymore and threatening our friends and our troops in that part of the world. It is much more insidious and much more dangerous than that, where a handful of people with modern technology can destroy the lives of thousands of people. We are just in the baby steps phase of even beginning to deal with that.

That is what the homeland security bill is about. It is taking the first baby step to organize ourselves to deal with that. We have a big battleship of a government and we are trying to turn it around a little bit. Oftentimes it is wasteful, inefficient. As Senator DURBIN points out, the computers cannot talk to each other. We have all the things that make it difficult to face the high-tech threats we are facing. That is what homeland security is all about.

We simply cannot exist in this environment in the world when, while we are the world's superpower, we are also the world's supertarget. We cannot exist the same way we have in times past, being willing to pay a few billion here and a few billion there because of waste and inefficiency in government, knowing things may not work—so be it—and we simply add another bureaucracy on top of that, have another election, and spend a few more billion dollars and absorb it because of our economic strength. We cannot do that anymore. We have to do things differently.

It goes back to equipment, computers, technology, and personnel and the flexibility to use and interchange those things to meet the modern conditions we are facing. We cannot go along anymore with a system that takes 6 months to hire someone and 18 months to fire someone. That does not work. Where, if you want to transfer someone to the front and get your best people in certain crucial places you have endless appeal rights that take years to resolve. We cannot do that anymore. It is not a matter of trying to take advantage of someone, it is a matter of trying to protect this country. That is what this is all about.

I hope this is not viewed as a take-it-or-leave-it proposition that has not been compromised. Some have said this is not a compromise, this is an agreement—meaning, apparently, the President was not willing to bend; or our side was not willing to compromise in any way, but we did agree to disagree and we are going to vote for the bill. That is the way I interpret that. It should not be that way. I don't think that is a justifiable response to the situation.

Going back to the beginning of this legislation, we must go back to Senator LIEBERMAN. Senator LIEBERMAN began this process. He should get great credit for that. He and a few others heightened our awareness to the need to take a different look. It was in the Governmental Affairs Committee, the committee that deals with Government organizations and reorganizations. Goodness knows, many Members have known the whole Government has needed a reorganization for many years. He said we should look at a reorganization with regard to the parts of Government regarding homeland security. We did not agree on exactly how to do that.

We had several hearings. We had committee consideration. I offered several amendments as ranking member on the Governmental Affairs Committee. Some of the amendments simply were trying to incorporate current law into the Homeland Security Department and were voted down pretty much along partisan lines. We tried to negotiate the personnel flexibility issue at that point. We did not meet with any success at that point in trying to negotiate any of those things out. Senator LIEBERMAN had the votes. He passed the bill. He is to be commended for that. We might not be here today if it was not for him.

The fact is, there was disagreement and discussion and his side prevailed along party lines on just about every vote when we tried to get some authority for the President that other Presidents had. The answer was no. We tried to get personnel flexibility; some of the unions opposed that, but I think the people support it. The answer was no, all along the line. This has not been a totally one-sided proposition from our standpoint. I voted against the proposal in committee at that time. It was before a national strategy had been submitted by the President. I thought the President ought to have an opportunity, at a minimum, to analyze the nature of the problem and come forth with a comprehensive national strategy. That is what happened.

This bill, today, not only is not what Senator LIEBERMAN proposed, it is not what the President originally proposed, either. The President had more flexibility in his original proposal than is found in this amendment. The original bill did not have the various provisions in title V, nonwaivables. I do not think there was an intention to make them expendable at all, the various protections were not in the bill, but we wound up putting those in the bill. The President wanted appropriations transfer authority, up to 5 percent of appropriated funds. The President did not get that. That is not in this bill.

When it came down, Senator GRAMM and Senator ZELL MILLER, the two Senators who made the major proposal and response to the Lieberman bill, and whose work was so effective and we certainly would not be here today without their work, they suggested 2 percent, the President be given appropriations transfer authority up to 2 percent. We are going to have to create a new Department. We have to have some flexibility, some money to make these changes up to this amount. That is not in the bill either. An indemnification provision that was in Gramm-Miller, that is not in this bill either.

So there are things that each side wanted that are not in this bill. It has been compromised and discussed all along the way. It is true that somewhere along the line someone has to prevail on certain key issues. It is true that the President stood pat, pretty much, on his national security authority and took the position from day 1, and maintained that position throughout, that he simply was not going to relinquish any authority that all other Presidents had since the time, really, of John F. Kennedy, when there was an Executive order that gave him that authority, and since the time of Jimmy Carter, that there has been a statute that gave them that authority. Democrat and Republican Presidents both exercised that authority. It passes down to George W. Bush, and the proposal on the other side was that there be new hurdles the President might have to go jump over before he could exercise that authority.

It made no sense to us or to the President that in a time of war we would be giving the President additional hurdles and roadblocks in order to, on occasion, exercise his national security authority in certain areas. He maintained that provision. He prevailed on that position. That is the position that is in this bill, and rightfully so.

The same thing is true with respect to personnel flexibility. I will discuss that perhaps in some detail. We have had a lot of discussion about this agreement or compromise, or whatever you would call it, that we introduced yesterday, but we really have not got ten into the details of what is in it to any great extent. If anyone wants to come down and speak on this bill, I will be glad to let them do so. But until that time, I will just go over a few of the provisions that are in this amendment that we filed.

With regard to the issue of personnel flexibility, as we know, the bill to create a Department of Homeland Security consolidates 22 Federal agencies comprising 170,000 employees, 17 different unions, 77 existing collective bargaining agreements, 7 payroll systems, 80 different personnel management systems. It is a monumental job under any circumstances—a monumental job. Reorganizing an agency with all the vested interests and positions that involves is a big job. This is a monumental job. It is imperative that some sort of procedure is put in place to enable the Secretary to create one unified Department to prevent terrorist attacks and protect our homeland.

We all agree that flexibility is needed. We have not been able to come to agreement, up until now, as to how much flexibility is required—flexibility meaning the guy who is going to run the agency, have to take the responsibility, have the accountability but be given the tools to get the job done with. That is a big job—the most important job, probably, in Government, outside the Presidency itself, in light of the world in which we live.

The idea of providing agencies with some increased flexibility with regard to personnel management is not revolutionary. Almost half of all Federal executive branch employees already work in agencies with human resource management programs that operate, in

whole or in part, outside the framework of Federal employees laws that are in title V.

I think we need to realize on the one hand that employees probably should not have an equal seat at the table with managers when it comes to running a Department; on the other hand, we need to emphasize in the law that some employee rights are basic they are basic and should not be subject to the whim of a manager.

An employee is entitled to appeal rights. We can discuss whether it ought to take 5 years to get something resolved or whether we ought to have five different levels of appeal. I think that is ridiculous in the day and age we live in now. We can do better than that but still keep those appeal rights. The manager should not be the judge and jury and executioner but should have the right to manage and then some appeal rights if he oversteps his authority.

This new bill sets up a consultation process for the creation of a human resources management system. It sets four steps management must take in order to create the new system. There is detailed language that provides for a preimplementation congressional notification, consultation, and mediation process the Department must go through, involving the management and employees of the Department, the Office of Personnel Management, Congress, Federal employee unions, and the Federal Mediation and Conciliation Service. So there is quite an elaborate process of consultation and even mediation where these views have an opportunity to be aired.

It is not all one sided. Sometimes reasonable people can actually sit down and modify their views when they have a chance to talk. It is not as if all the employees are going to look at it the same way. If I were a good employee, the way most of the employees are, and I were offered the opportunity of my management, my Department, having some more flexibility so that I could move more toward the things I am interested in and good at, that had a chance of higher pay and more recognition and a more significant mission, such as homeland security, but in exchange I had to agree that if I did something that caused disciplinary action I would only have, let's say, three levels of appeal instead of five, I think I would take that deal. I think most employees would take that deal.

In the first place, the overwhelming number of employees do not even get in that position because they are good employees. This is not something about which most employees are going to be concerned. I think it is going to be something most employees will embrace, if some of their leadership will be honest with them about what this is all about.

We are not talking about lower pay. We are talking about potentially higher pay. We cannot get good technicians in the modern marketplace to work for the Government at the salaries we are paying now. We are going to have to do better.

There is good news in this bill. It is not an onerous thing, looking for a way to fire a bunch of people. That would never work. Natural attrition is going to take a tremendous toll on Federal employees anyway. We are going to be looking for good people. But a manager simply has to have the right in any kind of organization, especially one this big, especially one this complex, especially one that has this troublesome track record that so many of our Departments and Agencies already have—a manager must have some flexibility. We cannot incorporate the mess we have created in so many areas of Government into homeland security.

We have a golden opportunity to take the first steps toward doing something different, doing something right, something that can be a template, an example for other parts of government.

Also in this amendment is a provision concerning reorganization authority. It is important for Congress to consider granting the Secretary the ability to make programmatic reorganizations within the Department. It will take many years for the Department to get up and running efficiently. There may be many instances, for example, in which the various functions within the Department can be consolidated in order to eliminate overlap and duplication.

If you listen to GAO, and you ever read any of those reports—and you could fill this room to the ceiling with GAO reports talking about inefficiency, waste, fraud, abuse, overlap and duplication, year after year, Department after Department after Department. But in order to deal with this, a manager ought to have a right to do some consolidation.

While waiting for Congress, both Houses, with its 88 committees and subcommittees of jurisdiction, to hold hearings, introduce legislation, consider their proposal in subcommittee and committee, debate on the issue, vote, and then hold a conference on the legislation, it is important the Secretary be able to implement these changes in a timely manner.

Gramm-Miller was somewhat broader. The Secretary could go outside the agency, reporting to Congress. This does not allow going outside an agency. But it does not require a report to Congress. So there is an adjustment there. There is a compromise there. There is another indication that this is not a cram-down. This is the product of serious discussions back and forth, just as was Gramm-Miller. That whole process was a product of Senator GRAMM and Senator MILLER and others of us sitting down across tables and working out minute details.

That work product, which is the basis of where we are today, was moved further toward the positions of some of our other colleagues in order to get something that people not only could grudgingly support but something they really thought was a good product and still got the job done.

You can always compromise and get an agreement just about on anything if it is meaningless enough and inconsequential enough. That is not the only key—getting a deal. The key is to get a deal that will get the job done and people can feel good about.

The bill before us today would enable the Secretary to initiate an internal reorganization that would reallocate functions among the offices of the Department so long as the Secretary submits a comprehensive reorganization plan to Congress.

I think this language goes a long way toward giving the Secretary the flexibility needed to ensure the long-term viability of this new Department.

Procurement flexibility is another important area. It is important throughout Government. It is especially important here. All of these problems need to be looked at with a magnifying glass. All these problems we see in these other areas—all of these, well, we need to do better here or there—become really magnified when you realize a handful of people with modern technology can murder tens of thousands or hundreds of thousands of people when you consider the vast ranging infrastructure that we have which is 90 to 95 percent in private hands. It is not something the Government can turn a switch and change overnight. When you consider that, all of these difficulties that we have had become greatly magnified.

Procurement is another issue that, for many years, we have accepted that the Federal Government has paid a premium, both in dollars and in time spent for goods and services it buys solely because of the unique requirements it places on contractors.

While the Federal procurement system has been streamlined and simplified over the last several years, much redtape and barriers still exist. This is due in part to trying to maintain the proper balance between an efficient procurement system and accountability when spending taxpayer dollars.

Last year, Congress provided the Defense Department with the authority to quickly and efficiently purchase the most high-tech and sophisticated products and services in support of the warfighter. I am pleased that the present bill includes provisions giving the Department of Homeland Security similar authority in its efforts to defend against terrorism and provide flexibility to buy technologies or products that are cutting edge but that may not have made it through the commercial marketplace yet.

Further, the bill also includes language that gives similar flexibilities to Federal agencies Governmentwide to support antiterrorism efforts and to defend against biological, chemical, radiological, or other technology attacks. Although these Governmentwide flexibilities are more limited than those

provided for in the new Department, all agencies of Government will be able to better avail themselves of the most sophisticated technologies in order to successfully fight against terrorism—one of the things Senator DURBIN was talking about just a while ago.

The bill before us today includes a provision that requires the Secretary to develop and submit to Congress a plan for consolidating and coallocating the more than 1,000 field offices that will fall under the new Department's jurisdiction. Previous versions of the legislation required the Secretary to come back to Congress to ask permission to change these field offices. The language in this bill is more proactive, requiring the Secretary to take the initiative to come up with a way to unify the Department's front line of defense.

As to congressional oversight structure, we know what the situation is there. We have to have a sense of the Senate. Congress is beginning to acknowledge the obvious. As I mentioned before, the Department of Homeland Security will have 88 committees and subcommittees claiming jurisdiction over various aspects of this Department. It is bad enough for departments that must answer to two or three different committees. I can't imagine how much energy will have to be focused on reporting to Congress rather than to the Department. That oversight responsibility is important. It is just not the amount; it is the quality of it.

There is a provision in this bill for a sense of Congress rather than an actual requirement for Congress to revise its committee structure. That at least is a step in the right direction and an acknowledgment that Congress really should address the question of revising its committee structure and doing something about the fact that there are 88 committees and subcommittees that deal with this matter. That is not going to work. I think Congress would acknowledge that.

Another issue that is important to highlight is the compromise proposal for securing our Nation's borders.

There has been little dispute that the Immigration and Naturalization Service needs much improvement. On the one hand, there have been problems with INS enforcement functions and ensuring that those who may want to enter the United States to do us harm are not admitted. On the other hand, the INS has experienced big problems in backlogs in the processing of applications for visas and other immigration benefits for those qualified aliens who lawfully want to enter the country. So we have a law enforcement function and a services function.

This bill both strengthens the INS functions and promotes a stronger border. It places all of the INS enforcement functions, including Border Patrol inspections, within the Border and Transportation Security Director. This will allow the Border Under Secretary to effectively coordinate immigration efforts at the border with Customs and the Transportation Security Administration allowing the Department to create a seamless border.

In addition, it establishes a bureau of citizenship and immigration services which will report directly to the Deputy Secretary.

The services part is not getting lost in the shuffle. It is important and will report directly to the Deputy Secretary.

This bureau will focus on immigration service, including the processing of visas and naturalization applications and administering other immigration benefits. The separating and restructuring of the immigration enforcement and service functions within this new Department will help establish the framework for increased security at our borders, as well as improve services for lawful immigrants.

I picked up the New York Times this morning, and I read a story that starts out as follows:

> ''The Immigration and Naturalization Service has begun an internal review to determine how a man suspected of having ties to the Islamic radical group Hezbullah was able to become a naturalized United States citizen,'' several agency officials said yesterday.

There is story after story after story. We must—must—do better, and hopefully this will be a significant step in the right direction.

During my tenure on the Governmental Affairs Committee, I spent a lot of time on legislation and oversight to protect the security of Federal computers and information systems. Senator LIEBERMAN and I worked very closely together in this regard for some years. I am pleased that this bill includes the Federal Information Security Management Act which will require Federal agencies to utilize information security best practices to ensure the integrity, confidentiality, and availability of Federal information systems. This language builds on and makes permanent the foundation laid by the Government Information Security Reform Act, a relatively new law which Senator LIEBERMAN and I sponsored, which requires every Federal agency to develop and implement security policies that include risk assessments, risk-based policies, security awareness training, and periodic reviews.

Now, that sounds like a big mouthful that is hard to understand, but what it means is our computers are very vulnerable to cyber-attack. As a part of our infrastructure, it is very vulnerable. A lot of people think the next big attack, if we ever have one in this country, will be preceded by this kind of cyber-attack. We must do more and do better in that regard.

At a time when uncertainty threatens confidence in our Nation's preparedness, the Federal Government must make information security a priority. The language in this bill is vitally important to accomplish this objective.

Law enforcement authority for inspectors general may seem like a small item, but it is an important item, and it is a part of an even more important thing; that is, the homeland security bill itself. I am pleased this bill includes a provision, which again Senator LIEBERMAN and I sponsored, to codify law enforcement authority for certain Presidentially appointed inspectors general.

In the wake of September 11, the FBI is diverting resources and agents to fight against terrorism like we have never seen before. As a result, the Bureau will rely even more heavily on the work of inspectors general to investigate fraud and other crimes in the Federal Government. This provision will ensure that the IGs have the tools they will need to carry out these investigations.

Now, this is not exactly the bill I would have drafted myself. I think almost anybody who speaks on behalf of it would say that. Some would say that is an earmark of a good bill. Some would say that is an earmark not of something that is being forced down folks' throats but is the earmark of something that has been compromised and worked out.

The intelligence issue is an extremely important one. How do we handle the intelligence issue with regard to the Department of Homeland Security? It is a big issue. It is a big problem.

Throughout this process, there have been a couple of different approaches to the creation of an intelligence directorate for the new Department. Some have sought to create a superintelligence agency that could direct other agencies that would be responsible for connecting the counterterrorism dots. It is a complicated problem.

We talk about connecting the dots. If the dots had been connected and had been there on the board for one person to connect, we would have avoided 9/11. The problem with that is these dots were within a sea of dots. For every dot we now know was significant, there were scores of dots right around it that looked the same that we now know apparently were not significant. So it is a big problem, much bigger than just putting somebody in charge of dot connecting.

Others, like myself, have argued for a structure much more modest that would be responsible for conducting threat and risk analysis and producing vulnerability assessments; in other words, look at our infrastructure. We have problems enough just assessing the vulnerability of our farflung infrastructure in this country, and then working with intelligence to figure out how best to protect it.

The emphasis of this structure would be on a critical infrastructure. One of my chief concerns, which I have repeatedly expressed in the Governmental Affairs Committee and on this floor, is that we not act too broadly in regard to creating this intelligence directorate. It is imperative we do not lull

Members into believing we have taken comprehensive reform of our intelligence community when so much, in my opinion, remains to be done in that regard.

But, for the most part, I am satisfied with the intelligence provisions in the compromise legislation that is before us. These provisions combine the directorates for information analysis and critical infrastructure, as requested by the President. It would be responsible for analyzing terrorism threat information, assessing the vulnerabilities of the American homeland, and producing risk assessments, something not being done anywhere else in the Federal Government.

These assessments tell us of the likelihood that a target will be attacked and will help us best allocate our limited resources. I believe this is the proper emphasis for this directorate.

Still, this bill goes further than I would prefer in the amount of information that is provided to the new Department. Specifically, the access-to-information provisions provided in this new directorate mean they will receive all information on terrorist threats, even if the provider of the information considers such information to be highly sensitive or not particularly useful or raw material. The only way to avoid this requirement is for the provider to convince the President the information should not be shared. If the President says this information is not to be shared, it will not be shared.

So I would prefer the burden be on the recipient to show a need for this information rather than the burden being on the President to stop it, but it is not a major consideration.

The fact of the matter is, we are going to try this out for a while to see what is best. We are not going to have it right in a lot of these areas, no matter which direction we take. But we will only learn how we can improve by getting started. That is why this bill right now is so important. We need to get started and see how it works.

Even our Constitution, as the Framers of our Constitution knew, is not a perfect document in that it would be exactly the way we would want it for 200 years without any changes. We saw some ways we could improve it. And that will not be any different with this legislation.

This provision will radically alter the current relationship between consumers and providers of intelligence information. I certainly agree with those who suggest the traditional means of sharing intelligence information with the community must be revamped. But I think it should be done next year as a part of a larger look at our intelligence community. I am concerned. The intelligence community is no different than the rest of our Government in that you live and you learn and you adjust. And we are undergoing a big adjustment now because of the change in the nature of the primary threats to this country, and the reprioritizing that is going on, and the fact that for well over a decade we saw a decline in emphasis of some of the things we know are very important now, such as human intelligence, such as signals, intelligence capabilities, and still have the same operation. There is much more out there for that same operation to collect and deal with. They are swamped with information, and there are big adjustments to make. I admire the men and women who are valiantly trying to deal with it, but they have not dealt with it well in some respects.

We simply have to let the chips fall where they may after we have done a thorough analysis of what we are doing right and what we are doing wrong, and to what extent we need to reorganize, to what extent leadership has to be different. How do we get the good people we need? How do we keep them motivated? What should Congress do to give them political support?

Congress is great about seeing the horse running out of the barn and down the road and pointing out that the horse is out of the barn. We need to see how we can do a little bit better in terms of helping to resolve the problem instead of criticizing the way we have done it, and causing our intelligence community to hunker down and have as their No. 1 goal, which is the impression I get sometimes, not getting in trouble, not getting in trouble with us. I think that is a good goal, but it is not an exclusive goal. It is not even the most important goal.

All that needs to be looked at. If we think, in creating this Homeland Security Department, and a little Intelligence component emphasizing our infrastructure, that we have really dealt with all of that, we are fooling ourselves. That is a job for a little further down the road.

I notice the Senator from Illinois in the Chamber. I have a bit more, but if the Senator wanted to comment, I would be glad to relent.

I yield the floor.

Mr. DURBIN. I thank the Senator from Tennessee. I also thank him for his dialog with me during the last hour or two concerning my pending second-degree amendment which, as we noted in the RECORD, relates to modernizing information technology in the Federal Government to protect our Nation against terrorism.

I have discussed this with the Senator from Tennessee, and I know from some experience in this body that there are moments in time when you should try to find a good exit strategy which achieves as closely as possible your goals. I believe the Senator from Tennessee and I have agreed on such a strategy. I would certainly like to see my amendment adopted as part of the Department of Homeland Security legislation. It would be a valuable addition.

The Senator from Tennessee and I have discussed it. He has supported my amendment in committee, and I believe he agrees with it at least in principle. However, we are faced with an extraordinary legislative responsibility to pass this bill literally in the closing hours of this session with very limited opportunities, if any, for amendment, or conference committee, resolving differences with the House.

So what I have agreed to with the Senator from Tennessee is to take a different approach and to be prepared to withdraw the amendment with an understanding and a colloquy between us on the floor relative to the issue. I thank the Senator from Tennessee for agreeing to that.

I believe there is a serious omission in this bill in that it does not address directly the issue of modernizing and coordinating information technology. The amendment which I have suggested, however, adds little more to the existing Federal statutory requirement of the Office of Management and Budget.

In 1996, two colleagues I have served with, former Congressman Bill Clinger of Pennsylvania and former Senator Bill Cohen of Maine, passed the Clinger-Cohen Act related to information technology management reform—1966, 6 years ago. If you read this and what they said in the law and required of the Office of Management and Budget, you reach the inescapable conclusion that this agency already has been tasked with the responsibility of modernizing information technology in the Federal Government. The sad reality is that after the passage of this legislation in 1996, it appears that little has been done, certainly not nearly enough has been done to meet the challenge we currently face since September 11, 2001, in terms of modernizing our computers.

The Director of the Office of Management and Budget is required, under the Clinger-Cohen Act of 1996, to make plans for information technology acquisition. Note that I said 1996. The reason I believe this amendment is necessary is that many years have passed with relatively little progress on improving Federal information systems and their interoperability. I believe that we can't wait any longer. In the name of national security, in the name of homeland security, we must demand that the Director of the Office of Management and Budget take the steps that would have been required by my amendment and by the Clinger-Cohen Act of 1996.

OMB must, in consultation with the Secretary of this new Department, develop a comprehensive enterprise architecture plan for information systems, including communications systems, to achieve interoperability between and among information systems of agencies with responsibility for homeland security, including the agencies inside the new Department and those that are outside of it but key to homeland security, such as the FBI and the CIA.

OMB must develop time lines, realistic and enforceable time lines, that are met to implement this plan. And a

particular person must be designated to be responsible for this effort. There has to be someone in charge of this project beyond Mr. Daniels, who serves as head of the Office of Management and Budget. There needs to be a person who is well skilled and versed in information technology with the authority, the power, and the responsibility of dealing with this issue. This person has to carry out the duties of the Director of OMB.

I also believe OMB must keep Congress informed on the development and implementation of this plan. My amendment would have required a yearly report.

I am fortunate that the people of my home State of Illinois have renewed my contract a week or so ago and given me an opportunity to serve for another 6 years. It will give me an opportunity to stay on top of this issue. I will pursue this issue and others of law and order in this venue, while my colleague from Tennessee pursues them in another venue. But I believe that what we are doing here is to at least serve notice on OMB that under Clinger-Cohen of 1996, they have the power and the responsibility, and with this new Department, they have a new imperative to meet these guidelines, these schedules, these time lines, and to really make significant progress.

We need to do more than just ask for a report. We need action. I will revisit this issue again in the next Congress, if significant progress is not made, but I trust that Mr. Daniels and members of the administration who share my concern about information technology will put their best efforts to work to make certain that it is met.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, as I understand it, my colleague from Illinois has withdrawn his amendment.

AMENDMENT NO. 4906 WITHDRAWN

Mr. DURBIN. Mr. President, if I may at this point, pursuant to the agreement I had with the Senator from Tennessee, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I appreciate my colleague's withdrawal of his amendment. As he knows, I agree with what he is trying to do with this amendment. I was a cosponsor of it when he offered it in the Governmental Affairs Committee. I agreed to cosponsor his amendment in committee because the problem of interoperability of Government information systems is a real problem and one we have tried to address for years. I mentioned the IRS a while ago as being a very good example of that.

Congress passed the Clinger-Cohen Act of 1996 in response to concerns about how the Federal Government was managing and acquiring information technology. Clinger-Cohen built on the information management requirements of the Paperwork Reduction Act. The Director of the Office of Management and Budget, under both of these laws, is charged with the responsibility of overseeing and evaluating agencywide information technology management and acquisition. It is certainly consistent with OMB's own implementing guidance to expect that the Director will develop, in consultation with the new Secretary of Homeland Security, a comprehensive enterprise architecture plan for information systems, including communications systems to achieve interoperability. I agree with Senator DURBIN that OMB should develop and meet time lines to implement this plan.

Senator DURBIN's amendment would have required a particular person to be designated to be responsible for this effort. Certainly with all those people they have at OMB, I am sure they have someone with the expertise to be responsible for the success of this effort. I do know this is something that the folks at OMB are concerned about, and I have full faith that they will do the right thing about it.

I thank Senator DURBIN for his leadership on this important issue. I am confident the administration hears this and will be responsive on this issue.

On a couple of other issues having to do with our amendment that is under consideration today, as we attempt to wrap up the homeland security bill, there are provisions here dealing with the Department of Energy National Laboratories on which I would like to comment for a moment.

I strongly believe the new Department of Homeland Security, and particularly the Science and Technology Directorate, can benefit greatly from the cutting edge research and development being performed at our National Laboratories in this country—crown jewels of this Nation—much of which is directly related to homeland security.

Senator DOMENICI, Senator BINGAMAN, and I have worked hard to craft language that will allow the new Department of Homeland Security to take advantage of the expertise that is resonant at our National Laboratories in order to strengthen homeland security. I must say, however, I am disappointed that the compromise bill included language allowing the new Department to select a so-called ''headquarters laboratory'' from the National Laboratory system to serve as the focus for homeland security R&D.

I believe all the National Laboratories have something to offer this new Department and that the DHS should be able to directly access whichever laboratory it believes can best serve a given need. There should be a level playing field in this regard.

For example, if the Oak Ridge National Laboratory in Tennessee—just to pick a laboratory at random—has developed a technology that would help to strengthen our homeland security, or is conducting research in an area of particular interest in the new Department, the Secretary should be able to go to this laboratory directly and take advantage of that. The Senate bills—the Gramm-Miller bill and Lieberman bill—set up a mechanism to allow this type of interaction.

The compromise includes many of our principles in these bills but doesn't place the same emphasis on this level playing field. I will note that the language in the compromise is permissive; that is, it allows the new Department to select a headquarters laboratory but doesn't require it to do so. I encourage the new Secretary, whoever he or she may be, not to do so. I hope the new Department will look at all of the National Laboratories for assistance and fully utilize the tremendous capabilities they have to help strengthen our homeland security.

On the issue of risk sharing and indemnification, which has been referred to earlier, I am disappointed the bill doesn't include language that would give the President the ability to exercise existing discretionary authority to indemnify contractors and subcontractors for Federal agencies' procurement of antiterrorism technologies and services. I had hoped this bill would clarify that the President, if he chooses, may use the indemnification authority of current law to provide companies supplying goods and services to the Government some certainty about the risk involved when developing cutting edge counterterrorism tools.

The law now covers wartime products and services—certain products and services having to do with wartime, and they are defined in the law and in the bill. But there are other items, such as mail sorters, and things of that nature, that may not fit into the same category I think ought to be covered, too. Instead of the indemnification provisions included in the Gramm-Miller amendment, this bill includes some limited tort reform provisions to protect the manufacturers and sellers of antiterrorism technologies that satisfy certain requirements.

Under the principles of federalism on which our country is based, tort laws are traditionally reserved to the authority of several States. I have never been one, just because I liked a certain policy, to federalize something that had been the province of the States for 200 years, simply because I wanted to conform it to my idea of national policy. That is inconsistent with our position on federalism. There comes a point on balance where the need for the development and deployment of effective antiterrorism technologies throughout the Nation supports the creation of national or Federal standards, upon the determination by the Secretary, of the technology if it meets the statutory criteria.

As time goes on, things change, certain things become national issues, certain things become matters of concern of even national security. We are

living in a different world, and I think we must respond to that. We make some progress toward doing that, without wholesale so-called reform that would totally federalize the areas that have been under the province of States since the creation of our Government.

Corporate inversion is another area that is dealt with in this bill. I am disappointed that the bill includes language to prohibit the Secretary from entering into contracts with U.S. firms that have reincorporated outside the U.S. through a series of transactions, commonly referred to as inversion. It is a very popular idea to punish folks who go outside and incorporate. We would do a whole lot better if we concentrated on improving the tax that caused it to happen. It is going to be part of this bill, and I wish it was not.

The Committee on Governmental Affairs, which has jurisdiction over Federal procurement policy, has not held a single hearing to consider this issue and its impact on the procurement process.

There are consequences to what we do around here. I think we will discover there are some consequences to this—maybe unintended—and they will be addressed later. So be it. One result of the language would be—get this—to allow foreign companies that have always been foreign based to bid on Department of Homeland Security contracts, but it would preclude foreign companies headquartered in the U.S. before the Department was created from bidding on U.S. Department of Homeland Security contracts, even if the work would be performed in the U.S. by American workers.

Maybe somebody will step up and tell me how that makes sense. It is in there, and it is not nearly as important an area as these other very beneficial sections of this bill.

In the interest of full disclosure, as I go through these provisions, I have to state my honest beliefs about them. This provision is not one of our finer moments in the bill.

In conclusion, I think we have come a long way since the Governmental Affairs Committee, under Senator LIEBERMAN's leadership, first considered legislation to create a Department of Homeland Security back in June. I look forward to the Senate's final consideration in the next few hours, days, or whatever, of this compromise amendment that I have introduced on behalf of Senators GRAMM, MILLER, and myself. I do not believe we will necessarily get everything right the first time around. But it is important that we come to agreement as soon as possible. I think this bill does that and, for that, I am happy.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I come to the floor in support of Senator LIEBERMAN's amendment to strike the provisions in the homeland security package that have nothing to do with homeland security.

Mr. President, we are here for the most critical and compelling of public interests; namely, our homeland security. But I have to say that we make a mockery of our duties if, instead of focusing our attention, our time, as we end this session, on this absolutely essential issue, we let the Homeland Security Department bill become a vehicle for other matters, special interests, pet projects that Members in either House have, instead of focusing on the business at hand.

Senator LIEBERMAN has eloquently listed a number of these provisions that have been inserted into the homeland security bill in the other House. I know my colleague from Connecticut is here to talk about something taken out of the bill that has direct implications for homeland security, which makes the shell game going on even harder to understand.

Among the many provisions that have no business being in this bill at this late hour of this session is one that offers special protection against litigation for pharmaceutical companies that manufacture childhood vaccines by using the homeland security bill to dismiss existing lawsuits. Now, I, along with Senators DODD and DEWINE, have legislation that we think is very important when it comes to pharmaceuticals and children.

We believe that protecting our children against shortages in the universally recommended childhood vaccines for diseases such as measles, tetanus, and polio is absolutely critical. Our bill would provide stockpiles and advance notice so that the Centers for Disease Control can manage shortfalls without having to turn children away when they come for immunizations.

There are very few public health achievements in the last century more significant than protecting children against vaccine-preventable diseases. Yet as we meet today, we are struggling with a vaccine shortage which clearly we need to deal with as soon as possible. It is a very important, sensitive issue.

We have bipartisan consensus around what we should do. Yet we could not put it on the homeland security bill. We were not given an opportunity to try to deal with a real problem, namely, the shortage of vaccines. We were told it was an unsuitable vehicle. Yet we find that others have not shown the same degree of respect for our Nation's security and have added all kinds of unrelated provisions.

I specifically want to focus on the vaccine liability provision. By excluding our vaccine supply proposal, they cannot even argue with a straight face that these provisions are needed to protect our children and protect their access to required vaccines.

The few one-sided provisions that have been snuck into this bill not only fail to protect or advance homeland security, they even fail to adequately protect our children against preventable diseases. All they do is protect manufacturers of vaccines against lawsuits.

What is really sad is that we in the HELP Committee had been working on a comprehensive approach to dealing with these vaccine issues. Senator FRIST from Tennessee had such a bill that would include many of these provisions because he acknowledged, as a physician, that we not only needed to figure out what was appropriate to protect manufacturers from unnecessary liability, but, first and foremost, how to benefit children, consumers, and families.

We have worked very closely over a number of months with the Senators and their staffs—Senator FRIST, Senator GREGG, Senator KENNEDY, as well as Senator DEWINE and Senator DODD—to try to figure out how we would deal with these vaccine issues. They have been very productive discussions. We fully expect we will reach a bipartisan resolution early in the next session.

Unfortunately, we are now confronted with a homeland security bill that not only undermines our discussions but, once again, puts the health of our pharmaceutical companies in front of the health of our children. That is by no definition I am aware of homeland security. In fact, it is just the opposite. It is home insecurity. What are our families supposed to do? Many of us read the article in last week's New York Sunday Times magazine about the potential link between this very ingredient that the House has decided to protect against lawsuits, a compound known as thimerosal which is made of mercury that was put into a number of pharmaceutical preparations to preserve them, including into vaccines.

My colleagues read the article. We do not know what the right conclusion is. We do not know whether this has any effect on the rather alarming increase in the number of children who are diagnosed with autism and the related problems associated with the autistic condition, but we know it is a problem. Now all of a sudden, we are taking one provision out of all of the hard work that Senator FRIST and others have done to deal in a comprehensive way with our vaccine issues of shortage, liability, manufacturing standards, and everything else, plucking one thing the pharmaceutical companies wanted out and sticking it in homeland security. It is not surprising I guess after being here now for nearly 2 years. It is still stunning that in the midst of a debate about how to protect ourselves, by George, we are going to protect our pharmaceutical companies from what may or may not be fair questions about liability.

Now we will never know because it was those parents of children who had developed autism who were bringing the lawsuits to get to the information to figure out what was going on with this compound. Now they will be foreclosed from pursuing their lawsuits.

They will be told: Sorry, whatever research and work you have done to come up with some answers—and these parents deserve these answers—apply to the vaccine liability fund and we will take care of you, but we are not going to go any further; we are not going to try to find out what really is at the root of this increase in autism.

It is a very sad commentary that this is where we have come with this debate. As I listened to my colleague from Connecticut, whose idea it was to have the Homeland Security Department, whose legislation he masterfully maneuvered through the Governmental Affairs Committee, against the opposition of the administration, list all of these extraneous untested provisions that have been stuck into this bill at the last minute is disheartening because there has been no one who has believed more strongly in homeland security and the need to get our Federal Government smarter and quicker and more flexible than Senator LIEBERMAN.

I urge my colleagues to support the Lieberman amendment to strike unrelated provisions. If what we are concerned about is homeland security, if what the administration and the President have been talking about during this past election season about protecting our homeland is absolutely what we are supposed to be doing, then let's do that job. Let's do the job that needs to be done on homeland security without undermining other important issues that should go through the legislative process to reach the kind of bipartisan resolution they deserve.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before my colleague from New York leaves the floor, I wish to join with her in this call for support of the striking amendment. I am going to try to offer a couple of amendments—I do not know what kind of success I am going to have—to put some provisions back into the homeland security legislation dealing with the professional firefighters, as well as some law enforcement officials.

I have letters I will read into the RECORD shortly from the International Association of Firefighters and from Federal Law Enforcement Officers Associations urging in the strongest words possible that these amendments be included as part of the homeland security bill.

The point my colleague from New York has made, the great irony she has pointed out is that we now have provisions in the bill that have nothing to do with homeland security. They are a backdoor effort to undermine legislation being developed in a bipartisan fashion. We had cooperation.

We are now being told in this bill that we are going to undo efforts made dealing with children's safety and children's health and exclude the very provisions that are asked for by the first responders to homeland security threats—firefighters and law enforcement.

Mrs. CLINTON. Will the Senator from Connecticut yield for a question?

Mr. DODD. I will be happy to yield.

Mrs. CLINTON. I am well aware of the Senator's longtime support for firefighters and the work he has done throughout his career to make sure our firefighters have the resources they need.

Isn't it ironic that we stand here debating a homeland security bill which has no money for first responders, and the only money that was in there they have now taken out? There is not a single penny that is going to the firefighters, the police officers, the emergency responders on the ground, and we are going to leave with a continuing resolution that also has no additional resources.

Since September 11 of last year, with our firefighters and police officers having faced many more challenges, is it not the Senator's understanding they have not received additional resources?

Mr. DODD. My colleague is absolutely correct. In fact, one of the things we find—I am sure the Presiding Officer has had the same experience—are simple things such as interconnectivity so that firefighters can talk to police departments. One of the problems we discovered in New York, the State that our distinguished colleague so ably represents, in the wake of 9/11 in New York City, was that the firefighters could not speak to each other—incompatibility of systems. They have been asking for some Federal help so police departments could talk to fire departments, could talk to emergency medical services and get some help in doing so. That was one of the provisions we wanted. That has been included in this bill.

It is incredible that we are faced with provisions in this bill to protect—and I say this as someone who represents many of them—the pharmaceutical companies that have objected to the idea of having to face a potential liability as a result of efforts to protect children from dreadful health problems. Yet the bill excludes language that would do exactly what the Senator from New York has described, and that is to see to it we have additional new firefighters on the ground. We have asked for it.

Reading from a letter from the International Association of Fire Fighters, they state:

On behalf of the 250,000 professional fire fighters who are members of the International Association of Fire Fighters, I want to express our deep gratitude—

And I apologize we are not going to be able to fulfill their sense of gratitude.

for your leadership and effort in amending the homeland security bill to provide for fire fighter staffing. Your fire fighter staffing amendment expands upon the FIRE Act Grant program . . .

And then it goes on to say:

As fire fighters in New York and Washington demonstrated on September 11, fire fighters save lives and are the linchpin to an effective terrorism response. Fire fighter staffing must be part of the homeland security bill.

It has been stricken. It is no longer a part of this bill at all. The Federal Law Enforcement Officers Association efforts are also not reflected in this bill now. They have been trying to get some help and support and that is not in here.

I ask unanimous consent that the correspondence from the International Association of Fire Fighters, the International Association of Fire Chiefs, and the Federal Law Enforcement Officers Association be printed in the RECORD so our colleagues can have the benefit of reading what these national and international organizations are calling for.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
Washington, DC, November 14, 2002.

Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: On behalf of the more than 250,000 professional fire fighters who are members of the International Association of fire Fighters, I want to express our deep gratitude for your leadership and effort in amending the homeland security bill to provide for fire fighter staffing.

Your fire fighter staffing amendment expands upon the FIRE Act Grant Program to allow for the hiring of thousands of new additional career fire fighters. Currently, inadequate staffing is the major crisis facing the fire service. Two-thirds of all fire departments currently do not have enough fire fighters to meet industry standards for safe fire ground operation. This exposes fire fighters to increased hazards when they respond to emergencies. Your amendment addresses this major firefighting hazard.

As fire fighters in New York and Washington demonstrated on September 11, fire fighters save lives and are the lynchpin to an effective terrorism response. fire fighter staffing must be part of the homeland security bill.

Again, thank you for your time and leadership on this important issue.

Sincerely,

HAROLD A. SCHAITBERGER,
General President.

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, November 14, 2002.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The International Association of Fire Chiefs (IAFC) strongly supports your amendment to Department of Homeland Security bill (HR 5005) which would create a federal grant program to assist local governments in hiring career fire service personnel.

As you well know, our nation's first responders have been historically short-handed on the front line in responding to fire and life safety emergencies within our communities, as well as to emergencies involving the nation's critical infrastructure. Response to fires, medical emergencies, specialized rescue, releases of hazardous materials, and now threats and acts of terrorism have placed significant stresses on our limited personnel. The need for additional training,

staffing and equipment has increased dramatically over the last several years as the nation's first responders have accepted these additional critical response roles.

The federal government stepped forward in 2000, recognizing that the fire service's expanded role needed support beyond that which most communities were capable of providing. The Firefighter Investment and Response Enhancement (FIRE) Act provided much needed funding to purchase basic equipment and safety programs for communities unable to afford them.

But, our most critical resource is people. National studies have shown that a crew of four (4) on a responding apparatus is the most efficient crew when attacking a structure fire. The same studies showed that there was not only a higher level of efficiency in carrying out the department's mission, but a higher margin of safety for the public and emergency response personnel. However, there are few communities capable of providing that level of staffing. National statistics show that sixty percent (60%) of fire departments operate at emergency scenes with inadequate staffing. In addition, many of our members also serve in our nation's armed forces as reservists and national guardsmen and women. When they are called to duty in defense of our country they are no longer available to serve their communities in the fire department. This places an additional strain on our already limited human resources.

The LAFC greatly appreciate your leadership on this issue.

Very truly yours,

GARRY L. BRIESE, CAE,
Executive Director.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
Washington, DC, November 14, 2002.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: On behalf of the 20,000 federal agents who are members of the Federal Law Enforcement Officers Association (FLEOA), we respectfully request that SA 4839 be attached to the pending legislation creating a Department of Homeland Security. As you know, SA 4839 is an extension of S. 2770 introduced by you in May 2002 with bi-partisan support. FLEOA believes this is an urgently needed solution to the grievous problems existing in the federal agent pay structure.

FLEOA is a non-partisan professional association representing federal agents from the agencies listed on the left masthead. We are on the front line of fighting terrorism and crime across the United States and abroad. The current pay structure for federal law enforcement does not enable us to recruit the best and brightest to our ranks and retain senior agents in high cost of living areas. SA 4839 is the first step to rectifying this tremendous problem. SA 4839 only amends the locality pay for federal agents that were specified in Public Law 101–509. This proposal is supported by the Fraternal Order of Police (FOP), National Association of Police Organizations (NAPO), National Troopers Coalition (NTC), International Brotherhood of Police Organization (IBPO), and the Police Executives' Research Forum.

Again, FLEOA respectfully requests that SA 4839 be attached to the legislation creating the Department of Homeland Security. We thank you for your leadership on this issue.

Sincerely,

RICHARD. J. GALLO.

Mr. DODD. I ask unanimous consent that we temporarily lay aside the pending amendment so I may offer two amendments en bloc.

Mr. THOMPSON. I would have to object.

The PRESIDING OFFICER. The objection is heard.

Mr. THOMPSON. 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. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4951 TO AMENDMENT NO. 4902

Mr. DODD. Mr. President, I will send to the desk an amendment in the second degree. This does not strike any provisions of the underlying amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment No. 4951 to amendment No. 4902.

Mr. DODD. I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for workforce enhancement grants to fire departments)

At the end insert the following:

SEC. . GRANTS FOR FIREFIGHTING PERSONNEL.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(2) by inserting after subsection (b) the following:

''(c) PERSONNEL GRANTS.—

''(1) DURATION.—In awarding grants for hiring firefighting personnel in accordance with subsection (b)(3)(A), the Director shall award grants extending over a 3-year period.

''(2) MAXIMUM AMOUNT.—The total amount of grants awarded under this subsection shall not exceed $100,000 per firefighter, indexed for inflation, over the 3-year grant period.

''(3) FEDERAL SHARE.—

''(A) IN GENERAL.—A grant under this subsection shall not exceed 75 percent of the total salary and benefits cost for additional firefighters hired.

''(B) WAIVER.—The Director may waive the 25 percent non-Federal match under subparagraph (A) for a jurisdiction of 50,000 or fewer residents or in cases of extreme hardship.

''(4) APPLICATION.—An application for a grant under this subsection, shall—

''(A) meet the requirements under subsection (b)(5);

''(B) include an explanation for the applicant's need for Federal assistance; and

''(C) contain specific plans for obtaining necessary support to retain the position following the conclusion of Federal support.

''(5) MAINTENANCE OF EFFORT.—Grants awarded under this subsection shall only be used to pay the salaries and benefits of additional firefighting personnel, and shall not be used to supplant funding allocated for personnel from State and local sources.''; and

(3) in subsection (f) (as redesignated by paragraph (1)), by adding at the end the following:

''(3) SUPPLEMENTAL APPROPRIATION.—In addition to the authorization provided in paragraph (1), there are authorized to be appropriated $1,000,000,000 for each of fiscal years 2003 and 2004 for the purpose of providing personnel grants described in subsection (c). Such sums may be provided solely for the purpose of hiring employees engaged in fire protection (as defined in section 3 of the Fair Labor Standards Act (29 U.S.C. 203)), and shall not be subject to the provisions of paragraphs (10) or (11) of subsection (b).''.

Mr. DODD. Mr. President, I thank my colleague from Tennessee.

I wanted to offer two amendments in one slot. I thought creatively of having one amendment en bloc, but that was not acceptable, so I made a choice on the two amendments, both of which are very important. I will explain both of them. The one pending deals with the firefighters and the tremendous need that exists to expand the workforce of first responders. I don't care which State you go to, when you talk of responding to terrorism, those called upon first to respond are State police, local police, firefighters, emergency medical service providers.

That point hardly needs to be made. Those who watched the scenes of 9/11, know who were the first responders to the World Trade Center and the first responders to the Pentagon. It is ironic, as we consider this homeland security legislation, the provisions struck by the other body as they sent the bill over were the provisions for assistance to the local first responders in the case, God forbid, of a terrorist attack.

I wanted to include an amendment to amend the Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas. The Presiding Officer is sensitive to this question, as we represent neighboring States. There, we are losing people from our Federal law enforcement agencies because of the pay differentials. It is impossible to meet the costs of living in certain areas of the country. I will make another effort before this bill is completed to see if we can consider that critically important amendment to the homeland security effort.

For purposes of this debate, the only amendment that will be under consideration is the amendment dealing with firefighters. Both of these amendments fix glaring omissions in the pending substitute. The amendment I am offering on behalf of the firefighters provides Federal assistance to local fire departments to hire 75,000 new firefighters to address new homeland security needs.

Senator JOHN WARNER, my friend and colleague from Virginia, and I recognized the problem of firefighter understaffing shortly after September 11 and we wrote legislation to help solve the problem. The amendment is based on the bill Senator WARNER and I wrote. This amendment also builds on the

FIRE Act, which Senator DEWINE and I authored in 2000. With the support of Senators WARNER and LEVIN the FIRE Act became law, and has provided some $400 million to tens of thousands of firefighters around the country. Today's amendment is also nearly identical to an amendment authored by Senator CARNAHAN, which was accepted by the Governmental Affairs Committee earlier this year.

One aspect of being prepared is to have the men and women on the ground who can put out the fires and respond to the injuries and the tragedies that may occur. Just as we call upon the National Guard to meet the increased needs of more manpower in the military, we must make a national commitment to hire additional firefighters necessary to protect the American people on the homefront. The legislation we proposed would put 75,000 new firefighters on America's streets over 7 years.

Since 1970, the number of firefighters as a percentage of the U.S. workforce has steadily declined. Today in the United States there is only one firefighter for every 280 citizens. We have fewer firefighters per capita than nurses and police officers, and we need to turn this around now more than ever. Understaffing is such a problem that according to the International Association of Fire Fighters, nearly two thirds of all fire departments cannot meet minimum safety standards. OSHA standards require that for every team of two firefighters in a burning structure, another team of two be stationed outside to assist men in the event of collapse. Sadly, too many men and women are lost because there is no second team outside the unstable buildings. We saw this in Worcester, Massachusetts a few years ago.

I will not go down all of the provisions that emphasize the importance of having the additional personnel on the ground. I mentioned earlier we had a letter from the International Association of Fire Fighters, and that letter is printed in the RECORD, along with a letter from the International Association of Fire Chiefs. So this is a case where you have both labor and management making the same request as we consider this homeland security legislation.

I do not want to belabor the point. I am struck by the fact we would drop provisions which have been almost universally supported in this Chamber even prior to 9/11, the need for additional personnel on the ground to provide assistance to local communities through grant applications. To give an idea of the pent-up need, when we originally authored the FIRE Act which was to provide grant moneys to local departments, the 33,000 around the country, paid, volunteer, or combination departments, there was $100 million put into the budget to provide grants to local communities. In excess of $3 billion in applications in the first year came to FEMA because of the pent-up need that exists across the country for additional equipment, and to provide additional personnel, additional training, so firefighters can respond.

Most Americans today are aware, obviously, that the role of firefighters and EMS services are vastly different than even a few years ago. Today, firefighters are called upon to respond to situations where highly toxic chemical materials are involved. The degree of sophistication to be brought to the trade of firefighters is so much more complicated than before, as the demands have increased dramatically. When we speak of volunteer departments, for instance, we rely on the good will and the spirit of volunteerism. In many of our rural and local communities, people volunteer to serve. Yet today they are called upon to respond to very complicated and dangerous situations.

There was an overwhelming degree of support when Senator WARNER and Senator LEVIN took the bill that Senator DEWINE, myself, and others fashioned and included as part of the Defense authorization bill. Then, of course, the appropriations were forthcoming and the demand was evident. After 9/11, the demand increased dramatically as a result of the new threats of terrorism.

I am deeply troubled and saddened that we are talking about homeland security and yet there is nothing in this bill, nothing, that provides one red penny to hire first responders of terrorist attacks. How ludicrous is that? We are talking about a homeland security bill and we have nothing in here to go to local police, fire, and EMS services, and we will call this a homeland security bill. The great irony, as our colleague from New York pointed out, is there are provisions in this bill to protect the pharmaceutical industries from lawsuits where vaccines are developed for kids. How do you explain that to the American public? We sneak provisions in this bill to protect corporate America, yet we will not provide money to those who are called upon to respond, God forbid, if another terrorist attack occurs. How do you explain that to the American public?

Under these procedures we are dealing with—and it gets confusing even for those who have been here a while with post cloture and other procedural roadblocks—I am probably not going to get a vote on this amendment dealing with the firefighters. I probably should not waste the time to bring it up, but people ought to know that while people go around and beat their chest about homeland security in this bill, you should not be deluded by the name. The name may sound pretty good, but underneath it are a lot of problems. There are things that are in this bill that have nothing to do with homeland security, and there are things that should be in here that are not. These firefighters need our help and support and backing.

I regret I was not able to include the problem dealing with law enforcement, an amendment which has—I will not bother listing everyone here, I will include these names for the Record—a broad-based constituency here of some 30 Members of this Chamber who have supported this bill, S. 2770: Senator BAUCUS, Senator BIDEN, Senator SNOWE, Senator DEWINE, Senator DURBIN, Senator COLLINS, Senator CORZINE, Senator SCHUMER, Senator MURRAY, Senator WARNER—the list goes on here, of our colleagues who have supported this law enforcement provision that I mentioned earlier about the great disparity in pay. We are losing these people.

I am not allowed under the procedures to offer that amendment now. I will try to find a chance to do it in the next few days, at least to make an effort to have it as part of this bill. Again, I have a very strong letter from the law enforcement agents, asking for some assistance here.

I don't know how you explain to people what we are doing in homeland security as law enforcement and firefighters here are basically going to be left out of this bill. I regret that is the case.

I am faced now with this particular second-degree amendment, and we will see what happens over the next day or so and whether or not we can actually get a vote on it, but I wanted to take a few minutes to explain my concerns about it.

Earlier this year, of course, we had adopted funding for the FIRE Act as a separate appropriation. It was not vetoed, but it was tantamount to a veto. It was what we call sequestered by the President. He took those moneys and basically said I am not going to sign this into law. So the grant money for communities in Rhode Island and New Jersey and Michigan—all across the country—who were looking for us to be a partner in getting better prepared to deal with the threats of terrorism, I am sorry to tell you, are not included in here. I don't know who you are including in homeland security, but you are not part of the deal. Apparently the pharmaceutical industry is, but we are not. We will try our best in the next few days to rectify this, but under the rules and procedures I don't think it is going to happen, I am sad to report. Maybe we can try in the next Congress.

But I am saddened we are passing a homeland security bill and firefighters and law enforcement officials are not going to be a part of this effort, at least as far as these amendments are concerned.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first I thank the Senator from Connecticut for his eloquent remarks. I could not agree with him more.

When we look at this bill, a bill that I fully want to support—I support setting up a Department of Homeland Security and the goals involved, and have

supported moving this forward. But as we look at the details of what has been given to us from the House, it is unbelievable. When we look at first responders, people in Michigan on the front lines on the ground—not only police and firefighters and EMS but our Border Patrol who are working double time and triple time, and those from local law enforcement who have been assigned—we have been trying to provide some reimbursement for their overtime and the costs to local units of government. It is amazing to me that in the name of homeland security we have a bill in front of us that does not include many things that are critical to our security in this country but that includes items, frankly, that are outrageous special interest items that are being stuck in the bill, hoping we will not notice.

We all are concerned about homeland security and want to move forward together to put together the strongest safety and security for our citizens. I want to speak to one of those today that colleagues have already spoken to that is a provision, unfortunately, in this bill, that protects the financial security of the pharmaceutical industry, not the homeland security of the people of America. This provision I find absolutely outrageous and I intend to support the Lieberman amendment to withdraw this from the bill.

The homeland security bill contains a provision that will expand the liability protections that currently exist for vaccines to include other components such as vaccine preservatives like thimerosal. This was included in the bill with no debate, no committees.

How many times have we heard on this floor as we were debating so many bills—I remember on prescription drugs—we heard over and over again that we should not be adding important provisions that would lower the prices of prescription drugs because, colleagues on the other side of the aisle were saying, we had not gone through the regular legislative process. We had not had hearings. There had not been votes in committees.

Yet now, in the 11th hour of the session of this Congress, we see a provision added that nobody has looked at other than a few people, I would argue, operating on behalf of one of literally the strongest special interests in this country today.

There are six drug company lobbyists for every one Member of the Senate. They certainly have earned their pay on this bill.

When we look at this particular provision and we look at the fact that we have an industry that has stopped a bill that we sent to the House, S. 812, that was a bipartisan bill to create more competition for the industry through generics, opening the border to Canada, giving States the ability to negotiate on behalf of the uninsured, a bill that would lower prescription prices today, immediately when passed—they are successful in killing that bill that passed last July in the Senate. Yet they are able to place a provision in the homeland security bill that will virtually exempt from liability a company that is making a product over which there is great concern as it relates to the safety of children.

Thimerosal, which is manufactured by Eli Lilly and Company, is the subject of several class action lawsuits based on increasing research connecting this preservative, which contains mercury, to the rising incidence of autism in children. Just this weekend the New York Times ran a very comprehensive six-page story about the growing body of evidence connecting thimerosal with autism and other developmental disorders in children. While the research is far from conclusive, is this narrowly written special interest provision, unrelated to homeland security, the way to respond to concerns that relate to this issue and concerns about mercury as it relates to vaccines and additives and the whole question of autism in children and what contributes to it? Is this the way to do that?

Don't children and their families merit the full protection under the law and due process to be able to sort through some very serious issues and to allow the courts to work their will, looking at the evidence? The provision in this homeland security bill, brought to us from the House of Representatives, would severely limit parents' ability to get justice for their children. How is that homeland security?

The provisions include vaccine components in the National Vaccine Injury Compensation Program. It is a program in which awards are given and they are limited to funds available through a special trust fund so liability is limited. Instead, it is a no-fault system. That would now include vaccine components, which is a far broader definition than vaccines.

In 1988, Congress enacted the National Vaccine Injury Compensation Program as a no-fault alternative to the tort system for resolving claims resulting from adverse reactions to mandated childhood vaccines. This Federal no-fault system is designed to compensate individuals or families of individuals who have been injured by childhood vaccinations, whether administered in the public or private sector. Damages are awarded out of a trust fund that is financed by excise taxes of 75 cents per dose imposed on each vaccine covered under the program.

This bill seems to be protecting the financial interests of a company, Eli Lilly, rather than the taxpayers who will now see, through this fund, a greater subsidy, and families and children across this country.

What I find particularly disturbing is we are looking at a company whose CEO is in the top five for compensation with $4.3 million in compensation last year and unexercised stock options valued at $46 million in the year 2001. A 2001 study of the top 50 drugs marketed to seniors shows that Eli Lilly and Company posted $115 billion in revenue. I do not in any way object to successful business, although I guess in this case I would say given the inability of people to receive medicines, I find that kind of salary and others across the industry disturbing.

But what I am particularly concerned about is that a company which is so successful, an industry that is the most successful in the country, and highly subsidized by taxpayers, would now be in a situation to protect themselves from liability, and to jeopardize families and children who are asking that their case be heard about potential threats of mercury placed into vaccines and the possible connections to autism.

The protection in this bill is included for an industry that gets a higher return on its revenue than any other industry in this country, or in the world. If we are looking at protection, certainly we ought not to be adding another subsidy to an industry that is so heavily subsidized by all of us now—highly subsidized. And, yet, most people, many people in this country cannot afford the product they make.

I support the Lieberman amendment to strike this provision. This provision does not belong in the homeland security bill. This provision should go through the process of hearings so both sides can be heard. We also have a court process going on that we need to respect and allow to continue.

I am hopeful my colleagues will join with us to exempt this provision from the bill so we can in fact focus on homeland security, and not a very clear special interest provision put in by an industry that already receives many special provisions.

An issue as serious as potential mercury poisoning of children certainly deserves serious deliberation and deserves the full legislative process.

Let me say again that colleagues earlier this year on the Medicare prescription drug bill—on our generic bill as well as on many other bills—have come to the floor from the other side of the aisle expressing concern about issues that had not gone through committee. If this is a serious issue—and I believe it is a very serious issue—doesn't it merit that same high standard? Subsidizing Eli Lilly and taking away the ability of families to recover from liability because of potential mercury poisoning of their children does not belong in this homeland security bill. I find it shameful that it was put in.

I hope my colleagues on both sides of the aisle will join with us to remove this provision.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may I say to the distinguished Senator from Michigan, Senator STABENOW, that I have listened to what she has said. I am not surprised by what she has indicated that she has found in this reservation. I think it supports my viewpoint; namely, that we ought not vote

on cloture tomorrow on this bill—cloture at some point, undoubtedly. But I hope we don't vote for it tomorrow. This bill needs further scrutiny. It needs a microscope upon it. We need to study it. We need to know what is in this bill which has suddenly been foisted upon us within the last 48 hours—a new bill.

There are those who maintain we have been on this subject matter for 5, 6, or 8 weeks, or more. That is one thing. But we haven't been on this bill. This is a new bill. Senator STABENOW is talking about provisions that are in this bill that haven't seen the light of day before. These are new and disturbing. And yet we are being asked on tomorrow to apply cloture to shut off debate so there can only be 30 hours remaining for debate on this bill.

I hope Senators will listen to Senator STABENOW. I hope they will not vote for cloture tomorrow. We ought to do our duty. Our duty is to stay on this bill until the American people know what is in it, and so we Senators know what is in it. There are 484 pages in this bill which just came to light on yesterday. It is a new bill. There are some provisions in it that have been in other bills that have been discussed in the Senate earlier in the fall and in the summer. But there are many provisions in this bill that are absolutely new. We really do not know what else is in the bill. Things are being discovered as we go along. But who knows what else is in the bill?

I compliment the distinguished Senator from Michigan, a Senator who is absolutely able and always dedicated, always serving her constituents and the people of this country, who has a fine mind, and who is a tremendous legislator. I have so much admiration for her. I sit with her on the Budget Committee. And what she has said with respect to this particular bill I think we should hear. We should listen to her. I hope Senators will not vote for cloture on tomorrow.

Is there anything the distinguished Senator wishes to add?

Mr. President, I ask unanimous consent to yield to the Senator without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, first of all, I thank the Senator for his kind words. Second, I simply say, as Senator BYRD has said so many times on the floor, we need to look at details. We need to know what is in this bill. It is a different bill that came back. I was deeply disturbed as I looked through it. I want to support homeland security. I support developing a department. We all share that. This is not a partisan issue. We want to have maximum safety, security and ability, communicate it effectively and efficiently, and create the kind of confidence people expect us to create in terms of the ability to respond and ideally prevent attacks. But my fear is that under the name of homeland security we are saying special interest provisions are put in this bill which are outrageous and should not have the light of day. I think it is our responsibility to shine the light of day on those provisions.

I thank the Senator from West Virginia. I appreciate his good work.

Mr. BYRD. Mr. President, I thank the distinguished Senator. She has performed a tremendous service. I congratulate her, and I again thank her.

Mr. President, we hear this is a compromise bill. It is a compromise, all right. It is a compromise in many ways. It is a compromise of our civil liberties. It is a compromise of our separation of powers. It is a compromise of our checks and balances. It is a compromise of workers' rights. There are many compromises in this bill.

To express it as a compromise is a term that is often used around here in the legislative halls. Legislation is the art of compromise. We often compromise on legislation. Compromise on legislation is a series of compromises among Republicans and Democrats, and among committees. But, in this sense, this is a far different animal we have here. By passing this legislation, we are all complicit in a giant hoax. This is the worst kind of game playing possible in trying to foist this Department onto the American people as a substitute for real action on homeland security.

This Congress and this administration are both being irresponsible. Instead of providing the American people with real security, we are offering them a placebo, a sugar pill that will not protect them and will not make them safer, not by even the slightest measurement.

There will be an uncertain sound of the trumpet. And when I refer to the ''uncertain sound of the trumpet,'' let me refer more specifically to the Book of 1st Corinthians, the 14th chapter. And I read from the 8th verse:

> For if the trumpet give an uncertain sound, who shall prepare himself to the battle?

Mr. President, Congress is about to give an uncertain sound to the American people. Based on what we shall all too soon, I am afraid, pass as a homeland security bill, they are going to feel more secure. They will not be. They are going to feel that Congress has enacted legislation that will make their homes safer, make their schools safer, make their communities safer, make them safer on the jobs. This legislation will not make jobs or schools or homes or communities one whit safer, not one whit safer.

The same people who will be employed in implementing the homeland security legislation to make the people safe are out there now, right this minute. They are on the northern border. They are on the southern border. They are in the ports of this country. They are in the hospitals. They are in the fire departments. They are in the law enforcement agencies. They are in the FBI. They are in Customs. They are already out there now. And tonight, at midnight, when you and I are in our beds and on our pillows, they will be out there.

We are not waiting until this bill passes for them to be out there. They have been out there for weeks and months. They have been doing a good job with what they have had placed in their hands by way of resources that they could use.

We saw the FBI arrest the persons in the cell in New York. The FBI was on the job. The FBI did not wait for this legislation to pass this Senate or the House and be sent down to the President and signed. The FBI was on the job.

People are not going to be one whit safer with the passage of this bill. They are going to feel a lot safer because we are trying to make them believe they are going to be safer. We are trying to make the American people believe that with the passage of this bill—and the administration is complicit, absolutely complicit in this.

The President himself has been out there all throughout the land, especially during the campaign, raising money for campaign purposes for electing their candidates, and all the while they have been with a nice backdrop of American Marines or soldiers or airmen, or whatever, but a patriotic backdrop, trying to make the American people believe that with the passage of this—if the Congress would only pass this homeland security bill, they, the people out there in the plains, in the mountains, in the valleys, on the prairies, will all be safer. They will not be 10 cents safer, Mr. President. They might be even less safe because in the next year, during which time these various and sundry agencies are going to be phased into this new Department of Homeland Security, during that time there is going to be chaos in a lot of these agencies. They will be moving phones, moving desks, moving chairs, trying to get accustomed to the new visions, the new objectives, and the people themselves are going to be less secure.

So we are offering the American people a placebo, a sugar pill. It is a political pill. It will not make the people safer.

We ought to be taking real action to protect lives now. Sadly, we are walking away from that responsibility. I only pray our irresponsibility does not result in lost lives.

Now, this is not how the American people expect this Congress to operate. When we were Members of the House of Representatives, or earlier than that, perhaps, or at some point, we have sent out letters, we have sent out booklets, telling the young people in this country—we tell these young pages up here—how your laws are made.

I remember years ago, when I was in the House of Representatives, sending out a little booklet to the people in my then-congressional district of how our laws are made. It is a joke.

We tell our young people that, first of all, a bill is offered by a Member of the Senate or the House. That bill is referred to a committee. And at a certain date, at a certain time, the chairman of that committee will have his committee called together, and he will place the bill before the committee for its consideration. And the members on both sides of the tables in that particular committee which has jurisdiction over that particular legislation will debate it back and forth, and they will offer amendments in the committee. They will talk about the bill. They will have their staffs seated around them. They will have good discussions of this bill that has been introduced by the legislature. Then the bill will be amended, perhaps, or, perhaps, in any event, it will finally be reported by the committee to the Senate or to the House for action. There it will be placed on the calendar.

Sometimes these beautifully written pieces on how our laws are made are illustrated by cartoons. We have all seen those cartoons. We then see that the bill is off to the Senate, and it is placed upon the calendar. And at some point in time, the majority leader or a Member, according to those cartoons, will call up the bill, and then will ensue a debate, a heated debate, Republicans on one side, Democrats on the other. And they will all work together. They will offer amendments again, and they will have a heated debate. They will answer questions. The witnesses, which first appeared in committees and testified on the bills, may then be seated in the galleries listening to the debate as it goes forward in the Senate and in the House.

After a while, then, after they amend, after that bill is appropriately amended, it finally reaches a vote, and it is passed by that body.

Then, according to the booklet on how our laws are made, that bill then goes to the other body. If it originated in the Senate, it goes to the House. If it originated in the House, after going through the workings of the committees, and so forth, and the debate on the floor, after its passage, it is sent over to the Senate. It goes through the same procedure then in the other body, where it is amended. And if there are differences in the House bill and the Senate bill, the bill is sent to a conference made up of Members of the two bodies, and the areas that are not in agreement will be worked on in the conference between the representatives of the two legislative bodies. Agreement will finally be reached as to every difference that was to be found between the two bodies. So all those differences will be resolved.

Then the conference report will be brought back to the House and brought back to the Senate and brought up at the appropriate time by the managers of the legislation on whatever committee had jurisdiction over the legislation, and then conference reports are brought up. Conference reports are debated, and they are agreed upon in both Houses.

Off goes the bill which is now an act. It goes by special messenger down to the President of the United States. It appears on his desk where he may sign it or he may veto it.

So we all remember how those laws are made according to the script as prepared there in those handsome little booklets that we send out.

That is how the American people expect this Congress to operate. That is the way we are supposed to operate. But the way this bill was brought in here, less than 48 hours ago, a brandnew bill. It had not been before any committee. It had undergone no hearings, not this bill. It is a bill on our desks that has 484 pages. There are 484 pages in this bill. It has not been before any committee. There have been no hearings on this bill. There have been no witnesses who were asked to appear to testify on behalf of the bill or in opposition to it. It did not undergo any such scrutiny. It was just placed on the Senate Calendar. It was offered as an amendment here. And so here it is before the Senate now. There it is.

That is not the way in which our children are taught how we make our laws—not at all. The American people expect us to provide our best judgment and our best insight into such monumental decisions. This is a far, far cry from being our best. This is not our best. As a matter of fact, it is a mere shadow of our best. Yet we are being asked, as the elected representatives of the American people, those of us who are sent here by our respective States are being asked on tomorrow to invoke cloture on these 484 pages.

If I had to go before the bar of judgment tomorrow and were asked by the eternal God what is in this bill, I could not answer God. If I were asked by the people of West Virginia, Senator BYRD, what is in that bill, I could not answer. I could not tell the people of West Virginia what is in this bill. There are a few things that I know are in it by virtue of the fact that I have had 48 hours, sleeping time included, in which to study this monstrosity, 484 pages.

If there ever were a monstrosity, this is it. I hold it in my hand, a monstrosity. I don't know what is in it. I know a few things that are in it, and a few things that I know are in it that I don't think the American people would approve of if they knew what was in there. Even Senator LIEBERMAN, who is chairman of the committee which has jurisdiction over this subject matter, even he saw new provisions in this legislation as he looked through it yesterday and today. As his staff looked through it, they saw provisions they had not seen before, that they had not discussed before, that had not been before their committee before.

Yet we are being asked on tomorrow to invoke cloture on that which means we are not going to debate in the normal course of things. We are going to have 30 hours of debate. That is it, 30 hours. That is all, 30 hours; 100 Senators, 30 hours of debate. And this is one of the most far-reaching pieces of legislation I have seen in my 50 years.

I will have been in Congress 50 years come January 3. God help me to reach that date of January 3, 2003, the year of our Lord. In my 50 years here, that is the most far-reaching, certainly one of the most far-reaching pieces of legislation that I have seen in my 50 years. I have been on this Hill longer than anybody else in this Capitol on either side of the aisle in either body. In both bodies, I am the only person, 50 years. I have been here longer than all of you, staff people, Members, Members' wives. Take it or leave it, ROBERT BYRD has been here longer than anybody else—the security personnel, any policemen, whatever you call it, pull them out here, nobody, nobody in the House. JOHN DINGELL, he is the dean of the House; I served with his father in the House.

Never have I seen such a monstrous piece of legislation sent to this body. And we are being asked to vote on that 484 pages tomorrow. Our poor staffs were up most of the night studying it. They know some of the things that are in there, but they don't know all of them. It is a sham and it is a shame. We are all complicit in going along with it.

I read in the paper that nobody will have the courage to vote against it. Well, ROBERT BYRD is going to vote against it because I don't know what I am voting for. That is one thing. And No. 2, it has not had the scrutiny that we tell our young people, that we tell these sweet pages here, boys and girls who come up here, we tell them our laws should have.

Listen, my friends: I am an old meatcutter. I used to make sausage. Let me tell you, I never made sausage like this thing was made. You don't know what is in it. At least I knew what was in the sausage. I don't know what is in this bill. I am not going to vote for it when I don't know what is in it.

I trust that people tomorrow will turn thumbs down on that motion to invoke cloture. It is our duty. We ought to demand that this piece of legislation stay around here a while so we can study it, so our staffs can study it, so we know what is in it, so we can have an opportunity to amend it where it needs amending.

Several Senators have indicated, Senator LIEBERMAN among them, that there are areas in here that ought to be amended.

What the people of the United States really care about is their security. That is what we are talking about.

We don't know when another tragic event is going to be visited upon this country. It can be this evening, it can be tomorrow, or whatever. But this legislation is not going to be worth a continental dime if it happens tonight, tomorrow, a month from tomorrow; it is not going to be worth a dime. There are people out there working now to secure this country and the people. They

are the same people who are already on the payroll. They are doing their duty right now to secure this country.

This is a hoax. This is a hoax. To tell the American people they are going to be safer when we pass this is to hoax. We ought to tell the people the truth. They are not going to be any safer with that. That is not the truth. I was one of the first in the Senate to say we need a new Department of Homeland Security. I meant that. But I didn't mean this particular hoax that this administration is trying to pander off to the American people, telling them this is homeland security. That is not homeland security.

Mr. President, the Attorney General and Director of Homeland Security have told Americans repeatedly there is an imminent risk of another terrorist attack. Just within the past day, or few hours, the FBI has put hospitals in the Washington area, Houston, San Francisco, and Chicago on notice of a possible terrorist threat. This bill does nothing—not a thing—to make our citizens more secure today or tomorrow. This bill does not even go into effect for up to 12 months. It will be 12 months before this goes into effect. The bill just moves around on an organizational chart. That is what it does—moves around on an organizational chart.

Mr. President, do you really believe Osama bin Laden cares whether the associate commissioner for border enforcement will have his title changed to the Assistant Secretary of the Bureau of Border Security? Will that make any difference to Osama bin Laden? Do you think the al-Qaida organization cares one whit whether that Assistant Secretary works for the Commissioner of the Immigration and Naturalization Service or for the new Under Secretary for Border and Transportation Security? No. Osama bin Laden doesn't give a whit what his title is going to be. The al-Qaida doesn't care about that. They are tickled to sit back and watch us be fooled into complacency by virtue of our passing this piece of trash.

That is not to say there are not some parts of the bill that are good. This whole thing is being rushed through, and we are all being pressured to pass it, vote for cloture. Let's get out of here. We have to go home, let's go. Let's get this thing out of the way. What Osama bin Laden would care about is whether there are more security guards, better detection equipment at our ports and airports. What Osama bin Laden would care about is whether we have enough border patrol agents to capture his terrorists as they try to enter this country. What Osama bin Laden would care about is whether we have sufficient security at our nuclear powerplants to deter his efforts to steal nuclear material or blow up a nuclear facility.

The Senate Appropriations Committee, on which Senator STEVENS and I sit, along with 27 other Senators, including the distinguished Senator who presides over the Chamber at this moment, the Senator from Rhode Island, Mr. REED, tried to provide funds to programs to hire more FBI agents, to hire more border patrol agents, to equip and train our first responders, to improve security at our nuclear powerplants, to improve bomb detection at our airports. That committee of 29 Senators—15 Democrats and 14 Republicans—voted to provide the funds for these homeland security needs. Those funds have been in bills that have been out there for 4 months. This administration, right down here at the other end of the avenue, has had its leaders over in the Republican-controlled House sitting on those bills. The chairman in the Appropriations Committee in the House saw the need for these bills. He tried to get the leadership in the House to take the cuffs off his hands and wrists and let him go forward with these appropriations bills. The answer was no. So the money has been there. All that needed to be done, all we needed in order to release those funds—I can remember in one bill we had $2.5 billion in homeland security funds. All the President had to do was sign his name to the effect that this was an emergency. That money would have flowed; it would have been out there now—not next week, not next year, but now it would have been out there.

Various people at the local level—the firemen, the policemen, people on the borders, border patrol, people in the ports, securing the ports, people at the airports that help the emergency personnel—all of these people would have had the advantage of that money flowing immediately for homeland security.

But the President said no—no, he would not sign it. President Bush is the man I am talking about. He would not sign that as an emergency. These moneys have been reported by a unanimous Appropriations Committee. But this administration said no. So that is what happened. These are actions that would make America more secure today. Did the President help us to approve these funds? No. Instead, the President forced us—forced us—to reduce homeland security funding by $8.9 billion, and he delayed another $5 billion.

This is shameful; this is cynical; this is being irresponsible. It is unfair to the American people. And then to tell them Congress ought to pass that homeland security bill—that is passing the buck.

Mr. President, I call attention to a column in the New York Times. This is entitled "You Are A Suspect." It is by William Safire. I will read it:

If the homeland security act is not amended before passage, here is what will happen to you:

Listen, Senators. This is what William Safire is saying in the New York Times of November 14, 2002. That is today. This is what the New York Times is saying to you, to me, to us:

If the Homeland Security Act is not amended before passage, here is what will happen to you:

Every purchase you make—

Hear me now—

Every purchase you make with a credit card, every magazine subscription you buy and medical prescription you fill, every Web site you visit and e-mail you send or receive, every academic grade you receive, every bank deposit you make, every trip you book and every event you attend—all these transactions and communications will go into what the Defense Department describes as "a virtual, centralized grand database."

To this computerized dossier on your private life from commercial sources, add every piece of information that government has about you—passport application, driver's license and bridge toll records, judicial and divorce records, complaints from nosy neighbors to the F.B.I., your lifetime paper trail plus the latest hidden camera surveillance—and you have the supersnoop's dream: a "Total Information Awareness' about every U.S. citizen.

Every U.S. citizen, and that is you, that is you, that is you, that is you, that is you.

This is not some far-out Orwellian scenario. It is what will happen to your personal freedom in the next few weeks if John Poindexter gets the unprecedented power he seeks.

Remember Poindexter? Brilliant man, first in his class at the Naval Academy, later earned a doctorate in physics, rose to national security adviser under President Ronald Reagan. He had this brilliant idea of secretly selling missiles to Iran to pay ransom for hostages, and with the illicit proceeds to illegally support Contras in Nicaragua.

A jury convicted Poindexter in 1990 on five felony counts of misleading Congress and making false statements, but an appeals court overturned the verdict because Congress had given him immunity for his testimony. He famously asserted, "The buck stops here," arguing that the White House staff, and not the president, was responsible for fateful decisions that might prove embarrassing.

This ring-knocking master of deceit is back again with a plan even more scandalous than Iran-Contra. He heads the "Information Awareness Office" in the otherwise excellent Defense Advanced Research Projects Agency, which spawned the Internet and stealth aircraft technology. Poindexter is now realizing his 20-year dream: getting the "data-mining" power to snoop on every public and private act of every American.

Even the hastily passed U.S.A. Patriot Act, which widened the scope of the Foreign Intelligence Surveillance Act and weakened 15 privacy laws, raised requirements for the government to report secret eavesdropping to Congress and the courts. But Poindexter's assault on individual privacy rides roughshod over such oversight.

He is determined to break down the wall between commercial snooping and secret government intrusion. The disgraced admiral dismisses such necessary differentiation as bureaucratic "stovepiping." And he has been given a $200 million budget to create computer dossiers on 300 million Americans.

When George W. Bush was running for president, he stood foursquare in defense of each person's medical, financial and communications privacy. But Poindexter, whose contempt for the restraints of oversight drew the Reagan administration into its most serious blunder, is still operating on the presumption that on such a sweeping theft of privacy rights, the buck ends with him and not with the president.

This time, however, he has been seizing power in the open. In the past week John Markoff of The Times, followed by Robert O'Harrow of The Washington Post, have revealed the extent of Poindexter's operation, but editorialists have not grasped its undermining of the Freedom of Information Act.

Political awareness can overcome ''Total Information Awareness,'' the combined force of commercial and government snooping. In a similar overreach, Attorney General Ashcroft tried his Terrorism Information and Prevention System (TIPS), but public outrage at the use of gossips and postal workers as snoops caused the House to shoot it down. The Senate should now do the same to this other exploitation of fear.

The Latin motto over Poindexter's new Pentagon office reads ''Scientia Est Potentia''—''knowledge is power.'' Exactly: the government's infinite knowledge about you is its power over you. ''We're just as concerned as the next person with protecting privacy,'' this brilliant mind blandly assured The Post. A jury found he spoke falsely before.

If the American people, if the American public is to believe what they read in this week's newspapers, the Congress stands ready to pass legislation to create a new Department of Homeland Security. Not with my vote. Passage of such legislation would be the answer to the universal battle cry that this administration adopted shortly after the September 11 attacks: Reorganize the Federal Government.

How is it that the Bush administration's No. 1 priority has evolved into a plan to create a giant, huge bureaucracy? How is it that the Congress bought into the belief that to take a plethora of Federal agencies and departments and shuffle them around would make us safer from future terrorist attacks?

Osama bin Laden is still alive and plotting more attacks while we play bureaucratic shuffle board after we have already spent about $20 billion in Afghanistan to capture or to obliterate Osama bin Laden. He has surfaced on audio tapes boasting about how he is plotting additional terrorist attacks against the United States. Yet our only response is to reorganize the Federal Government. That is our only response, reorganize the Federal Government.

Right here it is, 484 pages of it, reorganizing the Federal Government. Am I missing something here?

Eleven of the thirteen appropriations bills have not yet been passed. Together they contain over $25.6 billion in funds to improve our homeland defense. That is money to hire additional border security personnel. That is money to purchase equipment at our seaports and airports to inspect packages for weapons of mass destruction. That is money for protection against cyber-attacks. That is money to protect our nuclear facilities, not a year from now but now. That is money to assist local police, local firefighters, local health care workers in case of additional terrorist attacks.

Yet the administration is refusing to allocate this money, refusing to turn on the spigot and let it flow, let it roll.

This is real money to improve America's safety, but instead of pushing for these resources, the administration's top and seemingly only priority is a bureaucratic reshuffling of agencies. So this administration will continue holding up the money needed to protect Americans—your children, your grandchildren, your wife, your in-laws, your friends—at home and it will be allowed to do so because it will have this flimsy 484 pages of legislation to cover its political backside.

The design of this hulking bureaucracy has been the administration's focus for the past several months. That is where it wanted Congress to focus its attention. That is where the administration wanted the American people to focus, not on providing real homeland security but, rather, on playing bureaucratic shuffle board.

We have witnessed a great show. We have been told that if only we pass this 484 pages of legislation—this political hoax that I hold in my hand, that many of us have not seen before yesterday—the American people have been told that if only we pass this legislation, all would be well.

But like the great and powerful Wizard of Oz, with his terrifying smoke, flames and roar, the reality of this too-good-to-be-true proposal will eventually be unveiled.

Mr. President, my concerns about this legislation and its several iterations are many. It gives the President too much unchecked authority. It gives the Secretary of the new Department too much unchecked authority. It makes massive changes in Government structure with little scrutiny, and it allows those changes to be made without the approval of the Congress.

It threatens changes to worker protections that could have enormous and detrimental effects. It extends the cloak of secrecy that has been a hallmark of this White House.

The PRESIDING OFFICER (Mr. DAYTON). The Senator will suspend. Senators will kindly take their conversations off the floor.

The Senator from West Virginia.

Mr. BYRD. Mr. President, this legislation not only cuts the Congress out of the loop, it also includes provisions to keep the people and the press—and the press had better take notice—it includes provisions to keep the people and the press, the members of the fourth estate, in the dark.

I don't think the media realize this about this bill. And the media has apparently swallowed the line that this is a compromise. It is more than that. It is a compromise of our personal liberties. It is a compromise of the privacy rights of our people. It is a compromise of the checks and balances. It is a compromise of the separation of powers. It is a compromise of the American people's right to know—the American people's right to know. It is a compromise of that.

For those who do not understand what I am saying, they should get this bill, 484 pages of it. It is a new bill. It did not exist anywhere until yesterday.

We have talked about how this whole idea of a Homeland Security Department, presented to us by this administration, we have talked about how it was hatched in secrecy in the bowels of the White House, how it was hatched in secrecy, cooked up by four different persons in the White House. I have named them earlier today: Mr. Card, Mr. Gonzales, Mr. Mitch Daniels, and Mr. Ridge. No disrespect to any of them—they are all fine people; they are all fine public servants—but they are not anything extraordinary, I would say that, insofar as people go. They hatched this thing. They hatched it in secrecy.

We understand from the newspapers this was talked about among the people in the administration, down in the secrecy of the White House. It had been talked about. It had been developed. And then it sprang forth like Minerva from the forehead of Jove, fully clothed, fully armed. There it was.

We could say the same thing about this bill that we are passing here. We have little right to complain about the White House and about the way in which it developed in secrecy this whole egg that was hatched and sprung upon us as the homeland security bill.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:46 p.m., adjourned until Friday, November 15, 2002, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate November 14, 2002:

DEPARTMENT OF JUSTICE

HARLON EUGENE COSTNER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE BECKY JANE WALLACE.

RICHARD ZENOS WINGET, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA, VICE JOSE GERARDO TRONCOSO.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DANIEL PEARSON, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2011, VICE LYNN M. BRAGG, TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

JAMES M. LOY, OF VIRGINIA, TO BE UNDER SECRETARY TRANSPORTATION FOR SECURITY FOR A TERM OF FIVE YEARS, VICE JOHN MAGAW, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRETT L. HANKE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

WILLIAM C. CANNON, 0000
WILLIAM A. JOHNSTON, JR., 0000
LEONARD H. KISER, 0000
CHARLES F. MAGUIRE III, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

ROBERT D. BEAL, 0000
JEFFREY M. BIERLEY, 0000
NATHAN P. BORCHERS, 0000
STEPHEN G. BROOKS, 0000
JAMES E. BROWN, 0000
JAMES R. BRYAN, 0000
RONALD W. BURKETT, 0000
LAWRENCE C. CALAHAN, 0000
DANIEL B. CALDWELL, 0000
BRIAN L. CASPER, 0000
DAVID M. DOWLER, 0000
KEVIN L. DUZAN, 0000
DAVID C. DYE, 0000
MATTHEW G. GURGEL, 0000
JOSEPH T. HANSEN, 0000
SHAWN W. HUEY, 0000
CHARLES B. JOHNSTON, 0000
THOMAS H. KIERSTEAD, 0000
TIMOTHY M. LEDBETTER, 0000
JON H. MORETTY, 0000
CHRISTOPHER P. NODINE, 0000
MATTHEW L. PARSONS, 0000
ERIK R. PATTON, 0000
DAVID R. PERRY, 0000
VINCENT J. PERRY, 0000
KENNETH N. RADFORD, 0000
KEVIN K. ROACH, 0000
THOMAS E. SCHULTZ, 0000
JAYSON W. SCHWANTES, 0000
THOMAS W. SINGLETON, 0000
JEFFREY S. SMITH, 0000
LOUIS J. SPRINGER, 0000
LANCE E. THOMPSON, 0000
STEVEN J. ZACCARI, 0000

CONFIRMATIONS

Executive Nominations Confirmed by the Senate November 14, 2002:

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004.

DEPARTMENT OF ENERGY

KYLE E. MCSLARROW, OF VIRGINIA, TO BE DEPUTY SECRETARY OF ENERGY.

DEPARTMENT OF AGRICULTURE

PHYLLIS K. FONG, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF AGRICULTURE.

FEDERAL COMMUNICATIONS COMMISSION

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2003.

DEPARTMENT OF THE TREASURY

WAYNE ABERNATHY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

FEDERAL MARITIME COMMISSION

REBECCA DYE, OF NORTH CAROLINA,TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2005.

DEPARTMENT OF TRANSPORTATION

ROGER P. NOBER, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPOERTAITON BOARD FOR A TERM EXPIRING DECEMBER 31, 2005.

REFORM BOARD (AMTRAK)

DAVID MCQUEEN LANEY, OF TEXAS, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS.

EXPORT-IMPORT BANK OF THE UNITED STATES

PHILIP MERRILL, OF MARYLAND, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 2005.

DEPARTMENT OF STATE

KIM R. HOLMES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATIONS).

MAURA ANN HARTY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (CONSULAR AFFAIRS).

ELLEN R. SAUERBREY, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COMMISSION ON THE STATUS OF WOMEN OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

QUANAH CROSSLAND STAMPS, OF VIRGINIA, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

NATIONAL INDIAN GAMING COMMISSION

PHILIP N. HOGEN, OF SOUTH DAKOTA, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS.

DEPARTMENT OF STATE

J. COFER BLACK, OF VIRGINIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

IRENE B. BROOKS, OF PENNSYLVANIA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

BROADCASTING BOARD OF GOVERNORS

BLANQUITA WALSH CULLUM, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2005.

DEPARTMENT OF STATE

PETER DESHAZO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING TENURE OF SERVICE AS DEPUTY PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES.

DAVID N. GREENLEE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

JOHN RANDLE HAMILTON, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

OVERSEAS PRIVATE INVESTMENT CORPORATION

COLLISTER JOHNSON, JR., OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2004.

DEPARTMENT OF STATE

JOHN F. KEANE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

OVERSEAS PRIVATE INVESTMENT CORPORATION

JOHN L. MORRISON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2004.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

ALLEN I. OLSON, OF MINNESOTA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NATIONAL LABOR RELATIONS BOARD

RENE ACOSTA, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 27, 2003.

THE JUDICIARY

JOHN M. ROGERS, OF KENTUCKY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

STANLEY R. CHESLER, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

ROSEMARY M. COLLYER, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

MARK E. FULLER, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF ALABAMA.

DANIEL L. HOVLAND, OF NORTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NORTH DAKOTA.

KENT A. JORDAN, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE.

JAMES E. KINKEADE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

ROBERT G. KLAUSNER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

ROBERT B. KUGLER, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

RONALD B. LEIGHTON, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

JOSE L. LINARES, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

ALIA M. LUDLUM, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS.

WILLIAM J. MARTINI, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

THOMAS W. PHILLIPS, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE.

LINDA R. READE, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF IOWA.

WILLIAM E. SMITH OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND.

JEFFREY S. WHITE, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

FREDA L.WOLFSON, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

FARM CREDIT ADMINISTRATION

NANCY C. PELLETT, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 31, 2008.

DEPARTMENT OF DEFENSE

OTIS WEBB BRAWLEY, JR., OF GEORGIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2003.

NATIONAL LABOR RELATIONS BOARD

ROBERT J. BATTISTA, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2007.

WILMA B. LIEBMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2006.

PETER SCHAUMBER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2005.

NATIONAL COUNCIL ON DISABILITY

JOEL KAHN, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2004.

PATRICIA POUND, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2005.

LINDA WETTERS, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAVID GELERNTER, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006.

NATIONAL MUSEUM SERVICES BOARD

A. WILSON GREENE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004.

JUDITH ANN RAPANOS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2002.

JUDITH ANN RAPANOS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007.

MARIA MERCEDES GUILLEMARD, OF PUERTO RICO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005.

NANCY S. DWIGHT, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005.

PETER HERO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006.

THOMAS E. LORENTZEN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006.

NATIONAL INSTITUTE FOR LITERACY

JUAN R. OLIVAREZ, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF ONE YEAR.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

JAMES M. STEPHENS, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

PEGGY GOLDWATER-CLAY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING JUNE 5, 2006.

NATIONAL INSTITUTE FOR LITERACY

CAROL C. GAMBILL, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS.

NATIONAL MUSEUM SERVICES BOARD

BETH WALKUP, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2003.

DEPARTMENT OF EDUCATION

JOHN PORTMAN HIGGINS, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION.

COAST GUARD NOMINATION OF DANA B. REID.

COAST GUARD NOMINATIONS BEGINNING DOUGLAS A ASH AND ENDING WARREN E. SOLODUK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2002.

COAST GUARD NOMINATIONS BEGINNING ANTHONY J. ALARID AND ENDING MICHAEL B. ZAMPERINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 12, 2002.

FOREIGN SERVICE NOMINATIONS BEGINNING WILLIAM JOSEPH BURNS AND ENDING MICHAEL L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 8, 2002.

FOREIGN SERVICE NOMINATIONS BEGINNING JON CHRISTOPHER KARBER AND ENDING PETER FERNANDEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 8, 2002.

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING RAYMOND GRUBBS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. NEY. Mr. Speaker, whereas Raymond Grubbs is a professional truck driver for Yellow Transportation; and

Whereas, Raymond Grubbs has successfully driven one million miles without a preventable accident; and

Whereas, Raymond Grubbs should be commended for reaching this safety milestone; and

Whereas, Raymond Grubbs has demon[chyph]strated a steadfast commitment to the safety of our nation's highways;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Raymond Grubbs for his outstanding accomplishment.

PAYING TRIBUTE TO CHRISTINA TOOLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. McINNIS. Mr. Speaker, it is with great pride that I recognize Christina Tooley of Pueblo, Colorado for her hard work, courage and determination in the face of some of life's most challenging circumstances. Christina graduated from Pueblo Community College last spring and, as she celebrates this accomplishment, I would like to pay tribute to her incredible story before this body of Congress.

Throughout her life, Christina has had the courage to confront and overcome challenges that to many would seem impossible. Christina has been diagnosed with Bartlett-Bidell syndrome, a genetic disorder that can cause organs to improperly function and shut down. Due to the syndrome, Christina began having eyesight problems and, by her junior year of high school, she could barely see. Although the loss of her eyesight must have been devastating to Christina, she remained determined to maintain a full and productive lifestyle.

Soon after her diagnosis, Christina enrolled in the Colorado School for the Deaf and Blind and began vigorous courses to learn Braille, later enrolling in Pueblo Community College. Throughout college, Christina and her mother would sit down and work diligently on her studies. Christina was able to do all of her computer assignments on her own, but needed her mother's assistance with reading notes and questions.

Initially, Christina confronted the challenge of getting around town by learning to use a cane to guide herself. Today, Christina has a guide dog named Natasha who has become a loyal friend and companion, helping to navigate her way around the campus. Last May, Christina received her degree in Internet Business and Communications, and Natasha was right there by her side as she received her diploma.

Mr. Speaker, it is with great pride and admiration that I recognize Christina Tooley of Pueblo, Colorado before this body of Congress and this nation. Christina has shown an extraordinary determination to overcome unparalleled challenges and has made incredible strides through her efforts. Her courage and resilience are a testimony to her character and should serve as an inspiration to us all. I wish Christina all the best in her future, I am proud to represent such an extraordinary individual.

SITUATION IN BELARUS CONTINUES TO DETERIORATE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I want to bring to the attention of my colleagues the latest outrage perpetrated by the regime of Belarusian dictator Alexander Lukashenka.

Last week, immediately after leaving the U.S. Embassy in Minsk, the Chairman of the opposition United Civic Party, Anatoly Lebedka, was picked up by plainclothes police officers and driven to KGB headquarters for interrogation. Anatoly had been at the Embassy to pick up the invitation for a conference on Belarus to be held this week here in Washington. In a clear effort at intimidation, Lukashenka's KGB thugs accused him of maintaining ties with supposed ''intelligence agents'' and other foreigners, purportedly for the purpose of undermining Belarus.

Mr. Speaker, this accusation is patently absurd. I know Anatoly Lebedka, having met with him in Washington and at several meetings of the OSCE Parliamentary Assembly, most recently this past July in Berlin. It is clear to me that Mr. Lebedka is an honorable man committed to his country's development as an independent, democratic nation in which respect for human rights and the rule of law is the norm. There is no doubt in my mind that the real reason for the harassment of Anatoly—and this is not the first time—is his opposition to Lukashenka, to whom democracy and human rights are anathema.

Sadly, this is only the latest in a long list of human rights assaults by Lukashenka. Just within the last few months, we have seen the passage of a repressive law on religion, the bulldozing of a newly built church, the jailings of three leading independent journalists, the continued and persistent harassment of the political opposition, independent media and non-governmental organizations, and the effective expulsion of the OSCE presence there. These tactics are in keeping with the climate of fear which Lukashenka has sought to create.

Moreover, we have seen no progress on the investigation of the missing and presumed dead political opponents—perhaps not surprisingly, as credible evidence links the Lukashenka regime with these murders, and growing evidence also indicates Belarus has been supplying weapons and military training to Iraq. Both in Berlin and in Washington, I have had the honor of meeting with the wives of the disappeared.

Mr. Speaker, the state of human rights and democracy in Belarus is abysmal, and the manifest culprit is Lukashenka and his minions. The longsuffering Belarusian people deserve to live in a country in which human rights are not flouted. Those in Belarus, like Anatoly Lebedka, who struggle for human rights and democracy deserve better. The Belarusian people deserve better.

WORLD POPULATION GROWTH

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. MORAN of Virginia. Mr. Speaker, I rise today to submit a recent speech delivered by the President of the Population Institute, Mr. Werner Fornos, at the Unitarian Universalist Church of Arlington, Virginia on October 1, 2002. Mr. Fornos spoke to the rapidly growing economic and environmental pressures created by our burgeoning world population, especially in third world countries. These concerns represent a pressing issue for congressional debate and I offer these remarks to that end.

REMARKS BY WERNER FORNOS, PRESIDENT OF THE POPULATION INSTITUTE, AT THE UNITARIAN UNIVERSALIST CHURCH OF ARLINGTON, VA. OCTOBER 1, 2002

World population stands today at more than 6.2 billion and increases by more than 75 million each year. An incredible 97 per cent of this growth occurs in the developing world, by definition the poorest countries of the world—those where for far too many daily living is a struggle for mere survival. These are the very countries least able to afford such massive influxes of people, countries where demographic pressures already place unbelievable burdens on schools, hospitals, transportation and virtually all facets of the economic and social infrastructure.

Yet our soaring human numbers are projected to exceed 9 billion by the year 2050. While the wealthiest countries on our planet are estimated to account for only 52 million of this increase, the developing world is expected to account for 2.7 billion.

But world population does not need to continue to grow at this dizzying pace.

First though, I must tell you that no matter what corrective course we may steer, the earth's population will reach 8 billion. The reason is our built-in demographic momentum: there are one billion people today between the ages of 15 and 24, the largest number of people entering their reproductive years at the same time than at any other time in the history of the world.

How can we hold the number of people on earth down to approximately 8 billion? The answer to that question lies with providing access to voluntary family planning for the more than 300 million couples in the world who today want to make their own decisions about when and if they will have children—couples who in many cases did not want their last child and do not want another.

Accommodating these couples, however, is another matter that has been complicated by the anti-abortion movement. Let me say here that the Population Institute is passionately dedicated to providing access to family planning information, means and services; we do not consider abortion to be a method of family planning. As a matter of fact, abortion is a procedure to which many women resort who lack access to family planning.

However, a sizable contingent of those who have the audacity to label themselves ''pro-life'' because they oppose abortion have become perhaps the single greatest obstacle to those 300 million-plus women obtaining family planning.

If you want to prevent abortion, the first line of defense is preventing pregnancy. And that is what family planning is about: preventing pregnancies, not terminating them.

And if the Bush administration is serious about being ''prolife,'' it should be promoting family planning—not signing executive orders that cut off the congressionally approved $34 million United States contribution to the United Nations Population Fund, the largest multilateral provider of international population assistance, as the President has.

But the obstacles to universal access to family planning are not solely within the anti-abortion movement. Population policy today is a matter of failure, ignorance, and timidity.

Last month I was in Johannesburg, South Africa, attending the World Summit on Sustainable Development—the most important global meeting on environment and development since the 1992 Earth Summit in Rio de Janeiro. Oddly, population growth had no place on the official agenda. But there can be no doubt that population and sustainable development are inexorably linked.

After all, we live in a world where 70 percent of all families are dependent on firewood as their primary source of heating and cooking fuel. A world where 600,000 square miles of forest have been cut down worldwide, just over the past 10 years. A world where forestland equivalent to three times the size of Belgium is annually cut down in the Congo Basin alone.

Though there were some achievements at the Johannesburg summit, it was seriously flawed by the neglect to link human growth with environmental well being in the face of economic growth.

The Johannesburg summit succeeded in establishing clearly important time-tables for pressing matters, such as: halving the number of people living in poverty who lack access to clean water and adequate sanitation by 2015; restoring depleted fish stocks by 2015; and significantly reducing the extinction rate of the world's plant and animal life by 2010.

I seriously question, however, how any one of these obviously significant and desirable targets can be reached until we, first and foremost, establish a crystal clear accelerated target for providing voluntary family planning and reproductive health care to those more than 300 million who need and want fewer children but lack the information, education and the affordable means to control their own fertility. The Johannesburg summit was not a failure; I believe that so long as nations of the world continue to discuss relevant issues at very least it achieves the opportunity for mutual understanding and mutual respect. But I also believe that much more could have been accomplished had the meeting not been bogged down in coddling the comfortable and ignoring the afflicted.

Considering the political climate, especially in the United States, at the time of the WSSD, many feel that population stabilization advocates should count themselves fortunate that the summit reaffirmed the 1994 International Conference on Population and Development (ICPD) Plan of Action, as well as the results of the 1999 ICPD+5 meeting and the Millennium Development Goals—all of which had important population policy and program recommendations. In hindsight, this appears to be true enough. Yet while reaffirmations are not insignificant, in my view summit meetings should be about more than acknowledgments of what already has been approved. They should focus on progress: developing new strategies to attain established goals and objectives, where they are needed, and accelerating efforts to reach these goals and objectives, where it is applicable. It is in these areas where, as far as world population issues arc concerned, the WSSD was disappointing.

In addition to squandering an opportunity to accelerate progress on universal access to family planning, the Johannesburg summit failed to establish a target for vastly reducing the carbon emissions responsible for global warming and increasing reliance on renewable energy sources such as solar and wind power.

We know that the planet in many respects has an impressive capacity for resilience. Some years back British scientists reported that the ozone layer—the protective shield that prevents ultra-violet B rays from devastating the earth with skin cancer—was thinning in the southern hemisphere and had virtually disappeared over Antarctica, the world. For years, industries producing chlorofluorocarbons influenced industrialized countries responsible for most of the emissions to forego becoming involved in an effort to prevent such emissions. But with new and compelling scientific evidence before the world, nations hastened to approve the Montreal Protocol, phasing out CFCs and other ozone-depleting chemicals by 1996. Within recent weeks, it has been reported that the shield is thickening at a pace that might close the 10,000 square mile hole in the layer over Antarctica within 50 years.

I am convinced we can have similar success in overall sustainable development, if we have the foresight and the courage to establish rational and effective timetables. The timetable for reducing world population growth to a figure closer to 8 billion rather than 9 billion would specifying dates for:

Widening women's educational opportunities—at all levels, primary, secondary and higher education. In country after country studies, show that the more education a woman has the more likely she is to have only the number of children she can nurture and educate;

Increasing employment opportunities for women. Studies also show that when women have income-generating employment, they are likely to have fewer children;

Reduction of infant and child mortality. A major factor contributing to larger family size in many developing countries is that infant and child survival is precarious at best. Couples frequently have six, seven or eight children in the hope that one, two, or three will survive. With adequate prenatal and postnatal care, infant and child mortality can be vastly reduced.

Universal access to family planning information, education, and the affordable means to practice it.

Some years back, World Bank President Robert McNamara said in a celebrated speech at Notre Dame University that time lost in the effort to reduce rampant population growth can never be recovered. I believe that rapid population growth is a problem the entire world must address. Failure to do so would be the ultimate global blunder, one from which there is no recovery.

IN HONOR OF GREATER ASTORIA HISTORICAL SOCIETY'S SELECTION OF DENIS BUTLER AS 2002 HONORARY MAYOR OF LONG ISLAND CITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mrs. MALONEY of New York. Mrs. Speaker, I rise to pay tribute to the Greater Astoria Historical Society and Denis Butler, who has been named 2003 Honorary Mayor of Long Island City.

Long Island City, just across the East River from Manhattan, is the largest community in Queens with 250,000 residents. The history of Long Island City spans more than 360 years from its humble beginning as Dutch farmland in the 1640s to its present incarnation as a residential and commercial hub.

Chartered in 1870, Long Island City was the consolidation of several villages and areas, which included Astoria, Steinway, Ravens[chyph]wood and Hunters Point. Long Island City existed independently from New York City for 28 years. The new city government encouraged industry, which spread northward with gas plants and chemical and glass factories lining the East River waterfront. By the end of the 19th century, the city had the highest concentration of industry in the United States. Long Island City was incorporated by the City of New York in the consolidation of 1898.

Long Island City was transformed in 1909 by the opening of Queensborough Bridge, immediately changing the community from a remote suburb to the destination minutes from Manhattan. Today Long Island City is connected with the rest of New York City by six tunnels and five bridges.

The Greater Astoria Historical Society, chartered in 1985, is a non-profit cultural and community oriented organization dedicated to preserving the past and promoting Long Island City's future. The Society hosts field trips, walking tours, slide presentations, and guest lectures to schools and the public.

The Society believes that history is the most powerful tool that a society processes. It tells us why the things we value are the things we should value, and it tells us the things that should be ignored. That is true power, a profound power—the power to define a whole society.

Denis Butler, who was an outstanding Assemblyman for Astoria and Long Island City for 24 years, is an outstanding choice for honorary Mayor. An active legislator and a caring civic leader, Assemblyman Butler exemplifies the strength and creativity of Long Island City.

Assemblyman Butler was a champion of the aging, disabled, and underprivileged, and has worked tirelessly for the working men and women of his district. With the support of the Assembly leadership, Assemblyman Butler

created SCRIE (Senior Citizens Rent Increase Exemption), which has helped low income seniors remain in their homes. Additionally, he was a prime sponsor of EPIC, New York's prescription drug buy plan, which has helped thousands of elderly new Yorkers pay for necessary medication.

Assemblyman Butler has been extremely active in civic affairs and has worked alongside local community activists on a wide range of issues, working to improve educational and youth programs, and increase local police presence. His caring guidance and enthusiasm have truly made this neighborhood a more pleasant place to live and work.

I ask my colleagues to join me in honoring the Greater Astoria Historical Society and saluting them for selecting Denis Butler as the 2003 Honorary Mayor of Long Island City.

TRIBUTE TO EPWORTH UNITED METHODIST CHURCH

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Epworth United Methodist Church, a treasured Bronx institution and a historic house of worship that celebrated its Centennial anniversary November 10, 2002. Appropriately, the theme of their celebration was ''We've Come This Far By Faith.''

Mr. Speaker, Epworth United Methodist Church was founded at the turn of the century in the heart of the South Bronx. People from all walks of life have filled its pews throughout the past century and as a result, it has become an invaluable part of the Bronx's history. Located on Concourse Village East, the church stands as a beacon of faith and rich history.

Throughout its 100 years of existence, Epworth United has been a model of excellence with its numerous and far-reaching community programs. Not only are Bronx residents able to come to Epworth United for spiritual enrichment and fellowship, they can come to the church for assistance with life's daily trials. The church is especially proud of its large and active youth congregation.

Mr. Speaker, Epworth United provides food and clothing to anyone who may need them. Its dedicated staff and clergy also run an after-school tutorial and a summer day camp for young people. The church also awards college scholarships to outstanding youth throughout the city.

For the past century, countless Bronx residents have found solace and aid within the walls of Epworth United Methodist Church. I hope that all of my esteemed colleagues will join me in honoring this sacred and historic institution on its centennial anniversary.

CONGRATULATING JACK STONE AS 2002 AGRICULTURIST OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Jack Stone for receiving the 2002 Agriculturist of the Year Award at the Greater Fresno Area Chamber of Commerce Awards Luncheon in Fresno, California on November 13, 2002. This lifetime achievement award is given annually to an individual who exemplifies leadership and integrity in the Central Valley's agricultural business community.

Jack Stone graduated from the University of California, Davis. In 1940, he began farming and later sold his farm in order to serve his country for four years as a Captain in the Army Corps of Engineers. In 1946, Jack began to farm again on undeveloped Central Valley land and then organized the J.G. Stone Land Company two years later. Jack has served as President of the Westlands Water District, the National Cotton Council, the Western Cotton Growers Association, and formerly served as chairman of the Producers Steering Committee of the National Cotton Council. He currently serves as a California Farm Water Coalition Board Member.

Jack is a second-generation farmer specializing in cotton, grains, and a half dozen other field crops on 6,000 acres in the Stratford and Lemoore areas in Central California. He has always worked for the interests of young farmers by supporting the development of the agriculture program at Coalinga's West Hills College, and by being a steadfast supporter of the cotton program and judging contests at the California State University, Fresno campus. Jack has also consistently fought for development of an adequate, reliable, and affordable water supply for California. Today, much of J.G. Stone Land Company's daily activities are run by Jack's son, Bill, and his grandchildren, though Jack remains the patriarch of the four-generation farming operation.

Mr. Speaker, I rise today to congratulate Jack Stone for earning the 2002 Agriculturist of the Year Award. I urge my colleagues to join me in wishing Jack Stone many years of continued success.

A PROCLAMATION RECOGNIZING TAMMY SANDERSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. NEY. Mr. Speaker, whereas, Tammy Sanderson has devoted herself to serving others through her work at the Carroll County Department of Human Services; and

Whereas, Tammy Sanderson has shared her time and talent with the community in which she resides; and

Whereas, Tammy Sanderson has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Tammy Sanderson must be commended for the hard work and dedication she put forth in her 30 year career of service with the county;

Therefore, I join with the Department of job and Family Services and the entire 18th Congressional District in congratulating Tammy Sanderson on her retirement.

PAYING TRIBUTE TO SERENA JANE SWENK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. McINNIS. Mr. Speaker, it is deep sadness that I recognize the life and passing of Serena Jane Swenk of Dolores, Colorado. Mrs. Swenk passed away in October, and as her family mourns her loss, I would like to pay tribute to her life and the wonderful memories she has left behind.

Serena was born in Dolores, Colorado on October 3, 1916. The granddaughter of one of Colorado's original pioneering families, her great-grandparents were among the first that came to settle in the area known today as Montezuma County. Serena loved the land and took full advantage of her rural upbringing, spending her childhood afternoons riding and herding sheep.

Serena attended school in the lower valley of Montezuma County and in Dolores, where she graduated from high school in 1934. She was an avid reader, scholar and artist, never missing an opportunity to open a book, research historical events, or paint a majestic Colorado landscape. Serena was also a very capable homemaker and loved to arrange holiday get togethers where she would cook for the entire family.

Despite a busy life on the ranch, Serena still found the time to remain active in her community. She spent countless hours serving in many community clubs and organizations, including the Order of Eastern Star, Southwestern Colorado Cowbelles, Daughters of the American Revolution, and the 4–H. It was for these efforts that Serena received many awards throughout her life including, 4–H Leader of the Year, Southwestern Colorado Cowbelle of the Year, and Mancos Days Pioneer Queen.

Mr. Speaker, it is with great respect that I recognize the life and passing of Serena Jane Swenk before this body of Congress and this nation. I extend my sincere condolences to her two sons David and Larry, and her many grandchildren. Serena was one of our state's true pioneers; she lived her life with great enthusiasm, courage and compassion, and was an inspiration to all who knew her.

TRIBUTE TO JOE WARNER

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to pay tribute to the life of a dear, close friend of mine Joe Warner, who tragically passed away in a plane crash shortly after takeoff on July 22, 2002.

Many of our nation's greatest servants silently and humbly transform communities out of the goodness of their hearts, selfless generosity, and a dedication to improving the welfare of loved ones and those whom they have never met. Joe Warner was one of these servants, and he serves as an inspiration to us all.

Joe was born on July 3, 1942 in DeKalb, Illinois to Paul and Doris Walkey Warner. He attended Northern Illinois University and received his NMA from the University of Illinois.

Joe then went on to become President and CEO of Heritage Enterprises, a longterm care corporation, located in Bloomington, Illinois.

The elderly of Illinois have greatly benefited from the leadership and dedication that Joe continuously displayed throughout his life. Whether it was in his capacity as President and CEO of Heritage Enterprises or the President of the Illinois Health Care Association, Joe tirelessly advocated on behalf of Illinois' seniors to ensure they were afforded the highest quality of care.

Not only have Illinois' elderly lost a friend and advocate, but our youth have as well. Prior to his passing, Joe had taken on the role of planner and fundraiser for the $3 Million Challenger Learning Center, which will be an educational site for children to focus on studying math and science.

Joe Warner was involved in scores of organizations and knew the importance of investment in his community. He also knew the importance of investing in his family, and was a great husband and father to his wife, Rose Stadel, and their two children Jeff and Jennifer. The memory of Joe Warner will continue through his numerous contributions to his community. On July 22nd, Illinois lost a respected and admired friend. He will be missed. I ask you, my colleagues, to rise today in salute of the rich legacy Joe Warner has left behind.

TRIBUTE TO FRANK MATTAROCCI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I rise today to pay tribute to Frank Mattarocci of Pueblo, Colorado. Mr. Mattarocci is the proud owner of LaTronica's, an Italian restaurant that remains very popular among locals throughout the Pueblo community for its delicious food and distinctive atmosphere. Today, I would like to recognize the success which Frank and his family have achieved in making LaTronica's an invaluable part of the life and culture of southern Colorado.

LaTronica's has remained in Frank's family for four generations. The restaurant was first opened by Frank's great grandfather, Liberto ''Chief'' LaTronica, in 1943. Despite a few modifications, the restaurant still looks almost exactly the same as when it first opened sixty years ago. Over the years, the restaurant changed hands from one generation to the next, preserving within its walls a rich family legacy that still remains constant today. Since the restaurant opened in 1943, it has largely been a family endeavor. Frank began working in the restaurant at age ten, cleaning glasses for his father behind the bar. Today, Frank has the help of his brother Mark, sister Tari, and cousin Maggie to ensure that the business runs smoothly.

Mr. Speaker, it is with great pride that I recognize Frank Mattarocci before this body of Congress and this nation for his enduring commitment to such a wonderful family restaurant. Small businesses like LaTronica's are the backbone of our economy, and the heart of our neighborhoods. Over the years, LaTronica's has become a living example of history and culture, providing the community of Pueblo with great food, seasoned atmosphere, and many wonderful memories. I wish Frank and the rest of the family at LaTronica's all the best and good luck in all of their future endeavors.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PAUL D. WELLSTONE, SENATOR FROM THE STATE OF MINNESOTA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Ms. LEE. Mr. Speaker, I rise in strong support of the resolution honoring my colleague and friend, Senator Paul Wellstone of Minnesota.

Senator Wellstone was not only a friend of mine, but also he was a special friend of my district, the 9th Congressional District of California. In fact, he had visited my district not long before the tragic accident. People in my community embraced Paul for the same reasons so many across country did.

Paul Wellstone was a progressive champion who truly personified the personal, populist approach to politics. He was an organizer who never lost touch with his grass-roots. In fact, he proved that the support of everyday Americans, not huge sums of corporate cash, could still win elections. He proved that you don't have to compromise your beliefs to be successful. He proved that passion for beliefs earns the respect of even one's biggest opponent.

Paul Wellstone showed no fear and incredible energy in his approach to fighting for our shared progressive agenda. He stood alone as the sole member of the Progressive Caucus in the Senate. He worked tirelessly for the least among us; often against incredible odds. Paul was never afraid to speak up and to fight for his beliefs.

Despite the often-long odds he faced, Senator Wellstone was an extremely effective and accomplished Senator. His work on mental health parity legislation is widely recognized, and I sincerely hope to have the opportunity to vote yes on the Wellstone mental health parity legislation in the very near future. He, along with the help of his wife Sheila, passed several pieces of legislation to prevent domestic violence and to help its victims.

He worked tirelessly to end the scourge of homelessness among our nations' veterans and to ensure those who served this country received the health care they were promised and deserve. As a former educator, he fought for increases in Head Start, higher education funding, and better schools for all children in America, regardless of income. He fought for seniors and to alleviate the absurd cost of prescription medication. In short: he fought for us all.

The people of Minnesota, the United States Congress, the progressive movement, and all Americans were fortunate to have such a strong, effective, tireless, and accomplished leader serving us in the United State Senate. We will miss him dearly.

And though he is no longer with us, we will always remember and thank him for his incredible service. Now we must honor his memory by continuing our collective fight to make his vision of America a reality.

Mr. Speaker, I have attached for the RECORD a copy of remarks I made in introducing Paul Wellstone at an event last year.

REPRESENTATIVE LEE'S INTRODUCTION OF SENATOR WELLSTONE (D–MN) AT 21ST CENTURY DEMOCRATS DINNER WEDNESDAY, MARCH 28, 2001

As we come together tonight to honor some amazing populists with Democrats 2000, now known as 21st Century Democrats, I am extremely proud to introduce one of the greatest progressives in Congress—the phenomenal Paul Wellstone.

As many of you know, after more than 20 years of teaching, Paul Wellstone jumped into the 1990 Minnesota Senate race. He rallied a huge grassroots network of supporters, got a Green Bus to tour the state, and won his election. When you are trying to rally the troops in your state for an election, it's easy when you have an amazing, inspirational, progressive leader like Paul Wellstone. He personifies the personal, populist approach to winning elections. He proves you need the support of everyday Americans, not huge sums of corporate cash, to get elected.

During his tenure in Congress, Senator Wellstone has been a real leader in progressive causes and has held true to his beliefs. He is our one and only Congressional Progressive Caucus member in the Senate. He proves that you don't have to compromise your beliefs to be successful. He proves that your passion for your issues make even your opponents respect you. Senator Wellstone is one of the most effective members of the United States Congress, which is no easy feat these days and he champions issues few members will dare to discuss.

Senator Wellstone has been so active and successful in dealing with so many issues, but let me take a moment just to commend him on a few.

He is a tireless supporter of legislation to ensure mental health parity. He has passed several pieces of legislation with the help of his wife Sheila to prevent domestic violence and to help its victims. His work helping homeless veterans and on veterans' health care has earned him recognition of numerous veterans' organizations. As a former educator, his devotion to education and children's issues has led him to fight for increases in Head Start, higher education funding, and better schools for all children in America, regardless of income. He has partnered with Minnesota seniors to talk about the international disparities in prescription drug pricing and to pass legislation to correct this problem.

And these are just a tiny fraction of his successes. In short, the people of Minnesota, the United States Congress, the progressive movement, and all Americans are so fortunate to have a strong, effective, tireless, accomplished leader serving them in Paul Wellstone.

Senator Wellstone, welcome, and congratulations on this award you are receiving tonight.

A TIME TO RE-THINK CYPRUS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. BURTON of Indiana. Mr. Speaker, on 15 November 2002, Turkish Cypriots are celebrating the 19th Anniversary of the proclamation of the Turkish Republic of Northern Cyprus.

The historic decision by the Turkish Cypriots to declare independence was not a separatist endeavor, but an act of self-defense undertaken 20 years after being forced out of the binational partnership State of 1960 by the Greek Cypriot partner; and having been physically driven from their homes and properties in 103 villages across the island in a campaign of violence and ethnic cleansing that had started in 1963. Terrorized, displaced and disenfranchised, the Turkish Cypriots had no choice but to reorganize themselves in the areas or ''enclaves'' under their control, in a collective act of survival, and to start running their own affairs.

As to what happened afterwards, let us hear it from Mr. Glafcos Clerides, the Greek Cypriot leader, as candidly recounted in his memoirs entitled ''Cyprus: My Deposition.'' (Vol. 111, pp. 236–237):

> In the years that followed a steady, stage-by-stage development is noted in the Turkish administration, with the separation in its legislative, executive and judicial powers. An administrative organization is created, as well as police force and army. The increase of the financial resources of the Turkish Cypriots through economic aid from Turkey permitted the functioning of their administration on a more permanent basis, a fact which they made clear, by renaming their ''Temporary Turkish Cypriot Administration'' to ''Turkish Cypriot Administration.'' Thus there exist today in Cyprus two poles of power on a separate geographical basis; i.e., the Government of the Cyprus Republic, controlling the largest section of the territory of the state and internationally recognized, and the Turkish Cypriot Administration, which controls a very limited area and is not internationally recognized, but has already taken almost all the characteristics of a small state.

This State is now the Turkish Republic of Northern Cyprus, which is a product of the exercise, by the Turkish Cypriot people, of their inalienable right to self-determination on 15 November 1983.

The Turkish Cypriot Independence Declaration contains all the principles and ideals that are universal to mankind, and are very familiar to the American people, such as ''that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness'' and that ''Governments derive their just Powers from the Consent of the governed.'' In this Declaration, the Turkish Cypriots also extended a hand of friendship to the Greek Cypriots and called for the peaceful resolution of all their differences. That hand of peace and friendship remains extended today.

It should be clear from the above brief history that the Turkish Cypriot people never owed any allegiance to the Greek Cypriot administration of Southern Cyprus, which has no legal or moral right to claim to represent anyone other than the Greek Cypriot people. The said administration, under the pretentious title of the ''Government of Cyprus,'' has no jurisdiction to represent or act on behalf of the Turkish Cypriot people, whose sole legitimate representatives are those elected under the Constitution of the Turkish Republic of Northern Cyprus. The fact that the Turkish Cypriot and Greek Cypriot sides are political equals and that neither of the parties can represent the other has been underlined by the UN Secretary-General on 12 September, 2000 as follows:

> I have ascertained that the parties share a common desire to bring about, through negotiations in which each represents its side—and no-one else—as the political equal of the other, a comprehensive settlement enshrining a new partnership . . .

This fact has also been expressed by other foreign dignitaries, such as Ambassador Richard Holbrooke, former U.S. Presidential Special Emissary for Cyprus, who, at a press conference held on 4 May 1998 in Cyprus, stated the following:

> I think it is very clear and no one has disputed that Glafcos Clerides does not represent or have control over the people of Northern Cyprus.

The former Italian Foreign Minister, Mr. Lamberto Dini, expressed the reality of the existence of two independent and sovereign States representing the two peoples of the island in his statement of 26 August 1997, even in clearer terms:

> It has to be recognized that there are two republics in Cyprus, two entities, two governments . . . and therefore, if the European Union does not recognize this basic fact, in conducting negotiations for membership, then you bump into the problem . . . that one of the parties would not accept negotiations, going on with only what, in effect, is the Greek Republic of Cyprus.

The way to the future in Cyprus must be based on this reality, rather than the myth that there is only one government in the island and that this is the Greek Cypriot administration. The Turkish Cypriot side has again demonstrated its good will in regard to a settlement by initiating the face-to-face talks between the two parties which started in December 2001 and are still continuing. However, these talks, already facing great difficulty because of the unilateral and unlawful EU aspirations of the Greek Cypriot side, face even a greater threat by the prospect of a positive decision on this matter by the European Union at its approaching summit in Copenhagen in early December 2002.

It is sincerely hoped that the EU will act in full awareness of the fact that such a decision before a settlement can only perpetuate the division in Cyprus and will refrain from doing so. The decades-long negotiating process in Cyprus should have demonstrated to all concerned that worn-out clich[eacute]s and tried-and-failed formulas have not worked in Cyprus, and a bold new approach is needed. With its democratic system of government, respect for rule of law and human rights, the Turkish Republic of Northern Cyprus deserves to be treated on a par with the Greek Cypriot State in the South. The two States can then come together to forge a common future on the basis of equality and a new partnership, also serving as a bridge of cooperation between Turkey and Greece, two allies the United States, which have direct interests and responsibilities vis-[agrave]-vis Cyprus. This is the way to lasting, peace and reconciliation in the island as well as the eastern Mediterranean region.

Is it not time for all concerned to rethink their approach to the Cyprus issue and bring it in line with the realities on the island?

TRIBUTE TO CHARLES EMERSON BATES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. McINNIS. Mr. Speaker, it is with deep sadness that I recognize the life and passing of Charles Emerson Bates of Pueblo, Colorado. Mr. Bates passed away this October and, as his family mourns his loss, I would like to pay tribute to his life and the wonderful memories that he has left behind.

Charles was born on December 1, 1946 in Granada Hills, California. He graduated from Valparaiso University in 1968, got his Master of Urban Education from Loyola University and received his Master of Arts in Information Science from Dominican University, Chicago in 1973. After finishing his education, Charles held a variety of library and teaching positions in Illinois and Wisconsin, including administrator of the Fond du Lac Public Library, a position that he held until 1976. In 1981, Chuck and his family relocated to Pueblo, where he became the director of the Pueblo City-County Library District, a position he held for 21 years. –

During his tenure as library director, Charles proved to be an outstanding leader and dedicated his time and energy to the improvement of Pueblo's libraries. Under his leadership, the library board passed two mill levy referendums and a $14 million bond issue toward the construction of the new Robert Hoag Rawlings Public Library. In 1997, Charles received the Colorado Library Lifetime Achievement Award in recognition of his tireless efforts toward advancing library facilities throughout the county.

Mr. Speaker, it is with great pride that I recognize the life of Charles Emerson Bates before this body of Congress and this nation. I extend my sincere condolences to his wife Mary, brother Robert, and his sons Chris, Noah, Colin. Charles lived his life with great passion and enthusiasm, contributing greatly to the betterment of the Pueblo community by promoting literacy and education through the expansion of public libraries throughout Southern Colorado. His loss will be deeply felt and the contributions he made will never be forgotten.

HONORING BILL SWENSON

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Bill Swenson for his eight years of dedicated service to the Colorado General Assembly.

Before being elected to the Colorado House of Representatives, Bill Swenson had already established a long and distinguished career in

public service. He was elected to the Longmont City Council in 1977 and served as the City's Mayor from 1981–1985. He also served as the Boulder County Republican Chairman from 1993–1994.

I had the good fortune to serve with Bill in the Colorado State House. I found him to be an affable, effective policy maker willing to reach across policy lines to act in the best interest of Colorado. Most important of all, Bill had a reputation for basing his votes on principle, and not on party or politics. At a time when voters seem to feel increasingly disenfranchised by what they view as partisan dogmatism, Bill Swenson represents public service that transcends partisanship.

He is a recognized leader on transportation and served as the Chairman of the Transportation and Energy Committee. His values of practicality and fiscal responsibility helped shape the tone for the entire transportation debate. In addition, he has worked to find common sense ways to encourage investment in renewable energy resources and enhance the diversification of energy resources in Colorado. These efforts may not result in colorful political sound-bites, but they will inevitably lead to a stronger economy and future generations of Coloradans will took back on Bill's service with gratitude.

I am proud to have served with Bill Swenson and proud to call him my friend. I ask my colleagues to join with me in honoring him for his exceptional service, I thank him for his good work, and I wish him continued good health and success in the future.

CELEBRATING 25 YEARS OF SERVICE BY REVEREND D. MICHAEL TOBY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. EDWARDS. Mr. Speaker, on Sunday, October 27th, the congregation and community of Woodway, Texas honored Reverend D. Michael Toby for twenty-five years of dedicated service as Pastor of the First Baptist Church of Woodway.

Reverend Toby graduated from the Southwestern Baptist Theological Seminary in 1974, where he won the H.C. Brown Jr. Award as the seminary's outstanding preaching student. On October 30, 1977, Reverend Toby joined the First Baptist Church of Woodway. Under his ministry, the church membership has grown to nearly four thousand people, requiring a new campus and larger facilities in 1990.

Under Reverend Toby's leadership, education programs in the church have been greatly expanded, winning First Baptist Woodway the ''Fastest Growing Sunday School Award'' three times between 1996 and 2000. Ministries within the church have been enriched with the addition of youth and adult discipleship groups, outreach efforts, prayer warrior and prayer room ministries, ministries for seniors, singles and college students, a church school, Bible Drill, Awana, Mother's Day Out, Young Women's Fellowship, Angel Tree, all age choirs and a Vacation Bible school that serves over 850 children each summer.

Reverend Toby has led his church in mission efforts both at home and abroad. In 1988, the First Baptist Midway became a Key Church in the Mission Texas campaign, supporting the creation of churches like Brazos Meadows and West Robinson Baptist Church in Waco. Reverend Toby additionally encouraged members to lead mission trips to Russia, China, Africa, Mexico, the Philippines, Morocco, Turkey and other countries. Because of the financial commitment to these and other ministries, the church has been honored as one of the top 100 churches in the Baptist General Convention of Texas in Cooperative Program giving.

During his ministry, Reverend Toby continued his education and his role in public service. Presently, he is a candidate for the Doctorate of Ministry degree from the Golden Gate Baptist Seminary. He has served on the executive board of the Baptist General Convention of Texas, and its human welfare board and public relations advisory committee. Within the community, Reverend Toby has served on the boards of Central Texas Good Will Industries and Special Wish, as president of the Rotary Service Club of Waco and as moderator and executive board member of the Waco Baptist Association.

I ask all of my colleagues to join me in honoring and celebrating the leadership and commitment of Reverend D. Michael Toby, and congratulating Reverend Toby and his wife Jackie on 25 years of dedication to the spiritual life and health of the community of Woodway and to Central Texas.

IN RECOGNITION OF THE 23RD STREET ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to The 23rd Street Association on the occasion of their Annual Award Luncheon. This year, the 23rd Street Association is honoring North Fork Bank and Carolyn Drexel for their outstanding community involvement. In addition, the owners and management of the Flatiron building are being recognized on this, the building's centennial anniversary, for their dedication to the buildings restoration and modernization.

Ranked number one by the leading industry publication U.S. Banker in their annual survey, North Fork Bancorp is considered one of the nation's top bank and thrift companies. North Fork was also ranked fourth among the top 100 banking companies that include all types of financial services companies. Organized in 1980, today, the total assets of the Bank are approximately $19 billion with over 165 branch locations that provide a wide range of personal and commercial banking services throughout New York.

Carolyn Drexel joined North Fork Bank as part of a new Management Training Program in 1979. After landing a position in the Speonk office as the Assistant Branch Manager, she continued to advance her career, and in 1993 became a Senior Vice President in charge of the Branch Network. In April 1997, Ms. Drexel's professionalism and skill led her to take on the responsibilities of managing the entire Retail Division which includes the Branch Network, Marketing, Sales, Retail Operations and the Cash Management Department. Ms. Drexel was promoted to Executive Vice President in January of 1998. As Vice President, she leads more than 2,300 employees of the Bank with 168 branches located from Eastern Long Island to Upstate New York. Ms. Drexel has also been a tenacious community activist, and has volunteered her time at various organizations including the Epilepsy Foundation, Salvation Army, Suffolk County Special Olympics, Yeshiva of South Shore. Most recently, Ms. Drexel was appointed to the Board of Directors of Safe Horizon.

The legendary three-sided structure at the intersection of Broadway, Fifth Avenue and 23rd Street, The Flatiron Building, is one of New York's oldest surviving skyscrapers. Opened in 1902, the building's unique architecture in the form of a geometrically perfect, straight-edged right triangle, separates it from the New York City streetscape. Now, thanks to a recent refurbishment under new owners and last year's $5 million reconstruction of the six-acre oasis of Madison Square Park, the building continues to be the flagship of the reborn Flatiron district.

I would also like to commend the 23rd Street Association in their mission of enhancing the quality of life for families and businesses in the area bounded by the Hudson and East Rivers from 17th to 28th Street. Incorporated in 1929 by 22 local business people, today's 23rd Street Association has approximately 300 members. Their efforts have included conducting business-training programs in local junior high schools, mobilizing the community to bring about a $2.5 million renovation of Madison Square Park, working with the local police to combat drug dealing and other crime, and developing annual summertime concert programming and children's entertainment in the community.

The Association is fortunate to represent individuals and organizations that are so committed to the advancement of their community. In recognition of the invaluable contributions and the selfless efforts of tonight's honorees, I ask that my colleagues join me in saluting the 23rd Street Association on their annual award luncheon.

TRIBUTE TO THE CHURCH OF THE BLESSED SACRAMENT

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the Church of the Blessed Sacrament, a treasured Bronx institution and a historic house of worship that celebrated its seventy-fifth anniversary on November 1, 2002 at a dinner-dance and will commemorate the event at an anniversary Mass on November 24th.

Mr. Speaker, the Church of the Blessed Sacrament was established in July of 1927 per a request by Patrick Cardinal Hayes, Third Cardinal of New York. Cardinal Hayes asked Father Edward A. Loehr to establish a new Parish of Blessed Sacrament to serve South Bronx residents. More than seventy years later, Blessed Sacrament Parish is still thriving and serving a devoted congregation.

Throughout its 75 years of existence, Blessed Sacrament Parish has been a model of excellence as a house of God, with open doors to everyone. Not only are Bronx residents able to come to Blessed Sacrament Parish for spiritual enrichment and fellowship, they can come to the church for assistance with life's daily trials.

Mr. Speaker, many of the structures that make up Blessed Sacrament Parish are historical landmarks, rich with history. The Parish is in the progress of restoring these valuable structures so as to preserve the spirit from which the church was founded.

For nearly a century, hundreds of thousands of Bronx residents have found solace and aid within the walls of Blessed Sacrament Parish. I hope that all of my esteemed colleagues will join me in honoring this sacred and historic institution on this notable anniversary.

CONGRATULATING P–R FARMS AS AGRICULTURE BUSINESS OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate P–R Farms of Clovis, California, for receiving the 2002 Baker, Peterson, and Franklin Agriculture Business of the Year Award at the Greater Fresno Area Chamber of Commerce Awards Luncheon in Fresno, California on November 13, 2002. This annual award is given to an agricultural organization whose achievements and impact have significantly contributed to the industry and the local community.

Vincenzo Bicchiuti, father of the founder of P–R Farms, arrived in America as an immigrant in 1914 and planted the seeds of a small family business in grapes and figs. Benefiting from his father's wisdom, Pat Ricchiuti learned that diversification would be the key to long-term success. Pat and his wife, Frances, began to plant plums and cotton which was the beginning of their farm's expansion. The goal for the newly-founded P–R Farms was growth while maintaining quality at every juncture.

Today, the philosophy and dedication of father and son is continued by grandson, Patrick Ricchiuti. Known worldwide for premium quality and excellence, P–R Farms' products are locally grown, packed, and shipped from their production facility in Clovis, California. P–R Farms has been an innovator in agriculture, developing many new techniques in Ag production, shipping, storage, and marketing.

The Ricchiuti family has been active in leading California State University, Fresno's Ag One Foundation, College of Agricultural Sciences, and Technology, Alumni Association, and Bulldog Foundation. They developed fundraising programs for Clovis schools, and have served on the governing board of the Clovis School District. In addition to agriculture and education, the Ricchiutis have been very involved in local healthcare serving on boards and councils for both Central California Children's Hospital and Clovis Community Hospital.

Mr. Speaker, I rise today to congratulate P–R Farms for earning the 2002 Baker, Peterson, and Franklin Agriculture Business of the Year Award. I urge my colleagues to join me in wishing P–R Farms many years of continued success.

A PROCLAMATION HONORING MR. AND MRS. ANNMARIE AND KEVIN O'GRADY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. NEY. Mr. Speaker, whereas, Annmarie and Kevin are celebrating their marriage today, October 19, 2002; and

Whereas, Annemarie and Kevin have a deep and abiding love for one another; and

Whereas, Annemarie and Kevin have demonstrated a firm, loving commitment to each other; and

Whereas, Annemarie and Kevin will share a life together of generosity, joy, accomplishment and fulfillment;

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Mr. and Mrs. O'Grady as they begin their marriage.

TRIBUTE TO DONALD AND FLORINE MEINHART

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. McINNIS. Mr. Speaker, it is with great admiration that I rise to pay tribute to Donald and Florine Meinhart of Glade Park, Colorado. Today, I would like to highlight the Meinharts for the wonderful contribution they have made toward protecting Colorado's most treasured natural resource: our environment.

The Meinhart Ranch is located in an area that is highly regarded for its ecological importance. By recently agreeing to an easement, Donald and Florine have promised to restrict development on their ranch, which will help protect the natural habitat of an area that is home to many of Colorado's wildlife species, including the Gunnison Sage Grouse, elk, and mule deer. The Gunnison Sage Grouse has become so rare in recent years that the US Fish and Wildlife Service has considered placing the animal on the endangered species list. By agreeing to an easement on their ranch, Donald and Florine are helping to guard the sage grouse's natural habitat and ensure the protection of the species.

The Meinhart Ranch also provides a popular migration corridor for elk and mule deer. The ranch is surrounded by national forests and provides an avenue for the animals to move between their summer and winter grazing areas. The easement will benefit these species as well because it provides them with an open place to move, protected from encroaching homes and motor vehicles.

Mr. Speaker, it with great respect that I recognize Donald and Florine Meinhart before this body of Congress and this nation for the generous and responsible management of their property. Donald and Florine have agreed to protect their property from future development and ensure that their land remains free and open. I commend them both on their decision and wish the Meinhart ranch a rich and happy future.

TRIBUTE TO DR. DONALD A. HOLT

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to honor Dr. Donald A. Holt, a highly respected citizen of Champaign, Illinois, who is retiring from his position as Senior Associate Dean of the College of Agricultural, Consumer, and Environmental Sciences at the University of Illinois at Urbana-Champaign. Dr. Holt's positive influence in biotechnology, systems modeling, computers in agriculture, organization of agricultural research, and development of funding strategies, continues to be strongly felt on the University of Illinois campus, as well as throughout the state of Illinois and the nation.

As a student in the University of Illinois Department of Agronomy in the 1950's, as a manager of his family farm near Minooka, Illinois, from 1956 to 1964, and as a cuttingedge researcher and teacher at Purdue University from 1964 to 1982, Don Holt honed his skills to serve science and society as an enlightened, visionary leader of agricultural research in Illinois.

In his pioneering research and teaching activities at Purdue, Dr. Holt built his programs with a ''systems perspective'' that he began developing while operating his family farm in northern Illinois. There he developed a comprehensive research program in forage physiology and management that contributed to increasing crop production. Dr. Holt also pioneered the use of anhydrous ammonia and organic acids as hay preservatives. He was an early implementer of computer modeling and used it to develop and commercialize software for crop yield forecasting.

When Dr. Holt returned to the University of Illinois in 1982, he quickly began to leave his imprint on the college's research and teaching systems by improving the college's resource base and infrastructure and building a partnership between the college and its stakeholders in the food and agricultural sectors throughout the state.

Since his return to the University of Illinois, Dr. Holt has made great contributions to enhancing Illinois' food and agriculture sectors. His leadership in the college as a department head, associate dean, director of the Illinois Agriculture Experiment Station, and senior associate dean is unparalleled.

Dr. Holt led the effort to mold the college into a leader in biotechnology research by securing funding for the Center of Excellence in Crop Molecular Genetics and Genetic Engineering and for the Edward R. Madigan Laboratory. He also led the effort to improve the state and national investment in value-added research for Illinois producers. This led the remodeling of the Agricultural Bioprocess Laboratory and the establishment of the National Soybean Research Center.

Dr. Holt laid much of the groundwork to redesign public agricultural research in Illinois through landmark legislation called the Illinois

Food and Agricultural Research Act of 1995 leading to the creation and funding of the Illinois Council for Food and Agricultural Research (C–FAR). He subsequently promoted public involvement in research priority setting through C–FAR representation, a move that attracted national attention as a model for re-energizing land-grant universities and empowering their constituents.

Dr. Holt's past contributions to Illinois and U.S. Agriculture have brought about a firestorm of progressive change. With his unique but clear vision of the future, he is able to see the changing nature of agriculture beyond the horizon and can anticipate how educational and research institutions can best prepare to meet the needs of individuals who will conduct business in the changing environment.

Mr. Speaker, Dr. Donald A. Holt has had a long and distinguished career that will have an impact on agriculture far into the future. I ask my colleagues to join me in honoring this distinguished gentleman for all he has done for agriculture and for the country.

A TRIBUTE TO LIEUTENANT GENERAL RUSSELL C. DAVIS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Ms. LEE. Mr. Speaker, I rise to recognize Lieutenant General Russell C. Davis, who is retiring from the National Guard after forty-four years of exemplary service, as a member of the US Air Force and National Guard of the United States.

General Davis has had a distinguished career of service to our nation's defense. He began his military career in the US Air Force in 1958 as an aviation cadet. While on active duty, he served as a B–47 strategic bombardment pilot at Lincoln Air Force Base, Nebraska. He then joined the Iowa Air National Guard, where he transitioned to fighter pilot, and served in numerous command and staff positions, from squadron pilot to Director of Operations. He commanded the 113th Tactical Fighter Wing prior to being appointed the Commanding General of the District of Columbia National Guard.

General Davis is retiring from his current position as Chief, National Guard Bureau (NGB). The President appointed him Chief, NGB, in 1998. As Chief, NGB, he served as the senior uniformed National Guard officer responsible for formulating, developing and coordinating all policies, programs and plans affecting more than half million Army and Air National Guard personnel. As Chief, NGB, General Davis has served as the Army and Air Forces' official channel of communication with the governors and the Adjutants General of the states, commonwealths, territories and the District of Columbia.

General Davis epitomizes the citizen-soldier. His career has reflected his unswerving integrity and high moral principles. He retires with over four thousand seven hundred flying hours in bomber and fighter aircraft. His numerous awards and decorations serve as a testament to his dedication, commitment, contributions, and sacrifice.

It is our hope that you will join us as we salute Lieutenant General Russell C. Davis on the occasion of his retirement from the National Guard and wish him continued high flight.

ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY—NECO CHAIRMAN WILLIAM DENIS FUGAZY LEADS DRAMATIC CEREMONY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. BURTON of Indiana. Mr. Speaker, On behalf of Ellis Island Medals of Honor Ceremonies, I am submitting the following statement for the RECORD.

Standing on the hallowed grounds of Ellis Island—the portal through which 17 million immigrants entered the United States—a cast of ethnic Americans who have made significant contributions to the life of this nation were presented with the coveted Ellis Island Medal of Honor at an emotionally uplifting ceremony. This year's event was dedicated to the memory of those individuals whose lives were lost on September 11, 2001.

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. Representing a rainbow of ethnic origins, this year's recipients received their awards in the shadow of the historic Great Hall, where the first footsteps were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century. ''Today we honor great ethnic Americans who, through their achievements and contributions, and in the spirit of their ethnic origins, have enriched this country and have become role models for future generations,'' said NECO Chairman William Denis Fugazy. ''In addition, we honor the immigrant experience—those who passed through this Great Hall decades ago, and the new immigrants who arrive on American soil seeking opportunity.''

Mr. Fugazy added, ''it doesn't matter how you got here or if you already were here. Ellis Island is a symbol of the freedom, diversity and opportunity ingredients inherent in the fabric of this nation. Although many recipients have no familial ties to Ellis Island, their ancestors share similar histories of struggle and hope for a better life here.''

Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, approximately 1500 American citizens have received medals.

NECO is the largest organization of its kind in the U.S. serving as an umbrella group for over 250 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred and bigotry. NECO has a new goal in its humanitarian mission: saving the lives of children with life-threatening medical conditions. NECO has founded The Forum's Children Foundation, which brings children from developing nations needing life-saving surgery to the United States for treatment.

Ellis Island Medals of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the Board Directors.

Past Ellis Island Medals of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders and business executives, such as William Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Norman Schwarzkopf, Barbara Walters, Terry Anderson, Dr. Michael DeBakey, Senator John McCain, Rudy Giuliani and Attorney General Janet Reno.

Congratulations to the 2002 Ellis Island Medals of Honor Recipients:

Abel Abrahamsen, Chairman Emeritus/Co-Founder, Norwegian Immigration Assoc., Norwegian; William Achenbaum, President, S/A Associates, Russian; Elias S. Adamopoulos, M.D., President, Piraeus Realty Corp., Hellenic; Hector Alcalde, Chairman & CEO, Alcalde & Fay, Spanish; Kurt Aschermann, Sr. Vice President, Boys & Girls Clubs of America, German/Austrian/Italian; Lawrence Auriana, Chairman, Federated Kaufman Fund, Italian; Kenneth E. Behring, CEO & Founder, Wheelchair Foundation, German; Hon. Cornelius Blackshear, Judge, U.S. Bankruptcy Court, African; Barbara Blair, CEO, Cyberstaff, Russian; Michael J. Brescia, M.D., Sr. V.P. & Exec. Med. Dir., Calvary Hospital, Italian; Lt. Gen. Bryan D. Brown, Commanding General, US Army Special Operations Command, Irish; Jeanette Grasselli Brown, Chair, Ohio Board of Regents, Hungarian; Maurice A. Buckley, President & CEO, Irish Chamber of Commerce in the USA, English/Irish; Preston C. Caruthers, General Partner, Carfam II Associates, L.P., Scottish/English; Steven W. Casteel, Assist. Admin. For Intelligence, US Dept of Justice, Dutch; Peter Castellana, Jr., President & CEO, Western Beef, Inc., Irish/Italian; Joseph R. Cerrell, Chairman & CEO, Cerrell Associates, Inc., Italian/French; Stephen Cherpelis, CEO, Stephen Cherpelis Enterprises, Inc., Hellenic; Hon. Michael Chertoff, Assistant Attorney General, U.S. Department of Justice, Criminal Division, Russian/Polish; Stanley M. Chesley, Attorney, Waite, Schneider, Bayless & Chesley Co., Ukrainian; Michael V. Ciresi, Partner & Chairman, Robins, Kaplan, Miller & Ciresi L.L.P., Italian; Anthony S. Colavita, Esq., Attorney and Councilman, Italian/Irish; William J. Collis, M.D., Founder & Ophthalmic Surgeon, Kentucky Eye Institute, Hellenic; Martin E. Cooperman, Managing Partner, Grant Thornton, Russian/Polish; Salvatore J. Cumella, M.D., Executive Producer/President ''Women to Women'' Radio Show, Cumella Professional Services Inc., Italian; John C. Cushman III, Chairman, Cushman & Wakefield, Inc., English/Dutch.

Lucia Grieco Danzi, 100 years old, Italian; Oscar Davis, Chairman, Hayward Industries, Inc., Hungarian; Gen. Raymond G. Davis, USMC, United States Marine Corps, Scottish/German; Joseph J. DePaolo, President & CEO, Signature Bank, Italian; Thomas B. Doolan, President & CEO, TBD & Associates Inc., Irish; Harry A. Dorian Esq., Armenian; Thomas C. Eakin, President, Ohio Baseball Hall of Fame, Scottish/Irish/English; Marvin E. Eisenstadt, President, Cumberland Packing Corp., Russian; Terrence A. Elkes, Principal, Apollo Partners LLC, Russian/Polish; Eugene C. Enlow, Chairman & CEO, Atlantic Detroit Diesel-Allison, German; Joseph Anthony Esposito, President & CEO, eResearch Technology, Italian; John H. Eyler, Jr., Chairman & CEO, Toys 'R' Us, Inc., English/German/Irish; John Joseph Fareri, President, Fareri Associates, L.P., Italian; George N. Faris, Chairman & CEO, American International, Petroleum Corporation, Lebanese; John P. Ferguson, President & CEO, Hackensack University Medical Center, Irish/Italian, Scottish; John Fitzpatrick, CEO,

Fitzpatrick Hotel Group N.A., Irish; Dewey Fong, Deputy Chief, New York City Police Department, Chinese; Hon. Vito J. Fossella, Member of Congress, U.S. House of Representatives, Italian/Irish; Daniel Frasca, Executive Director of Finance & Administration, New York State United Teachers, Italian; Louis J. Freeh, Sr. Vice Chairman, MBNA, America, Italian/Irish/German; Clifford H. Friedman, Senior Managing Director, Constellation Ventures, Russian.

Andre P. Gambucci, Consultant to the President, The Acordia Cos Wells Fargo, Italian; Joe Garagiola, Former Baseball Player, TV Announcer, Joe G. Enterprises, Italian; Michael Gewitz, M.D., Professor & Director. Dept. of Pediatrics, Children's Hospital At Westchester Med. Center, Russian/Austrian/Slovakian; George Gialamas, President & CEO, Gialamas Company, Hellenic; Matthew Goldstein, Chancellor, CUNY, Romanian/Polish/Austrian; John B. Goodman, Chairman, The Goodman Group, Russian/Romanian/Lithuanian; C. Flemming Heilmann, Principal, Banyan Projects, Danish; Werner F. Hiller, Founder & President, The Hiller Family Foundation, German; John H. Hong, President, Hanmi Realty, Korean; Myung Mike Hong, Chairman & CEO, Dura Coat Products, Inc., South Korean; Professor James Jacobson, Associate Professor of Education, Saint Peter's College, Finnish; Eugenia Janke, Chairman, Tolstoy Foundation, Russian; Kaija R. Kalervo, President, American Finnish Community Club, Inc., Finnish; Professor Andrew G. Kampiziones, Professor of Philosophy, Francis Marion State University, Hellenic; Hon. Marcy Kaptur, Member of Congress-9th District U.S. House of Representatives, Polish; James G. Kennedy, President, James G. Kennedy & Co., Inc., Irish/French; Joseph Kisup Kim, President, Kim's Jewelers, Korean; William C. Korner, President & CEO, Prinexus, Scottish/English; Gust C. Kraras, President & CEO, KCK & GCM, Inc., Hellenic; Kent Kresa, Chairman & CEO, Northrop Grumman Corp., German; Robert I. Kuperman, Chairman & CEO, DDB/New York, Russian.

Joseph R. Lagana, President & CEO, United States Information Systems, Inc., Italian; Joseph J. Lagano, President & Founder, J. Lagano Family Foundation, Italian; Louis E. Lataif, Dean—School of Management, Boston University, Lebanese; Br. Robert E. Lavelle, C.S.C, Headmaster, Gilmore Academy, Irish; Josephine LeBeau, Executive Director Vice President, AFSCME International, French/Creole; Professor Heo-Peh Lee, President & CEO, Shie-Jie Enterprises Group, Chinese; Joe (McCoy) Lenti, Vice President/Program Director, WCBS–FM Radio, Italian; Mark M. Lii, President, Ten Ren Tea & Ginseng Co., Inc., Chinese; Dr. Johnny M.J. Lu, President, Lucoral Co., Inc., Chinese; William Lucy, International Secretary-Treasurer, AFSCME, African; Martin J. Maddaloni, General President, United Association of Plumbers & Pipefitters, Italian; Farah B. Majidzadeh, CEO & Chairperson, Resource International, Inc., Iranian; Lt. Gen. Dan K. McNeill, Commanding General United States Army, XVIII Airborne Corps & Ft. Bragg, Scottish; Frank Meehan, International Vice President & President, UFCW—Local 1500, Irish; John R. Miller, Vice Chairman, KPMG, Welsh/English; Matthew Mirones, Assemblyman, Hellenic; Alfred T. Mockett, Chairman & CEO, AMS, English; Ralph Salvatore Mosca, M.D., Director of Pediatric Cardiac Surgery, Children's Hospital of New York, Italian/Irish/German; John P. Moses, Esq., Moses and Gelso, Lebanese; Murlan J. Murphy, Jr., Principal, JTM Company, Irish; Mike Mehmet Mustafoglu, Chairman & CEO, Transglobal Financial Corporation, Turkish; A. Maurice Myers, Chairman, President & CEO, Waste Management, Danish/Austrian.

Nicholas Andrew Natsios, Retired-Senior C.I.A. Official, Central Intelligence Agency, Hellenic; ADM. Robert J. Natter, USN, Commander-in-Chief, U.S. Atlantic Fleet, Austrian/Scottish/Irish; Albert G. Nickel, President, Chairman & CEO, Lyons Lavey Nickel Swift, German; Louis Nicozisis, President, NICO Properties Group, Hellenic; Hon. Lyndon L. Olson, Jr., Senior Advisor, Citigroup, Swedish; Harry C. Orbelian, Conductor & Musical Director, Moscow Chamber Orchestra, Armenian/Ukrainian; Vasilia (Bess) Pappas, Director Hellenic Cardiac Fund for Children, Children's Hospital Boston, Hellenic; Michael F. Parlamis, President & CEO, Frank Parlamis Inc., Hellenic; Santo Petrocelli, CEO, Petrocelli Electric Company, Inc., Italian; John George Poles, Senior Partner, Poles, Tublin, Patestides & Stratakis LLP, Hellenic; Albert T. Primo, President & CEO, Eyewitness News Service, Inc., Italian; Hon. A. Gail Prudenti, Presiding Justice, State of New York, Italian/German; Anthony R. Pustorino, Professor Emeritus, Pace University, Italian; Robert C. Radice, Chairman & CEO (retired), Radice Corporation, Italian; John C. Rakkou, President & CEO, Interbank of New York, Hellenic; George Randazzo, Founder and Chairman of the Board, National Italian American Sports Hall of Fame, Italian; Hon. Edward D. Re, Chief Judge Emeritus, US Court of International Trade, Italian; Dr. Arthur Lachlan Reed, Lachlan International, Scottish; Mona Romain, Assistant Treasurer, United Federation of Teachers, West Indian; Michael L. Royce, Acting President, Pennsylvania Station Redevelopment Corp., Polish/Russian;

Charles J. Santelli, Director of Policy & Program Development, New York State United Teachers, Italian; Chief Michael Scagnelli, Chief of Transportation, N.Y.P.D., Italian; Hon. Chris Victor Semos, Former Governmental Consultant, Hellenic; Phillip J. Shapiro, President & CEO, Liberty Maritime Corp., Russian/Polish; Rhona Hope Silver, CEO, Rhona Silver's Huntington Townhouse, Russian/Polish; James L. Singleton, President, The Cypress Group LLC, Irish/Portuguese; Hon. Dean G. Skelos, Senator, New York State Senate Deputy Majority Leader, Hellenic; Edward D. Soma, M.D., Lebanese; Hon. Michael Sotirhos, US Ambassador (Retired), Hellenic; George W. Souvall, President, Leisure Management Corporation, Hellenic; Dean A. Spanos, President, San Diego Chargers, Hellenic; Daniel J. ''Rusty'' Staub, Chairman, NYP & Firefighters' Widow & Childrens Benefit Fund, German/Irish; Hon. Joseph A. Suozzi, Senior Partner, Meyer, Suozzi, English & Klein, P.C., Italian; Laurence M. Traub, President, Intermetal Corporation, Russian/Lithuanian/Byelorussia; Savey Tufenkian, Executive Vice President (Retired), Western Waste Industries, Armenian; Rajendra B. Vattikuti, Founder & Co-Chairman, Covansys, Asian Indian; Antonio ''Nino'' Vendome, CEO, Vendome Group, Italian; Hon. James T. Walsh, Member of Congress N.Y. 25, Irish; David Walters, Former Governor of Oklahoma/President, Walters Power International, German/French/Swiss; Dr. Ruth Westheimer, Professor/Author/Therapist, German; Major General George N. Williams, Commander, 21st U.S. Air Force, Hellenic; George C. Zoley, Vice Chairman & CEO, Wackenhut Corrections Corporation, Hellenic.

PAYING TRIBUTE TO ERIC AUTOBEE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. McINNIS. Mr. Speaker, it is with deep sadness that I recognize the life and passing of Corrections Officer Eric Autobee of Pueblo, Colorado. Eric lost his life in October and, as his family mourns his loss, I would like to pay tribute to his life and the wonderful memories he has left behind.

Eric attended Pueblo County High School and went on to graduate from Pueblo Community College in 2000. It was his life's ambition to pursue a career in law enforcement, a goal that became a reality when he was hired as a corrections officer the by Colorado Department of Corrections in 2001. Tragically, Eric lost his life while on duty at the Limon Correctional facility in October.

Throughout his 23 years, Eric lived his life with a genuine happiness and compassion for those who had the privilege to know him. Eric displayed a distinct fondness for the outdoors and was an avid sportsman who loved the land and enjoyed the vast Colorado mountains. He lived his life with honor and integrity, and always displayed genuine respect and courtesy to his fellow citizens and the inmates that he protected.

As a former law enforcement officer, I am well aware of the dangers and hazards our police officers face today. These individuals work long hours, weekends, and holidays to gurantee the safety of their fellow citizens. They work tirelessly with great sacrifice to their personal and family lives to ensure our freedoms remain strong in our homes and communities. Their service and dedication deserves our recognition and thanks, and that is why I pay tribute to the life and service of officer Eric Autobee here today.

Mr. Speaker, it is with heartfelt respect that I stand today to recognize Eric Autobee before this body of Congress and this nation. I extend my sincere condolences to his parents, Bob and Lola, grandparents, Benito and Grace, brother Scott, sister Bernadette and girlfriend Michelle. Eric lived his life with honor and served the community of Pueblo with distinction. His loss will be deeply felt, and a grateful nation will be forever in his debt.

HONORING DAPHNE JEFFERSON

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Daphne Jefferson for her dedication and diligence in my office over the past year.

An employee of the Federal Aviation Administration, Daphne was selected for a legislative fellowship under the auspices of the Brookings Institution, and I have had the benefit of her assignment to my office.

In 1996 Daphne started at the FAA as a Supervisory Air Traffic Control Specialist in Miami, Florida. Her career with the FAA has lasted more than fifteen years. During that

time she has worked as Associate Program Manager for Requirements in Washington, DC, an Air Traffic Manager in Dayton, OH and most recently served as a Branch Manager for FAA in Washington, DC. Before joining the FAA Daphne was the assistant to the Vice President at a small minority owned bank and also was responsible for managing the student loan profile.

Daphne was born in Chicago, IL, but grew up in Jacksonville, FL and thinks of Florida as her home. She recently received her Masters in Public Administration in the Key Executive Program from the American University, and was awarded her Bachelor of Science from Embry-Riddle Aeronautical University in Miami, FL.

While working in my office Daphne has been primarily responsible for covering transportation, federal employment, and banking and housing issues. Her analysis of issues is always thorough and professional. Daphne's years of experience at the FAA have provided invaluable insight regarding the real-world effect of transportation legislation. Her understanding of transportation has been especially important and helpful this year, as the Congress and Administration have been working to make air transportation more secure in the wake of the terrorist attacks.

From her first day, Daphne exhibited a friendly demeanor and professional attitude. In her short time in my office she has made an inestimable contribution to the Udall team. She is appreciated and respected by the entire office as a highly professional and dependable colleague and friend. Daphne has been a great asset to my office and I am sorry to see her move on. However, I am confident that she will continue to contribute immensely to our nation as she continues her career.

TRIBUTE TO AIDA ROSA

HON. JOS[Eacute] E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to a great educational activist and humanitarian. Ms. Aida Rosa, an innovative educator and leader is retiring as principal of Public School 30 in the South Bronx after many years of leadership and service.

Born in Rio Piedras, Puerto Rico, Ms. Rosa came to New York in 1949 as a young child. She attended New York City public schools and went on to earn advanced degrees from New York City universities. She is a dissertation away from earning a PhD from the esteemed Fordham University. Ms. Rosa began her career as an advocate for education and young people early in life and has never taken a break. Her tenacity and passion have not ebbed in all these years and many would argue that they have only grown more intense.

Mr. Speaker, Ms. Rosa strongly believes in community coalitions, in which various actors in the community pool their resources so that endeavors are multilateral and more effective. She has always emphasized the importance of parents, educators, the community, and the students themselves working together to ensure that young people receive quality education and attain their goals.

As the principal of P.S. 30, Ms. Rosa secured numerous services to assist her students, their families, and the nearby community. She accessed national and local organizations to address the needs of her students and staff. As an innovator, Ms. Rosa understands the need for smaller learning communities and restructured P.S. 30 into a number of small academies within one school. These smaller communities allow for individual attention to students as well as time for teachers to develop and implement more effective teaching methods. Teachers from P.S. 30 describe Ms. Rosa as a nurturing and strong leader. Her faith in her teachers allows them to perform at their highest capacity and to grow as educators.

Mr. Speaker, beyond running a huge public elementary school at a high-performing level and serving on a number of community planning boards, Ms. Rosa was a loving wife for many years and a mother and grandmother. She has also been a devoted friend to many.

It is rare to encounter people with as much genuine compassion and leadership acumen as Ms. Aida Rosa, and I am grateful to have had her as a school leader in my district and as a comrade for so many years. I ask my colleagues to join me in wishing her rest and relaxation upon her retirement from an exceptional career.

RECOGNIZING DAVE L. McDONALD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today in recognition of Dave McDonald upon his receipt of Central Valley Muscular Dystrophy Association's ''Humanitarian of the Year'' award in Fresno, California on November 7, 2002. Mr. McDonald is being recognized for his leadership, humanitarian efforts, and dedication to the community.

Mr. McDonald is the President and CEO of PELCO, the world's largest producer of video security systems, as well as Central California's largest manufacturing employer. PELCO produces 3,500 different products which are sold through 5,000 authorized dealers in the United States and abroad. Since its beginning, the company has gown thirty-fold under Mr. McDonald's supervision.

Following the disastrous events of September 11, 2001, Mr. McDonald and PELCO assisted the NYPD in its recovery efforts at the World Trade Center site by donating specialized camera equipment and personnel. Additionally, the company's warehouse in Orangeburg, New York was converted into a distribution center for relief supplies. In November of 2001, PELCO created the California Memorial in Clovis as a permanent tribute to the victims and fallen heroes from September 11. The memorial contains hundreds of items donated by the city of New York in remembrance of the events of September 11.

In March of 2002, Mr. McDonald was honored by the New York City Fire Department as the Grand Marshall for the St. Patrick's Day Parade. In May of 2002, Mr. McDonald also received the Excellence in Business Award for the Fresno Hall of Fame in recognition of his dedication to local businesses and his community.

Mr. Speaker, I want to congratulate Dave McDonald for his contributions to the many people in need, not only locally but nationally as well. I urge my colleagues to Join me in wishing Dave McDonald many more years of continued success.

A PROCLAMATION HONORING MR. AND MRS. FELLABAUM ON THEIR 50TH WEDDING ANNIVERSARY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. NEY. Mr. Speaker, whereas, Eddie and Betty Fellabaum were united in marriage November 16, 1952, and are celebrating their 50th anniversary this year; and

Whereas, Eddie and Betty have demonstrated a firm commitment to each other; and

Whereas, Eddie and Betty must be commended for their loyalty and dedication to their family; and

Whereas, Eddie and Betty have proven, by their example, to be a model for all married couples.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Eddie and Betty Fellabaum as they celebrate their 50th Wedding Anniversary.

TRIBUTE TO CENTENNIAL JUNIOR HIGH SCHOOL NINTH GRADE CLASS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. McINNIS. Mr. Speaker, it is with sincere enthusiasm that I recognize the ninth grade class of Centennial Junior High School in Montrose, Colorado. The ninth grade class is currently producing a documentary video to help educate homeowners on ways to protect their homes from forest fires. Today, I would like to recognize the ninth grade class for the outstanding service they are providing to the State of Colorado and all those in danger of forest fires.

In June of last year, Colorado was devastated by some of the worst forest fires in our state's history. The Missionary Ridge and Hayman fires not only destroyed several of Colorado's wilderness areas but also valuable private property. Today, the ninth grade class from Centennial Junior High School, with the help of their film crew, representatives from Bureau of Land Management and Montrose County firefighters, are making a movie to demonstrate steps that citizens can take to protect their homes from forest fires.

Along with producing the documentary, the ninth grade class is also learning valuable lessons in fire ecology and resource management. The students are being taught about forest fuel reduction of the many different types of fire resistant building materials that can help protect homes in the event of a forest fire. By taking what they have learned in their classes and using it to educate others throughout the country, the ninth graders at Centennial Junior High School are making an incredible difference in the effort to reduce the destructiveness of forest fires. —

Mr. Speaker, it is with great pride that I recognize the Centennial Junior High School ninth grade class before this body of Congress and this nation for their outstanding service to the State of Colorado and this country. The documentary video they are producing will be distributed nationwide, providing indispensable guidance to a countless number of Americans. There is no telling how many homes and lives their efforts will save in the years ahead. I thank them for their dedication to their community and our environment.

TRIBUTE TO THE NATIONAL RENEWABLE ENERGY LABORATORY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise to call attention to another achievement of the National Renewable Energy Laboratory, based in Golden, Colorado. It is appropriate that on its 25th anniversary, the National Renewable Energy Laboratory (NREL) has garnered yet another award recognizing its contributions to the development of clean energy technologies.

In its December issue, Scientific American magazine has named NREL one of the Scientific American 50—the magazine's first list recognizing annual contributions to science and technology that provide a vision of a better future.

NREL, along with Spectrolab Inc., was selected by the magazine for its work in increasing the efficiency of photovoltaic solar cells. NREL's research into multi-junction solar cells for more than a decade has led the way to ever more efficient cells, offering the potential of cheaper electricity from the sun.

The magazine noted that all the recipients of the Scientific American 50 have ''demonstrated clear, progressive views of what our technological future could be, as well as the leadership, knowledge and expertise essential to realizing those visions.''

I continue to be proud of the tremendous contributions that the National Renewable Energy Laboratory has made—to Colorado, our country, and our world. Congratulations to all at NREL on this important award.

IN HONOR OF THE JOINT PUBLIC AFFAIRS COMMITTEE FOR OLDER ADULTS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. NADLER. Mr. Speaker, I rise today to honor the Joint Public Affairs Committee for Older Adults on the occasion of its 25th anniversary. Since 1977, JPAC has been committed to ensuring a voice for older New Yorkers in community change and the policy-making processes that affect their lives. I have been proud to stand with JPAC many times through the years, and it is my great pleasure to congratulate JPAC on this occasion and to join their celebration.

For 25 years, JPAC's citizen leaders have worked tirelessly to improve the lives of all New Yorkers by empowering older adults to advocate on their own behalf. JPAC educates older adults on legislative and consumer issues, in addition to providing them with important information on benefits and entitlements for which they may be eligible. JPAC has enabled a growing number of older people to participate in efforts to influence public policy while leading senior centers around the city to incorporate education and advocacy into its programs in innovative ways. Over the years, JPAC has come to play a significant role in promoting cooperation within the aging community around issues of shared concern.

Among the programs I find most valuable is JPAC's ten-week intensive leadership training program, known as the Institute for Senior Action. For eight years, the Institute for Senior Action has given seniors the skills necessary to become more effective advocates in our community. Having had the opportunity to join JPAC at several of the Institute's graduation ceremonies, I have seen firsthand the pride, enthusiasm, and commitment to the community that JPAC's programs instill in participants.

From consumer protection, to community safety, to health care and coverage, JPAC has contributed to the quality of life of all New Yorkers. I congratulate JPAC's staff, leadership and volunteers on a quarter century of success, and I wish them the very best for the future.

TRIBUTE TO DR. LURA POWELL

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. HASTINGS of Washington. Mr. Speaker, two years ago, Battelle selected a new leader for the Pacific Northwest National Laboratory in my home community of the Tri-Cities, Washington. She came to our Washington from a distinguished government career in the ''other'' Washington, the Nation's Capitol, as director of the Department of Commerce's Advanced Technology Program. Her tenure there, and her training as an analytical chemist, brought unique talent to serve this laboratory. She is also the first woman selected to serve as director of the Pacific Northwest National Laboratory. I am, of course, speaking about Dr. Lura Powell. Dr. Powell announced recently that she will step down as director at the end of this year, and I want to thank her for her commitment and leadership in the community.

Among her accomplishments, Lura will be remembered for her commitment to leverage the capabilities of the Laboratory to develop academic partnerships in the region. While Director, she signed Memorandums of Understanding with the University of Washington for the Institute for Nanoscience, the Joint Institute for Cell Signaling, and the Center for Global Security; a Northwest Bioproducts Research Institute with Washington State University, University of Idaho, and the Idaho National Engineering and Environmental Laboratory; and The Collaborative Research and Education program with Oregon State Universities and the Oregon Health Sciences University.

Dr. Powell's commitment to the Tri-Cities community and the state of Washington is evidenced by her many activities and board memberships. At home, she has been a tireless promoter of economic growth and science education. She helped create and advocate a vision for the Tri-Cities that calls on everyone to stretch the limits of what is possible. She serves on the board of directors of the Kadlec Medical Center, the United Way of the Benton-Franklin Counties, the Tri-City Industrial Development Council and the Three Rivers Community Roundtable and the Junior Achievement of the Greater Tri-Cities. For the State of Washington, she is a member of the Washington Roundtable and serves on the Washington Technology Alliance Board.

I want to thank Lura for her leadership these past two and a half years and to wish her, her husband, Art, and her daughters much happiness and good health. I hope they will make their home in the Tri-Cities so that we may all continue to benefit from their involvement.

INTRODUCTION OF H.R. 5712

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. BORSKI. Mr. Speaker, I am very pleased to introduce today H.R. 5712, a bill to improve roadway safety for motorists, bicyclists, pedestrians and workers in proximity to vehicular traffic.

In this Congress we have spent, and likely for years to come will spend, a great amount of time trying to secure our homeland from terrorist threats. But, we will never be truly secure, if our families and communities continue to face daily the risk of disabling or life threatening motor vehicle crashes—today's leading killer of American young people. Motor vehicle crashes kill more than 42,000 people and injure more than 3 million people every year. These crashes cost our economy more than $230.6 billion a year or an average of $820 for every person living in the United States.

We have learned a great deal about making our roadways safer for the traveling public, since we began the national Interstate construction program nearly fifty years ago. Among the most successful federal safety programs is the Section 130 Railway-Highway Grade Crossings program. The U. S. Secretary of Transportation's ''1996 Annual Report to Congress'' found that this single program prevented 8,500 fatalities and 38,900 non-fatal injuries since 1974. This Report also stated that fatal, nonfatal-injury, and combined fatal-plus-nonfatal-injury accident rates have been reduced by 87, 64 and 68 percent, respectively. The Department of Transportation no longer compiles this data, but the program continues to save lives everyday.

We have much work ahead of us to improve further roadway safety in America. This bill that I am introducing today will expedite the use of proven solutions to reduce the likelihood of crashes, injuries, and fatalities and I urge its rapid adoption.

Since their inceptions, the Section 130 program and the Section 152 Hazard Elimination program have made available to States significant funding to reduce risks on dangerous roadways. Increasing State flexibility and reallocating, funding; clarifying and expanding project eligibility, and improving data collection, analysis, and reporting will further enhance their effectiveness.

This legislation will improve the safety of workers whose duties place them on or near a federal-aid highway and will maintain the free flow of vehicular traffic. Workers who wear high visibility garments in such risky environments greatly reduce the chance of a vehicle collision and subsequent serious injury. Vehicle collisions are one of the most frequent causes of traffic congestion and place large demands on scarce police, fire, and emergency response personnel. Actions that reduce the likelihood of crashes also reduce congestion and these resource demands.

The major provisions of the legislation are funding provisions, program eligibility, data collection and analysis, and worker protection.

To increase State flexibility and reallocate funding, the bill eliminates the confusing 1991 reference that annually sets Section 130 at $155 million and Section 152 at $162 million. Some viewed the provision as a limit of funds available for important safety improvements, rather than as a minimum as intended. The bill eliminates the ''Optional Safety'' category and splits funding equally for the two programs. Also, the legislation changes the minimum Section 130 funding level for protective devices, such as grade crossing gates and signals, from a floating 50 percent to a fixed $150 million per year. This provision increases options for the States, because $150 million is less than the current 50 percent share.

I want to emphasize that the funding provisions in this bill maintain the flexibility States currently have to transfer up to 25 percent of the difference between the fiscal year 1997 funding level and the current funding level out of the Sections 130 and 152 programs to other projects States want to give higher priority. Transferred funds are available for Interstate Maintenance, Congestion Mitigation and Air Quality (CMAQ), National Highway System (NHS), Highway Bridge Replacement and Rehabilitation Program (Bridge), and Recreational Trails. For example, in fiscal year 2002, States collectively could transfer up to $92 million. If my bill had been enacted, States would still have been able to transfer that same $92 million as they see fit.

This legislation makes several improvements related to the eligibility of projects for funding under Sections 130 and 152. First, in the definition of a safety improvement project, I include, as another option for States, installation and maintenance of fluorescent yellow-green signs at pedestrian and bicycle crossings and school zones. The current ''*Manual on Uniform Traffic Control Devices*'' permits either yellow or fluorescent yellow-green pedestrian, school, and bicycle crossing signs. Federal, State, and local government studies indicate that fluorescent yellow-green signs, compared to yellow signs, increase motorists' awareness of highway crossings and allow motorists to recognize the crossing signs with greater accuracy at up to 40 percent greater distances. Any signs installed under this amendment would have to comply with the ''*Manual on Uniform Traffic Control Devices*.''

The bill further builds on the Section 130 program's success to date in increasing the number of at-grade railway-highway crossings with protective devices and signage by including maintenance of protective devices as an eligible use of funds.

To curb overly expansive interpretations of the current Section 152 program, the bill clarifies that this money is reserved for projects that target real safety problems and produce real safety benefits. Under the bill, Section 152 projects must reduce the likelihood of the most frequent types of crashes and risk factors—road departures, intersections, pedestrians, bicycles, older drivers, or construction work zones.

Another new State optional use of Section 152 funds in the bill is police assistance for traffic and speed management in construction work zones. Experience around the country shows that the presence of even one marked police vehicle greatly increases motorists' compliance with construction work zone traffic patterns and speed limits, thereby increasing safety for both workers and motorists and improving mobility.

No program can run efficiently and effectively without accurate and timely data and analysis. This bill replaces the annual report referenced above that Congress terminated with a new biennial report about both the Section 130 and Section 152 programs, without creating, an unfunded mandate. With these amendments, States can use these funds to fulfill all data compilation, analysis, and reporting requirements. The Secretary of Transportation will summarize State projects and spending, analyze the effectiveness of the projects in achieving program goals, assess the adequacy of funding and spending relative to the need for safety improvement projects, and recommend funding and program improvements to continue reducing the number of high hazard locations.

Finally, the bill directs the Secretary of Transportation to issue a rule requiring workers who work on or near a federal-aid highway to wear high visibility garments. The Secretary may also require other worker safety-related items deemed appropriate.

Roadway construction zone crashes killed 1,079 people in 2001, up from less than 800 in 1995, according to the U.S. Department of Transportation. Factors contributing to the increase in fatalities include construction work being done in traffic and on compressed schedules requiring more night work, In just five years (from 1995 to 1999), work zone crashes injured about 39,000 people.

This rulemaking provision levels the playing field for contractors bidding on projects on or near federal-aid highways. Contractors will no longer have an incentive to skimp on the availability of workers' high-visibility garments so they can underbid other contractors.

The bill also recognizes that not only construction workers are at risk from vehicular traffic. Roadway and roadside maintenance workers, as well as some utility workers and others, frequently perform duties that put them at high risk of injury from passing motorists. High visibility garments, such as retroreflective vests, help motorists see these workers while drivers can still take precautions to avoid collisions.

Mr. Speaker, I urge my colleagues to move quickly to improve the safety of America's roadways.

IN HONOR OF THE LATE SERGEANT JAMES P. CONNOR, DELAWARE MEDAL OF HONOR, RECIPIENT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the late Sergeant James P. Connor, Delaware's 14th Medal of Honor winner and the only Medal of Honor recipient to be buried at the Delaware Veterans Memorial Cemetery in Summit, Delaware.

This medal was presented to Sergeant Connor, in honor of his distinguished service to this country during WWII. The Medal of Honor, since its inception after the Civil War, remains the country's highest military decoration.

Sergeant Connor was Delaware's only living Medal of Honor recipient, having received the medal for his dedication and leadership to his men on a campaign to protect an Allied landing during WWII. After being seriously wounded by a hanging mine, Sergeant Connor continued to lead his troops onto a French beach, in order to knock out the German positions. In the midst of additional assaults, Sergeant Connor's troops achieved their objective and captured 40 prisoners. Following his retirement from the military, Sergeant Connor continued to be very active in helping to ensure that other Delaware veterans would be remembered.

On November 13, 2002, the Delaware Commission of Veterans Affairs will hold a ceremony to dedicate the circular drive and unveiling of a historical marker at the Delaware Veterans Memorial Cemetery, in honor of Sergeant James P. Connor.

Mr. Speaker, allow me to recognize today, Sergeant James P. Connor, for his valor and commitment to his Country and as an outstanding United States citizen and Delaware resident.

At a time when our Country is facing the possibility of war, it is very fitting for us to remember Sergeant James P. Connor, a soldier who was tremendously dedicated to preserving our Country's freedoms. His commitment to the United States during World War 11 has earned him a permanent place in Delaware's and our Country's history, and I want to commend and thank his family for sharing his tale of heroism with us.

TRIBUTE TO SHERIFF RIECKE CLAUSSEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. McINNIS. Mr. Speaker, it is my privilege to take this opportunity to honor Sheriff Riecke Claussen of Mesa County, Colorado on the occasion of his retirement from the Mesa County Sheriff's Office. Sheriff Claussen has given countless hours of service to the communities of Mesa County over the years and I am honored to pay tribute to him today before this body of Congress and this nation.

Riecke is a homegrown leader, growing up in the Grand Valley, graduating from Mesa

State College, and working his way up the ranks of the Mesa County Sheriff's Office. After obtaining his certification from the Colorado Peace Officers Standards and Training Board, Riecke began working for the Sheriff's Office in 1971 as a Patrol Deputy. In 1974, Riecke was promoted to Sergeant and then to Investigator in 1976. After eight years in that position, Riecke was tapped to become the Lieutenant in charge of Investigations. Then, in 1990, he was elected to Sheriff and began his twelve distinctive years in that post. With over 30 years of service to the residents of Mesa County, Sheriff Claussen's positive impact on the Grand Valley is immeasurable.

Riecke has always been highly active in the community and state, and with the help of his wife, Nancy, has raised their daughter Lisa in the Grand Valley. He has also contributed to several professional organizations and serves as a board member of the Peace Officers Standards and Training Board, the Rocky Mountain High Intensity Drug Trafficking Area Executive Board, the Colorado Attorney General's Victim Assistance Project Board, and the County Sheriff's of Colorado Board.

Mr. Speaker, it is an honor to recognize Sheriff Riecke Claussen before this body of Congress and this nation for his outstanding leadership and impeccable character. The citizens of Mesa County have certainly been honored by the service of Sheriff Claussen and, as he moves into retirement, I look forward to seeing Riecke continue as an important asset to Colorado and the communities of the Western Slope.

TRIBUTE TO MICHAEL J. BUCKLEY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. NEY. Mr. Speaker, on the occasion of his retirement at the end of this year, we rise to thank Mr. Michael J. Buckley for his outstanding service to the U.S. House of Representatives over the past 26 years.

Over the years, Mike has made significant improvements to the financial management of the U.S. House of Representatives. He began his career with the House on January 18, 1977, and served this great institution in numerous capacities, most notably in financial positions within the offices of the Clerk of the House and the Chief Administrative Officer. During the past six years, Mike has served as the Budget Director for the Office of Finance. In this position, he has provided financial guidance to every entity of the House, assisting with such critical functions as projecting annual budgetary requirements and monitoring House expenditures to ensure compliance with laws and regulations. Mike's financial expertise has enabled House entities to maximize the availability of funds to support critical House operations.

On behalf of the entire House community, we extend congratulations to Mike for his many years of dedication and outstanding contributions to the financial management of the House. We wish Mike and his wife Robin many wonderful years in fulfilling their retirement dreams.

TRIBUTE TO ''DESTINATION DETROIT'' MAGAZINE, EDITED BY DIANE EDGECOMB

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SMITH of Michigan. Mr. Speaker, I'd like to bring to the attention of my colleagues the Fall 2002 issue of ''Destination Detroit,'' which is edited by a friend with much wisdon, Diane Edgecomb. Diane was the editor in chief of this issue, which focuses on water quality and water availability and the challenges that we will face in coming decades.

One of the themes of this publication that I'd like to touch on briefly is the idea that we need to work worldwide, if we are to help ensure that everyone has access to a sustainable supply of fresh water. The importance that water has in our lives and the complications that arise when there are shortages dictates that we find a solution that transcends borders. I believe that if there is additional action that we as Americans can take to help educate and make this goal a reality it will better serve us in the long run.

Also included in the magazine is an interesting article about how Geographic Information Systems (GIS) have improved our ability to manage water resources. GIS is a comprehensive mapping tool that allows us, among other things, to assess the volume of a region's water supply and locate the source(s) of that water. Using this tool we can anticipate problems and develop innovative solutions before there is a crisis.

I would encourage every member of Congress to take the time to review the Fall 2002 issue of ''Destination Detroit'' for themselves. I have sent copies to the relevant committees and there are copies available in both the Republican and Democratic Cloakrooms.

PROCLAMATION HONORING BRENT LANER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. NEY. Mr. Speaker, whereas, Brent Laner has exemplified leadership for the Ohio Highway Patrol as a state trooper for 25 years, serving with distinction at the New Philadelphia post for 15 years; and

Whereas, Brent Laner was chosen five times by his fellow officers to receive their post Trooper of the Year award and is to be commended for his hard work, devotion to duty, and willingness to serve our community; and

Whereas, Brent Laner has been an enthusiastic and loyal public servant in the Ohio Highway Patrol for Ohio's citizens;

Therefore, I join with the residents of the entire 18th Congressional District in congratulating Brent Laner on his retirement after 25 years of public service to the Ohio community.

PAYING TRIBUTE TO DURANGO/LA PLATA COUNTY AIRPORT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the men and women of Durango/La Plata County Airport for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the men and women of the Durango/La Plata County Airport played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the Durango/La Plata County Airport to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The Durango/La Plata County Airport aided firefighters with slurry bombings to help contain fires that were too severe to contain from the ground. They also provided valuable medical supplies to fire fighters who had been injured during the event.

Mr. Speaker, it is with sincere admiration that I recognize the men and women of Durango/La Plata County Airport before this body of Congress and this nation. I want to commend everyone at the Durango/La Plata Airport for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the men and women of the Durango/La Plata Airport and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the last summer's fire season has served as an inspiration to us all and it is an honor to represent such an outstanding group of Americans in this Congress.

GREAT LAKES AND LAKE CHAMPLAIN ACT OF 2002

SPEECH OF

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 2002

Mr. DUNCAN. Mr. Speaker, included in Title III of the Senate Amendment to H.R. 1070 is an authorization of $1 million for the Administrator of the Environmental Protection Agency to establish a center for Brownfields Excellence.

The purpose of this center is to demonstrate opportunities for public-private partnerships and regional cooperation to facilitate the redevelopment of closed Federal facilities, the

transfer of technology from the public sector to the private sector, and the return of such property and technology to productive use.

A prime example of this activity can be found in East Tennessee. The closure of major portions of Oak Ridge stranded a very skilled workforce and abandoned a great deal of infrastructure. Working together on a regional basis, local governments, businesses and members of the community have been able to return parts of Oak Ridge to productive use, and facilitate the transfer of technology to the private sector, bringing back jobs and investment to the region.

These efforts in East Tennessee should serve as a national model to promote new opportunities for brownfields redevelopment around the country.

REMEMBERING NEW MEXICO'S RICHARD ROCCO

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. UDALL of New Mexico. Mr. Speaker, last month New Mexico lost a real hero. Richard Rocco, an Army Medic in the Vietnam War who received the Medal of Honor for rescuing severely wounded fellow crewmen from the wreckage of a downed helicopter under enemy fire, died of cancer on October 31 at his home in San Antonio, Texas. He was 63.

On May 24, 1970, Mr. Rocco, a sergeant, was aboard a medical evacuation helicopter that was shot down on a mission to remove wounded South Vietnamese troops besieged near the village of Katum. Mr. Rocco suffered back injuries, a broken hip and a broken wrist, and the other four crew members were shot. Brave and determined, Mr. Rocco went back to the helicopter and carried the co-pilot, the crew chief and another medic to cover, one at a time, crossing 20 yards of open ground under a hail of fire, his hands and face burned by flames engulfing the helicopter. The next day, two American helicopters were shot down trying to evacuate the crewmen, who had called in artillery and air strikes on their own position to turn back an assault by North Vietnamese troops. However, all five crew members were rescued on that second day.

The commander of the First Cavalry Division visited Mr. Rocco at the hospital and told him he had been recommended for the Medal of Honor. He heard nothing else about it until 1974, when he was stationed at Fort Campbell, Kentucky, and was told he would receive the medal, the nation's highest award for valor.

Mr. Rocco had not known that the co-pilot he saved, Lt. Lee Caubarreaux, had been lobbying in his behalf. In March 1971, while Mr. Caubarreaux was preparing for a medical retirement in Texas, the Medal of Honor recommendation was mailed to him by a warrant officer in the First Cavalry Division awards office in South Vietnam who had found it in a desk drawer.

Mr. Caubarreaux appealed to Army authorities to approve the award, and then recounted Mr. Rocco's efforts to Senator Russell Long of Louisiana, Mr. Caubarreaux's home state. Those efforts finally prevailed when President Gerald R. Ford presented the Medal of Honor to Mr. Rocco on December 12, 1974. The medal requires even generals to salute its recipients.

Louis Richard Rocco, a native of the Barelas neighborhood of Albuquerque, retired from the Army as a chief warrant officer in 1978 after 22 years of military service. He reenlisted in 1991, in the Persian Gulf War, and spent six months at Fort Sam Houston, Texas, recruiting military personnel.

Mr. Rocco worked extensively as a veterans counselor. In 1978 he started the Vet Center on Fourth Street which created a host of services and programs for veterans. Besides the Vet Center, Mr. Rocco started a shelter for homeless veterans, a nursing home in Truth or Consequences and tuition waivers for veterans attending state-run colleges. During the administration of New Mexico Governor Toney Anaya he was named the director of the Veterans Service Commission. In recent years, even as his health failed, he also spoke to schoolchildren about drug abuse on behalf of Vietnam Veterans of America.

As a testament to the impact that Mr. Rocco has had on his fellow New Mexicans, on October 12 of this year a South Valley Park next to the Westside Community Center was named after him: The Richard Rocco Medal of Honor Park and a stone monument placed there in his honor. Plans are also underway for a bronze bust of Mr. Rocco to be made and placed inside the old Armijo School near the park—where he went to school growing up. Although seriously ill, Mr. Rocco came to the ceremony organized by veterans throughout New Mexico. He called the naming of the park ''an honor that I hold above presidents and legislators, because these are my people. For them to honor me, it makes me feel so good.''

In addition to his wife, Maria, three children, five grandchildren, his mother, one brother and four sisters survive Mr. Rocco. I extend my deep condolences to the Rocco family and all who knew him. My thoughts and prayers are with them.

Mr. Speaker, as the only member of the New Mexico congressional delegation serving on the Veterans Affairs Committee, I wanted to inform my colleagues about this heroic and extraordinary man. Richard Rocco's historic and noble acts have given New Mexicans reason to hope, reason to be proud, and reason to champion the veteran. I ask my colleagues to join with me to pay tribute to Richard Rocco for his courageous actions, on that day so long ago.

HONORING IOWA VOLUNTEER

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. NUSSLE. Mr. Speaker, I rise to recognize the achievements of Alyssa Hall from Epworth, Iowa. A high school student, Alyssa attended my 2001 Youth Summit in Dubuque.

During the youth summit each year, spending a full day with young Iowans encourages me about the future of our state and nation. Alyssa Hall is part of an outstanding group of students who have an enormous amount of ability and potential to make the world that surrounds them a better place.

I challenged those students attending the summit in Dubuque to become active in their local areas and to let me know about their experiences. I asked them to perform some sort of service to enhance the communities they call home.

I was very pleased to hear recently from Alyssa about her volunteer experiences with the Epworth Gateway Gardeners, a nonprofit organization dedicated to making their hometown a more beautiful place to live.

Alyssa embraced my challenge and took action. Throughout the spring and summer months Alyssa joined the Gateway Gardeners in creating a butterfly garden near a new town walking path. She worked hard, got a little dirt under her nails and especially enjoyed tending to an area with pink petunias, Epworth's official flower.

It is clear that Alyssa found the time she spent with the Epworth Gateway Gardeners to be both enjoyable and rewarding. I am sure her friends, neighbors and fellow volunteers are very appreciative of her time and effort.

I want to publicly thank Alyssa for her hard work. I hope she will continue her dedication to community service in the future. She is an outstanding young American, and I am especially proud of her efforts to make Iowa a better place.

HONORING EMMIT J. SMITH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor a legendary athlete, philanthropist and role model, Dallas Cowboys running back Emmitt J. Smith III, for his exceptional achievements on and off the playing field.

On Sunday, October 27, 2002, Smith made history by becoming the National Football League's all-time leading rusher, surpassing late Chicago Bears great Walter Payton. With a powerful, 11-yard carry against the Seattle Seahawks, Smith pushed his career total in rushing yardage to the 16,728 mark, moving him two yards ahead of the record that Payton (16,726) set in 1987.

However, his achievement as the NFL's all-time top rusher is just one of many accomplishments that Smith can boast. Throughout his 13-year career in professional football, he has compiled an outstanding resume of accomplishments as a star running back and valued teammate. He has led the Dallas Cowboys to three Super Bowl titles while also claiming Super Bowl MVP honors. In 1993, he won the National Football League Most Valuable Player Award.

Smith is the winner of four NFL rushing titles and is the first player in NFL history to rush for over 1,000 yards in 11 consecutive seasons. He is also the NFL's career rushing touchdown leader. What's more, he has accomplished all of these goals while wearing a Dallas Cowboys uniform, making him a hometown hero for the Thirtieth Congressional District of Texas and the entire Dallas-Fort Worth area.

His performances on the field are only overshadowed by one thing: his incredible public service off the field. Smith has become

Dallas's goodwill ambassador to the world through his dedication to improving the lives of young people everywhere.

His work to aid programs for youth and children in a range of areas from student mentoring to anti-drug education to physical fitness is impressive. Among the numerous activities Smith has championed throughout his career, he has served as the Cowboys' United Way spokesman and supported Big Brothers/Big Sisters, The Kidney Foundation, Oak Cliff (TX) Little League, Buckner Children's Home of Texas, The Salvation Army, American Lung Association, the Battered and Abused Children's Foundation, B.A.D (Boxers Against Drugs) and Theater Arts for Youth. He has also worked with children through the Make-A-Wish Foundation, hosting many visits at the Cowboys' Valley Ranch practice facility during the season.

Smith also co-founded the Open Doors Foundation, a not-for-profit that supports organizations and faith-based programs to provide educational, motivational and financial services to today's youth, with a special emphasis on narrowing the digital divide. In June 2002, he was appointed by President Bush to serve on the President's Council on Physical Fitness and Sports and educate millions of American children about the importance of staying healthy.

Mr. Speaker, for all of his record-breaking, awe-inspiring athletic achievements, for all his selfless work in the community to serve as a role model for youth and to help those less fortunate, and for his time spent as an outstanding husband, father, and citizen, I rise to salute Emmitt Smith. He is a Texas treasure and a national icon, and I join the legions of Dallas Cowboy fans in congratulating him and his family on this momentous occasion. Go Cowboys!

HONORING TED MALIARIS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. GORDON. Mr. Speaker, I rise today to commend Ted Maliaris for his efforts to promote patriotism around the Nation through music.

Ted Maliaris is now touring the United States performing ''A Tribute to America—A 21st Century Anthem'' which was composed by his mother, Ann S. Miller in response to the tragic events of September 11, 2001. The Anthem is dedicated to our Armed Forces, to our men and women in uniform, and all Americans who need to carry on in this time of crisis. By performing the Anthem with children's groups across America, Ted Maliaris hopes to inspire and promote patriotism for our great nation through song.

Please join me in congratulating Ted Malaris for his service to America through the arts.

PAYING TRIBUTE TO CORTEZ FIRE PROTECTION DISTRICT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Cortez Fire Protection District based in Cortez, Colorado for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Fire Protection District played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the Cortez Fire Protection District to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The Cortez Fire Protection District has served the citizens of Cortez since 1886 and operates from three fire stations. The district relies on a fulltime Fire Marshall and 36 volunteer firefighters, prepared to fight fires or provide medical assistance on a moment's notice.

Mr. Speaker, it is with sincere admiration that I recognize the Cortez Fire Protection District before this body of Congress and this nation. I want to commend the Cortez volunteer firefighters and their support staff for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Cortez Fire Protection District and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the fire season has served as an inspiration to us all and it is an honor to represent such an outstanding group of Americans in this Congress.

CONGRATULATIONS TO ST. SAVA SERBIAN ORTHODOX CHURCH IN MERRILLVILLE, IN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate the members of St. Sava Serbian Orthodox Church in Merrillville, Indiana as they celebrate their 88th anniversary, as well as the 11th anniversary of their present sanctuary's consecration. The festivities will begin on Sunday, November 17, 2002 with a special service, followed by a banquet to celebrate this momentous occasion.

Beckoning visitors who are traveling on Interstate 65, the golden domes of St. Sava offer an amazing spectacle. However, it is the interior of the church that the parishioners hold sacred. Built from Indiana limestone in a five-year construction project, the present sanctuary located at 9191 Mississippi Street in Merrillville replaced the original St. Sava Church, built in 1914 in Gary, Indiana, after that church was destroyed by fire. The dedicated members of the church came together to worship at the St. Sava ''small hall'' in Hobart Indiana while plans were made for their new sanctuary. Undeterred by the loss of their church building, the congregation demonstrated their commitment to each other and to their faith by carrying on with their services at the ''small hall'' for 13 years.

Mr. Speaker, St. Sava Serbian Orthodox Church is led by the Very Reverend Jovan Todorovich. The Very Reverend Todorovich has been the priest at the church for 33 years, and the parishioners are thankful for the spiritual and emotional leadership he has provided during that time. Church President Michael Galich has attended St. Sava since 1946 and is proud that the church has been able to maintain the Serbian traditions and customs that make their church unique. Because the congregation has been blessed with tremendous leadership and good fortune throughout its history, it is appropriate that the celebration of the church's anniversary will be held near the Thanksgiving holiday.

The Very Reverend Todorovich, along with his Grace Bishop Longin, and Father Irinej Dobrijevich will serve the Holy Hierarchical Liturgy the morning of November 17, which will be followed by a memorial service to be conducted by representatives of a local American Legion at the adjacent Memorial Park to commemorate the fallen soldiers of all wars. The celebration banquet will conclude the festivities, led by keynote speaker Scott Taylor, a former soldier, and author of a book detailing the military action in Yugoslavia and Macedonia following the NATO occupation of Kosovo.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating the congregation of St. Sava Serbian Orthodox Church as they celebrate the 88th anniversary of their parish. Blessed with outstanding leadership and unwavering faith, the congregation of St. Sava has enriched Northwest Indiana by bringing the proud and historic Serbian traditions to our community. May God continue to bless the parishioners and the church leaders for many years to come.

A TRIBUTE TO THE 100TH ANNIVERSARY OF THE PAN AMERICAN HEALTH ORGANIZATION

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. RODRIGUEZ. Mr. Speaker, I rise today to pay tribute to the Pan American Health Organization, which celebrates its 100th anniversary this year. PAHO is the oldest international health organization in the world, and serves as the Regional Office of the Americas for the World Health Organization. It is

headquartered in Washington D.C. and has a U.S.-Mexico Border Field Office in El Paso, Texas, as well as country offices in 27 nations throughout the Americas and nine scientific and technical centers.

This year, as we celebrate the Centennial of the Pan American Health Organization, we also celebrate the notable health achievements of the countries of the Americas, with the support of PAHO.

One hundred years ago, public health in the Americas was an uncoordinated jumble, as individual countries made separate efforts to protect themselves and their people against the threat of ''imported'' diseases. Yet over the next century, through coordinated action, health progress unrivaled in history swept the Western Hemisphere as health leaders joined together to fight disease and to bring water, sanitation, and health services to millions.

The achievements of the countries of the Americas, led by the Pan American Health Organization over the last century, tell a story of ongoing progress: Measles, smallpox and polio have been eradicated from the Americas.

In the wake of the terrorist attacks on the United States in 2001 and with the threat of bioterrorism, the countries of the Americas are enhancing their emergency preparedness capabilities, improving their surveillance and response to outbreaks of infections, and expanding their laboratory capacity to diagnose agents used in bio-terrorism. Disaster and public health experts are being trained to prepare for and manage biological, chemical and radiological incidents.

A new ''Building Blocks Model for HIV/AIDS Comprehensive Care'' program is improving care for the 2.6 million people in the Americas who are infected with HIV.

Life expectancy at birth rose from less than 50 years at the start of the last century to 69.8 years in Latin America and the Caribbean, and to 76.9 years in North America today.

Efforts to promote quality control in blood services in the region have reduced the risk of diseases transmitted by blood transfusion by one-half.

Water supply and waste disposal services have improved significantly in many countries, with coverage exceeding 90 percent in some of them.

Progress is on track toward elimination of onchocerciasis, targeted for 2007.

Regional information systems have been developed for epidemiological surveillance of food borne diseases and for food legislation and regulations that both protect and favor international trade.

Progress toward the eradication of foot-and-mouth disease has been stepped up, and the original date for achieving eradication, 2013, has been advanced to 2007.

There has been a 65 percent reduction in leprosy in the region since 1992.

A health information system now enables front-line health workers to analyze health trends and health inequities between and within countries and, on the basis of that analysis, to target the most needy.

Laws have been passed on a broad spectrum of health issues, including health of the elderly, mental health, adolescent health, safe motherhood, vaccination, blood banks, and health insurance.

Intense work in emergency preparedness enabled countries to prepare for and mitigate the effects of many natural disasters, including Hurricane Mitch and the deadly floods in Venezuela.

Eighteen countries of the region have established national plans to fortify food with micronutrients such as iron, iodine, and vitamin A.

I would like to commend Sir George A.0. Alleyne of Barbados, for his eight years of exemplary service as the Director of the Pan American Health Organization. The reputation that PAHO now enjoys with the U.S. Congress and the Executive branch is a direct attribute to the steadfast efforts by Dr. Alleyne and the excellent work by the entire organization.

I would also like to acknowledge Dr. Mirta Roses Periago of Argentina on recently being elected to be the new Executive Director of PAHO. She will be the first woman and first Argentine to lead the world's oldest international health organization.

As PAHO enters its second century of service, I hope we can continue the path of achievement. The region certainly faces numerous ongoing challenges, but together, across regional and national lines, we can join in this great effort to improve the lives of everyone living in the Americas.

A PROCLAMATION RECOGNIZING AUTUMN FRONTZ

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. NEY. Mr. Speaker, whereas, Autumn Frontz is a heroine who saved her baby sister, Samantha Lynn, from choking; and

Whereas, Autumn Frontz acted quickly, without hesitation, proving herself to be remarkably responsible and caring; and

Whereas, Autumn Frontz is an asset to her family and the entire New Philadelphia community in her willingness to help others;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Autumn Frontz for her selflessness and heroism.

IN HONOR OF JOHN C. BANUELOS FOR HIS SERVICE AND DEDICATION TO OUR NATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to John C. Banuelos, in memory of his service to the community as a loyal citizen and as a proud member of our Armed Services during World War II.

Mr. Banuelos was born on January 26, 1921. He and his three brothers were Pioneer Farmers from Orange County. The four brothers went on to serve together in the Army during World War II. John served in the South Pacific theatre of operation where he led reconnaissance missions in the jungles of the Philippines and Japan. Some of his most notable experiences included personally meeting General Douglas MacArthur and befriending his family. Toward the end of the War, he participated in the guarding and transportation of gold and currency shipments seized from Japan. As ground force squad leader ''761,'' John led a group of 12 men who escorted generals from Tokyo to camps, inspected quarters for families of military personnel, and made reports on inspections.

Always proud but reserved and modest about his military experiences, John was awarded the expert M–1 classification in February of 1945, later receiving a personal letter on behalf of the United States from President Harry Truman. In addition, Staff Sergeant Banuelos' meritorious achievements included receiving the Victory Medal of Honor, the Asiatic Campaign medal, and a Good Conduct medal. Mr. Banuelos and his family are truly a distinguished part of our nation's military history.

Mr. Banuelos will be remembered for his service to our country and the community. As his Representative in Congress and as a member of the Armed Services Committee, I am proud to recognize John C. Banuelos for his contributions to our nation.

CONFERENCE REPORT ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 2002

Mr. DINGELL. Mr. Speaker, while there may be many worthwhile provisions in this bill, I strongly oppose the unnecessary and unwarranted exemption contained in Section 315 for the Department of Defense (DOD) from the Migratory Bird Treaty Act of 1918, our Nation's oldest conservation law. The Migratory Bird Treaty Act provides protection for over 850 species of migratory birds, including many that are threatened or endangered. The Act also sets forth U.S. obligations under four separate treaties to protect migratory birds and guide cooperative conservation management with Canada, Mexico, Japan, and Russia.

The provision which was inserted at the Bush Administration's request will effectively give the Defense Department license to bomb and destroy at will the natural habitats of migratory birds, endangering more than one million birds and curtailing the enjoyment of more than 50 million bird enthusiasts in this country. The provision will also provide an exclusive legal immunity from third-party lawsuits which challenge DOD non-compliance with the Act.

I have dealt with the military for years and they constantly seek to get out from under environmental laws. It is despicable that they are now using the threat of September 11 and al Qaeda to get unprecedented environmental immunity. We have fought two World Wars, the Korean War, Vietnam, and the Persian Gulf War with this law in place, and there is no demonstrated need to exempt the Department of Defense now.

I raised concerns about this provision when H.R. 2456 was being considered and passed by the House. This environmental exemption was rushed through without significant public scrutiny. No hearings were held on the specifics of the proposal. Only one hearing was held in the House Armed Services Committee on the general issue and only the DOD and

Federal government agencies were allowed to testify. Other stakeholders, such as state and local governments, industry representatives, tribal governments, and citizen groups did not have a full opportunity to participate in hearings on the bill. This provision falls under the jurisdiction of the Committee on Resources and that is where the reviews and debate of this issue should have taken place.

Mr. Speaker, the Secretary of the Interior already has the authority under current law to issue permits for actions that might kill, harm or injure migratory birds in the course of government activities. In addition, the U.S. Fish and Wildlife Service and DOD have been developing regulations pursuant to Executive Order 13186 to resolve migratory bird disputes. And, in March 2002, a U.S. court recognized for the first time the DOD must comply with MBTA and ordered the military to apply for the administrative remedy already available. The DOD has chosen to fight this court ruling in the case of Center for Biological Diversity vs Robert B. Pirie, Jr., Acting Secretary of the Navy; Donald H. Rumsfeld, Secretary of Defense, (U.S. District Court for the District of Columbia).

The members of this body should also be aware of the ridiculous arguments that the DOD was making in court to support its efforts to exempt itself.

In the above-mentioned case, the DOD claimed:

. . . plaintiffs have suffered insufficient injury because the more birds that the defendants (DoD) kill, the more enjoyment Mr. Frew (a plaintiff) will get from seeing the ones that remain: ''bird watchers get more enjoyment spotting a rare bird than they do spotting a common one.''

Let me also quote Judge Sullivan's finding with respect to DoD's argument (on page 17 of his opinion):

Suffice it to say, there is absolutely no support in the law for the view that environmentalists should get enjoyment out of the destruction of natural resources because that destruction makes the remaining resources more scarce and therefore valuable. The Court hopes that the federal government will refrain from making or adopting such frivolous arguments in the future.

I also oppose the bill's provisions concerning the Price-Anderson Act, which are incomplete, insufficient, and fail to protect the public interest.

First, let me make clear that I am a strong supporter of the Act's reauthorization, and believe the best course at this late date would be for the other body to approve H.R. 2983, the Price-Anderson reauthorization passed by the House last November on suspension. Second, it is highly regrettable that this issue has been allowed to languish and, as a consequence, the Act lapsed in August. It is equally regrettable, however, that when my colleagues on the Armed Services Committee chose to address the Department of Energy (DOE) contractor issue in this bill, they did not take the logical step of including reforms from H.R. 2983 to make contractors accountable for irresponsible actions that harm the public.

Under current law, DOE contractors are completely indemnified for accidents involving nuclear materials, even if the accident resulted from willful misconduct or gross negligence. This means that the taxpayer actually is required to reimburse a contractor for the cost of public harm caused by its own misconduct.

No other government contractor enjoys the right to unconditional indemnification, even those engaged in nuclear or other hazardous work for the defense agencies. When the House passed its version of Price-Anderson reauthorization, that bill included a bipartisan provision which prohibited indemnification of contractors for ''conduct which constitutes intentional misconduct.'' The DOE claims that despite the current law's safety disincentive, it is necessary to secure contractors' services. I cannot imagine why the Department should even wish to hire a contractor who is not willing to be held accountable for its intentional misconduct.

Finally, it is my understanding that several contractors have signed contracts with DOE since the Act lapsed in August, under alternate statutory authority which can continue to fill the gap until Congress has an opportunity to address this issue thoroughly next year. In other words, there is no emergency that needs to be addressed in this bill, and in any event no reason for Congress to continue the unjustifiable policy of unconditionally indemnifying DOE contractors for intentional misconduct.

Mr. Speaker, in adopting the Migratory Bird Treaty Act exemption for DOD one of our Nation's most important environmental laws has been undermined. And by providing total indemnification for DOE contractors, even when they engage in intentional misconduct, we reduce public safety. Therefore, I rise in opposition to this conference report.

HONORING CORPORAL ANTONIO SLEDD

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. DAVIS of Florida. Mr. Speaker, I would like to take a moment to honor Corporal Antonio Sledd for his courage and sacrifice for our country. On October 8, 2002, Tony was killed when two Kuwaiti terrorists opened fire on members of the 11th Marine Expeditionary Unit training in the Persian Gulf.

Tony was born in San Juan, Puerto Rico, but grew up in Tampa, where he attended Gaither High School. After graduating in 2000, Tony joined the Marines and earned the National Defense Service medal for serving during a time of conflict and a Deployment Ribbon for serving abroad for more than 90 days. At his funeral, he was awarded the Purple Heart and promoted from Lance Corporal to Corporal.

Friends and family remember Tony for his enthusiasm and devotion to his country. It was Tony who encouraged his twin brother, Michael, to join the Marines. Tony was planning a lifetime of service—after serving in the military he hoped to earn a degree in criminology, so he could pursue a career in the FBI.

Tony's friends call him a hero and remember his sense of humor and how he went out of his way to take care of others. In honor of Tony, the community created a Gaither High School Education/Scholarship Fund to help future students who share Tony's dreams.

On behalf of the Tampa Bay community, I would like to extend my deepest sympathies to Tony's family. He was an American hero who will be remembered for his courage and sacrifice.

TUBERCULOSIS AND TUCKER HIGH SCHOOL

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Ms. McKINNEY. Mr. Speaker, I rise today to call attention to a forgotten disease, which is anything but forgotten right now in my congressional district. A number of students and administrators at Tucker High School in DeKalb County, Georgia are learning more than they care to know about tuberculosis.

Last week, about 200 Tucker High School students and staff had to be tested and treated after someone at the high school tested positive for tuberculosis. Tuberculosis is the forgotten disease, and as history continues to show us every time we forget and ignore TB, we are doomed to repeat history with continued outbreaks of tuberculosis as well as stronger strains of the disease such as multidrug resistant tuberculosis. Every time government agencies are forced to cut back on funding for tuberculosis programs the rate of infection increases in populations who need our help the most.

Tuberculosis is truly a global disease, with more than 2 billion people around the world carrying the infection. Right here in the United States, the South has one of the highest rates of TB infection because of the vast health disparities between blacks and whites. African Americans have higher rates of TB in the United States because of poverty conditions in the South and in urban areas. Because of that poverty, African American also have a difficult time accessing tuberculosis medications and primary care treatment for the disease.

That is why I am a co-sponsor of H.R. 1167: The Comprehensive Tuberculosis Elimination Act of 2001 and H.R. 1168: The Stop TB Now Act. This legislation effectively implements recommendations listed in an Institute of Medicine report entitled ''Ending Neglect: The Elimination of Tuberculosis in the United States''. These recommendations attack tuberculosis on a national and international level. The legislation does so by increasing the authorized funding levels for both the Centers for Disease Control and Prevention (CDC) as well as the National Institutes of Health (NIH), giving them more ammunition to fight this treacherous disease here in the United States and abroad.

We in the Congress have an unprecedented opportunity to eliminate tuberculosis in the United States and reduce this scourge, so other high schools do not have to go through the same trauma and interruption of their daily lives as the students, staff, and faculty have faced at Tucker High School. I urge the House of Representatives to pass H.R. 1167: The Comprehensive Tuberculosis Elimination Act of 2001 and H.R. 1168: The Stop TB Now Act.

REGARDING THE RETIREMENT OF GEORGE O. WITHERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SKELTON. Mr. Speaker, this is the time of year that we say farewell to some old friends. That's never easy. But it is even harder when the friend in question spent considerable time and energy helping make us all look good.

George Withers, who is leaving the Armed Services Committee staff at the end of this year, came to Capitol Hill in 1978. He had served his country in the Navy during Vietnam. But he has spent twenty-four years proving that national service doesn't end when you take off the uniform. As legislative director on a personal staff, then press secretary and a professional staff member of the committee, George has made America better every day.

A lot of young go-getters come to work on the Hill, Mr. Speaker. But George proved that you don't have to be obnoxious to get things done. His real sense of decency and values have provided a reference and example for not only the Armed Services Committee staff, but all of us who worked with him.

George has been the conscience of the committee staff. He is a devoted advocate for those Americans who most need and deserve Congress's protection. Discussions of national security can get pretty esoteric,, but George makes sure that we keep our focus on people, both those in uniform and those our military exists to protect. As a former enlisted man and NCO, he never lets the former officers on the staff forget who the real troops are.

Mr. Speaker, while our staff works in a nonpartisan way,, George is a determined, thoroughgoing, old-school Democrat. But look at the pictures on his office walls. Yes, he has photos of himself with our former colleagues Ron Dellums and Silvio Conte. But there's John Kasich, too, and President Bush. All of which speaks to the fairness and openmindedness with which George approached his job. He lets his political beliefs inform his work, but never get in the way of doing what was right for the country.

To my way of thinking, George has only one flaw. The B–2 bomber is the pride of Whiteman Air Force Base, in my district. George led the fight at the staff level against the B–2, and succeeded for quite some time. In gratitude for George's exemplary service, I promise not to have one named for him.

In recent years, George's primary duties have concerned the military construction budget. Every member of this body whose district has received military construction funds—and that's most of us—has George Withers to thank.

But he was also our committee's driving force on policies concerning Latin America. Whether the question was the naval bombing on Vieques or the United States' role in Colombia, George fought for a sensible, humble foreign policy.

George's decency doesn't stop at the Capitol door, either. When he isn't here—during the few hours each year we let the staff out—George actively supports charities. He loves riding his bike, and he loves it even more when he's getting contributions for every mile he rides.

While he will tell you that he loves his work here, just ask him about his children, Sam and Lizzie. You'll see what love really means by the sparkle in his eyes. And we were all thrilled when George married Donna earlier this year. His departure from our little world means that he will have even more opportunities to love and care for them, and even his cat, Tom. But I warn you, George, cats don't always love you back.

I will miss George Withers cheerful counsel personally. The Congress will be poorer for his departure. But the real accolade is that people around the world who will never know his name have better lives today because George Withers was part of this House.

HONORING HERBERT D. AND ELEANOR MEYERHOFF KATZ

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. DEUTSCH. Mr. Speaker, it is with great pride that I rise today to honor community leaders, Herbert D. and Eleanor Meyerhoff Katz, for their strong commitment to the Jewish community on a local, national, and international level. Their dedication and distinguished leadership has enabled many communities to be stronger and more vibrant while maintaining a deep connection to their Jewish roots and culture.

As a couple, Herbert and Eleanor have served as a model for the concept of charity. However, each has taken on numerous leadership roles on their own. The United Jewish Community of Broward County was formed under the direction and guidance of Mr. Katz. He is a past-president of the Jewish Federation and was an integral leader in the creation of the UJCBC, which combined two existing federations and now serves the 3rd largest Jewish community in America. Mr. Katz's other posts include: President of American Friends of the Hebrew University of Jerusalem; Vice Chair of the United Jewish Appeal; recipient of a Presidential Appointment to Board member of the United States Holocaust Memorial Council; Secretary/Treasurer of the American Israel Public Affairs Committee; University of Pennsylvania Associate Trustee and Chairman of the Board of Overseers for the Center for Advanced Judaic Studies.

Eleanor Meyerhoff Katz is a graduate of Wellesley College, and has been heavily involved in education. Mrs. Katz is a longstanding Board member of the Jack and Rose Orloff Central Agency for Jewish Education. She is also a member of the Executive Committee of Hillel, The Foundation for Jewish Campus Life, Chairman of the Board for Curry College, a Board member for the Washington Institute for Jewish Leadership and Values, a past president of the Beth Shalom Day School and the Jewish High School of South Florida, and a committee member for the Jewish Federation of South Broward.

Mr. and Mrs. Katz were also instrumental in establishing the Chair for the Joseph Meyerhoff Professor of Modern Jewish History at the University of Pennsylvania.

The Katzs have played an integral part of life in South Florida. Their commitment and love for their community has led them to take a leadership role in the Community Capital Campaign for the United Jewish Community of Broward County, with the new Eleanor M. and Herbert D. Katz Building, which will house many religious organizations and serve as a focal point for Jewish life.

Mr. Speaker, it is indeed a truly special occasion that I stand here today and commend these fine individuals for their outstanding achievements and service to the world community. Their unparalleled dedication to the ideas of community serve as an example for us all.

COMMEMORATING THE 50-YEAR ANNIVERSARY OF THE WESTLANDS WATER DISTRICT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. DOOLEY. Mr. Speaker, I rise today to pay tribute to the Westlands Water District, which celebrates its 50-year anniversary on November 17, 2002. I have the privilege of representing many Westlands water users in Congress.

The Westlands Water District encompasses over 600,000 acres, of which 560,000 acres are applicable for irrigated agricultural production in Fresno and Kings counties. Westlands is comprised by approximately 600 family-owned farms and 2,400 landowners, making Westlands the largest water district in the world.

For 50 years, the Westlands Water District has been a leader in innovative irrigated agriculture and water resource utilization in the Western United States. Through its irrigation practices, Westlands and its farmers have helped develop the west side of the San Joaquin Valley into one of the leading agricultural producing regions in the world.

Farming in the area known as Westlands began during California's Gold Rush era. Irrigated agricultural production began around 1915 and by 1942, landowners organized to develop a water supply system.

Westlands Water District itself was formed in 1952 and began delivering contracted water from the U.S. Bureau of Reclamation to farms on the west side of the San Joaquin Valley in 1968.

The leadership that has characterized the first 50 years of the Westlands Water District has helped to make the west side of the San Joaquin Valley a unique place of opportunity for families and small businesses.

Today the farmers of Westlands produce over 60 different commercial food and fiber crops sold for fresh, dry, canned and frozen food markets, both domestic and for export. The estimated annual production value of agricultural commodities produced in Westlands is $1 billion, which generates approximately $3.5 billion in related economic activity for Fresno and Kings Counties.

Mr. Speaker, I ask my colleagues to join me today in congratulating the Westlands Water District for fifty years of valuable service to the residents of the west side of the San Joaquin Valley and in wishing them continued success in the future.

HONORING AND REMEMBERING JUDGE LOYS CRISWELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Judge Loys Criswell, soldier of justice in the State of Oklahoma, farmer, beloved husband, father, and friend to many.

A life-long resident of Oklahoma, Judge Criswell grew up in the town of Duke during the difficult years of the Great Depression. During his formative years, violence and shoot-outs were commonplace along the streets of Duke, and justice and accountability were non-existent. Judge Criswell lost several relatives and friends in these conflicts. So impactful were the events of his youth that Mr. Criswell dedicated his entire adult life to administering justice, and offering hope and rehabilitation to offenders.

Judge Criswell was also committed to social justice issues and equal opportunity for everyone. When he learned of the plight of the babies of Mexican migrant workers dying from dysentery, Judge Criswell sprung into action and assisted the Southwest Oklahoma Migrant Ministry in developing better housing and improved conditions for migrant workers.

As a highly effective prosecutor and later a juvenile and family judge for many years, Judge Criswell's keen understanding of the history and nuances of our intricate legal system, along with his strong sense of justice—tempered by compassion and his belief in redemption for offenders—profoundly impacted the lives of thousands of individuals and families, and helped improve the overall quality of life for everyone within his region of Oklahoma. As county attorney in Altus, Mr. Criswell eliminated close to twenty illegal operations in the county, and in other rural parts of the area. His intelligence and unwavering belief in the American judicial system were unmatched by none, as was his deep sense of compassion for everyone who stood before him within the walls of his courtroom. Personally and professionally, Judge Criswell was a man of integrity, character, kindness and ideals. He was a brilliant man with an ever-hopeful heart, and an ever-humble spirit. Judge Criswell was bestowed with many awards and accolades for his brilliant work, yet he always shied away from praise and accolades.

Mr. Speaker and Colleagues, please join me in honor and remembrance of my friend and mentor, Judge Loys Criswell, who will be deeply missed by all who knew him. He was a man of vision, a scholar, a farmer and seeker of truth. And above all else, Judge Criswell was a man who possessed a heart as expansive and true as the rolling farms of Oklahoma. Judge Criswell dedicated his life to justice and positive change and consistently reached out to members of his community. I extend my deepest condolences to Judge Criswell's beloved wife Edna, and beloved daughter, Beverly. Judge Loys Criswell's life has made a true and significant difference in the lives of many—in Oklahoma, and in places beyond, and his spirit and legacy will live on forever.

SERVICE FOR THE PEOPLE OF THE 7TH DISTRICT OF ALABAMA

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. HILLIARD. Mr. Speaker, I rise to give honor to this great body, which I shall leave at the end of this term. This is the most Democratic body in the Federal government, turning to the American people in our districts every other year for reinstruction and rededication, as well as reelection.

We are the representatives who most directly represent America, and I am proud to have been elected by the people of the 7th District of Alabama to serve them for a decade. It is my hope that these good Americans believe that I have represented them well—I know that I have tried with all my mind, my soul and my body to do so.

I feel good that I was able to maintain a 100% voting record for the working men and women of Alabama, the consumers and the constituency I represented in the U.S. Congress.

It has been a special burden and a special honor to represent one of the poorest districts in the richest nation in the world.

It has been a special burden and special honor to represent a district mostly comprised of a minority not long ago enslaved by the very nation in which they are now citizens.

It has been a special burden and a special honor to represent the victorious battleground of the civil rights movement, a battleground that gave America nonviolent resistance, and gave the world a more honorable way to struggle for human rights.

As I leave this body, it is my prayer that America will make as its first priority the ending of poverty in the richest nation in the world. To have poverty in the midst of riches is unconscionable and we must move immediately to end this most destructive condition from the American people forever.

It is my prayer that America will finally move beyond the ignominious history of racism that has eaten at our nation's heart since the conception of this nation. The racism which has historically oppressed Blacks such as myself in this nation too easily turns against others, against Arabs, Asians, and may well turn again against Jews.

It is my prayer that America will find a way to place human values before monetary ones. Today, money is the engine of everything in this nation. People matter less and less in the face of monetarism, both in this nation and in the world. Globalization is not the high-minded internationalism we have dreamed of—it is instead the take-over of the world by transnational corporations which may have been born in America but which are loyal only to wealth. We have to put people before profits before the people are nothing but products.

It is my prayer that America will find a way to achieve international peace. We cannot continue to use cheap nationalism to reduce people to less than human, religious arrogance to call others evil, or media blitzkriegs to whip the American people into imperialist cheerleaders.

For this intertangled world, there is only one way to survive and that is to survive together. However many nations exist, there is only one human race. It is neither good nor evil—it is human. I for one find it deeply lovable. I place myself in its service, in the service of the people of the world.

HONORING PAUL MARTIN OF PETALUMA, CA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Paul Martin of Petaluma, California, who has just received the Award of Distinction from the College of Agricultural and Environmental Sciences at the University of California at Davis. This highly competitive award recognizes alumni who have demonstrated leadership and achievement or brought distinction to the College through their careers.

During the ten years I have been in the U.S. Congress, Mr. Martin's in-depth knowledge of agricultural issues has been invaluable as a resource to me and my office. Paul has given unsparingly of his time to educate me and my staff on the needs of the dairy industry as it relates to federal legislation and the Sixth Congressional District. We have also worked together on our shared goals to preserve family farms. In fact, although he typically votes Republican, his campaigning on my behalf is a reflection of his commitment to those goals.

Paul Martin graduated from UC Davis in 1965 and from the California Agricultural Leadership Program in 1980. Next year he will receive an MA in Public Policy from Sonoma State University. In addition to operating two dairy ranches and working for Western United Dairymen as coordinator of Environmental Services and Field Representative, Mr. Martin has been a leader in a wide range of agricultural, environmental, and community causes. Some of these include service with the California Air Resources Board, State Water Resources Control Board, USDA Sonoma-Marin Diary and Range Belt, Chief of Two Rock Volunteer Fire Department, Petaluma American Little League, Two Rock 4–H, Sonoma County Farm Bureau, and Petaluma High School District Facilities Committee. He also served as a First Lieutenant, USAR in Viet Nam and received a Bronze Star.

A third generation dairyman on his family's ranch, Mr. Martin has lived in Petaluma his entire life. His son John now raises heifers and beef cattle on the dairy while his daughter Betsy and daughter-in-law, Natalie use the ranch to raise dairy cattle for showing and sales.

Mr. Speaker, Mr. Martin is respected as a leader within the agricultural community whose advice and knowledge I value highly. I am proud of his award and his many contributions to his community and to the diary industry. And I am especially proud to call Paul Martin my friend.

ALCOA 50TH ANNIVERSARY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. COYNE. Mr. Speaker, I rise today to recognize the 50th anniversary of the Alcoa Foundation.

The Alcoa Foundation, located in Pittsburgh, was founded in 1952 with an endowment from Alcoa, the company that has been a very successful producer of aluminum in this country for decades. Alcoa has its headquarters in Pittsburgh.

Since its founding, the Alcoa Foundation has made more than $339 million in awards around the world, including the $21 million it gave to more than 2,000 organizations in 26 countries last year. The foundation targets its giving to promote the goals of conservation and sustainability; safe and healthy children and families; global education in business, engineering, science, and technology; skills for the future; and business and community partnerships. The foundation also concentrates its efforts in communities in which it operates.

One of those communities is Pittsburgh, Pennsylvania. The Alcoa Foundation has established a five-year ''Allegheny Works Initiative'', for example, in Pittsburgh. The foundation has committed $1 million through this program to programs that enhance literacy and employment opportunities on the City's Northside. The initiative relies upon local leaders to determine the community's most pressing needs and suggest the most appropriate responses to those needs. Grant awards through the initiative have included after-school programs to improve young people's study skills and discourage drug and alcohol abuse. Other programs have increased access to the Internet for Northside residents and promoted reading among at-risk students at a local school.

Among its many other activities, the Alcoa Foundation funds scholarships for the children of Alcoa employees in the United States. These scholarships are awarded based on achievement, potential, leadership, community service and character. They are judged by a national panel of college and university professionals. This year, 91 students received scholarships totaling $534,000.

Mr. Speaker, I want to commend the Alcoa Foundation for its many good works and congratulate its staff and donors on the 50th anniversary of this worthy institution.

HONORING ALFRED CAHN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Mr. Alfred Cahn, upon celebrating his 90th birthday.

Al Cahn has worked with the Coler-Goldwater Memorial Hospital on Roosevelt Island for nearly thirty years. He has been a passionate member of the Patient Care Committee, fighting to help improve the lives of patients. Al and his devoted wife, Lee, took the time to create a family council to work with hospital administration to help make Coler-Goldwater an even better place. Al's dedication led him to serve as both president of the council and vice-president of the Community Advisory Board at the hospital.

Al's extensive interaction with the patients at Coler-Goldwater is remarkable. Al not only visits patients, he brings out those that are able and serves as a feeder for those that are less fortunate. Al and his wife are also known for their annual barbecue which they host at their Whitestone home. With homemade food and fresh fish, caught by the Cahn's themselves, the outing has been a truly uplifting time for all of the attendees.

I ask my colleagues to join me in honoring Mr. Alfred Cahn on this truly special occasion as he celebrates his 90'h birthday. Al is an honorable man who has spent such a large portion of his life aiding and honoring, the lives of others. May he continue to celebrate throughout this year and for many more to come.

HONORING ROBERT C. STEWART

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Mariposa County District III Supervisor Robert ''Bob'' Stewart for his years of dedicated service to the community.

Bob has shown his commitment to the community through a career of public service. He is a veteran who served on the California Highway Patrol for twenty-eight years, protecting Mariposa County for twenty. As an elected official, Bob continued supporting emergency responders by advocating newer equipment for public safety employees and volunteer fire departments.

Bob was first elected to the Mariposa County Board of Supervisors in 1994 and reelected for his second term in 1998, serving as Chair in 1997 and 2002. He acted as Board liaison member to the General Government and the Health and Human Services areas.

Bob's contributions to the community spread beyond the numerous County projects he has chaired. For the last twenty years he has also served as deacon to the First Baptist Church of Mariposa. In all of his varied activities, Bob is known foremost for his honesty and integrity.

Mr. Speaker, I rise to pay tribute to Bob Stewart for his active and dedicated community involvement. I urge my colleagues to join me in thanking Bob and wishing him many more years of success.

HONORING AND RECOGNIZING PETER YARROW AND AVERY COHEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Peter Yarrow and Avery Cohen, as they are honored by the Hattie Larlham Foundation on November 13th for their significant work on behalf of individual rights.

For the past forty years, the Hattie Larlham Foundation has been a source of hope, support and care for thousands of children and adolescents with disabilities and their families, in northeast Ohio. The vast and vital work of both Peter Yarrow and Avery Cohen on behalf of the Foundation, reflects the true spirit of this exceptional agency—a spirit of helping and caring, a spirit of empowerment; and a spirit of dedication to social justice—one child at a time; one family at a time.

The vital work of Peter Yarrow and Avery Cohen is the work of heroes who speak for those whose voice is small—they are the messengers for our most vulnerable citizens—our children, our poor, and our mentally and physically challenged. Their message speaks of local and national change. Their message speaks of improved services for children and adults with disabilities. Their message speak of research to seek improvements, to find cures, to give support, to give hope.

Peter Yarrow carries the message through his gift of song, crossing the continent to raise funds and raise awareness, with projects like the creation of ''Operation Respect, '' a program that advocates nurturing environments for children.

Avery Cohen, President of the Hattie Larlham Care Group, and Vice President of the Hattie Larlham Research Institute and Foundation, has carried the message through his tenacity, integrity, compassion and expertise for the past thirty-six years. Considered a ''founding member,'' Avery joined the Board of Directors of the Hattie Larlham Foundation in 1966. His unwavering commitment remains focused on assisting and improving the lives of the children and families of our community.

Mr. Speaker and Colleagues, please join me in honoring every staff and member of the Hattie Larlham Foundation, and please also join me in honoring my dear friends, Peter Yarrow and Avery Cohen. I honor your dedication and significant work in helping, empowering, inspiring, and bringing hope to children and families facing a challenging road. Your work and activism brings us light, guidance and strength, and gives us hope for a better tomorrow.

IN RECOGNITION OF NATIONAL ADOPTION AWARENESS MONTH

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. WALSH. Mr. Speaker, each year in November American families across the country gather together in thanksgiving to recognize the variety of blessings they have received. It is fitting that we also choose this month to recognize the importance of adoption in our society.

Currently, thousands of children across the country, freed for adoption, are waiting to be a part of a loving and caring family with a stable home and attentive parents. Many of these children have special physical, mental, or emotional needs and require special nurturing from devoted parents and families. Let it be known that their adoption by special people

who elect to take full responsibility for their care, their upbringing, and their overall well-being is an important service not only to these children, but to our country at large.

Adoption not only provides obvious benefits to the affected child, but it has proven to be one of the most rewarding experiences for many adoptive parents. We all benefit when a needy child is adopted.

The County of Onondaga in New York's 25th Congressional District will be recognizing the importance of adoption on Friday, November 22nd in ceremonies at Onondaga County Family Court. It is my privilege to recognize and thank all those families, case workers, and staff gathered for this important event who have dedicated themselves to improving the welfare of our community's children. It is my hope that this recognition further promotes the importance and benefits of adoption for all those involved. I thank all those responsible for organizing this special local observance of National Adoption Awareness Month.

25TH ANNIVERSARY OF THE INDIAN ROCK NATURE PRESERVE, BRISTOL, CT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to recognize an outstanding organization, Environmental Learning Centers of Connecticut. I join them in celebrating a special milestone, the 25th anniversary of their Indian Rock Preserve located in Bristol, Connecticut.

The Environmental Learning Centers of Connecticut has been a leader in Environmental Education and open space land preservation. They reach over 30,000 students a year from more than 180 schools in Connecticut. They currently own and manage over 525 acres of open space in Connecticut and are adding more land each year.

The organization was founded in 1969 as a not-for-profit charitable organization for land preservation and environmental education with the original purchase of 40 acres of land on Shrub Road, Bristol. Shortly thereafter they completed construction of the Harry C. Barnes Memorial Nature Center on Shrub Road and began educational programs dealing with the environment. Today, the Barnes Nature Center provides the public with many exhibits and a library. This facility is open to the public without charge.

In 1977, they received the 150 acre Indian Rock Nature Preserve and enlarged their educational programs with the opening of the farm life program for elementary schools and a summer day camp for youth. In 1986, the organization constructed a 3,300 square foot building on the preserve to accommodate growing educational programs and the summer camp. Just recently, they completed construction of 1,200 square foot addition to accommodate their continued growth. The Center provides over 130 different educational subject topics for organized schools and groups throughout the year.

Mr. Speaker, it is clear that Environmental Learning Centers of Connecticut is an organization of great dedication and commitment to their mission and to the citizens of Connecticut. Their success is well earned and I am honored to share their accomplishments with the House of Representatives and the nation. The accomplishments of this organization are many and it is my privilege to congratulate them on the 25th anniversary of the Indian Rock Nature Preserve. Environmental Learning Centers of Connecticut, congratulations, and all the best to you in your future endeavors.

CHINA'S MILITARY THREAT AGAINST TAIWAN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. HILLIARD. Mr. Speaker, it seems Beijing is applying a two-pronged Taiwan policy. On one hand, Beijing talks peace about Taiwan. It demands Taiwan accept their ''one country, two systems'' formula of unification. This is their soft prong. If Taiwan is unwilling to negotiate peace under this formula, there is the hard prong—Beijing continuing to conduct military exercises around Taiwan. In fact, in recent months, Beijing has deployed 400 tactical guided missiles on China's eastern coast, less than 200 miles from Taiwan. As sophisticated weapons, these missiles can hit targets in Taiwan easily.

Beijing's undisguised military intimidations against Taiwan pose a serious threat to the well-being of the 23 million people on Taiwan. After all, Republic of China President Chen Shui-bian has assured Chinese leaders that he wants a structured, constructive cross-strait relationship, setting no preconditions for resumption of talks. He has continued to express his good will, exercising utmost restraint to avoid provoking China while liberalizing restrictions on socioeconomic ties between Taiwan and China.

Unfortunately China has chosen to ignore President Chen's overtures, continued its efforts to interfere with democratic elections on Taiwan, suppressed Taiwan's activities in the international community and threatened Taiwan with military force.

I, however, hope that China will realize that it is good for people on both sides of the Taiwan Strait to live in peace, that China should allow Taiwan to be an equal partner in trade and commerce to China, since both China and Taiwan are now members of the World Trade Organization and that any military action against Taiwan will lead to chaos and destruction for many countries in the region.

For peace and stability in the Asia-Pacific region, I urge China to withdraw its missiles and reduce its stockpile. This is a constructive step to avert an arms race and military confrontation. I am pleased to see that the European Parliament has taken steps to urge China to de-escalate tension in the Taiwan Strait, and I hope other countries and other members of Congress will issue similar pleas to China.

LOS ANGELES COUNTY DRAINAGE AREA PROJECT RECOGNIZED WITH TWO AWARDS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. HORN. Mr. Speaker, I rise today to recognize the Los Angeles County Drainage Area Project (LACDA) for recently receiving the Golden Eagle Award at the County of Los Angeles Quality and Productivity Commission's 16th Annual Productivity and Quality Awards Program. The national award follows an earlier honor, when the project was named one of the American Public Works Association's Public Works Projects of the Year.

Since entering Congress, completion of this project has been one of my highest priorities. I was pleased that Congress appropriated $157 million during the past seven years for this work to be completed five years ahead of schedule. The bipartisan commitment to this project by area members of Congress and the hard work and extraordinary cooperation between the U.S. Army Corps of Engineers and the Los Angeles County Public Works Department ensured that construction of LACDA proceeded on an efficient and rapid timetable.

Completion of the LACDA project—which began in 1996—restores flood protection to nearly 500,000 people living in the flood plains of the Los Angeles and Rio Hondo Rivers. Due to the danger of severe flooding, in 1998 the Federal Emergency Management Agency (FEMA) mandated that area residents and businesses carry flood insurance at an average cost of $400 per year. Now that the requirement has been lifted, the County of Los Angeles estimates that property owners will save a collective $22 million in annual insurance premiums.

The successful completion of this project has been a model for any major public works project. The federal, state, and local agencies involved should be proud of a job well done. Along with flood protection, residents also will enjoy a cleaner, safer environment and more recreational opportunities. As part of the LACDA project, 22 miles of bike and equestrian trails along the Los Angeles River have been improved and enhanced with landscaping, rest stops, and safer signage.

Receiving the American Public Works Association's Public Works Projects of the Year award and being honored with the Golden Eagle Award from the County of Los Angeles is a tribute to the many men and women who envisioned, planned, and finally constructed this important project. I tip my hat to all of them for their fine work and congratulate them on being chosen for these distinguished awards.

TRIBUTE TO CECIL WILLIAMS, JR.

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. BERRY. Mr. Speaker, I rise today to honor one of Arkansas's finest citizens, Cecil Williams, Jr. I am proud to recognize Mr. Williams in the United States Congress for his invaluable contributions to his profession, his family, his state and his nation.

Mr. Williams was born in Tyronza, Arkansas on October 17, 1932. He grew up working in the fertile cotton fields of Eastern Arkansas before graduating from Wilson High School in 1950. He spent one year at Arkansas State University in Jonesboro and joined the United States Air Force in 1952. As a weather observer in the Air Force, Mr. Williams lived in Alabama, Texas, Illinois and Alaska.

After serving his country in the military, Mr. Williams enrolled at Louisiana State University, where he received a degree in agricultural economics in 1960. After graduation, he spent five years working as a field representative for the National Cotton Council in Louisiana and south Arkansas. While living in Louisiana, Mr. Williams married Barbara Lee Rodgers, They have three sons and currently are the proud grandparents of one granddaughter with a second grandchild on the way.

In 1965, Mr. Williams became executive vice president of the Agricultural Council of Arkansas [ACA] and has now served the members of the ACA for more than 37 years. He has used his experience and expertise to help readers of the ACA newsletter stay informed about the rules and regulations pertaining to farm, environmental and occupational safety and health policy. His influence has assisted policymakers in creating a sound farm policy and farmers in accessing the farm programs available to help them.

He is active in many professional organizations and has served as president of Memphis Agricultural Club and Memphis Society of Association Executives. He was named ''Man of the Year'' by the Memphis Agricultural Club in 1980. In 1986, Mr. Williams received the prestigious ''Man of the Year in Service to Arkansas Agriculture''.

On behalf of Congress, I offer my friend, Cecil Williams, Jr., my deepest appreciation and gratitude for his tireless dedication and honorable service to the people of Arkansas and the field of agriculture.

MAURICE DEAN HENNESSEE: AN EXTRAORDINARY AMERICAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Maurice Hennessee of Clio, Michigan. Maurice has used his retirement years to make a difference in the world in which we all live and he has become an important component in spreading democracy and assisting in the infrastructure and educational development of the African nation of Nigeria.

Maurice first served his country while serving as an enlisted man with the United States Air Force's 328th Air Fighter Air Defense Group during the Korean War. Following his tour of duty, he served four years in the Air Force Reserve. He then returned home and began his 38-year career with General Motors Corporation, Buick Motor Division in Flint, Michigan.

However, it was after his retirement from General Motors and during his recovery from experimental surgery to repair a seriously injured foot that Maurice found the path that would lead him to Nigeria. Although he had no experience in missionary work or fund-raising, Maurice joined Dr. Moses Akpanado's effort to use education to improve the lives of impoverished and disadvantaged Nigerians. Today, there are more than 1000 students who attend the Obong Christian Education System deep in the jungle of Nigeria thanks to those efforts.

Moreover, Maurice and others have expanded their work to include infrastructure improvements and other advancements to provide a healthier and more civilized environment for those living in remote Nigerian communities. There are untold thousands of villagers who now enjoy clean, fresh water as a result of Maurice's determination to dig deep wells. Villages now have power lines, electrical generators, libraries and dormitories all because Maurice and others helped persuade fellow Americans to offer their financial support.

In villages throughout Nigeria, Maurice Hennessee has received many honors. Important buildings on a college campus in that nation bear his name. He has been named Honorary Chief in several villages. In addition, his family has shown him their love and support by becoming involved in his efforts, traveling with him on multiple occasions to Africa, as well as supporting other mission activities in Kenya and Central America with their personal involvement. We owe a debt of gratitude to Maurice, his wife, Earline, and their children, Trina, Gary and Larry, for setting such a fine example of American goodwill.

Finally, Mr. Speaker, I ask my colleagues to join me in paying tribute to Maurice and the entire Hennessee family for their dedication in spreading democracy and Christian charity throughout the world and for exemplifying how otherwise ordinary Americans can achieve extraordinary results.

TRIBUTE TO ELBERTA ERIKSSON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Ms. WOOLSEY. Mr. Speaker, we rise today to recognize Elberta Eriksson, who is retiring as the Director of the Family Service Agency of Marin's Multi-cultural Outreach Program after thirty years of dedicated service to her community.

Through the years, Elberta has been committed to community service, dedicated to strengthening families and children and advancing human rights. In the early 1970's, as a professional social worker, Ms. Eriksson was one of the first to bring mental health services to Marin City. Through Operation Give a Damn, a grassroots organization that brought a unique mentoring program to the youth of Marin City, Elberta developed a cultural competency program for professional and paraprofessional mental health providers.

Under Ms. Eriksson's visionary leadership, the Multi-Cultural Outreach Program, sponsored by the Family Service Agency of Marin, was launched. Through this esteemed program, Elberta personally provided hundreds of hours of family counseling as well as supervised graduate students from San Francisco State University during their internship, adding a rich, multi-cultural counseling program for the entire county.

In addition to working full-time and raising her young family, Elberta made time in the evening to work as one of the first hot line volunteers at the Marin Suicide Prevention Center. Always generous with her skills and time, Ms. Eriksson has served on many boards and committees, including the Marin County Human Rights Commission, the Marin County Women's Commission, ISOJI of Marin City, America's Angel Campaign, and the Marin City Community Services District.

Ms. Eriksson has contributed her leadership and commitment to provide a model of the importance of community service with the highest ideals for the benefit of many. Therefore, Mr. Speaker, it is fitting for us to rise today to honor Elberta Eriksson and wish her well in her next adventure.

TRIBUTE TO BUD BROWN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Bud Brown for his dedicated efforts to improve the quality of life in our community. His commitment and service to the San Fernando Valley is immeasurable. Throughout his life he has contributed countless hours of community service by supporting various organizations and acting as an effective leader for several groups.

Since his retirement from GTE in 1993, Bud Brown has been a driving force in cultivating relations between the private and public sectors in Los Angeles. His 22 years of experience in the corporate world have been instrumental, in establishing relationships with numerous non-profit organizations throughout the Valley. Bud has found ways to utilize his professional and volunteer talents by serving on the boards of many institutions. Despite his retirement he just recently completed his eighth year as Community Relations Manager at Hamer Toyota in Mission Hills.

During his career in public service he has served as founder and leader of a variety of local organizations. His commitment includes serving as President of New Directions for Youth, Board member of the Fernando Award Foundation, and Major Gifts Committee for the North Valley Family YMCA. He is also a strong supporter of the Holy Cross Medical Center, Mission Hills Chamber of Commerce, and the Los Angeles Mission College Foundation. More recently, he has expanded his efforts to serve as Commissioner for the City of San Fernando

Bud Brown has been honored with a number of awards in recognition of his accomplishments as a community leader, including the City of Los Angeles Volunteerism Award and KNX Citizen of the Week. Other groups that have noted his tremendous achievements include the San Fernando Valley Girl Scout Council, Encino-Sherman Oaks Optimist Club, Valley Interfaith Council, Heaven on Earth Ranch and the Black American Political Association. Lastly, in 1995 he was one of the first recipients of the prestigious Fernando Award.

Mr. Speaker, please join me in recognizing Bud Brown, an amazing individual who has dedicated his life for the betterment of the San Fernando Valley.

MARTIN WALZER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the service to the community of Martin Walzer, who will receive the Robert N. Pursel Distinguished Community Achievement Award. The Danville, Pennsylvania, Chapter of the American Red Cross will present this award to him on November 16 in recognition of his lifetime of service to the community.

Mr. Walzer was born in 1942 in Bethlehem, Pennsylvania, the third child of Martin Shubert and Mary Flexer Walzer. He graduated from the Hill School in Pottstown and graduated from Cornell University with a degree in agricultural economics. His connection to the Danville area began when he went to work in sales for his father's wholesale food distribution company.

One of his customers in the Danville area was the owner of the Pine Barn Inn, Margaret Bush, and when she decided to get out of that business, he bought it and has become known as Danville's ''goodwill ambassador.'' He has also grown the business over the years and it now has more than twice as many rooms as it did when he bought it.

Mr. Walzer is a member of the Danville Area Community Center board of directors and a founding member of the Danville Area Community Foundation executive board. He has participated in numerous additional community organizations over the years, including the Danville Chamber of Commerce, Iron Heritage Festival, Montour County Recreation Authority and the Greater Danville Industrial Development Corporation.

He has also made large-scale contributions to the community, such as donating the land that Geisinger Medical Center used to create its main entrance as well as donating approximately $6,000 to the Danville Area Community Center by covering the cost of its 15th anniversary fundraising dinner.

''Just as generous, though, are the many smaller kindnesses,'' as the Danville News stated in the article announcing Mr. Walzer had been chosen for this award.

Because his inn is next to the busy Geisinger Medical Center, Mr. Walzer has taken advantage of many opportunities to put his generosity and caring into action, whether that simply means being supportive to families with a loved one in the hospital with a serious illness or injury or going further to loan them clothes and give them rides to Williamsport or Scranton.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long record of service to the community of Martin Walzer, and I congratulate him on this well-deserved award.

TRIBUTE TO BEN C. ANDERSON, PRESIDENT, BUILDING INDUSTRY ASSOCIATION OF SOUTHERN CALIFORNIA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to Southern California are exceptional. Southern California has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give time and talent to making their communities a better place to live and work. Bob Anderson is one of these individuals. At the end of the year, Ben will be stepping down as President of the Building Industry Association of Southern California after many years of dedicated service.

Ben has worked through BIA/SC, the California Building Industry Association (CBIA) and the National Association of Home Builders (NAHB) to promote the building industry's contributions to the communities that it serves, to advocate on behalf of his colleagues and to create new home-ownership opportunities. Ben has exemplified leadership and dedicated service to the building industry as a CBIA and NAHB director, as BIA/SC Secretary/Treasurer, Second Vice President, First Vice President and President.

Ben has also served as a member of the Board of Directors for the Boys and Girls Club in the City of Fontana and continues to be active in several business organizations both in the Inland Empire and Orange County.

Ben has worked tirelessly to ensure that all Southern Californians have the opportunity to achieve the American Dream of home ownership, and to promote housing as a community asset which strengthens the fabric of our many neighborhoods in Southern California. Ben has been a dedicated, strong and effective voice for the principles and ideals of California's building community during his years as a member and leader of the Building Industry Association of Southern California.

Ben's diligent work as the President of Building Industry Association of Southern California has contributed immeasurably to the betterment of Southern California. His involvement in community organizations makes me proud to call him a fellow community member, American and friend. I know that all of the residents and homeowners of Southern California are grateful for his service and salute him as his term comes to an end. I look forward to working with him in the future for the good of our community.

IN OPPOSITION TO H.R. 2155, SOBER BORDERS ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Ms. McCOLLUM. Mr. Speaker, I rise today in opposition to H.R. 2155, the Sober Borders Act.

While I support the intent of this legislation, I am concerned H.R. 2155 unnecessarily fails to balance our need for safe driving on the borders with the interests of a safe and legal flow of people across the borders too and from the United States.

At a time when our border patrol officers and Immigration and Naturalization Service (INS) inspectors face heavy workloads, H.R. 2155 would impose new duties unrelated to terrorism that could potentially overwhelm the resources and personnel available at our borders. In the wake of the September 11th tragedies, it is important that we allow INS agents and officials do to their jobs correctly and efficiently, without burdening them with new responsibilities normally assigned to state law enforcement agencies. We must be careful not to stretch the limited resources beyond INS's immigration and anti-terrorism functions.

I am also concerned that H.R. 2155 could be improperly used to target persons on the basis of race, ethnicity or national origin unless safeguards are added to prevent racial profiling. During mark-up of H.R. 2155, a sensible amendment was offered to monitor whether law enforcement uses their authority in a discriminatory manner to detain, test and arrest persons suspected of driving under the influence of drugs or alcohol. Unfortunately, this amendment was defeated and the bill brought before the full House contained no accountability measures to prevent racial profiling and provided no opportunity to address this issue further.

I believe this amendment was a modest request that would have made the underlying bill stronger. New authority (such as the new authority granted in H.R. 2155) that creates a risk of racial profiling should be accompanied by accountability mechanisms that measure whether profiling has occurred. It is important that in our pursuit for greater safety we do not violate the rights of certain individuals based merely on race, ethnicity or national origin.

I support measures that seek to reduce drinking and driving in America's communities and neighborhoods. But in these efforts we must be careful not to weaken existing law enforcement functions or violate the rights of the American people. Regrettably, H.R. 2155 does not meet these goals.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PAUL D. WELLSTONE, SENATOR FROM THE STATE OF MINNESOTA

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 2002

Mr. CUMMINGS. Mr. Speaker, I rise today to honor a great American and a great man—Senator PAUL WELLSTONE. The passing of Senator PAUL WELLSTONE creates a void that is impossible to fill—it is a tragedy for this nation and a personal tragedy for me.

PAUL WELLSTONE was a tireless fighter for what he believed in. He was a man whose honor is unquestioned, whose energy was infectious, and whose dedication to his country—and those ideals upon which it was built—was obvious in everything he did. PAUL WELLSTONE's passing robs voiceless Americans—the poor and disenfranchised—of one

of their greatest advocates. And it leaves those of us bent on furthering a progressive agenda without one of our greatest leaders.

Mr. Speaker, I also rise today to mourn the loss of one of the hardest-working people I have ever known. PAUL WELLSTONE earned himself a scholarship to the University of North Carolina as a student and an athlete. Four years after graduation he was awarded a Ph.D. in political science and began a 21-year teaching career in which he became increasingly involved in community organizing. In 1990, PAUL WELLSTONE—an under-funded underdog—ran a long-shot campaign for the United States Senate, which he won by energizing ordinary Minnesotans. 12 years later, his political legacy stands as testament to him keeping his promises.

Unlike many politicians, there was no disconnecting between PAUL WELLSTONE's political ideology and the way he lived his life. PAUL was the Senator who knew the names of the elevator operators and waiters in the Senate Dining Room. He was the Senator who, according to James W. Ziglar, a Republican who was Sergeant-at-Arms of the Senate from 1998 to 2001, returned late one evening to his office to tell the cleaning staff how much he appreciated their work. PAUL WELLSTONE's unique authenticity, and his ability to remain true to his roots distinguished him here in Washington and, as many Minnesotans will tell you, back in his home state.

PAUL WELLSTONE was an unabashed liberal. He believed that every American should have access to affordable health care and good public schools, that our foreign policy should be based first and foremost on the sanctity of all human life—American or otherwise. And he knew that coming down on the right side of an issue—keeping in-line with his morals and ethics—was always more important than voting with the majority or in a politically-motivated way. PAUL WELLSTONE voted against the Persian Gulf War as one of his first acts as a Senator, and just recently was the only Senator facing re-election who voted against giving President Bush authority to conduct preemptive and unauthorized military strikes on Iraq. PAUL was a man who did not compromise his ideals.

Mr. Speaker, I rise today in honor of Senator PAUL WELLSTONE. In an era where the difference between talk and action is often enormous, PAUL WELLSTONE was a man who lived as he spoke. I believe that America is better for it.

HONORING THE FIRST CONGREGATIONAL CHURCH OF SHREWSBURY, MA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. MCGOVERN. Mr. Speaker, I rise today to pay tribute to the men and women of the First Congregational Church of Shrewsbury, Massachusetts for receiving the Harry S. Cutting, Jr. Award for community service in the town of Shrewsbury.

The Harry S. Cutting Award is given out by Shrewsbury Community Services to recognize members of the community who, through their support and commitment, have made an outstanding contribution to Shrewsbury Community Services, as well as to the residents of Shrewsbury.

The First Congregational Church is a member of the Shrewsbury Ecumenical Council and is active in a wide range of local and international community service. The Church devotes its time to support food donations, clothing drives, academic scholarships, among many other worthy causes.

On the international level, the Church has been active in the Caribbean by providing medical and dental care free of charge to those in need of help. Additionally, the Church has worked on the HEFFA Project, an international organization that helps countries become self-sufficient.

Mr. Speaker, it is a pleasure to inform the U.S. House of Representatives about the hard work that the First Congregational Church of Shrewsbury, Massachusetts has done over the past few years. It is always important to have citizens join together to help others. I am confident that the entire U.S. House of Representatives joins me in congratulating the First Congregational Church for receiving the Harry S. Cutting, Jr. Award.

HONORING THE RETIREMENT OF OAKLAND CITY COUNCILMEMBER DICK SPEES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. STARK. Mr. Speaker, I rise today to recognize Oakland City Councilmember Dick Spees on his retirement after 24 years of distinguished service.

Dick Spees is a leader on issues of economic development, marketing, finance, quality of life, public safety, and regional planning. Throughout his tenure on the City Council, he has remained committed to providing top-notch service and programs to his constituents.

Bolstering Oakland's economy and creating new recreational and educational facilities are top priorities for Dick Spees. He has led efforts to found the Chabot Space and Science Center, Oakland-Sharing the Vision, Oakland Tours, Bay Area Economic Forum, Bay Area World Trade Center, and Bay Area Bioscience Center.

With his support, Oakland has purchased open space, built new recreation centers, libraries, and cultural facilities, and upgraded emergency response facilities and equipment. The Oakland Fire Assessment District and an incentive program that encourages property owners to make seismic improvements to their homes were formed under his leadership.

As Chair of the City Council's Rules Committee, Dick Spees has overseen campaign finance reform, the sunshine ordinance, the lobbyist registration ordinance, and the formation of the public ethics commission.

A true civic leader, Dick Spees has represented Oakland on many Bay Area regional agencies, including the Association of Bay Area Governments, the Bay Area Economic Forum, the Regional Airport Planning Committee, the Bay Area World Trade Center, Oakland Base Reuse Authority, the City-Port Liaison Committee, and the BART-Oakland Airport Connector Stakeholders Committee.

I am honored to congratulate Dick Spees on all of his remarkable accomplishments. The people of Oakland will lose a true leader with Dick Spees' retirement, but his legacy of tireless dedication to improving lives will endure.

HONORING CATHLEEN BARNIER OF SONOMA COUNTY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. THOMPSON of California. Mr. Speaker, we rise today to honor Cathleen Barnier of Sonoma County, California, upon her retirement from 30 years of leadership in the management of community-based non-profit organizations.

For the last 10 years, Cathleen has been the President and CEO of Goodwill Industries of the Redwood Empire (GIRE), an agency providing employment and training programs, retails stores, business services, and recycling programs in six northern California counties. During her tenure, GIRE has been an active partner in community employment and education initiatives.

Prior to her work at GIRE, Cathleen served as Executive Director of the Family Service Agency of Sonoma County and Service Director of the American Cancer Society of Northern California. She also worked at Sonoma State Hospital, Sonoma County Adoption Agency, and North Bay Regional Center.

Cathleen's community involvement includes active roles with the Workforce Investment Board, Santa Rosa Chamber of Commerce, Business Education Round Table, Economic Vitality Project, Santa Rosa Rotary, and School to Career. She was also appointed by the Governor to the State Department of Rehabilitation Advisory Council.

Mr. Speaker, Cathleen Barnier has provided exemplary service to the community for over 30 years, demonstrating that compassion and commitment combined with leadership and ability result in success. We are proud to honor Cathleen for her achievements and to wish her well in her future life traveling and spending time with family and friends.

TRIBUTE TO COMANCHE ELEMENTARY SCHOOL OF SHAWNEE MISSION, KS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. MOORE. Mr. Speaker, I want to take this opportunity to recognize and commend the students of Marilyn Tieszen, a kindergarten teacher at Comanche Elementary School of Shawnee Mission, KS, which is located in the Third Congressional District of Kansas.

Following the tragic terrorist attacks of September 11, 2001, Ms. Tieszen had her students create an American flag, using a white sheet, and dipping their hands in red and blue

paint to make the stripes and the blue background for the stars. The flag was presented to U.S. Army Captain John Townsend, who has two children who are students at the school. Captain Townsend is the Executive Officer for the School of Advanced Military Studies at Fort Leavenworth's United States Army Command and General Staff College.

After receiving the flag, Captain Townsend hung it in Eisenhower Hall at Fort Leavenworth, Kansas, for a few weeks, where, in his words, ''it got rave reviews and many people commented that it was unfortunate that all service members would not be able to appreciate it.'' As a result of the very positive reception it received at the Fort, the flag was then mailed to an Army infantry unit conducting a peacekeeping mission in Kosovo. It arrived a few days before Christmas and hung at several of their sites through the new year. From there, it was taken to an Airborne unit that ''jumped'' it into Tunisia, North Africa. Next it was displayed on the aircraft carrier USS *John C. Stennis*, which was supporting Operation Enduring Freedom in the Persian Gulf.

Following the display on the USS *Stennis*, the Comanche Elementary School flag was flown to an Army Explosive Ordnance unit in Afghanistan, which had just lost two soldiers, one being from Kansas. After that, the flag went to the Pentagon, where it hung for three weeks in the reconstructed part of the building that had been attacked on September 11th. As Captain Townsend told me, ''few people could pass it without stopping and appreciating the spirit and patriotism it displayed.'' The flag then was displayed at the U.S. Supreme Court and the U.S. Capitol, before briefly being returned home to Comanche Elementary School, where it is now being displayed.

Mr. Speaker, a book that logged its travels accompanied the flag everywhere it went. At each stop the unit took pictures of its visit and then sent them on with the flag so its travels are well documented. In most cases the unit sent a letter or e-mail praising the students' patriotism. At Comanche Elementary School the students and faculty have created a large display in the foyer just inside the front door so that everyone who comes into the building can see it: a large map with the visited areas highlighted, including pictures from those locations.

As Captain Townsend told me, ''I receive e-mails almost daily from soldiers and civilians around the world that have seen this flag and were thankful that they got to see it. In most cases it brought tears to their eyes. In some cases it brought a ray of hope to people that were down from losing friends/comrades and for others it was a sign of support from a community half way around the world.''

I am very proud of the patriotism and creativity of Marilyn Tieszen's kindergarten class at Comanche Elementary School, who worked together to create a wonderful symbol of America during our ongoing time of great challenge. Mr. Speaker, I hope that you and all Members of this House will Join with me in commending their spirit and thanking them for the inspirational symbol they created for display around the world.

TAIWANESE VICE PRESIDENT LU'S NATIONAL DAY ADDRESS TO THE PRC

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. GILMAN. Mr. Speaker, on October 1st, 2002, Taiwanese Vice President Annette Lu delivered a congratulatory speech marking the 53rd anniversary of the foundation of the People's Republic of China. For the attention of my colleagues, I am submitting the full text of Vice President Lu's speech into the CONGRESSIONAL RECORD:

NEW CENTURY, NEW THINKING, NEW CROSS-STRAIT PERSPECTIVES

(By H.E. Vice President Annette Lu)

1. CONGRATULATIONS ON THE NATIONAL DAY OF THE PEOPLE'S CHINA

Today is the National Day of the People's Republic of China. I presume that the whole country is joyfully celebrating this occasion. Via broadcast of the Voice of America, on behalf of the people of Taiwan, I want to wish prosperity to your country. Since its foundation, the PRC has made great strides, especially in the areas of economic and infrastructure development following twenty-years of open door and reform policies. These accomplishments are truly admirable,

Besides congratulations to all of you, I also have some expectations and suggestions on this day. China should not forget its responsibility to contribute to peace and development in the Asia-Pacific region. We should seek to become good neighbors and not resort to force, but seek peaceful co-existence and cooperation.

2. ''ONE CHINA'' AND ''THREE CHINESES'' (THREE ZHONGHUAS)

The Beijing regime has long proclaimed that Taiwan must accept its ''One China'' principle that Taiwan is a part of China and that only the PRC can represent China. The people of Taiwan cannot accept this, the biggest obstacle to normalization of cross-Strait relations at present. Since its establishment in 1949, the PRC has never exercised jurisdiction on Taiwan, while Taiwan has its own government, land and people. It is an undisputable fact that for half a century; neither side belonged to the other. Asking Taiwan to accept the ''One China'' principle is tantamount to asking Taiwan to surrender, which is totally unacceptable.

We believe that a different ''Chinese'' concept may be in line with New-Era thinking. Facing the impact of globalization, from the so-called ''Chinese'' have already emerged three categories or totally different concepts: these are ''Political Chinese'', ''Economic Chinese'' and ''Cultural Chinese''.

''Political Chinese'' refers to the political structure of ethnic Chinese at the present historical stage, which includes ''The People's Republic of China'' under communist rule and Taiwan's ''Republic of China'' under free democratic rule. ''Economic Chinese'' is the ''Greater Chinese Economy'' advocated by various scholars, it includes economies composed of ethnic Chinese in China, Hong Kong, Macau, Taiwan, and Singapore. ''Cultural Chinese'' comprises culturally related Chinese societies and groups as well as Chinese benevolent associations all over the world.

Obviously, these three ''Chineses'' occupy different areas and are essentially different.

Pursuit of economic gains may have enhanced trade and exchanges of human resources and capital between Taiwan and China, enabling growing economic interdependence between them. However, politically, Mainland China still adheres to communism, and also deploys missiles aimed at free and democratic Taiwan.

Both sides of the Taiwan Strait share origins but are politically different and even nervously against each other. This is because they hold different views over values of human rights, democracy and freedom. While both sides share economic interests, it would be impractical and inhumane to talk about political integration if the gap in the human values we believe in cannot be narrowed.

3. CHINA VS TAIWAN

Among the 192 countries in the world, China ranks as the 6th largest trading nation. Taiwan is the 16th. However, Taiwan has 23 million people and is small in size, and China has 1.3 billion people. Taiwan's democracy is well developed, and people have many channels to participate in politics. They have the right to run for all elected offices, including that of president and heads of township. However, because of Beijing's unrelenting suppression attempts, Taiwan has been excluded from the international stage, which greatly alienates the people of Taiwan. Many countries want to establish diplomatic relations with Taiwan, but dare not to do so due to China's pressure. The ROC was one of the founding members of the United Nations and a permanent member of its Security Council, but both memberships were taken over by the PRC in 1971. Beijing's authorities have barred Taiwan efforts to participate in the UN ever since and does its best to insult Taiwan in the international community at every turn. May I ask how can the people of Taiwan like China if the PRC persists in its attempts to suppress Taiwan?

Although we advocate that Taiwan does not belong to the PRC, we think that our two peoples across the Taiwan Straits can work together. In recent years, many Taiwanese business people have made wide-range investments in China creating employment opportunities, foreign exchange reserves, and introducing know-how and management skills. This helps energize the economic development of China and upgrade its quality control. 70% of IC products in Mainland China are actually manufactured by Taiwanese. The people of Taiwan are willing to help you, but your government has never ceased to attempt to suppress Taiwan and deployed missiles along your Southeast coast to intimidate Taiwan. How do Taiwanese people think of this odd behavior?

4. NEW THINKING ON CROSS-STRAIT RELATIONS

Some say that time is on China's side in relation to enduring cross-Strait issues. However, I still think that the matter regarding Taiwan and China is not a matter of time, nor a matter of unification or independence. China and Taiwan are like a lion and a kitten. How to turn the claws-brandishing lion into a gentle and auspicious lion that can make the kitten (Taiwan) want to embrace it takes great wisdom and kindness on both sides across the Taiwan Strait. In short, to co-exist peacefully, we need to help each other while maintaining a safe distance at the same time. Consequentially, the lion and the kitten can each live their own lives without provoking each other, and they can also help each other at times.

It is my belief that if cross-Strait relations are to develop properly, the relations between Taiwan and China cannot be considered merely economic. Taiwan is a democratic island nation, while China is a one-party authoritarian inland nation. We believe that there should be more ideology deconstruction and better communication

between two sides, then and only then may we find some common ground. So, how should the two sides treat each other? President Chen Shui-bian openly announced that the interaction between the two sides must be based on three premises of ''peace, equality and democracy'', among which peace across the Taiwan Strait is the most important. Leaders across the Strait should first put aside the political dispute and start with seeking peaceful co-existence and mutual interest, and use this kind of new thinking to begin a new era in cross-Strait relations.

As to how to resolve the cross-Strait impasse regarding sovereignties, leaders of both sides should realize that in the new century, where globalization and the emphasis on knowledge are the mainstream, people all over the world are realizing that overly stressing territory and sovereignty has become out-dated, and that a country should be ruled by its people rather than its government.

Since May 20, 2000, President Chen has on many occasions expressed goodwill toward the Chinese government as well as his sincerity to reopen negotiations. Nevertheless, Beijing is still not willing to face reality, and even further attempts to suffocate Taiwan's international living space. In the meantime, it continues to use the ''One China'' principle as a premise to boycott cross-Strait negotiations and create barriers in cross-Strait communications. This is indeed a pity.

The new century has arrived. Looking toward the future, human rights, democracy, peace, love land technological development are universal values in the 21st century. Governments and people across the Strait should adopt the new thinking to be able to think globally and act first in the Asia-Pacific region. We should jointly seek co-existence, prosperity and sustainable development across the Taiwan Strait.

Today, as 13 billion people in China happily celebrate the 53rd anniversary of the founding of the PRC, I sincerely wish prosperity to the country and wellbeing to all its people. I would also like to urge leaders across the Strait to jointly work on creating peace for the world.

COMMEMORATING THE 150TH ANNIVERSARY OF THE BAH[Aacute]'[Iacute] FAITH

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. KIRK. Mr. Speaker, the American Bah[aacute]'[iacute] community, which has its national headquarters in Illinois, is commemorating the 150th Anniversary of the beginnings of the Bah[aacute]'[iacute] Faith in Iran. The Bah[aacute]'[iacute] Faith is a world religion with more than 5 million adherents in some 230 countries and territories including more than 140,000 members here in the United States. The Bah[aacute]'[iacute] House of Worship in my district of Illinois is registered as a national historic site that has drawn more than five million visitors to enjoy its unique architecture and serene gardens since its completion in 1953.

This is a special time for the American Bah[aacute]'[iacute] community because it was during the autumn 150 years ago that the founder of the Bah[aacute]'[iacute] Faith, Bah[aacute]'u'll[aacute]h, was first overwhelmed with the Bah[aacute]'[iacute] message of love and unity while unjustly imprisoned in one of Persia's (now Iran's) worst dungeons, the S[iacute]yah Ch[aacute]l. After his release from this dungeon, Bah[aacute]'u'll[aacute]h promoted this message despite being banished from Baghdad to Istanbul, from Istanbul to Edirne, and eventually from Edirne to the prison city of Acre where he died in 1892 after having lived in exile for forty years for his belief in the oneness of humanity.

The Bah[aacute]'[iacute] Faith is based on the principles of cooperation and peace outlined by Bah[aacute][uacute]ll[aacute]h. He taught that there is only one God, that the conscience of man is sacred and to be respected, that racial diversity contributes to the overall beauty of mankind, and that women and men are equals in God's sight. He taught that a spiritual solution is required to address the disparities of wealth distribution and that religion and science must agree. He was among the first to express the need for an international auxiliary language, emphasize the importance of universal education, and advise that a commonwealth of nations was needed for establishing global peace and security. The significance of these principles could not be overemphasized in today's volatile world.

It is astounding to think how advanced these concepts were 150 years ago not only in an ancient Persian culture, but also in the United States. Slavery and persecution based on race were widely accepted facts of life at that time. Women in the United States were still 70 years away from getting the vote. Global literacy was low and universal education was unheard of in most places. Colonial exploitation was on the rise and workers enjoyed few protections.

Unfortunately, just as the Bahd'i message was met with hostility in Persia in 1852, it still faces persecution in that region today. The Islamic Republic of Iran regards Bahd'is as heretics who, according to Islamic law, should be executed. Bah[aacute]'[iacute]s, along with Iran's other religious minorities, are prevented from exercising their right to religious freedom. They are excluded from institutions of higher education, denied jobs, and have had many of their holy places, cemeteries and properties seized or destroyed. They are denied their most basic human rights.

Since 1982, Congress has adopted eight resolutions condemning Iran's treatment of the Bah[aacute]'[iacute]s, its largest religious minority. With the support of the U.S. government, the UN General Assembly has adopted annual resolutions condemning these human rights abuses. Yet, Bah[aacute]'[iacute]s is still await the religious freedom called for in those UN resolutions and promised in Iran's constitution. The Bah[aacute]'[iacute] community remains an oppressed religious minority and is denied rights to organize, elect leaders, and to conduct freely its religious activities.

On the 150th anniversary of Bah[aacute]'u'll[aacute]h's imprisonment and the founding of the Bah[aacute]'[iacute] Faith, we salute along with the American Bah[aacute]'[iacute] community the ideals of universal brotherhood, peace, cooperation, and understanding espoused by Bah[aacute]'u'll[aacute]h. These are Bah[aacute]'[iacute] values, they are American values, and they are universal values. I also would like to recognize the immense sacrifices that many around the world have made striving to ensure that true liberty and justice for all becomes not just an American dream, but also a global reality.

TRIBUTE TO CHIP PRATHER

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Chip Prather, Fire Chief of Orange County, California.

Chip Prather became Fire Chief for the Orange County Fire Authority on October 1, 1997. In this capacity he is responsible for the daily operation of one of the largest fire organizations in California. Under his direction are 1,300 career firefighters, reserve firefighters and support staff. The OCFA serves 22 cities and unincorporated areas of Orange County, with a total population of more than 1.3 million, from 59 fire stations.

Prior to becoming Fire Chief, Mr. Prather served as Assistant Director of Fire Services/Operations. He was selected by the Orange County Firemen's Association as the 1995 ''Firefighter of the Year.'' In 1998, as a battalion chief, he was assigned to the Authority's first master plan. He was promoted to Division Chief in 1989 and a year later to Assistant Director of Fire Services.

Chief Prather served as Incident Commander for the 1993 Laguna Fire and was responsible for the after-action report that has resulted in numerous changes in policies and procedures to improve fire safety in Southern California. His report provides a case study for unified command operations and disaster management.

Chief Prather holds a Bachelor of Arts Degree in Management and has completed the Harvard University John F. Kennedy School of Government Program for Senior Executives in state and local government. He has also attended the United States Fire Administration National Fire Academy, completing the Executive Fire Officer Program.

Chief Prather has dedicated his life to protecting our community and is noted for his favorite saying, ''Be tough, be tender, be safe.''

CONFERENCE REPORT ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 2002

Mr. LANGEVIN. Mr. Speaker, last night the House approved the conference report for H.R. 4546, the Bob Stump National Defense Authorization Act for Fiscal Year 2003. Passage of that legislation represents an important commitment by Congress to a strong national defense and to the men and women who provide it.

As the United States continues to prosecute the war against terrorism, it is essential that our armed forces are appropriately equipped. The conference report provides vital support for homeland counterterrorism programs, increased weapons capability, and military research and development. Additionally, it recognizes the important role of our men and women in uniform by providing a 4.1 percent

pay raise and authorizing a force increase of 40,000 people.

I am particularly pleased that the conference agreement includes language prohibiting the military from requiring or strongly encouraging U.S. servicewomen in Saudi Arabia to wear the abaya—a long black garment required for women under Islamic law. I have been working with the gentleman from Indiana, Mr. HOSTETTLER, and the gentlewoman from New Mexico, Mrs. WILSON, to remove this unnecessary and degrading mandate. The Defense Authorization conference report ends this double standard and guarantees that our servicewomen are not treated as second-class citizens.

Additionally, the legislation breaks new ground by establishing a concurrent receipt program. For too long, our disabled military retirees have witnessed their military retirement pay reduced by the amount they receive in disability compensation. I have fought against this injustice since arriving in Congress and am pleased that this legislation will provide greater assistance to many of those who have made sacrifices for our nation.

The National Defense Authorization Act is a great achievement and an appropriate recognition of Chairman BOB STUMP's dedicated leadership. I appreciate having had the opportunity to serve with Chairman STUMP on the House Armed Services Committee and commend him for his deft handling of the complex matters arising from the international war on terrorism. Together with Ranking Member IKE SKELTON, Chairman STUMP helped foster a collegial and thoughtful atmosphere in the committee, thus ensuring that Congress's approach to the war on terrorism was bipartisan and well considered. I wish him well in the future and thank him again for his leadership.

As the House prepares to recess for the year, I am disappointed that we were not able to claim greater progress on appropriations bills and other important legislation. Nevertheless, passage of the Defense Authorization Act, coupled with the final agreement reached on the Department of Homeland Security, demonstrates Congress's commitment to ensuring the safety of the American people, and I am proud of the work we have accomplished in these fields.

CONCURRENT RECEIPT

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. PUTNAM. Mr. Speaker, as we enter the waning days of the 107 Congress, action has finally been taken on the issue of concurrent receipt for America's military retirees. The National Defense Authorization Act for FY 2003 Conference Report that has come before this body does include language to provide concurrent receipt for some of our military retirees. Unfortunately, it falls far short of the proposal I supported in the House Budget Committee, and which passed this body by a vote of 221 to 209.

On March 20 of this year the House Budget Committee, of which I am a Member, took the initiative to include funding for concurrent receipt in its budget for FY 2003. This budget, H. Con. Res. 353, A Wartime Budget to Secure America's Future, was endorsed by the Administration, and included over a half a billion dollars for partial repeal of the dollar-for-dollar offset of military retired pay and VA disability compensation. Specifically, H. Con. Res. 353 earmarked over $500 million as a first step in FY 2003, with increasing amounts over the next five years, providing a cumulative total of $5.8 billion to fund concurrent receipt for America's most severely disabled military retirees.

Just over one month ago, on October 10, 2002, the House reiterated its dedication to righting this long-standing injustice. We passed, by a vote of 391–0, instructions to the conferees to retain the concurrent receipt language during their negotiations with the Senate. Unfortunately, that was not enough to bring the conference to closure and give our military retirees what they deserve.

I would like to thank Rep. MIKE BILIRAKIS for his vigorous work on this issue. And I would like to thank the 402 members of this House, who in addition to myself, cosponsored his bill, H.R. 303 to provide full concurrent receipt for our veterans. Over 400 Members were committed to ending this unfair penalization of our military retirees who were disabled during their military service.

I am disappointed that despite strong support for this initiative, and budget neutral funding for the program, the conferees were unable to keep the promise made to our military retirees. I will continue to work for just treatment for all disabled military retirees and I will continue to support legislation that will provide full funding of concurrent receipt for disabled military retirees.

I have the highest respect for our departing friend Chairman BOB STUMP, and it is because of my great admiration for him, that I will vote to send this legislation to the President.

A TRIBUTE TO THOMAS SCHILTGEN, DIRECTOR OF INS LOS ANGELES DISTRICT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Thomas J. Schiltgen, who has performed a near-miracle in the past three years as District Director for the Los Angeles District of the Immigration and Naturalization Service. Coming into the busiest—and most troubled—office in our immigration system, Mr. Schiltgen turned the Los Angeles District into one of the most efficient in the nation.

Thomas Schiltgen joined the INS out of college in 1975 as a Criminal Investigator in Chicago. He moved up through the ranks, and served in a wide range of positions that included Deputy Director in the agency's Bangkok office. Before taking over the Los Angeles office, he served for four years as Director of the INS San Francisco District.

When he was assigned to take over the Los Angeles District, the office was known throughout the country for crowds lining up every day in a desperate attempt to work through the immigration process. The office averaged 24 months to process routine citizenship and legal immigration cases. More than 400,000 cases awaited resolution.

Winning the respect of his own staff and the immigration support community, Mr. Schiltgen has managed to virtually eliminate the backlog and has reduced the waiting time to as little as six months for most naturalization and adjustment of status cases. The efficiency of the office was shown dramatically this year when nearly 5,000 applications were handled in a single day at the end of a family reunification program.

Mr. Speaker, although the Los Angeles District serves all of Southern California, I want to pay special tribute to Mr. Schiltgen on behalf of the Inland Empire. Under his leadership, the INS has opened a wonderful new office in San Bernardino, and provided a much wider range of services closer to home for thousands of immigrants who live and work in my district. The new INS office is an asset to the downtown of my home town, and provides a warm and professional face for the federal government in the city.

Mr. Schiltgen has also opened an expanded service center in Orange County, and has helped redesign the main INS facility in Los Angeles to provide heightened privacy, convenience and service for those who have come to our nation seeking the American dream.

Mr. Speaker, after 27 years with the INS, Thomas Schiltgen has decided to retire and pursue opportunities in the private sector. I ask you and my colleagues to please join me in thanking him for providing such high-quality public service, and wish him and his wife Brenda well in their future endeavors.

CONDEMNING NORTH KOREA FOR ITS FAILURE TO COMPLY WITH THE NON-PROLIFERATION TREATY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to discuss a very serious issue—the failure of North Korea to comply with a number of non-proliferation treaties, agreements, and resolutions, and the absence of any well-defined U.S. policy with that country.

The history of nuclear weapons proliferation in North Korea is a lengthy one, going back over a decade and a half when North Korea signed the Non-Proliferation Treaty. When it signed that treaty in 1985, North Korea agreed not to manufacture or acquire nuclear weapons, and also agreed that the International Atomic Energy Agency could conduct inspections to verify fulfillment of those obligations.

When that Agency discovered anomalies in North Korea's nuclear facilities in 1993, inspectors were no longer allowed into the country.

Seeking to end the stalemate, the U.S. and North Korea signed the Agreed Framework in October, 1994. Under the terms of the Agreed Framework, the U.S. created an international consortium, which would provide North Korea with alternative sources of energy in the form of heavy fuel oil and a modern nuclear power plant. In return, North Korea pledged to freeze its existing nuclear program and allow inspectors back into the country.

Shortly after the Framework was signed, the consortium, the Korean Peninsula Energy Development Organization, was created. Despite

the fact that the U.S. and its allies have spent over $1.3 billion to finance reactor construction and provide heavy fuel oil to North Korea annually, they have consistently failed to allow inspections of its nuclear facilities.

Then last month, North Korea admitted that it has been operating a covert nuclear weapons program.

The existence of a North Korean nuclear weapons program poses a real and imminent threat to the populations of South Korea, Japan, and North Korea, and to the U.S. Armed Forces stationed in that region.

The time has come for the U.S. to establish an effective policy regarding U.N. member states and their obligations towards world peace and disarmament.

Today, I am introducing a resolution, condemning the government of North Korea for its failure to comply with the non-proliferation treaty and the Agreed Framework.

First, my resolution calls on North Korea to honor its commitments under the Non-Proliferation Treaty and the Agreed Framework. Those commitments include freezing its nuclear programs and allowing the IAEA to carry out inspections.

It also commends the members of the KEDO international consortium for honoring and upholding their commitments to advance the implementation of the Agreed Framework.

Second, my resolution calls on the IAEA to report to the U.N. General Assembly, one year from the date of the Resolution, on the status of North Korea's compliance with inspections.

If the IAEA report indicates that North Korea has still not allowed inspections, members of KEDO are called on to suspend all funding for construction, suspend construction of the light water reactor, and suspend shipment of heavy fuel oil.

And finally, the Resolution calls on the leaders of Russia, China, Japan, South Korea, and other concerned nations to support that potential suspension.

I believe that this Resolution is an important first step in achieving the non-proliferation treaty goal of nuclear disarmament.

I do not recommend, as many have suggested, simply declaring the Agreed Framework null and void. I believe that ''suspending'' our participation until North Korea complies with its obligations sends an important message. That message is—we honor our commitments, we expect you to honor yours, and we believe that diplomatic and peaceful solutions, with the full support of other concerned nations, are the optimum means for attaining the objectives outlined in the Non-Proliferation Treaty.

Realize, this is only the first step on what will be a long and arduous path. This Resolution allows diplomatic discussions and negotiations to continue, it also allows our Secretary of State to garner support from members of the U.N. Security Council and other concerned nations to join in commitments to the non-proliferation treaty.

I have specifically not included any language in the Resolution on actions that might be taken after one year if inspectors are still not allowed into North Korea. It is more appropriate to leave that decision to the member nations on the U.N. Security Council.

There are nearly 38,000 U.S. Armed Forces currently stationed on the Korean peninsula, and another 40,000 stationed in Japan. We have a lot at stake as a nation in ensuring a peaceful solution to this issue. At the same time, we must take steps to overcome this impasse. It is not reasonable for the United States to continue unilateral compliance with a bilateral Agreement.

I urge my colleagues to support this resolution.

I believe this resolution will guide our nation towards implementing a policy that is achievable, and attainable, and supportable.

WORLD POPULATION AWARENESS WEEK

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. GREENWOOD. Mr. Speaker, the world's population is currently growing at a rate of 77 million people per year. By 2050, the United Nations estimates that the world's population will reach 9.3 billion. While the impact of this population growth will be felt throughout the world, it is the lesser-developed nations that will bear the greatest burden unless poverty alleviation and long-term economic and environmental sustainability become a priority for the international community. Without a higher standard of living in these impoverished areas, one-fifth of the world's population, including children, will continue to suffer malnutrition, disease, and illiteracy.

It is without question that young people all over the world are the potential of a country's future, and if their needs and demands of today are not addressed, they are in danger of jeopardizing that future. Risks of dying from complications of pregnancy or childbirth are 25 times higher for girls under the age of 15 and two times higher for women aged 15–19, yet 17 million women between the ages of 15 and 19 give birth every year.

It is impossible to tackle the issue of overpopulation without addressing the devastating burden this growth would have on the environment. It is evident that overpopulation can result in water shortages, soil degradation and air and water pollution. As a responsible society, we cannot afford to allow the erosion of our precious natural resources to continue any further.

It is therefore important for us to recognize the problems associated with rapid population growth amongst young people. Governor Schweiker has proclaimed the week of October 20–26 of this year as World Population Awareness Week in the Commonwealth of Pennsylvania, and I would like to support the Governor in this effort by entering his proclamation into the CONGRESSIONAL RECORD.

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE

PROCLAMATION—WORLD POPULATION AWARENESS WEEK

October 20–26, 2002

Whereas, the 21st century offers enormous environmental and societal challenges for governments at all levels; and

Whereas, these challenges call for innovative leadership to ensure resource conservation, protection of open space, waste prevention, sanitation management to provide quality of life. These challenges are inextricably linked to patterns of considerable demographic change; and

Whereas, world population is projected to increase by almost 80 million per year with 98 percent of population growth projected to occur in the least developed countries of the world. This growth can lead to disease, hunger and starvation; and

Whereas, demographic problems are not limited to the under developed nations. These problems are also a reality in the United States and other industrialized nations.

Therefore, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, do hereby proclaim October 20–26, 2002, as World Population Awareness Week In Pennsylvania. I encourage all citizens to reflect upon these challenges and seek rational, humanitarian and community-based solutions.

Given under my hand and the Seal of the Governor, at the City of Harrisburg on this twenty-fourth day of July in the year of our Lord two thousand and two and of the Commonwealth the two hundred and twenty-seventh.

MARK S. SCHWEIKER,
Governor.

PROSPECTS FOR CHANGE IN TURKEY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I wish to extend my congratulations to the people of Turkey for their elections held on November 3. Witnessing the peaceful change of government is a change that is significant for both Turkey's citizens and for their neighborhood. Many of Turkey's neighbors need to see that such a transfer of power is possible, for the people of these countries have for too long suffered under the illusion that they must live with their repressive regimes that maintain power through undemocratic means.

It is also important to keep in mind that the Turks, seen by some as a model for the countries of Central Asia, are not new kids on the block—former President Demirel was an original signer of the 1975 Helsinki Final Act. As Co-Chairman of the Commission on Security and Cooperation in Europe (the Helsinki Commission), I have followed closely the developments in Turkey. With a particularly keen interest in the protection of human rights which has such an impact on the lives of individual men, women and children, I continue to be concerned about the ongoing use of torture, violations of religious freedom and threats to civil society.

Through the ballot box, the Justice and Development Party, known as the AKP, received 34.3 percent of the vote, giving them a clear majority of 363 seats in the 550-seat Turkish Grand National Assembly. This entitles the AKP, led by former Istanbul Mayor Recep Tayyip Erdogan, to govern without sharing political power. He will not be without challenges to his authority though.

On November 8, the anniversary of the death of the Turkish reformer Kemal Ataturk, General Hilmi, Ozkok issued a statement vowing ''to protect the republic against all types of threats, especially fundamentalism and separatist activities,'' reiterating strongly the military's view of itself as the historical guarantor of Turkey's secular system. Mr. Speaker, while

the transition appears peaceful, it is not without its strains and stresses, even with the potential of the military stepping in like it has done repeatedly in the past. We can only hope that is not the outcome of this transition.

As an original participating State of the Organization for Security and Cooperation in Europe (OSCE), Turkey has accepted a broad range of human rights obligations. As head of the U.S. delegation to the OSCE Parliamentary Assembly, I have worked with my parliamentary colleagues from Turkey to encourage protection for these commitments. With a new government not obligated to continue the ways of the old, there is a welcome opportunity for such initiatives to be undertaken.

There are a few specific matters that I urge the incoming government to address without delay. Four Kurdish members of the Grand National Assembly have been in prison since March 1994. I call upon the new government to free Layla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak and remove the trumped-up charges from their records. They were convicted for, among other things, speaking their mother tongue in and out of the parliament building. As Mr. Erdogan himself has said, such convictions should not stand.

Also, past efforts to return the hundreds of thousands of internally displaced Kurds to their homes in southeastern Turkey have proven ineffectual. The government should take concrete steps to ensure that refugees are allowed to return to their own homes in safety and dignity, which may well require the clearing of land mines and repairing of villages.

Mr. Speaker, without reciting the lengthy list of Turkey's human rights violations, including the use of torture, it is fair to say that Turkey's record of implementation of OSCE human dimension commitments remains poor. While progress has been made, the authority of police officials must be checked by the rule of law. All claims of torture must be seriously investigated, no matter where the investigation leads. It is important that anyone who commits torture—especially police, the security forces or other agents of the state—must be taken to court and tried for high crimes. The Forensic Medical Association should be allowed to carry out its professional responsibilities and act without fear in its attempts to document torture. Victims of torture should be paid due recompense by the state.

I am very concerned about the continuing difficulty no-governmental organizations face throughout Turkey, particularly the Human Rights Foundation of Turkey. The Human Rights Foundation exists in an uncertain environment, with arbitrary shutdowns and having its officials harassed, intimidated or arrested. Property has been seized and not returned.

Religious freedom in Turkey, whether for Muslims or other religious communities, had suffered from heavy-handed government involvement and control. The government allows Turkish Muslims to only attend state-approved mosques, listen to state-funded Imams, and receive religious education from state-funded schools. The Directorate of Religious Affairs, which regulates all of Turkey's 75,000 mosques and employs Imams, has been criticized for only promoting Sunni branch of Islam. I would encourage the new government to bring to a close its regulation of all religious institutions.

The wearing of headscarves has also been regarded as quite controversial since it is seen as a religious totem in a secular state. Women who choose this expression of religious conviction are denied the ability to attend state-run universities and work in public building, including schools and hospitals. The public sharing of religious belief in Turkey with the intent to persuade the listener to another point of view is severely curbed for both Muslims and Christians. A number of evangelical Protestant groups throughout Turkey have reported being targeted because of their religious free speech, which contradicts OSCE commitments on religious liberty and freedom of expression.

Turkey's Office of Foundations has contributed its own difficulties for faith communities, as it has closed and seized properties of ''official'' minority religious groups and unrecognized faith communities. Several religious groups, most notably the Armenian Apostolic and Greek Orthodox churches report difficulties, particularly on the local level, in repairing and maintaining existing buildings or purchasing new buildings. The continued closure of the Orthodox seminary on Halki Island remains a concern.

Furthermore, religious groups not considered ''official minorities'' under the Lausanne Treaty are provided no legal route to purchase or rent buildings to meet, and are thereby forced to hold meetings in private apartments. In response, provincial governorships, after receiving a letter from the Ministry of Internal Affairs last year, have initiated efforts to close these meeting places, leaving the smaller Protestant communities without any options. The lack of official recognition is an insurmountable hurdle for minority religious groups wishing to practice their faith as a community.

Turkey is at a critical crossroads. I am hopeful that the new government will take this opportunity to move forward, and craft policies which are consistent with OSCE commitments and protective of all peoples living in Turkey.

IN HONOR OF LINDA PAUWELS FOR HER ACHIEVEMENTS IN THE FIELD OF AVIATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. SANCHEZ. Mr. Speaker, I rise to pay tribute to American Airlines pilot Linda Pauwels, a mother, a Latina, and a pioneer on behalf of female pilots throughout the world. Linda is an immigrant from Argentina who came to the U.S. when she was 6 with her 2 year-old brother and widowed mother. Through hard work and dedication, she began her flying career at the young age of 17. By age 25 she had become the youngest female jet pilot ever.

Since then, she has flown most major jets including huge C–130 transports and 707s. Just last year, she diverted tragedy when the MD–80 she was flying with 128 passengers experienced engine failure on its way to Chicago. Because of her experience and her ability to handle difficult situations, she was able to successfully perform an emergency landing in Sioux City, Iowa.

Linda is a dedicated wife and mother of two. She is also the only woman spokesperson for the Allied Pilots Association, and dedicates much of her free time to promoting women in aviation and encouraging Hispanics to work hard to fulfill their dreams.

Lindas Pauwels is a striking example of the many hardworking pilots who are dedicated to making sure that the skies are safe for all airline passengers.

MAURICE A. AND RITA A. LUTZE: FORGING THEIR GOLDEN ANNIVERSARY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor two very special friends, Maurice and Rita Lutze of Otter Lake, Michigan, as they celebrate fifty years of marriage and a loving commitment to each other and their three children. The Barcia family has known the Lutze family for many years. It has been especially heartwarming over the years to get to know such a loving couple and their children.

With Rita's brother Cliff and his wife Pat serving as witnesses, Maurice and Rita eloped and were married in Angola, Indiana, on September 13, 1952. Choosing to elope somehow seems appropriate for two people who have never been afraid of life's challenges.

Maurice served as a Marine in the Korean War, was wounded and received the Purple Heart. He later worked as a toolmaker at Northern Tool and Die and as a foreman at General Motors Corporation's Fisher Turnstead plant. He also served as a volunteer firefighter for the Beecher Fire Department, where he rose to the rank of Assistant Chief. Meanwhile, Rita worked to create a loving and nurturing home environment in which to raise their daughters, Carrie and Charlotte, and son, Kim. After the children were grown, Maurice and Rita literally put their house on a trailer and moved it to a 10-acre parcel in Otter Lake where they raised horses and cows.

From the day Maurice and Rita first met at the Red Lion restaurant in Bay City, they shared a special bond and a like-minded sense of humor. Friends and family are familiar with the story of that day at the Red Lion when Maurice and Rita couldn't stop laughing about a customer whose bald head was so shiny that Rita tried to fix her hair in the reflection. It was their mutual ability to find humor in everyday events that brought them together and that has kept them together through good times and more difficult circumstances.

Finally, Mr. Speaker, I ask my colleagues to join me in congratulating Maurice and Rita Lutze for achieving a rarely reached milestone of fifty years of marriage. I am confident they will enjoy many more years of love and happiness.

CONFERENCE REPORT ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise reluctantly today on the Conference Committee report for the Fiscal Year 2003 Defense Authorization.

The House of Representatives sent to the Conference concurrent receipt provisions that were a solution to the problem of the nearly 15 million veterans and their families in this Nation. Last night, after 40 minutes of debate, the House adopted a version of the report that will aid merely 33,500 of our military retirees who suffer from a combat-related disability.

While I appreciate Chairman HUNTER's efforts to keep some language in the conference report, I am left to wonder: what have we done for the other 14,966,500 servicemen and women who have stood behind this great Nation?

We had the support and votes of over 400 Members of this House and funding in this year's budget to solve this seemingly unsolvable problem. When are we going to put our money where our mouths are?

Adding insult to injury, the concurrent receipt provisions are confusing and complicated. Deserving or not, approved or not, claimants will innundate the Department of Defense, causing further delays and postponements in an already backlogged system. We may very well end up losing more Federal dollars in a drawn-out claims process than will reach our retirees in payments due to these vague eligibility provisions.

I have the greatest respect for BOB STUMP, for whom this legislation is appropriately named. he has been a tireless advocate for America's Uniformed Services, and an invaluable mentor to me. And while this is a first step on the road to improved compensation for our veterans, I was unable to sign this conference report. We have just sent a message to the men and women that defend our freedoms that I cannot support. That message is this: 20 years or more of honorable military service is enough to warrant receipt of military retirement pay only if you are injured in combat.

Mr. Speaker, we must pledge now to provide for the welfare of veterans who have contributed in every capacity to the defense of our Nation.

The remainder of this legislation is a cumulative statement on how this Congress views its armed forces. Our vote sends a clear message to our men and women in uniform that we support your efforts and appreciate your sacrifice to defend this great Nation.

Of the total $355.1 billion, $93.6 billion ($11.5 billion over fiscal year 2002) supports the budget request for 1.4 million active duty and 864,558 guard and reserve personnel; it fully funds the pay raise of 4.1 percent and adds $110 million over the budget for enhanced force structure for B–52 squadrons, and Guard and Reserve full time support personnel.

The Navy, of particular interest to Northwest Florida, will receive $3.2 billion for 46 Navy F/A–18 E/F fighters, including an additional $120 million over the budget request for 2 additional aircraft. The appropriation will also provide $4.0 billion for 23 F–22 fighters and $3.5 billion for continued development of the multi-service Joint Strike Fighter.

Defense health programs are funded at $14.8 billion with $7.7 billion going towards Tricare for Life, post-65 military retirement medical care.

Additionally, I am happy to see $26 million for the Joint Primary Aircraft Training System or JPATS. JPATS brings Naval aviation training into the 21st century by providing student aviators with glass cockpits and ejection seats, a more realistic training, for a more realistic age of war fighting.

Mr. Speaker, this bill is progressive, reflective of Congress and goes a long way in supporting our men and women in uniform.

CONFERENCE REPORT ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. HOWARD. P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 2002

Mr. MCKEON Mr. Speaker, I would like to first thank House Armed Services Committee Chairman BOB STUMP for whom this bill is named. It has been a great privilege to serve on the committee with Chairman STUMP. He has served his country with distinction in a number of capacities. From the time he concealed his age to be eligible to join the fight during World War II to his patriotic leadership in the HASC, Chairman STUMP had exemplified bravery, integrity and honor. Truly, he has been a role model for all Americans.

Post September 11, Americans are painfully aware of the need to equip our military with not only the tools, but also the training vital to securing and preserving freedom at home and abroad. I strongly support H.R. 4546 because this bill is an aggressive plan to provide our men and women in uniform with the best in both training and equipment.

Furthermore, H.R. 4546 honors those who protect our freedoms each day. It is unfair and unpatriotic to ask the men and women of the armed services to perform one of the most difficult and more important jobs without compensating them fairly. I am extremely pleased that the defense reauthorization act includes a 4.1 percent military pay raise.

This legislation marks a critical point for the United States in the war on terror. For over a decade the U.S. military has suffered the blows of defense budget cuts. I support H.R. 4546, which including the President's goal to increase funding and to repair the damage caused by these cutbacks.

IN HONOR OF ZLAKET FAMILY BUSINESS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. SANCHEZ. Mr. Speaker, I rise today to recognize the Zlaket Family of Garden Grove for 75 years of service to their community.

In 1927, Leo and Mary Zlaket decided to open a general store, selling bulk items to farm housewives, like flour and sugar, as well as fabric to sew clothes for heir families. Chickens were sold whole, without the modern day pre-packaging.

Today, the Zlaket market caters to the fast-paced and busy community of Garden Grove by selling specialty and gourmet items. However, they still maintain their old world charm by selling ''Moms Cakes'' baked by 81-year-old mom Kay Roman, who wakes up early each morning to bake her delicious creations.

I am very proud of the Zlaket family for sustaining a business over 75 years through events like World War II and the Great Depression. Their dedication to their community, their business, and their family is to be commended.

IN RECOGNITION OF DOUGLAS H. DITTRICK

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate an outstanding member of our community and northern New Jersey—Douglas H. Dittrick, who on November 18, 2002, will be honored by the Northern New Jersey Council of the Boy Scouts of America as one of 2002's ''Good Scouts.'' I am privileged to know Doug as a constituent, a counselor, and, most important, a valued friend.

Mr. Speaker, it is impossible to list all of the contributions Doug has made to New Jersey as a businessman, as a civic leader, and as a philanthropist. Doug is an outstanding example of the type of person who makes Bergen County, our State, and our Nation such a wonderful place.

As President and CEO of Douglas Communications Corporation II, Doug has been a leader and pioneer in the telecommunications industry for more than twenty-five years. He has served as Chairman of the National Cable Television Association, and has been honored as Executive of the Year by Cable Television Business magazine. Doug is a recipient of the NCTA's Vanguard Award for outstanding contribution to cable television, and has been a champion of the telecommunications industry for decades.

Equally important, Doug has been a leader in innumerable charities and civic institutions within and outside of New Jersey. In my own district, be has chaired the Valley Health System and served as chairman of the board of the Valley Hospital's Board of Trustees. He has been actively involved in the leadership of the American and National Red Cross on both the state and national level. In my hometown

of Ridgewood, Doug served with distinction on the town's Board of Education for almost a decade, and as President of the Board for five years. At the same time, Doug has shown deep devotion to his alma mater, Ohio Wesleyan University, having served as President and as an active member of the University's Alumni Association, and currently serving as Chairman of the University's Board of Trustees.

Above all, Doug has shown a keen interest in Scouting, and the values it instills in our young people. Doug has served as Chair of the Ridgewood-Glen Rock District of the Boy Scouts of America, and presently serves both as Vice President-Finance for the Northern New Jersey Council of the Boy Scouts, and Executive Vice President of the Northeastern Region. In 1997, Doug was the recipient of the BSA's prestigious Silver Beaver award in recognition of all that he has contributed to Scouting.

In gratitude for all that Doug has given to the Boy Scouts of America, the Northern New Jersey Council of the Boy Scouts this year will honor Doug with its ''Good Scout'' award. Doug's well-justified pride in this honor is shared by his wife Barbara, their three daughters, and indeed, all of the New Jersey Scouting community.

Mr. Speaker, through his good works, Douglas H. Dittrick exemplifies the American values that have made our country great, and truly gives meaning to the term ''pillar of the community.'' I ask my colleagues in the House of Representatives to join me in congratulating Doug on his achievements, and thanking and saluting him for his dedication and contribution to so many members of our New Jersey community.

HONORING SIDNEY ''SID'' M. OMAN ON HIS TEN YEARS OF SERVICE AS HOST OF WCTV–48'S SOUNDING BOARD PROGRAM

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to honor a patriot and pioneer in public television. Sidney ''Sid'' M. Oman has given ten years of service as host of the weekly public affairs talk show, ''Sounding Board'', on the City of Chesapeake's cable channel, WCTV–48.

Each week, Sid highlights hot topics in politics, current events, and other news that impact the residents of the Chesapeake community. He invites state and local leaders to talk about important issues, and share their thoughts with the community in an objective forum.

Sid and his ''Sounding Board'' have a long history together. From 1960–1964, he hosted the original ''Sounding Board'' on WAVY TV–10 in Hampton Roads, Virginia. From the beginning, the show featured people in local, state, and national politics and government, as well as those in the arts and media.

Sid has been serving his community in a variety of capacities for many decades. He began his career of service as public relations chief for the City of Norfolk, and served five years as executive director of the Norfolk's International Azalea Festival, an annual celebration that salutes NATO member nations.

Sid's love of politics eventually persuaded him into public office. Sid served as a three-time mayor of Chesapeake, Virginia, and a one-time mayor of Elizabeth City, North Carolina. During these years of service, Sid continued to host weekly public television segments and call-in radio programs where citizens phoned in with questions and comments.

After ten years with WCTV, Sid Oman still holds a strong commitment to educating and providing information to the public. He and his wife, Lillian, are both well-respected and much-loved members of the Chesapeake community.

When not hosting ''Sounding Board'', Sid oversees his successful funeral business. In spring of 1964, Sid himself planned and coordinated the funeral of General Douglas MacArthur. Again—Sid's commitment to serving and honoring others has been an outstanding and lifelong pursuit.

Mr. Speaker, please join me in honoring Sid Oman, for his years of service to WCTV, to Chesapeake, and to the Commonwealth of Virginia.

CONGRATULATING KATARZYNA SZOTYNSKA, SAILING CHAMPION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. LAFALCE. Mr. Speaker, I rise today to pay tribute to Katarzyna Szotynska, a young woman from Warsaw, Poland, who was the recent winner of the World Laser Radial championships which was held in the greater Buffalo area at the Buffalo Canoe Club in nearby Ontario, Canada.

Ms. Szotynska is also the 2002 Silver medalist in the 3rd World Sailing Games in Marseille, France, and was the Gold Medal winner in the World Laser Radial Championships in Spain and Turkey in 2001 and 2000, respectively.

Katarzyna Szotynska was born in Poland and is studying culture at Warsaw University. She has been sailing Laser Radials for eight years. Ms. Szotynska is the first woman in the world to win three consecutive world championships in Laser Radials class. She is the most accomplished woman sailor in Polish history.

I ask the House of Representatives to join me in congratulating Katarzyna Szotynska on her accomplishments.

IN HONOR OF ANDREW SAAVEDRA FOR HIS SERVICE TO THE CITY OF SANTA ANA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. SANCHEZ. Mr. Speaker, I rise today to honor Andrew Saavedra for his service to the city of Santa Ana. Andrew was recently awarded the Rosita Diaz ''love in Action'' award from the Loyola Institute for Spirituality for his hard work and dedication to the community.

Sixteen years ago, Andrew started a soup kitchen at St. Joseph Catholic Church. When it first opened, the kitchen served only a handful of people. Today, the kitchen has expanded and now serves over 600 each week.

Andrew has also helped to establish citizenship and English classes in Santa Ana to help immigrants in the community to become a part of the Democratic process.

I am very proud of Andrew and appreciate his service to the citizens of Santa Ana.

DEAN STRATTON: A HUNTER'S LIFE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor my good friend and fellow bow hunter, Dean Stratton of Rhodes, Michigan, in acknowledgment and appreciation for his entrepreneurial spirit and long-time commitment to promoting advanced hunting techniques in Michigan and nationwide.

Dean and I share a love of hunting and the great outdoors. I have enormous respect and admiration for him as a hunter and as a businessman who turned his $100 investment into the biggest commercial game call business in the state. His family-owned business, Stratton Outdoor Products, along with Stratton Deer Farm, stand as models for other small business owners pursuing their own versions of the American Dream.

Over the years, Dean has used his own passion for hunting to help countless others discover the thrills and satisfaction on the sport. A native of Bay City, Dean pioneered the development of deer calls and was the first businessman in the state to sell deer and game calls commercially. He made his discovery by observing how deer communicate. He then used that knowledge to transform a duck call into a prototype for luring deer. Dean's deer calls are now widely used by hunters throughout the country.

In addition to marketing his innovative, hand-made products to hunters and hunting outlets across the country, Dean also has successfully harvested trophy-class whitetail deer and wild turkey for many years. Always willing to share his expertise on deer and turkey behavior and on some of the advanced hunting techniques he has developed, Dean has conducted seminars and clinics to pass on his knowledge to others. He also is an accomplished author, photographer and radio talk show host. Dean credits his wife, Cheryl Ann, and their sons, Christopher, Jason and Adam, with allowing him to pursue and achieve his dreams.

Mr. Speaker, I ask my colleagues to join me in honoring Dean Stratton for his many contributions to hunting. He is indeed a straight shooter and a strong advocate for hunters and outdoor enthusiasts across this great land and throughout the world.

TRIBUTE TO BALDWIN-WALLACE COLLEGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. KUCINICH. Mr. Speaker, I rise today to commend Baldwin-Wallace College in Berea, OH, for their innovative program to assist single, teen mothers in obtaining a college education. Baldwin-Wallace College's commitment to assisting underrepresented populations with obtaining a higher education degree dates back to the founding of the institution in 1845. In keeping with that tradition, Baldwin-Wallace developed the Single Parents Reaching Out for Unassisted Tomorrows, or SPROUT, program in 1990 to recruit and retain students from ''at risk'' populations, knowing that education is the door to a future free from poverty, dependency, and oppression.

The College created the comprehensive developmental program for single parents and their children when it became clear that single parents drop out of college when the competing demands of child care, academics, and finances become overwhelming. Without a college degree, most single parents, primarily women, are unable to break the cycle of welfare and subsistence living. Given the availability of campus housing, day care, academic tutoring, counseling services, mentoring, and educational developmental programming, this cycle can be broken.

SPROUT provides single parents the opportunity to complete a college education consistent with their career and personal goals. Because of the continuing need across the State and the Nation for establishing an educational environment conducive and supportive of the parenting skills, home management skills, personal management demands, and financial resource requirements of single parents, the SPROUT program can serve as a demonstration project for a more extensive effort at developing education programs which offer academic options and opportunities encouraging academic and individual development of single parents and their children.

Students are selected to participate in the SPROUT program based on their financial need, past academic achievement, academic promise, and ability to adapt to community living. They must also be accepted to Baldwin-Wallace through the regular admissions program. Each participant is expected to complete full-time course work each semester while meeting the College's grade point average requirements.

Current welfare regulations requiring participants to engage in 35 hours of classroom study, work, educational programming, and counseling, or vocational training weekly and limiting participants to a total of 36 months force the SPROUT parent to take courses in the summer in order to graduate on time. Even in the face of these requirements, 70 percent of the students who enter the program will graduate. The students work no less than 12 hours per week at work study or off-campus jobs.

Each individual in the program receives career, academic, and personal counseling through the developmental programs that SPROUT offers including mentoring and internship programs. The College provides support services such as tutors, a learning center, a writing laboratory, and a computer center to help ensure the success of these students. Each mother and her child are provided with on-campus housing in a group living environment shared with three other families. Baldwin-Wallace College assists each woman with obtaining child care and additional living expenses.

Despite these strict requirements, the SPROUT parents are achieving academic success. In fact, the overall grade point average of the students in the SPROUT program is over 3.0.

Mr. Speaker, before I close I would like to tell you the story of one young woman who some of you may know. Lar'Mara O'Neal is a shining example of the success of the SPROUT program. She transferred to Baldwin-Wallace College in January 1998 with a newborn son. After graduating from Baldwin-Wallace in 1999, Lar'Mara went on to earn a graduate degree from the Mandel School of Applied Social Sciences at Case Western Reserve in 2001. She currently lives in Washington with her son, Steven, and has a fellowship through the Presidential Management Intern (PMI) program. Today, Lar'Mara is a Legislative Assistant with Representative STEPHANIE TUBBS JONES. This would not have been possible without the opportunity to attend college while raising her son through the SPROUT program.

I would also like to mention my friend, Julie Candela, the director of the SPROUT program, and praise her for her dedication and hard work. Mr. Speaker, I am not only impressed with Lar'Mara and her achievements but with the SPROUT Program because it is an ideal model of a successful Welfare-to-Work program.

Baldwin-Wallace College is dedicated to assisting these young student mothers as they face the many challenges on the path to self-sufficiency, personal responsibility, and academic success. I commend both the College and the SPROUT participants for their commitment and resolve to assure these young women have the opportunity for a better future.

TRIBUTE TO JOHN H. APPLEYARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today to honor one of Pensacola's most cherished and dedicated citizens, whom over the course of his life has given an immeasurable amount of time and effort to the community that he has worked so hard to build. He has given nearly 1,000 speeches, written over 75 books, and taught over 500 lessons and classes tracing Northwest Florida history. A prolific writer and local historian, John H. Appleyard has dedicated his life to the Pensacola community and has become one of Pensacola's greatest assets.

Actively involved in the Pensacola community for the past half-century, Mr. Appleyard committed himself to the improvement of Northwest Florida. He served as president of the Pensacola Historical Society, the Downtown Rotary Club, and the PJC Foundation. In addition, he has given his time to such positions as director of the Home Builders Association of West Florida, the Lions Club, and the United Way Foundation. In 1959 Mr. Appleyard founded the John Appleyard Agency, a Pensacola advertising and public relations firm, for which he has actively been a part of since its inception.

Over the past 50 years, this distinguished gentleman has received numerous honors and awards for his contributions to the Pensacola area. In 1955, Mr. Appleyard was recognized as the Jaycees Northwest Florida Young Man of the Year for his service with a variety of community organizations including the University of West Florida, Boy Scouts of America, and the YMCA, just to name a few. Continuing his efforts for the next 30 years, Mr. Appleyard was honored as the Chamber of Commerce-News Journal Pioneer Businessman of the Year in 1986 and awarded the Heritage Award of the Pensacola Historical Society in 1988. These are simply a few of the overwhelming number of awards and honors the Mr. Appleyard has received, a true testament to his dedication and commitment to the Pensacola community.

As well has being firmly entrenched in the activities of the Pensacola community, Mr. Appleyard has become one the foremost historians on the Pensacola area. He has penned a variety of books, both fictional and non-fictional, including classics such as ''The Second Great Document'' and ''The Spanish-French Confrontation.'' Mr. Appleyard has also written several radio enactment plays and playlets.

Mr. Speaker, on Thursday, November 14, 2002, John H. Appleyard, along with the Pensacola community, will celebrate his 80th birthday. On this such occasion, we honor a great historian, businessman, and neighbor; one of Pensacola's greatest citizens.

IN HONOR OF LUCY SANTANA FOR HER APPOINTMENT AS EXECUTIVE DIRECTOR OF GIRLS INCORPORATED OF ORANGE COUNTY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. SANCHEZ. Mr. Speaker, I rise today to honor Lucy Santana of Santa Ana. On September 1, Lucy was appointed as Executive Director of Girls Incorporated of Orange County, an organization that strives to help girls and young women develop the values and skills they need to become productive and successful adults. She is the first Latina to head the local chapter of the national organization.

Her desire to help young Latinas in Orange County comes from her experiences in school as a young girl. Noticing that the boys were called on more frequently and received better opportunities in school, she learned from an early age the barriers young women face in getting an education.

Lucy refused to believe the message she was taught. She worked hard and became the first college graduate in her family. Her desire to help other young women in her community is truly an inspiration.

BRAVO ZULU TO COMMANDER DANIEL F. VERHEUL, USN

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. HOSTETTLER. Mr. Speaker, I rise today to pay tribute to Commander Daniel F. Verheul, United States Navy. CDR Verheul has distinguished himself by exceptional service as the Defense Intelligence Agency's Liaison Officer to the House and Senate Armed Services and Appropriations Committees from February 2000 to December 2002. Commander Verheul brought his wealth of tactical through strategic-level operations and operational experiences to bear in supporting the various defense committee's requirements for intelligence briefings and hearings.

Some of these briefing and hearings involved intelligence support for the Iraqi resolution authorizing U.S. forces into combat, Operation Enduring Freedom in Afghanistan, inquiries into the attack on the USS *Cole*, operations in the Balkans, Plan Colombia, ''Desert Fox'' attacks on Iraq, joint targeting and battle damage assessments for Operation Northern and Southern Watch, and organizing and coordinating a series of weekly classified intelligence briefs.

Commander Verheul is an outstanding action officer whose promotion of intelligence capabilities at all levels gained support in the Congress for increased intelligence capabilities and resources. Through his initiative, he organized a myriad of one-on-one briefs to inform key Congressional Members and Staff, enabling them to gain a better understanding of world crises, global threats, weapons and technology proliferation, foreign military capabilities, and support for administration policies and objectives.

Commander Verheul made numerous significant contributions to national-level military and civilian policymakers in support of funding and policy for intelligence operations and support activities. His contributions to the Congress, the Defense Intelligence Agency, and the Defense Intelligence Community are extensive and invaluable. His willingness to take on any task, and succeed, promoting camaraderie and purpose in every endeavor, reflects great credit upon himself, the Navy, the Defense Intelligence Agency, the Department of Defense, and the United States Congress.

In closing, I am proud to recognize CDR Verheul and his wife, LDCDR Karen Verheul, U.S. Navy, Nurse Corps for their honorable service to our Nation. I join my colleagues in the House today in wishing them and their children Daniel and Jenny continued success and the traditional naval wish of ''Fair winds and Following seas'' as they transfer to their next assignments on the West Coast.

HOMELAND SECURITY ACT OF 2002

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Ms. KILPATRICK. Mr. Speaker, when this Chamber considered predecessor legislation, H.R. 5005, last July, I voted against its passage. As I have looked over the conference agreement reached with the other body, I do not see where this bill represents a significant difference over the original product. Therefore, I voted against the conference agreement for similar reasons that justified my vote on the bill.

Let me say to my colleagues that I support the concept of a Department of Homeland Security. But the concept as transformed into H.R. 5005 is a good idea turned into a really bad legislation.

This bill divides the government from those who serve it—government employees. The 170,000 employees who will be incorporated into this new Department will be denied job protections that cover most all federal employees, even those under the Department of Defense. Under this bill, the President can strip employees of their union representation if the agency's mission or division they work for material changes, or if a majority of the employees within that unit work primarily with intelligence, counterintelligence or investigations related to terrorism. The Department would also be free to totally ignore employee or bargaining representative grievances of proposed changes in pay systems and personnel rules.

The personnel rules do not promote good management; they do not promote good government practices. In Election 2000, President Bush campaigned on the promise that he was a ''uniter, not a divider.'' Now we see what an empty promise he has made of that campaign pledge. This bill will do much to divide government from its own federal workforce.

Another shortcoming of the bill is that it exempts manufacturers of anti-terrorism technology from liability. Proponents of this provision say it will make America safer. I say it only rewards corporate irresponsibility—a policy that our President and the loyal opposition seems to embrace.

Mr. Speaker, this is seriously flawed legislation, and that is why I cast my vote against the bill's passage.

HONORING HENRY LEE PLAGE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. STEARNS. Mr. Speaker, I appreciate this opportunity to share with my colleagues a story of heroism and to honor the bravery of Lt. Commander Henry Lee Plage who lives in my hometown of Ocala, FL. During World War II, he and his crew saved dozens of men from the water of the Pacific after a raging typhoon sunk three ships.

Henry Lee Plage started his military career as a member of ROTC at Georgia Tech and he joined the Navy in 1937 after his graduation. Following the attack on Pearl Harbor, Lt. Commander Plage immediately requested sea duty. His first assignment was commanding a submarine chaser. With only 4 days to get ready, he assumed command of a crew of 55.

On February 18, 1944, the USS *Tabberer* (DE–418) was launched. She was commissioned on May 23, 1944, with Plage in command. By October the ship had joined Admiral Halsey's 3rd Fleet, helping to supply crucial air cover for General MacArthur's Land troops. On December 17m 1944, the USS *Tabberer* was east of the Phillippine Islands along with the 3rd Fleet, scheduled to refuel, when the weather began to deteriorate rapidly. The reason, Typhoon Cobra was heading directly toward them.

The high winds and choppy seas prevented the USS *Tabberer* from refueling and by the evening of December 17th, the full force of the typhoon was upon them. The *Tabberer* had to fight extremely rough seas—and by the 18th sustained winds had reached about 145 miles per hour, with wind gusts up to 185 miles an hour. Before the Typhoon had moved through, the USS *Tabberer* had lost its mast and radio antenna. Three destroyers from the fleet, the USS *Hull* (DD–350), the USS *Spence* (DD–512) and the USS *Monaghan* (DD–354), had gone down.

About 9:30 p.m. on December 18th, the *Tabberer* rescued its first survivor from the water. It was then that Lt. Commander Plage learned that the USS *Hull* had capsized. Plage and the *Tabberer* immediately began an intensive search and rescue effort. These efforts continued for 3 days and nights. In all, the USS *Tabberer* pulled 55 men from the Pacific Ocean. All were from the USS *Hull* and the USS *Spence.*

Typhoon Cobra claimed nearly 800 lives. Only 92 survived, 55 of these rescued by the crew of the USS *Tabberer.* Lt. Commander Plage remained on sea duty after the war and gave the Navy 14 years of service before retiring in 1954.

It is an honor for me to share this story of heroism and survival and I ask you all to join me in commending Lt. Commander Henry Lee Plage and the crew of the USS *Tabberer* for their dedication in saving the lives of 55 men from that terrible storm.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF RICHARD H. FINAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. NEY. Mr. Speaker, Whereas, Richard Finan served the people of Ohio as a member of the Ohio State Senate for 30 years; and

Whereas, Richard Finan has served as President of the Ohio State Senate; and

Whereas, Richard Finan worked to restore and preserve the Statehouse and its annex; and

Whereas, Richard Finan has used his position within the Ohio Senate to help better the lives of thousands of people; and

Whereas, Richard Finan must be commended for his professionalism and his ability to motivate those around him by establishing a superb example; and

Whereas, Richard Finan's dedication and service will be missed by the entire state of Ohio.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in celebrating Richard Finan's years of service and retirement from the Ohio State Senate.

CELEBRATING 40 YEARS OF LOCAL BROADCASTING FOR PUBLIC STATION KVCR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. LEWIS of California. Mr. Speaker, the residents of San Bernardino and Riverside Counties in Southern California are in a very unique position when it comes to television stations. The Los Angeles broadcasters are close enough to provide all the local coverage we can receive. But they consider most of our news too far away to cover.

For the past 40 years, the only broadcaster that has continuously served the people of San Bernardino and Riverside counties has been KVCR, the public television station operated by the San Bernardino Valley Community College District. They have provided news, focus documentaries, features and creative programming that have often been the only source of local broadcasting for an area that includes nearly 2 million people.

Forty years of providing the only public broadcasting to such a large area would be worth celebrating even if this was the only service provided by KVCR and the community college district. But the station's other role may be even more important: It is an access point to the world of broadcasting for a student body that is among the most diverse and hard-working in Southern California. The graduates of this program have moved on to many of the commercial and cable broadcasters throughout our region and the nation, and they in turn have served as role models and mentors for other minority communities and other cities.

In fact, Mr. Speaker, KVCR was the first TV station in the nation to be owned and operated by a public community college, and it has instructed tens of thousands of students via educational broadcasts and remains an essential component of the college district. The station is a national pioneer in the use of television for direct instruction intended for viewing in the area's classrooms, in the workplace, or conveniently in the homes of students.

Mr. Speaker, KVCR–TV is a vital link in educating the new and existing workforce for tomorrow's business needs. And it remains the only broadcaster providing local news and public interest reports, as well as serving the diverse needs of our community. I ask you and my colleagues to join me in congratulating General Manager Lew Warren and the San Bernardino Community College District board for continuing to provide this valuable public service.

COMMEMORATING THE 69TH ANNIVERSARY OF THE UKRAINIAN FAMINE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 69th anniversary of the Ukrainian Famine of 1932 to 1933.

The Famine was engineered as part of Stalin's genocidal policy toward the Ukrainian people, and resulted in the deaths of at least 7 million innocent men, women, and children. Though these deaths were covered up and denied for decades by the government of the former Soviet Union, the truth surrounding these tragic events have been documented by witnesses and survivors, as well as investigative works like Robert Conquest's Harvest of Sorrow and the report of the Congressional Commission on the Ukraine Famine.

I recently received a letter from Dr. Walter Lyzohub from Redford Township, MI. He wrote to tell me that he was a survivor of the Famine, but that the Famine took the lives of his sister, Wira, as well as his brother, Iwan. His sister and brother were age 10 and 9, respectively. Dr. Lyzohub also enclosed a family photograph taken in 1929, just 3 years before the onset of the Famine.

For Dr. Lyzohub and other survivors of the Famine, these tragic events are not just a footnote in history. They are as real as the faces in this photograph of two children who died so needlessly. We honor the memory of Wira and Iwan Lyzohub, and all the victims of the Ukrainian Famine of 1932 and 1933. It is important that we remember their lives and their deaths, and work to ensure that food is never again used as a weapon.

Mr. Speaker, as we commemorate the anniversary of this man-made tragedy, we join with Ukrainian-Americans and Ukrainians around the world in always remembering the victims of the Famine.

HONORING GORDON HASKELL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. FARR of California. Mr. Speaker, I rise today to remember a very special man, Mr. Gordon Haskell, a resident of Santa Cruz, CA, who passed away on October 4, 2002. Gordon dedicated his life to community service, promoting social justice, and advocating for democratic principles. It is my honor to stand in this House and acknowledge Gordon's life and his legacy to California's 17th Congressional District.

Mr. Gordon Haskell was born the youngest of 10 children August 15, 1917, in Plovdiv, Bulgaria to Edward Haskell, a second generation American Protestant Missionary, and Elisabeth Frolich Haskell of Enenda, Switzerland. At the age of 16, Gordon settled in California where he attended Voorhee's School for Boys, Occidental College, and later graduated from the University of California at Berkeley. Gordon worked for 9 years as a locomotive fireman on the Southern Pacific Railroad while active as a union organizer in the Independent Socialist League. He later moved to New York to serve as editor of the ISL's newspaper, Labor Action. After a number of years with the ISL, Gordon moved on to become Director of development for the American Civil Liberties Union in New York. In 1969, Gordon met his future wife, Rachel, as she stirred lemonade at a peace rally in St. Louis. Gordon and Rachel spent much of their 32 years of marriage in Santa Cruz, CA.

Gordon devoted his life,both personally and professionally, to social and economic justice and equality. His early dedication to social justice evolved into a dogged determination to work in his own communities for obtainable and sustainable political and social change. Gordon was a tireless petitioner of his local, State, and Federal Government. He was a frequent, and always welcome, visitor to my Santa Cruz office, often dropping by to deliver mailings, news articles, or simply to make sure I was aware of the latest concerns of our local community. His experience as a writer and editor was frequently put to good use, as Gordon was often chosen to pen letters and resolutions on behalf of local democratic clubs and the Santa Cruz County Democratic Central Committee. In fact, just weeks before his passing, Gordon contributed to a passionately written resolution condemning the possible war in Iraq.

I could always count on Gordon to attend every town hall and public meeting I held. He consistently asked the tough questions, sometimes praising his elected representatives, but never shy about voicing his concerns. Gordon's life-long dedication to participating and petitioning his government should be commended and celebrated. Though I, and countless others, will surely miss Gordon, his unflagging pursuit of justice and equality will be a lasting tribute to the Santa Cruz community, and an example for us all.

Gordon is survived by two children, Guy Haskell of Bloomington, IN, and Elisabeth Haskell of Sacramento, CA; 3 stepchildren, Garry Fathman, Anthony Fathman, and Mary Fathman-Thomas; 10 grandchildren; 2 great-grandchildren; and his wife, Rachel. Mr. Speaker, it is truly my honor to recognize the life and accomplishments of Mr. Gordon Haskell.

IN HONOR OF PROFESSOR DAVID PAGNI FOR HIS CONTRIBUTIONS AND DEDICATION TO THE STUDENTS OF ORANGE COUNTY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. SANCHEZ. Mr. Speaker, I rise today to honor Professor David Pagni from California State University, Fullerton. David, a math professor from Cal State Fullerton received a grant in the amount of $6.5 million from the National Science Foundation. It is the largest grant ever awarded to a Cal State faculty member.

David will be using the funds from this grant to head a team of professors and teaching coaches to show teachers how to teach advanced math at Orange County high schools and their middle school counterparts over the next 5 years. The hope is that better math instruction in middle school will better prepare students for advanced math classes in high school.

I am very proud of David for his achievement and dedication.

TIM SCHMIG: AN ADVOCATE WITH INTEGRITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor Tim Schmig of Burton, MI, for his work on behalf of the Michigan Association of Christian Schools, Inc., and for his years of service representing the interests of Michigan with elected officials throughout the State and nationwide. I have worked closely with Tim during my tenure in Congress and have greatly appreciated his input on a wide range of issues.

I first met Tim in 1993 when he stopped in to see me while I was meeting with constituents at the courthouse in Bad Axe, MI. As I recall, Tim had some issues on his mind and we had a worthwhile discussion that provided me with some additional information to consider. Since that time, I have kept in contact with Tim, often soliciting his perspective as I pondered legislative matters and public policy decisions. Likewise, Tim often called on me at my office in Washington, DC, or back at home to give me his views. In addition, I have always been impressed with Tim's conveyance of his opinions in Op-Ed pieces and in Letters to the Editor.

As the executive director of the Michigan Association of Christian Schools and during his previous job with the National Right Your Congressman organization, Tim has earned respect and garnered influence on both sides of the political aisle. Lawmakers have come to trust Tim and rely on his knowledge of the issues and his well-informed advocacy on a variety of issues. He truly has earned both the respect and influence he has in the halls of Congress and in the Michigan Legislature.

A 1984 graduate of Bob Jones University, Tim has made a personal and professional commitment to our Lord and Savior, Jesus Christ. He and his wife have been married for 22 years and they have three daughters, Sarah, Rebekah and Hannah.

Finally, Mr. Speaker, I ask my colleagues to join me in praising Tim Schmig for his dedication and commitment to promoting Christian schools. He is truly doing the Lord's work and should be commended. I am confident that Tim's reputation for integrity and hard work will win him influence with elected leaders for many years to come.

IN HONOR OF SAM COOKE, LEGENDARY SINGER AND SONGWRITER

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. HILLIARD. Mr. Speaker, I rise today to honor and pay tribute to the late Sam Cooke, a gospel and soul music performer whose vocal delivery laid the foundations for the rise of soul music today. He utilized his talents as a performer, business entrepreneur, and civil rights activist to break down the color lines of segregation.

Born in Clarksdale, Mississippi on January 22, 1931, Sam Cooke was one of eight sons of a Baptist minister. As a young teen, Cooke joined the church choir and performed with a gospel group called the Highway QC's. During the 1950's, Cooke toured with the group Soul Stirrers and achieved significant success with gospel songs including Touch the Hem of His Garment and Nearer to Thee.

Cooke crossed over in 1956 and made his secular debut single, Loveable. The single, You Send Me, sold two million copies and made him a star. A series of notable hits followed over a span of seven years—Wonderful World, Only Sixteen, Everybody Likes a Cha Cha, Chain Gang, Cupid, Sad Mood, Bring It on Home to Me, Twisting The Night Away, and A Change Gonna Come.

Cooke died at the peak of his career in December of 1964. The music pioneer still remains a major presence today as his legacy lives in the hearts of fans.

Today, I ask my colleagues to join me in honoring and celebrating the legendary Sam Cooke for his tremendous contributions as a soul and gospel artist, entrepreneur, and freedom fighter.

TRIBUTE TO MAJOR JOSE RAMON BACA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BACA. Mr. Speaker, I would like to pay tribute to Major Jose Ramon Baca, who is a very special individual to me. He was truly appreciated and loved by all who were fortunate enough to know him.

Jose ''Ray'' Baca was born in Las Nutrias, New Mexico, to Alberto and Josefita Peralta Baca on March 19, 1940, and grew up in Albuquerque's South Broadway neighborhood. Ray graduated Albuquerque High School in 1958, and continued his education at the University of New Mexico. He graduated from the University in 1962 with a B.S. in chemical engineering and was a member of the Tau Beta Pi National Engineering Honor Society. After graduating, Ray married Victoria Morales in San Antonio, Texas on July 16, 1966. Together they raised their two sons, Rafael and Arthur.

Once joining the Air Force, Ray's ambition, brilliance, and passion poised him for success. During his 20-year career in the Air Force, he worked as a launch officer for the Atlas Missile Project in Roswell and in Turkey. He received a Masters of Science degree in 1968 in nuclear engineering from the Air Force Institute of Technology (AFIT) at Wright Patterson Air Force Base, Ohio. He also worked as a staff scientist at McClellan Air Force Base in California and later at the Air Force Missile Command in Washington, D.C.

His yearning for knowledge led him to return to the University of New Mexico. In 1987 he received a M.A. in History and Southwestern Studies and was a doctoral candidate in history. His dream was to continue to research and write about his native state.

Ray passed away on June 6, 2002 surrounded by his loving family. He was preceded in death by his father, Alberto Baca and sister, Viola Baca, and is survived by his wife of 35 years Victoria Baca; sons Rafael and Arthur; mother Josefita Baca; and sisters Dolores Padilla, Priscilla and Anna Mae Baca. His family, innumerable friends and community will miss him greatly.

He will be remembered as a loving and generous husband, father, son, brother, and friend. He valued his family above all things, and supported and encouraged them in all stages of their lives. He instilled in his children a strong sense of family, love, and respect, and he encouraged them to excel in their education. He was an exceptional, compassionate and motivating individual.

And so Mr. Speaker, I submit this loving memorial to be included in the archives of the history of this great nation.

HOMELAND SECURITY ACT OF 2002

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. ORTIZ. Mr. Speaker, I rise in support of the bill to create a Department of Homeland Security (DHS). I was one of the first members of Congress to call for a Department of Homeland Security and a reorganization of the various elements of the government that provide our nation's security—from national defense to border defense.

I support this bill because of the overwhelming need for our nation to recognize our challenges in the new defense environment of the 21st Century. We were vulnerable to a degree we did not anticipate on September 11, and it is incumbent upon Congress and other government leaders to stand up to the challenge and find ways to make our country safer.

I wish Congress had seen fit to take more control of the personnel decisions to be made in the labor sections of the bill. Whenever we vest all authority in one person we weaken our democracy. We are also weakening this department from the beginning by asking its employees to adhere to rules separate from those rules that govern other government employees.

Despite its shortcomings, however, we are well past the time to re-focus our energies on a new organization for our government to protect our borders and our citizens.

I thank the leaders of the House and Senate for their hard work on this bill. I also thank the Democratic Caucus for recognizing the importance of this issues and forming the Democratic Caucus Task Force on Homeland Security. This task force paved the way for nearly all the good ideas incorporated in this bill.

TRIBUTE TO RETIRED COLONEL GROVER F. HEIMAN, JR., RETIRED LIEUTENANT COLONEL ROY E. KADEN, RETIRED MAJOR EARL L. SCHUREMAN, AND RETIRED SENIOR MASTER SERGEANT JOHN D. GOOLSBEE

HON. ELTON GALLEGLY

OF CALIFORNIA

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. GALLEGLY. Mr. Speaker, it gives us great pleasure to pay tribute to retired Colonel Grover F. Heiman, Jr., retired Lieutenant Colonel Roy E. Kaden, retired Major Earl L. Schureman, and retired Senior Master Sergeant John D. Goolsbee for their brave dedication to their country.

On September 17, 1952, these four American heroes and the rest of their RB–50 crew, took off from an airbase in Greenland on a Top Secret reconnaissance mission over the ''Ice Islands'' of the Soviet Franz Josef Land Archipelago.

This crew was personally selected and highly trained to fly this mission. They were told if they were shot down or captured, there would be no rescue operation. Despite this, the crew risked their own lives to gather information on a possible new Soviet air base being built in Franz Joseph archipelago.

If there was a base being built, Soviet TU–4 bombers would be capable of attacking the East Coast of the United States with nuclear weapons.

The crew departed in the early morning for their 15-hour mission. The fog on the field was so thick that they had to follow a vehicle to the runway.

After doing a thorough check of all aircraft systems, the RB–50 lifted off for the Soviet Union. Since this mission was Top Secret, there was complete radio silence for the entire 15-hour flight; the crew did not talk to anyone on the radios.

This mission was at such a northern latitude that the crew had to navigate using a system known as ''Grid Navigation.'' This system is used to solve problems with direction posed by flying so close to the North Pole.

To simplify the navigation problems, the crew took two navigators. One navigator maintained a dead reckoning plot of position, computing air speed, wind direction, velocity and ground speed; the other navigator provided frequent astro compass readings of the azimuth of the sun.

Once the flight entered the area they were to reconnaissance, they planned to fly at 20,000 feet and use the onboard photography systems to survey the area.

Unfortunately, at 20,000 feet, the RB–50 was above a solid cloud layer, rendering the onboard photography system useless. The aircraft descended to 12,000 feet hoping to get below the weather, but there was still another layer of clouds below them. In an attempt to salvage what they could from this mission, the crew descended through several cloud layers until leveling off below the clouds, 2,500 feet above the ground.

The aircraft passed over numerous small, ice covered, barren islands looking for any signs of a Soviet military presence.

Due to the altitude they were flying at, the aircraft used the onboard tri-met and oblique cameras as well as visual observation to search for any Soviet airbases.

After flying in that area for a considerable amount of time, the crew saw no sign of any Soviet military presence and departed.

The crew maintained radio silence for the entire flight back until they were directly over their base in Greenland. Once over the airbase, they broke radio silence, and since the weather had gotten slightly better, they were able to land and complete their mission.

They spent several days after this flight debriefing United States Intelligence members on what they saw.

The selfless sacrifice of these American heroes has made our nation a safer place.

CONGRATULATING THE PARTNERSHIP BETWEEN THE ALLSTATE FOUNDATION AND THE NATIONAL CRIME PREVENTION COUNCIL

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. KIRK. Mr. Speaker, today I want to recognize the long-standing public-private partnership between the Allstate Foundation and the National Crime Prevention Council, a model collaboration that will strengthen each organization's commitment to building healthier and safer communities.

The Allstate Foundation is an independent, charitable organization made possible by the Allstate Corporation, the nation's largest publicly held personal lines insurer based in my congressional district. The Allstate Foundation sponsors community initiatives that promote safe and vital communities; tolerance, inclusion, and diversity; and economic empowerment. As the nation's focal point for crime prevention, the National Crime Prevention Council works to enable people to create safer more caring communities by addressing the causes of crime and violence and reducing the opportunities for crime to occur. The partnership between the Allstate Foundation and the National Crime Prevention Council provides a model for how responsible corporate citizens can work with leading national nonprofit organizations to help improve communities at home and around the nation.

The Allstate Foundation has worked with and supported the National Crime Prevention Council since 1991. Sponsoring programs including Students Mobilized Against Drugs, the 10th Annual Youth Crime Prevention Conference and the Teens, Crime and Community program. The Allstate Foundation continues to take an active role in the dissemination of crime prevention information and materials by providing seed money for the development of crime prevention web-sites including, www.McGruff.org and www.ncpc.org.

The Allstate Foundation recently awarded a grant of $200,000 to the National Crime Prevention Council to support the Be Safe & Sound campaign, a new initiative that will equip parents and caregivers with information about prevention programs and security measures so that they can be the best advocates for their children's safety while at school. This campaign will enable the National Crime Prevention Council to disseminate information to parents through print material, Web-based information, public service advertising, and through a partnership with the National Safety and Security Council, a consortium of businesses and organizations committed to promoting environments that are safe and secure from the threat of crime, violence and drug abuse.

I am pleased to direct my colleague's attention to the valuable partnership between the Allstate Foundation and the National Crime Prevention Council. I applaud these organizations for this leadership in working to prevent crime and improve the quality of life for all Americans.

TRIBUTE TO COLONEL THOMAS D. WEBSTER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. WALSH. Mr. Speaker, on 2 June 2002, Colonel Thomas Webster retired as the Commander of the 152nd Air Operations Group, New York Air National Guard in Syracuse, NY. He assumed this position in February 1998. The Air Operations Group was established at this time as the first ever within the Air National Guard.

He was assigned as the Director of the Minimum Essential Airfield in Rome, New York from October 1995 to February 1998, earning a USAF Meritorious Service Medal for his expert leadership and command excellence.

Colonel Webster was born on October 19, 1946, in Rochester, Minnesota, and graduated from Lourdes High School. He earned a Bachelor of Arts degree in liberal arts from the University of Minnesota in 1969. He has completed many career-related schools during his military career. This includes the Army War College at Carlisle Pennsylvania in July 1992.

Colonel Webster completed Officer Training School in May 1972, and joined the 174th Fighter Wing in January 1975. He attended undergraduate pilot training at Williams AFB, Arizona and spend several years as a traditional guardsman pilot in Ohio and New York while continuing his civilian career. He began his full-time military career with the 174th Fighter Wing as a Quality Control Officer, and then became the Maintenance Squadron Commander in 1985. Colonel Webster was assigned as the Maintenance Squadron Commander for the 138th Fighter Squadron, 4th Tactical Fighter Wing (Provisional) at Al Kharj Air Base in Saudi Arabia during Operation Desert Shield/Storm. He returned to the 174th Fighter Wing as the Maintenance Squadron Commander in May 1991. In 1992 he became Vice Wing Commander of the 174th Fighter Wing and Air Commander of the full-time force.

Colonel Webster is a command pilot with more than 2,500 flying hours in fighter aircraft, including the A–10 and F–16. His military awards include the Legion of Merit, the Bronze Star Medal for his service in Saudi Arabia, the Air Force Commendation Medal, the Air Force Outstanding Unit Award with V and four devices, the Combat Readiness Medal with two devices, the National Defense Service Medal,

the Southwest Asia Service Medal with three devices, the Air Force Longevity Service Award Ribbon with four devices, the Armed Forces Reserve Medal with one device, the Small Arms Expert Marksmanship Ribbon, the Air Force Training Ribbon, and the Kuwait Liberation Medal.

Colonel Webster is married to the former Denise Schwartz. They live in Baldwinsville, New York and have two sons, Paul and Nicholas.

TRIBUTE TO CHRIS LEAK

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mrs. MYRICK. Mr. Speaker, I rise today to offer congratulations to a young man in my congressional district that truly deserves recognition. Chris Leak, a senior at Independence High School in Charlotte, N.C. set the national record for high school football touchdown passes. This past weekend, Chris threw his 171st touchdown to break the previous record of 170. In breaking the record, Chris displayed the same natural ability that has generated national attention by throwing for 457 yards, 5 touchdowns and securing Independence High School's 41st straight win. Chris is considered by many football analysts to be the top quarterback prospect in the country, and he is being actively recruited by major universities. I am proud to recognize his achievement today and wish him the best of luck in the future.

THE CONTINUITY OF CONGRESS WORKING GROUP

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. COX. Mr. Speaker, I submit the following letter by myself and the gentleman from Texas, Mr. FROST, and the accompanying information on the continuity of Congress Working Group for the perusal of my colleagues.

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
November 12, 2002.

Hon. DAVID DREIER,
Chairman, House Rules Committee,
Washington, DC.

DEAR CHAIRMAN DREIER: In May 2002, the Speaker and Minority Leader asked us to co-chair a bipartisan Continuity of Congress Working Group, of which you are a member, to study ways to ensure that the legislative branch continues to function in the event that a terrorist attack or other catastrophe kills or incapacitates a large number of Members. Because the Constitution permits the House to ''determine the Rules of its Proceedings'' and to judge the ''Qualifications of its own members,'' the Working Group has been studying pertinent rules changes to remedy some of the problems that could be created under such circumstances.

As you know, during the past six months, the Working Group has held eight meetings, drafted new House Rules, drafted a House Resolution—which the House passed on October 2, 2002 by a vote of 414–0—urging states to review their special election laws, drafted amendments to the Presidential Succession Act of 1947, and reviewed three constitutional amendments related to congressional continuity. Accompanying this letter are three draft Rules, developed by the Working Group, which we are requesting be included in the final rules package to be voted on by the House at the beginning of the next session.

The Working Group has identified three areas with respect to congressional continuity that the Working Group believes can be addressed through changes to the House Rules:

Codifying the process by which the Speaker certifies the death of a House Member in order to reduce the whole number of the House for purposes of establishing a quorum;

Allowing the Speaker to accelerate or postpone the reconvening of the House in the event of a declared emergency; and

Authorizing an individual other than the Speaker to reconvene the House in the event of a catastrophe resulting in the death of the Speaker.

Death Rule: Presently, no House rule codifies the process by which the Speaker certifies the death of a House Member in order to reduce the whole number of the House for purposes of establishing a quorum. When a Representative dies in office, the House and the Speaker take cognizance of the vacancy by adopting a House Resolution expressing the sorrow of all House Members. The whole number of the House is adjusted accordingly. However, because the preceding determination of the whole number of the House is the number that must be used to establish a quorum until a new whole number is established, in the event that a large number of Members are killed, a quorum could not be established for the purpose of establishing a new whole number.

To remedy this potential problem, the Working Group has drafted a rule which would allow the Speaker to announce the adjustment of the whole number of the House upon notification of the death, resignation, expulsion, disqualification, or removal of a Member. The Speaker's announcement would not be subject to appeal.

Emergency Recess Rule: In a time of national emergency, such as that seen on September 11th when the Capitol building was a target of the terrorists, the Speaker may need to accelerate the reconvening of the House or postpone House action in order to protect the lives of House Members and staff.

Accordingly, the Working Group has drafted an Emergency Recess Rule. Under this Rule, the Speaker, if informed by the Sergeant-at-Arms of an imminent threat to the safety of the Members and after obtaining the concurrence of the Minority Leader of the House, could notify Members that the House would not convene at the time stipulated when the House previously adjourned but would instead convene at another time during the next three days in accordance with the Constitution. The Rule would also allow the Speaker, with the concurrent of the Minority Leader, to reconvene the House earlier than stipulated for the sole purpose of declaring a further postponement.

Speaker Succession Rule: Current House rules do not explicitly address who would preside over the House in the event that there is a vacancy in the Office of the Speaker. Therefore, if the Speaker and the Clerk of the House die during a catastrophic attack, there would be no living individual authorized to reconvene the House, or call the House into session.

To remedy this potential problem, the Working Group has crafted a rule which would allow the Speaker to establish a line of succession for a Speaker pro tempore whose duty would be to preside over the election of a new Speaker or Speaker pro tempore.

Conclusion: During the past six months, the Working Group has explored a variety of possible solutions to the many problems surrounding congressional continuity. The Working Group began with an examination of the least constitutionally intrusive solution—changes to the House Rules. We request that the House Rules Committee consider these three rules and include them in the rules package to be voted on by the House in January. These simple changes to the House Rules will help to ensure the continuity of this great institution—the United States Congress.

Sincerely,

CHRISTOPHER COX,
Chairman, House Policy Committee.

MARTIN FROST,
Chairman, House Democratic Caucus.

PROPOSED AMENDMENT TO CLAUSE 5, RULE XX (VOTING AND QUORUM CALLS) OF THE HOUSE RULES

(Proposed Amendment in bold)

5. (a) In the absence of a quorum, a majority comprising at least 15 Members, which may include the Speaker, may compel the attendance of absent Members.

(b) Subject to clause 7(b) a majority of those present may order the Sergeant-at-Arms to send officers appointed by him to arrest those Members for whom no sufficient excuse is made and shall secure and retain their attendance. The House shall determine on what condition they shall be discharged. Unless the House otherwise directs, the Members who voluntarily appear shall be admitted immediately to the Hall of the House and shall report their names to the Clerk to be entered on the Journal as present.

(c) Upon the death, resignation, expulsion, disqualification or removal of a Member, the whole number of the House shall be adjusted accordingly. The Speaker shall announce the adjustment to the House. Such an announcement shall not be subject to appeal. In the case of a death, the Speaker may lay before the House such documentation from federal, state, or local officials as he deems pertinent.

PROPOSED AMENDMENT TO CLAUSE 12, RULE I (DECLARATION OF RECESS) OF THE HOUSE RULES

(Proposed Amendment in bold)

12. (a) To suspend the business of the House for a short time when no question is pending before the House, the Speaker may declare a recess subject to the call of the Chair.

(b) To suspend the business of the House when notified by the Sergeant-at-Arms of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.

(c) During any recess or adjournment of fewer than three days, if the Speaker is notified by the Sergeant-at-Arms of an imminent impairment of egress at the place of reconvening at the time previously appointed, then he may, with the concurrence of the Minority Leader—

(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly; or

(2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly.

PROPOSED AMENDMENT TO CLAUSE 8(b), RULE I (SPEAKER PRO TEMPORE) OF THE HOUSE RULES

(Proposed Amendment in bold)

8. (a) The Speaker may appoint a Member to perform the duties of the Chair. Except as specified in paragraph (b), such an appointment may not extend beyond three legislative days.

(b)(1) In the case of his illness, the Speaker may appoint a Member to perform the duties of the Chair for a period not exceeding 10 days, subject to the approval of the House. If the Speaker is absent and has omitted to make such an appointment, then the House shall elect a Speaker pro tempore to act during the absence of the Speaker.

(2) With the approval of the House, the Speaker may appoint a Member to act as Speaker pro tempore only to sign enrolled bills and joint resolutions for a specified period of time.

(3)(A) In the case of a vacancy in the office of Speaker, the next Member on the list described in subdivision (B) shall act as Speaker pro tempore until the election of a Speaker or a Speaker pro tempore. Pending such election the Member acting as Speaker pro tempore may exercise such authorities of the Office of Speaker as may be necessary and appropriate to that end.

(B) As soon as practicable after his election and whenever he deems appropriate thereafter, the Speaker shall lay before the House a complete list of the Members of the House in the order in which each shall act as Speaker pro tempore under subdivision (A).

HOMELAND SECURITY ACT OF 2002

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. SOUDER. Mr. Speaker, I rise in support of this important legislation, which I believe takes historic and long overdue steps to improve the coordination of Federal agencies in protecting the United States against catastrophic terrorism and our borders against many other diverse threats.

I rise as the Chairman of the Drug Policy Subcommittee and one of the co-chairs of the Speaker's Task Force on a Drug Free America to specifically address Section 878 of this legislation, which is a provision to create a Counternarcotics Officer. I originally included this provision as an amendment in the Government Reform Committee with bipartisan support from the Gentleman from Maryland (Mr. CUMMINGS) and the Gentleman from Illinois (Mr. DAVIS). I also would like to thank Speaker HASTERT, Chairman ARMEY, and Senator GRASSLEY, who sponsored a nearly identical provision in the other body, for their strong support of this concept as the legislation has moved ahead.

Many of the agencies that will be transferred to the new Department of Homeland Security are also our Nation's preeminent agencies for the interdiction of illegal drugs. The creation of the new Department, therefore, provides a unique opportunity to greatly enhance the operational coordination between these agencies and our efforts to keep drugs out of the United States. It also presents the risk, however, that these critical missions will be made of lesser importance and that resources will be allocated away from drug interdiction to deal with catastrophic terrorism. While some flexibility in this regard is appropriate, we cannot allow our efforts at drug interdiction to falter when almost 20,000 Americans die each year of drug-related causes and as we have increasingly seen the ties between the drug trade and financing for catastrophic terrorism.

To address these concerns, Section 878 of the bill will establish a counternarcotics officer at a senior level to coordinate policy and operations within the Department and between the Department and other agencies on drug interdiction. The officer will also be charged with ensuring the adequacy of resources within the Department for drug interdiction, and tracking and severing connections between terrorism and the drug trade for the purposes of the Department of Homeland Security.

As the author of this provision, I want to address two important points of legislative intent. First I want to reiterate, as I said in the earlier floor debate on this legislation, that it is my intention that the person appointed to this position must be a senior official within the Department with the authority to ensure the efficient conduct of the interdiction mission. We had originally designated this position as an Assistant Secretary position. After discussion with the Administration that designation was removed, but I want to make clear my intention that the appointee to this position should have a similar level of seniority and authority in order to make and enforce effective policy between the diverse agencies that will be headquartered in the new Department. I would also like to make clear my intention that the official designated under this provision should not be a ''dual-hatted'' appointee who has other responsibilities or obligations within the Department, nor should they be affiliated with any of the component organizations of the new Department. The clear intention of this provision is to provide a single, neutral, official who will concentrate solely on ensuring effective drug interdiction and acting as a broker and arbiter between different agencies within the Department.

Second, I would like to briefly address a couple of concerns that were raised today by the Office of National Drug Control Policy with respect to the provision that the Counternarcotics Officer will serve as the United States Interdiction Coordinator for the Director of the Office of National Drug Control Policy. That position is an advisory position to the Director with respect to national coordination of drug interdiction activities. The USIC is appointed by the Director, but in the past the job customarily has been filled by the Commandant of the Coast Guard. This provision of the bill was necessary in order to provide the ''clear lines of authority'' which the President just yesterday said were so important to have in Homeland Security matters.

Within the Department of Homeland Security, the official provided for in Section 878 of the bill will be responsible for coordinating the activities of all department agencies on drug interdiction, including the Coast Guard. The USIC position needed to be addressed to ensure consistency and harmony on drug interdiction issues. It would have been completely illogical to have the Commandant report to the narcotics coordinator within the Department, but then have the coordinator report to the Commandant for the purposes of the National Drug Control Strategy. Because the counternarcotics officer is intended to have broad and more sweeping responsibilities in this area, the intention is simply to have the counternarcotics official assume the role as USIC, and I believe this is the only sensible outcome.

I want to stress that this is in no way intended as any reflection on the Coast Guard, for which I have extremely high regard both in this particular area and in general, or the current or past Commandants, who have provided outstanding service as USICs. It is necessary incident to the reorganization of the interdiction agencies within the new Department, which I believe provides us with a significant opportunity to enhance our overall national effort. President Bush has clearly stated that Homeland Security should not be about ''turf'' or the prerogatives of individual agencies or government officials but instead about improving how we keep Americans safe. This provision was included in that spirit, and I believe that it ought to be embraced in that spirit by the Coast Guard and will be embraced in the finest traditions of ''Semper Paratus''.

Director Walters made me aware, however, of some concerns which I agree merit careful consideration in the future. The USIC has been a senior advisor to the Director and ONDCP, and the statutory designation of the Homeland Security counternarcotics officer in that role within ONDCP removes the prerogative of the Drug Czar to appoint his own senior advisor. I am sensitive to this concern. I did not consider it in drafting the amendment simply because the Director has customarily and routinely named the Commandant of the Coast Guard to the position in the past, and my intention was to make a direct substitution. I want to make clear as the author of this amendment and as Chairman of the authorizing Subcommittee for ONDCP that it is not intended in any way to diminish the Director's authority over his office. I also continue to believe, however, that the USIC post must adapt to reflect the structure that has now been created within the Department of Homeland Security, and thus will not attempt at this late hour to revise the language in the bill. I will, however, revisit this issue as we consider reauthorization of ONDCP in the next Congress to try to develop a better formulation that will address each of these concerns.

NELSON MARTINEZ DEPARTS KOAT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to an outstanding New Mexican, journalist and entertainer, Nelson Martinez. He will be leaving KOAT–TV, where he has worked for nearly two decades, to pursue other professional opportunities in early December.

Born in Chimay[oacute] and raised in northern New Mexico, Mr. Martinez has enjoyed a multi-faceted career of more than 35 years in the broadcast business, as a radio disc jockey, worldwide videotape editor, reporter and news anchor. New Mexicans are always so proud to see one of their own scale grand heights, as he has.

His announcing skills began in New Mexico in 1964 with a Spanish radio show on Espa[ntilde]ola's KDCE Radio, when he was a Los Alamos High School Senior. He later worked for KABQ Radio in Albuquerque, and KVSF in Santa Fe, before serving in the U.S. Navy between 1967 and 1969. In Cleveland, Ohio, he earned a First-Class Federal Communications Commission License in Engineering. In 1971, he joined Cleveland's local NBC affiliate, WKYC, where he grew in experience for six years.

In 1977, NBC Network News employed him for three years from the Latin American News Bureau based in Miami. In Florida, he covered assignments to India, Belgium, Teheran, as well as throughout Latin American countries, including Costa Rica, Panama, Nicaragua, Cuba, Peru, Columbia and many more.

During his seven years with NBC, Mr. Martinez also worked in the San Francisco and Boston NBC bureaus covering news events from the Pacific Northwest to Canada.

Mr. Martinez returned to New Mexico in 1985. He began working for the local ABC affiliate, KOAT–TV, as a reporter and weekday morning news anchor. In 1987, Mr. Martinez left for a weekend news anchor position with ABC affiliate WTNB–TV in New Haven, Connecticut. One year later he returned to New Mexico to become one of the principal weekday anchors on KOAT–TV. The rest, as they say, is history.

Throughout his years with the station, Mr. Martinez has helped Channel 7 build on its reputation as a station for credible and informative journalism. He insisted on the highest standards for the station. I know that he has also taken many younger reporters at the station under his wing and mentored them. He has offered advice and criticism to these KOAT. I know how much his colleagues and thousands of loyal KOAT viewers who invited him into their home daily will miss him.

On a personal note, I was touched by the emotion that Mr. Martinez displayed during the devastating Cerro Grande fire in 2000. He watched with disbelief as his old stomping grounds, filled with rich memories, burned to the ground. Trees turned to ash and homes vanished in the blink of an eye. He even wrote a beautiful poem about the travesty that comforted many of my constituents that had to endure the blaze.

What makes Mr. Martinez unique as a television journalist is the entertainment career he has managed to shepherd on the side. He is the singer on six mariachi CDs he has completed, and has appeared in some movies. He also served as host on a recent documentary exploring churches and missions throughout the nation. He also intends to work on a book about his memories of growing up in Chimay[oacute] that will offer advice for young people at the crossroads of life. As he told a reporter in July, ''I thought, when I was growing up, that I was poor. As I look back, I choke up to think how rich I really was.''

Mr. Speaker, I ask that my colleagues join me in wishing Nelson and his family luck in all their future endeavors. His contributions to New Mexico cannot be understated and I am pleased to have been able to honor him here today. While Nelson and his lovely wife, Gina, embark on a new chapter in their life, I want them to know that New Mexico is and always will be their home. Nelson, thank you for your service and professionalism to New Mexico.

IN PRAISE OF THE LUTHERAN FELLOWSHIP ASSOCIATION OF THE SAGINAW VALLEY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor the Lutheran Fellowship Association of the Saginaw Valley as it celebrates 45 years of dedicated service. Over the years, members have made numerous and significant contributions to Lutheran families and to the citizens of many communities in Bay County and elsewhere. They deserve our gratitude and praise.

In Bay County, the Lutheran Fellowship Association began when a handful of faithful Lutherans with a vision of creating a gathering place for families and friends joined together to open a fellowship hall. Since then, the group has grown to include more than 250 members and their families, serving the needs of thousands of Lutherans and others.

The LFA Hall has been a center of Lutheran life in our community for generations. Under the guidance of President Earl Wegener and other leaders past and present, it has continued to fulfill its mission as a venue for individuals, families, groups and organizations to enjoy fraternal, social, educational, recreational and family events of all kinds at a reasonable cost.

It is not a stretch to say that a large percentage of mid-Michigan's Lutheran community has likely attended one or more events at the hall during their lifetime, including wedding receptions, confirmation celebrations, anniversaries and a host of other activities. Many marriages have gotten off to a beautiful start with a reception at the LFA Hall and years later an untold number of couples have returned to the hall to commemorate their anniversary with family and friends.

In addition, LFA members have always put a high premium on charitable donations. Last year, they pooled financial resources to make a contribution to the victims of the September 11, 2001 terrorist attack in New York City. In other years, they have provided assistance to disadvantaged children or those afflicted with serious illnesses.

Finally, Mr. Speaker, I ask my colleagues to join me in praising the members of the Lutheran Fellowship Association for all that they do to meet the needs of the Lutheran community. Fellowship is an integral element in the Lutheran faith and the LFA has served a useful and vital role in fulfilling that need in Bay County. I am confident the LFA will continue to serve its members, their families, our community and our Lord well into the future.

HONORING ROY KIDD, LEGENDARY EASTERN KENTUCKY UNIVERSITY HEAD FOOTBALL COACH

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. FLETCHER. Mr. Speaker, Eastern Kentucky University head football coach Roy Kidd is retiring at the end of the 2002 season. Kidd, who is serving his 39th year as the Colonel's head coach, leaves Eastern Kentucky University after establishing one of the most successful college football programs in America.

His 39 years of coaching football at his alma mater, Coach Roy Kidd stands as a monument to his loyalty and dedication to the University, the game of football and to his student-athlete players and has set a high standard of excellence and reminded us what is best about college sports. All his victories, championships and honors only begin to reflect the impact he has had on Eastern Kentucky University, the Commonwealth of Kentucky, and beyond. It is his players, and their successes, who offer the best testament to Coach Kidd's unique ability to help young men make the most of their time here, and in their lives beyond EKU's campus.

Kidd has put together a I–AA footfall program acknowledged throughout the country, year in and year out, as one of the nation's elite. He has a produced 24 straight EKU teams with winning seasons and 29 consecutive Eastern teams with nonlosing seasons. There have been only two losing seasons at EKU in his 39-year tenure.

Along the way, his 38 Eastern Kentucky teams have won two NCAA I–AA national championships, two national runners-up titles and 16 Ohio Valley Conference championships. He has also directed Eastern Kentucky to 17, I–AA playoff appearances, the most by any school in the nation.

A native of Corbin, KY where he starred in football, basketball and baseball, Kidd chose Eastern Kentucky over the University of Kentucky under Bear Bryant's tutelage because EKU would let him play both baseball and football.

That decision set forth a legacy that is unmatched at all but one I–AA school and just five other programs in the history of college football.

In 1963, Kidd received the call from Eastern president, Dr. Robert R. Martin, offering him the position as EKU's head coach. 1964, Kidd's first at the helm of the Eastern Kentucky football program, produced just one of two losing seasons in the 38 years as follow as the Colonels went 3–5–1.

It only took Kidd and his staff four seasons to turn that around and produce an Ohio Valley Conference championship in 1967 that culminated with a 27–13 Grantland Rice Bowl victory over Ball State, which gave the Colonels the NCAA Mideast Regional Championship. He quickly followed that up the next season with a second OVC title as the Colonels went 8–2 behind quarterback Jim Guice and future American football League Rookie of the Year, wide receiver Aaron Marsh.

In between 1968 and the formation of Division I–AA by the NCAA in 1978, Eastern's teams produced winning seasons, collected two more conference crowns (1974 and 1976) and completed in the NCAA Division II playoffs in 1976.

EKU football's decade of the 80's arguably the most prestigious by any I–AA football program ever, produced seven conference championships, three trips to the NCAA title game with one remarkable 13–0 season that tended with the Colonel's second national title. Two other Colonel teams were eliminated in the national semifinals and a third Colonel squad made it to the quaterfinal round of the I–AA playoffs before losing.

EKU teams coached by Kidd made seven more trips to the I–AA playoffs in the 90's with EKU securing five additional OVC crowns during this 10-year span.

During the past 38 and one-half football seasons at Eastern Kentucky, there have been two National I–AA Coach of the Year awards, 10 OVC Coach of the Year honors, 55 EKU All-Americans, 197 first team All-OVC players, a term as President of the American Football Coaches Association, all with Roy Kidd's named stamped beside them.

Forty-one former Colonels have gone ahead to either sign or play in the National Football League. Four former Eastern Kentucky stars are still playing in the NFL, including defensive Chad Bratzke of the Indianapolis Colts, offensive tackle Tyrone Hopson of the Detroit Lions, tight end Jason Dunn of the Kansas City Chiefs and wide receiver Alex Bannister of the Seattle Seahawks.

Roy and his wife, Sue, have three children—Marc, Kathy, and Keith—and six grandchildren.

Roy Kidd is truly one of the legendary football coaches in America and, certainly, in the history of college football. His record speaks for itself and I wish him and his wife Sue, happiness and success always. May God continue to Bless Roy Kid and shine on Eastern Kentucky University for many years to come.

TRIBUTE TO DR. DAVID ROMEI

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BRADY of Texas. Mr. Speaker, I rise today to recognize Dr. David Romei, a veteran and Executive Director of the Arts Council of Brazos Valley. Over the past two years Dr. Romei led the Brazos Valley community in the creation of a Veteran's Memorial dedicated to the preservation of the memory of all Brazos Valley Veterans and as a reminder of their sacrifice to future generations. This week I was privileged to share a speaker's platform with Dr. Romei at the dedication of this memorial and was so moved by his words that I felt compelled to relay them to you.

DR. P. DAVID ROMEI'S BRAZOS VALLEY VETERANS MEMORIAL DEDICATION CEREMONY SPEECH, NOVEMBER 11, 2002

Today, today upon this sacred site, blessed by all the powers of our eternal and infinite Creator, we celebrate the lives and mourn the deaths of America's heroes.

We see in this bronze representation not only realistic truth and imaginative power united that enwraps our hearts in pangs of longing and suffering, but also an emotional grandeur that gives new birth to our core foundation of strength and courage.

We see a soldier carrying his dying comrade from a field of violent horror. We feel the warm and weakening breath of a dying soldier upon the neck of his friend, the last friend he will ever have, but for a greater friend no one could ask. We imagine his eyes closing as his falling helmet fades, fades away into the distant horizon of the unknown. And, then, then his heart reaches out to his loved ones, slowly, painfully, reluctantly, and says goodbye. Parting from those whom he loves to join the ranks of America's eternal warriors, those men and women who have died with the words DUTY, HONOR, COUNTRY upon their lips; untainted by the cynicism of time.

The gallant soldier may be felled by the enemy, but the cause for which he fights shall never succumb. The American soldier's soul is a fragrant garden, and his colors never melt into the light of the moon. The freedom for which he fights stands in glory before the mightly rays of the midday sun and, and we call it America.

We who survive have the ultimate responsibility. It is we who must make immortal the memory of those who have sacrificed all that they were, all that they are, and all that they were promised to be. It is we who must allow no one to ever say that the sun has set, that darkness possesses the day, and time passes, time passes and these men of valor must lie alone.

To honor America's warriors is not a celebration of military triumphs that some people falsely associate with America's great victories. We are remembering. We are expressing our gratitude; the gratitude of a grateful nation to those who have served, suffered and died. But, even more importantly, we are saying to every man and woman who has served this nation that time does not pass on, life does not go on, nothing is the same because of you. Your deeds and sacrifices have altered our destiny and our lives are forever entwined with your life and, indeed with your death.

The goal of history is not to separate out events of different dimensions at a particular point in time, but to show their continuous interaction in an evolving story. There are those who see history as something we paint on a canvas, while others see history as something we record in a book and store upon an old dusty shelf. History is neither; it is as alive and as deep as the currents of the vast oceans. As civilization evolves so does history, and as people evolve so do nations.

Today we speak of the history of individuals, not nations. We speak of a fellow soldier, a friend, a brother wounded who stretches out his hand for help, a bloodied hand that we cannot reach, for duty demands we fight on, we cannot pull him from death here, but in heaven we shall embrace him in eternal life.

It is the memories of those who live, the memory of holding our dying buddy in our arms, of embracing his tired and broken body, of closing his eyes as the last tears streak his tender cheeks, because, because it is our duty.

Our goal today is not to separate America's warriors from Americans and hold them up as more important than others. Every soldier knows that without a supporting nation, without a loving family and without an ethical code of conduct his actions and his mission are worthless. Our sacred purpose is to demonstrate that it is only the soldier who is called upon to give his life to ensure freedom. We soldiers are the guardians of America's promise to the world. We show here today that the will that permits one to lay down his life for family and country separates those with pure souls fueled by courage from those who have yet been given such an opportunity and privilege.

Those of us who have put on the military uniform of our country have done so with the expectation of receiving no reward. We have been privileged to serve in the defense of freedom and liberty. There is no sense of entitlement; there is only a sense that we have been honored that you, those whom we serve with honor and love, the love of our entire hearts, have entrusted us with your lives. It is your trust that illuminates the soul of every American fighting man and woman with pride. It is your trust that sees us through the long, dark, cold and lonely nights as we stand watch. It is your love and trust that gives us the courage to leave our beloved parents, to say goodbye to our tender-hearted wives, and to ask God in silent prayer to watch over our children while we are away.

Today we recall the countless graves of brave Americans from the smallest islands in the great Pacific to the unforgiving shores of Normandy. We also remember those who froze to death at Valley Forge and who fought upon the burning sands of the Persian Gulf. From our nation's birth until this very moment, we have endured every cost and paid every price to protect, to defend and to serve our beloved nation.

Hundreds of thousands of Americans have given their lives in far away lands for us. Many are now interred in the earth of those distant lands, but their memories, their memories, we shall never yield, for those memories are our most valued treasure. Wherever an American soldier is buried, there also is a part of America.

It is in the memory of our heroes, friends and loved ones that we gather today. The Brazos Valley Veterans memorial is a sacred tribute that commemorates for time immemorial the sacrifice made by America's heroes. It honors those men and women who will never return to bless us with their smiles, to hold their children in their arms, and to share with their wives and husbands joys and sorrows that we take for granted. Indeed, even if some forget their names, no one must ever be allowed to forget their sacrifice. By the labor of our hands and hearts we have ensured that the generations that follow, even for a thousand years, will recall with pride our veterans' unselfish love for this light unto the world that we call America.

Some say our fallen heroes hear the grass growing over their graves and the leaves of autumn rustling above in the stilled heavens, finally bringing the loud guns of war to silence, but those of us living will never know peace until we pay in full the debt we owe them. This is the debt we honor today.

Do not look at the place where life has left an American warrior, do not say how the smoke of dreams has risen. This is the way one moment deserts another, and this is the way that the all-powerful sun suddenly deserts the world. Do not say this, for we shall always remember and our sun shall never desert our world. It is our faith that keeps America's flame of freedom alight.

Let me challenge each of you today. Look upon this work of art, an expression of Robert Eccleston's genius. Prepare your hearts, open your minds and allow the better nature of your souls to rise to a new level, a new level of historical purpose. Try to wrap yourselves in these soldiers' experience.

Whose heart does not explode like a million stars when looking upon this beautiful symbol of our love and respect for America's fighting men and women? Witness the bullet hole in the soldier's helmet and shudder, share the suffering of the wounded soldier and bleed, and behold the valor of the soldier who never leaves his friend behind—then, pray to God that you would do the same. Dare if you will to touch the name of a veteran, any veteran whose name is engraved in this Texas granite, and know that you are united with an American hero.

Never forget that when the bow of God's wrath is bent, America's fighting men and women are the arrow that finds heartless evil and draws from it all life. We are the instrument of God's justice, and we are the men and women who preserve civilization itself.

Now, as we dedicate this holy monument and leave it to the generations that follow us, be assured that we have done our duty.

Let it never be said that we have forgotten those who have given the ultimate for our freedom. Let it be said that we have preserved their memories upon sacred ground.

We shall forever toll the bells in their honor. We raise our flags in their memory. We believe they have life eternal. May flowers always bloom under the shade of these trees. Let the sun break forth from tomorrow's sky and send its golden rays upon all the rays of our lives and the lives of generations upon generations that follow in the noble American dream. Let us ask God from the depths of our most prayerful souls to welcome our heroes and to hold them in His loving arms. Let it never be said that we forgot those who have given their all for our freedom—those whose courage and sacrifice define this land we call America.

To this we put our names.

To this we pledge our honor.

This is the sacred bond that makes us Americans.

God Bless America.

NATIONAL SEA GRANT COLLEGE PROGRAM ACT AMENDMENTS OF 2002

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 2002

Mr. GREEN of Texas. Mr. Speaker, today I rise in support of H.R. 3389, the National Sea Grant College Program Act of 2002. This important legislation reauthorizes the sea grant program in Texas and its counterparts around the country to continue the important work being done in coastal, ocean and lake resources.

When Congress passed the Sea Grant College Program Act of 1966, it intended to apply the successful attributes of the Land Grant College Program to coastal and marine issues. Today, the National Sea Grant Program represents the bridge between government, academia, industry, scientists and private citizens to help Americans understand and maintain the oceans and Great Lakes for long-term economic growth.

Sea Grant also serves as a bond uniting more than 350 participating institutions in 35 states, U.S. territories and the District of Columbia and millions of people. In short, Sea Grant is an agent for scientific discovery, technology transfer, economic growth and public education as they involve coastal, ocean and Great Lakes resources.

Every day, Sea Grant scientists make progress on the important marine issues of our time. A network of outreach professionals takes this information out of the laboratory and into the field, working to enhance a coastal business, a fishery, or residents' safety and quality of life.

A dedicated corps of communication specialists builds public understanding of these issues for informed decision-making. Sea Grant educators bring the discoveries into the nation's schools, using them to pioneer better ways of teaching, helping to create a new generation of scientifically literate Americans.

Through these research, education and outreach activities, Sea Grant has helped position the United States as the world leader in marine research and the sustainable development of coastal resources.

Texas A&M University of Galveston, Texas was among the first four institutions to be designated a Sea Grant College in 1971, and its researchers had been involved since passage of the National Sea Grant College and Program Act in 1968.

As a Sea Grant College, Texas A&M Galveston provides research support for university-level faculty throughout the state through a competitive grants process.

In Texas, the Sea Grant program has conducted research in hyperbaric physiology, endangered species ecology, marine aquaculture, coastal processes, fisheries biology and ecosystem health.

As a result of these and other Sea Grant efforts, we have seen development of a major shrimp aquaculture industry in South Texas, marina initiatives to adopt best management practices and minimize water pollution, nonpoint source pollution reduction from residential landscapes, improvements in seafood handling to reduced loss in the retail markets and expanding marine educational opportunities in support of the state's, and nation's, teachers and students.

I urge my colleagues to support this legislation.

HONORING MRS. TERRY ROTH

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the life of Mrs. Terry Roth, a great Floridian, a noted businesswoman and an award-winning baker. Born originally in New York, she moved to South Florida as a child and soon after graduated from Madonna High School in Hollywood. She met her husband, Mr. Bob Roth, at a high school dance in the old Miami Armory and the two married in 1967, settling down to raise a family shortly thereafter.

After their wedding, Mrs. Roth and her husband founded New River Groves, a citrus market located in Davie. The market remains open today and attracts thousands of customers every year. Disappointed and dissatisfied with local offerings and variations of the popular Key Lime Pie, Mrs. Roth began to prepare her own no-bake Key Lime Pie. Needless to say, her latest version of the South Florida dessert staple was a huge hit. Baking her highly-regarded pies in her own kitchen soon proved to be too monumental of a task, and soon thereafter her popularity led to an expansion of New River Groves to accommodate the increased demand of over 30,000 pies a year. As Mrs. Roth's fame grew, her pies attracted a national following, including notables such as Senator Hillary Rodham Clinton, Nick Nolte, and Robert DeNiro. Mr. DeNiro and Mr. Nolte first sampled Mrs. Roth's pies with Jessica Lange when the Roth's store was featured in the movie Cape Fear.

In addition to her success as a baker and entrepreneur, Mrs. Roth was truly dedicated to her family, and was described by all as compassionate and loving. Her battle with cancer began five years ago and was characterized by a positive spirit.

Mr. Speaker, it is a truly special occasion for me to honor Mrs. Terry Roth, who embodied community leadership and strength as an upstanding Floridian. Her legacy as one of South Florida's great innovators and great characters, who provided a unique service to the community with humility and goodwill, serves as an example for us all.

Mrs. Roth is survived by her husband Bob and son David of Cooper City, as well as her brother Sonny Grech of Naples, sister Doris Diehl of Marco Island, and father-in-law Al Roth of Davie.

TRIBUTE TO TERRY PHILLIPS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Terry Phillips and thank him for his contributions in the Colorado General Assembly. His hard work and dedication is appreciated, and I am honored to pay tribute to him today in front of this body of Congress. As he moves on in his career, let it be known that I, along with people of Colorado, am grateful for the work he has done for the Colorado General Assembly.

Terry Philips is finishing his second term in the Colorado State Senate, as the representative from Boulder County, Colorado's 17th District. During his tenure in the Senate, Terry has served on a number of committees, including Agriculture, Natural Resources and Energy; Appropriations; Business Affairs, Labor & Finance; Legislative Council; and Capital Development, where he served as Vice-Chair. In addition, he serves on the Colorado Student Loan Program Advisory Committee, the Advisory Commission on Intergovernmental Relations, and the Executive Committee of the Council of State Governments West, where he is on the Water Policy Committee.

Not only has Terry served the community as a member of the Colorado General Assembly, he is an active humanitarian. He is a member of the Louisville Lions Club, a past President of the Louisville Jaycees and a member of the Louisville Chamber of Commerce. He is a certified general appraiser; licensed in Colorado, with over 600 hours of course work on mass appraisal of property. Perhaps most important to recognize, Terry is married to his wife Sally.

Mr. Speaker, it is clear that Terry Phillips has served his state by providing his service and time during his tenure in the Colorado General Assembly. I am honored to bring his hard work and dedication to the attention of this body of Congress. Thank you Terry, and good luck in your future endeavors.

HONORING LOUNE VIAUD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. LEE. Mr. Speaker, I rise today to pay tribute to Ms. Loune Viaud, the 2002 recipient of the Robert F. Kennedy, Jr. Humanitarian Award.

The Robert F. Kennedy Human Rights Award was established in 1984 to honor creative individuals who are often at great personal risk, engaged in strategic and nonviolent

efforts to overcome serious human rights violations.

Loune Viaud is well deserving of this award because she has demonstrated leadership by expanding the delivery of health and social services to indigent Haitians suffering from HIV/AIDS and other debilitating diseases. She is a champion of Haiti's poor.

We all know that Haiti is one of the most impoverished nations in the Western Hemisphere. With over 300,000 people infected with HIV/AIDS out of its small population of 8 million, Haiti is in a crisis. Haiti is also facing a devastating AIDS orphan crisis with more than 163,000 children whose parents have died from AIDS complications. It is appalling that only one in every ten thousand Haitians has access to a physician, and tuberculosis remains one of the major causes of adult mortality. In fact, cases of tuberculosis and multidrug resistant tuberculosis in Haiti are more than ten times as high as those in other Latin American countries.

I want to praise Loune for rising to the challenge and for her significant work in Haiti. Her contributions are critical to the welfare of Haiti, as well as the welfare of our global community. Upon learning she had been selected as the Robert F. Kennedy award recipient, Loune Viaud stated, ''For the Robert F. Kennedy Memorial to choose me, a humble foot soldier in the struggle for health and human rights, as the recipient of this prestigious award means more than I can say. For I am a Haitian, and the majority of Haitian people have always stood for equality. From 1791, when we fought against slavery to become the world's first independent republic born of a slave revolt, until 1990, when we again declared as a people our belief in social and economic rights as a human rights platform, the Haitians have struggled against long odds. Two hundred years of struggle, much of it in isolation even from those who profess a belief in human rights. Thank you for reminding us that we are never, in fact, really alone.''

Loune maintains a clinic situated on the Central Plateau in rural Haiti. She offers free health care to the hundreds of thousands of people living in the region. Last year alone 56,000 people came to the clinic for medical help. In 2002 more than 100,000 people will be treated there.

The clinic, Zanmi Lasante, addresses the overall needs of the community surrounding it. It has special clinics for HIV/AIDS and tuberculosis, a clinic for women (Proje Sante Fanm), a special center for children and an operating theatre. The complex also develops educational projects on HIV/AIDS sanitation and human rights.

Although the clinic is built in an underdeveloped region, Zanmi Lasante's treatment program is proof that diseases that are difficult to treat can be addressed in rural areas. The clinic, however, does not stop there. It's program treats the patients and empowers them to understand their rights. In 2001, Viaud was instrumental in developing a patient's Bill of Rights with a group of 60 HIV-positive patients. The patients view their health care as a basic human right, not charity.

Viaud's work attacks the symptoms of a greater and more persistent human rights violation, namely the right to healthcare. Article 19 of the Haitian Constitution states that the Government of Haiti is obliged to provide basic health care to its citizens. The Government has stated that it would develop other health facilities, following Zanmi Lasante's model, in other parts of the country if it had the resources. I, along with other members of the CBC agree that the Haitian government should receive the funding already promised from the IDB Bank in 1996 for humanitarian assistance. In every sense, the disbursement of these loans can mean the difference between life and death.

I want to assure Loune and her partners in Haiti that their work does not go unrecognized. I stand with you in this effort. As African-Americans and as a members of the Congressional Black Caucas' Haiti Task Force, we have recognized the urgency in Haiti. Together, we have worked to introduce legislation that would decouple the humanitarian crisis in Haiti from the political impasse, which has further impeded Haiti's development since the 2000 elections. The resolutions was designed ensure that financial assistance from the international financial institutions can be disbursed to Haiti. You have my assurance that this work will continue. We must make it our mission to advance the development of a stronger and more meaningful partnership between the United States and Haiti.

In closing, I want to commend Loune Viaud for her work in Haiti. She is helping to build a strong foundation for the future development of Haiti. We must recognize the distress Haiti is in however, we must also look forward with hope. It is my honor to work with you and I look forward to our collective efforts to build a better relationship between the United States and Haiti. Loune, you are role model who is demonstrating today what can be possible tomorrow and into the future if we commit ourselves to a better brighter future for Haiti.

HONORING RYAN C. LEWIS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BENTSEN. Mr. Speaker, I rise to recognize one of my constituents, Ryan C. Lewis, who has demonstrated remarkable patriotism and immense love for the United States of America. Because of his desire to serve his fellow countrymen, Ryan joined the United States Army. He has composed a poem to articulate his feelings, and this written expression, which Ryan has so graciously shared, is a reflection of his heartfelt pride for our country. I feel that it is important to share this with my colleagues, as it is an inspiration to all those who hear it.

You asked me to show my patriotism
I think I already have, by flying the flag
In my room, by saying the pledge everyday
And when my eyes get watery and
The hair on my neck stands up when I hear the
National Anthem. I've shown you by joining
The Army just to serve my country.
It runs in the family, this patriotism in my heart,
This never ending pride, respect, honor, and love
I have for my country, this sweet land of liberty.
You know for you are my sister and you are my brother.

Mr. Speaker, Ryan's dedication to his country is an example for all Americans to follow, and I thank him for his selfless contribution to this nation and its people.

INTRODUCTION OF THE IMMIGRATION BOND FAIRNESS ACT OF 2002

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mrs. MEEK of Florida. Mr. Speaker, today, I am introducing the Immigration Bond Fairness Act of 2002, a bill to amend the Immigration and Nationality Act to provide for judicial review of detention and release determinations, and to provide a right to a bond hearing before an immigration judge to all aliens in removal and summary removal proceedings.

This bill would end the INS practice of indefinite detention of Haitians, even those seeking asylum, a racially discriminatory practice designed to send Haitian asylum seekers back home, regardless of the risk of persecution. It would ensure that every person in removal or summary removal proceedings would have a right to have custody, detention, and release determinations affecting them reviewed by an Immigration Judge.

Passing this bill would significantly improve the chance that asylum seekers will receive the legal help they need to present their best case for relief. It also would temper the problems that invariably arise when an agency is given complete, unreviewable discretion to make detention and release determinations.

Mr. Speaker, under this bill, everyone in removal or summary removal proceedings also would have the right to have an Immigration Judge, not an INS officer, decide whether it is appropriate to release them into the community on bond while their asylum claim is pending. None of us know what impact, if any, a judicial decision on bond claims will have on the frequency of release of asylum seekers into the community. Yet, surely, every person in detention deserves their day in court to make a case for release into the community on bond. That's just basic fairness.

Why should someone like Ernest Moise, who fled death threats in Haiti, and his teenage sons, remain locked up by the Miami INS office in March 2002, even though an Immigration Judge had granted him political asylum on February 22?

Mr. Speaker, historically, the INS practice was to release Haitian asylum seekers arriving in Miami into the community while their asylum claims were pending once they passed their interviews demonstrating a credible fear of persecution. Yet, in December 2001, after 187 Haitians were brought to shore in Miami for safety reasons from a Haitian boat that the Coast Guard intercepted at sea, the INS, apparently at the behest of the White House, secretly directed the Miami District INS office to detain Haitians even if they raised a credible fear of persecution if they are returned to Haiti.

It was only in March of this year when Miami immigration lawyers went to Federal court to challenge the INS's racially discriminatory policies against Haitians that the INS reluctantly acknowledged that the Miami INS office had adopted a policy of indefinite detention of all Haitians then or thereafter in INS

custody, even Haitians with credible asylum claims. According to the Miami Herald, the President's brother, Florida Governor Jeb Bush, says that he was told about this change in policy immediately after it came into effect in December 2001. Yet Governor Bush didn't tell the people that he knew of this policy change until ten days ago!

Two weeks ago, after 211 Haitians arrived at Key Biscayne by boat, I asked Governor Bush to contact the President to ensure that these Haitians receive fair treatment, including fair consideration of their claims for asylum. While the Governor refused my request to contact the President, he said that he shared my belief that Haitians should be treated the same as all other asylum seekers. Just last week at his most recent press conference, the President himself said that procedures were being developed to ensure that Haitians were treated as all others except Cubans.

Apparently, what the President was referring to was a directive from the INS Commissioner announced late last Friday mandating that all persons arriving illegally by sea will be placed in expedited removal proceedings, and during their legal process will remain in detention unless released for humanitarian reasons at the discretion of the INS. What a cruel hoax. The Administration's idea of fairness for Haitians is simply expedited removal, coupled with indefinite detention!

In short, the policy is that Haitians who come to this country seeking asylum are being indefinitely detained by the Bush Administration, even when they demonstrate a credible fear of persecution if they are returned to Haiti. This policy is unfair. It's discriminatory. It's immoral. While the Administration denies that there is any racial element to this policy, the facts are that no group of asylum seekers other than the Haitians is treated this way.

Mr. Speaker, we can do better than this. We must do better than this. Let's give every asylum seeker their day in court and allow an Immigration Judge to decide whether an asylum seeker's release into the community on bond is warranted. I urge all my colleagues to support the Immigration Bond Fairness Act of 2002.

TRIBUTE TO FORT LEWIS MESA FIRE PROTECTION DISTRICT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Fort Lewis Mesa Fire Protection District of Marvel, Colorado for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Fire Protection District played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the Fort Lewis Mesa Fire Protection District to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The Fort Lewis Mesa Fire Protection District has served its citizens and community since 1982 and oversees a 250 square mile region. The district relies upon a personnel of 28 volunteer EMT's and firefighters to remain on call, prepared to fight fires or provide medical assistance on a moment's notice.

Mr. Speaker, it is with sincere admiration that I recognize the Fort Lewis Mesa Fire Protection District of Marvel, Colorado before this body of Congress and this nation. I want to commend the Chief and all of the Fire District's fire fighters for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Fort Lewis Mesa Fire Protection District and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the fire season has served as an inspiration to us all and it is an honor to represent such an outstanding group of Americans in this Congress.

THE POEM ''I AM A VETERAN''

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ISRAEL. Mr. Speaker, I rise to share with you the words of Rabbi Paul Swerdlow, one of my constituents. Rabbi Swerdlow's poem ''I Am a Veteran'' conveys his love for his country. I am most grateful for his dedicated service to securing our freedom.

I AM A VETERAN

I am a veteran.

I shivered that cold winter in Valley Forge
And rejoiced at the glorious surrender at Yorktown.
I wept at the flames that engulfed Washington
And said ''never again.''
I wore blue and bled red.
I wore gray and bled red.
The blood I spilled was to reunite a nation
Of the people, by the people and for the people
I am a veteran.

I was at Little Big Horn and I prayed;
I was at Wounded Knee and I prayed;
I prayed that one day the old Americans
And the new Americans would be one people.
I was there to charge up the hill at San Juan;
Knowing that my country was emerging
Beyond its borders.
I was prepared to make the world safe for democracy.
Young and idealistic, I came to France
To turn back the hordes in this war to end all wars.
I am a veteran.

It was with disbelief that I became
A part of the day which will live in infamy.
Once more I said goodbye to those I loved
To protect my country.
Across the vast desert I met the enemy.
I met him on island after island.
I kept my promise to return.
I met him on the beaches of Normandy.
I repelled him from the gates of Bastogne.
I freed thousands from the shadow of death.
I am a veteran.

A small nation cried out for help
And I came because others had been there for me.
A nation was saved.
I felt the agony of defeat in the jungles of a distant land.
BUt I held my head high
When another people cried out,
I again put on my uniform to save them from tyranny.
Today I remain ready to pledge my life,
My property, my sacred honor,
Until there will be peace and freedom on earth
For everyone, everywhere.

I am a veteran.

THANKING MR. HENRY (BUD) COLLINS FOR HIS SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. NEY. Mr. Speaker, on the occasion of his retirement at the end of this year, we rise to thank Mr. Henry (Bud) Collins for his outstanding service to the U.S. House of Representatives over the past 27 years.

Over the years, Bud has made significant improvements to the Voice and Data Network programs of the U.S. House of Representatives. He began his career with the House on December 10, 1973, and has served this great institution in numerous capacities, most notably in House Information Resources (HIR) Communications positions within the Chief Administrative Officer. During the past three years, Bud has served as the Communications Infrastructure Team Leader. In this position, he has directed voice and data wiring installations to every entity of the House, Architect of the Capitol, and Congressional Budget Office. Bud's breadth of knowledge of the wiring standards and the House building construction has enabled rapid, effective wiring installations. These installations were fundamental in improving the information flow for Member and Committee operations.

On behalf of the entire House community, we extend congratulations to Bud for his many years of dedication, and his outstanding contributions to the communications and wiring infrastructure installations for the House. We wish Bud and his wife Harriet many wonderful years in fulfilling their retirement dreams.

IN MEMORY OF CHANG-LIN TIEN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. LEE. Mr. Speaker, I rise today to honor Chang-Lin Tien for his lifetime of distinguished public service. He was a tireless community activist and educational leader for more than 40 years. As Chancellor of the University of

California, Berkeley, from 1990–97, Tien was an outspoken supporter of equal opportunity in higher education and preserved the campus's preeminence despite a prolonged State-wide budget crisis. He died Tuesday, October 29th at Kaiser Permanente hospital in Redwood City, California.

Tien was born on July 24, 1935, in Wuhan, China, and educated in Shanghai and Taiwan. With his family, he fled China's Communist regime for Taiwan in 1949. After completing his undergraduate education at National Taiwan University, Tien arrived penniless in the United States in 1956 to study at the University of Louisville. Supported by scholarships, he earned his master's degree there in 1957 and then a second master's degree and his PhD in mechanical engineering at Princeton University in 1959.

He joined the UC Berkeley faculty in 1959 as an Assistant Professor of mechanical engineering. In 1962, when he was 26 years old, Tien became the youngest professor to receive UC Berkeley's Distinguished Teaching Award, an award for which he was enduringly proud. Rising through the ranks, he became a full professor in 1968, later served as chair for seven years of the Department of Mechanical Engineering and, for two years, 1983 through 1985, was UC Berkeley's vice chancellor for research. In 1988, Tien left UC Berkeley—for his first and only time—when he was appointed executive vice chancellor at UC Irvine. He returned to UC Berkeley as chancellor in 1990.

One of the most popular and respected leaders in American higher education and an engineering scholar of international renown, Tien spend nearly his entire professional career at UC Berkeley. He was the campus's seventh chancellor and the first Asian American to head a major research university in the United States.

Both in the United States and overseas, Tien's expertise—in thermal science and engineering, as an educator and humanitarian—was called upon by engineers, scholars and government officials alike. In the field of thermal sciences, he was a visionary. Thermal radiation, thermal insulation and, most recently, microsale thermal phenomena were among the fields carved out by Tien. He also made important contributions to fluid flow, phase-change energy transfer, heat pipes, reactor safety, cryogenics and fire phenomena. In Japan, his basic formulas for ''superinsulation'' are used in the design of magnetic levitation trains. Both the United States and Hong Kong governments called upon Tien for technical advice. He helped solve problems with the Space Shuttle's insulating tiles and with the nuclear reactor meltdown at Three Mile Island in the late 1970s.

A man of great personal integrity and a fighter for justice and equal opportunity, Tien said his values and ideals were shaped, in part, by the racism and discrimination he encountered in America. To explain his support for affirmative action as a tool to level the playing field in college admissions, he often told the story, as a new immigrant, he confronted a South still divided along color lines.

''One day I got on a bus and saw that all the black people were in the back, the white people in front. I didn't know where I belonged, so for a long time I stood near the driver,'' Tien would recall. ''Finally, he told me to sit down in the front, and I did. I didn't take another bus ride for a whole year. I would walk an hour to avoid that.''

In addition to successfully battling years of devastating state budget cuts on campus, Tien developed ways to counter the impact of the UC Regents' ban on affirmative action. In 1995, for example, he launched the Berkeley Pledge which was a partnership between UC Berkeley and California's K–12 public schools that now is called School/University Partnerships. Designed to improve the academic performance of hundreds of students in the Berkeley, Oakland, West Contra Costa and San Francisco unified school districts, the program was a model for Education Secretary Riley in creating a national program that today is active in almost every state in America.

As chancellor, Tien was beloved as a champion of students. He was famous for his frequent strolls to Sproul Plaza to greet students, bringing cookies to those studying late in the library, and yelling a heartfelt ''Go, Bears!'' at events. If he returned to UC Berkeley at night after a long trip, he'd frequently visit the campus to check in with students working in his lab before heading home.

Tien raised the profile of women in leadership at UC Berkeley by appointing the first woman Vice Chancellor and Provost—the second-in-command on campus—and the first woman Chief of the Campus Police Department. He also brought more ethnic diversity to the leadership of the university administration.

During his career, Tien's many honors included, in 1976, becoming one of the youngest members of the National Academy of Engineering, which awarded its highest honor to him, the NAE Founders Award, in September 2001. The award recognizes academy members who have made lifelong contributions to engineering and whose accomplishments have benefitted U.S. citizens.

Tien held 12 honorary doctorates, including degrees from universities in China, Hong Kong and Canada. One unique honor was when the Zi Jin Mountain Observatory in China named a newly discovered asteroid ''Tienchanglin.'' Also bearing his name is one of the world's largest oil tankers—Chevron Corp.'s M/T Chang-Lin Tien.

He authored more than 300 research journal and monograph articles, 16 edited volumes and one book.

Chancellor Tien was a friend and supporter. I vividly remember many meetings with Chancellor Tien and being in awe of his intellect. Yet, his passion and compassion for students and the University of California permeated his existence. He was a unique individual, a true leader who led from his head to his heart.

I take great pride in joining Chancellor Tien's wife, children, grandchildren, and colleagues to salute the extraordinary Chang-Lin Tien.

HAITIAN IMMIGRANT EQUITABLE ADJUSTMENT ACT OF 2002

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mrs. MEEK of Florida. Mr. Speaker, I am today introducing a bill in Congress which will amend the Cuban Adjustment Act of 1966 to include Haitians as well.

My bill, the Haitian Immigrant Equitable Adjustment Act of 2002, will provide the exact same legal rights to Haitian immigrants that Cuban immigrants have enjoyed for almost 40 years.

Under my bill, the legal rights of Cuban immigrants would continue unchanged. But Haitian immigrants would finally have the same rights as Cubans, under the law.

Like the Cuban Adjustment Act, my bill would allow Haitians who have been physically present in the United States for at least one year to adjust to permanent residence status at the discretion of the Attorney General. Like Cubans, Haitians would have to be eligible to receive an immigrant visa and be admissible into the United States as a permanent resident. Also as in the case of Cubans, spouses and children of the Haitians applying for this adjustment are also covered.

Because there was no cut-off date or numerical limits for Cubans covered under the Cuban Adjustment Act, there would be no cut-off dates or numerical limitations for Haitians under my legislation.

Since the Cuban Adjustment Act became law, the Attorney General has used his discretion to allow over 600,000 Cubans to become permanent, lawful residents of the United States—making it possible for them to eventually become U.S. citizens. During that period, over 400,000 Haitians have come to the United States, but over half were returned to Haiti. Under my bill, these Haitians, like the Cubans, would be allowed to remain in this country.

What made the Cuban Adjustment Act provisions take effect was the U.S. Attorney General's willingness to use existing authority to allow Cubans to legally enter the country. Once they entered legally, the law took its course. I call upon the Bush administrations—both in Tallahassee and in Washington—to treat Haitians exactly the same way that Cubans are treated.

I have long sought to insure fairness for Haitians. In 1997, I introduced H.R. 3033, the Haitian Refugee Immigration Fairness Act. The provisions of my bill became law in 1998. It allowed Haitians who were in the country at the end of 1995 and who were paroled into the country, filed for asylum, or who were orphaned children to receive green cards.

I have also fought against the Bush administration's policy of indefinitely imprisoning Haitians who demonstrate a credible fear of persecution. This policy is, by any standard, unfair and discriminatory.

No other group of asylum seekers are treated this way. Non-Haitians are routinely released into their communities shortly following their initial asylum interviews and remain free throughout the adjudication process to meet with their counsels and prepare their strongest petitions.

There is no other group of asylum seekers to whom a blanket indefinite detention policy is applied. The Haitian people are the ones who suffer, and I will continue to do everything I can to end the unfair, unequal and discriminatory treatment they suffer at the hands of this administration.

HONORING ARTEMAS WARD

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. MCGOVERN. Mr. Speaker, I rise today to pay tribute to Artemas Ward, a true American hero. Mr. Ward was a resident of Shrewsbury, Massachusetts during the colonial era. The Shrewsbury 275 Committee and the Shrewsbury Historical Society are honoring his 275th birthday on November 26, 2002.

As my colleagues are aware, Mr. Ward was the first Commander-in-Chief of the Continental Army before George Washington was named to that post. Before leading the Continental Army, Mr. Ward was a colonel in the militia during the French and Indian War. During that war, Mr. Ward was recognized for his superior administrative skills. Like so many people in Massachusetts, Mr. Ward was an ardent anti-loyalist and was named Commander-in-Chief of the Massachusetts forces. In time, Mr. Ward became the highest-ranking major general in the 13 colonies. Following his retirement from the Continental Army in 1777, Mr. Ward went on to play a prominent roll in Massachusetts and American politics.

Mr. Ward was a graduate of Harvard College. After he passed away, Mr. Ward's estate was known as the Ward Homestead and the town of Shrewsbury administered it. However, Harvard University now operates the Ward Homestead and it is known as the Ward Museum.

Mr. Speaker, I am confident that the entire U.S. House of Representatives joins me in extending a birthday wish to Artemas Ward and the Town of Shrewsbury. Moreover, I ask that my colleagues join me in thanking Mr. Ward for his bravery, patriotism, and commitment to the ideals of the American Revolution.

TRIBUTE TO LOS PINOS FIRE PROTECTION DEPARTMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Los Pinos Fire Protection Department for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Fire Protection Department played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the Los Pinos Fire Protection District to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The Los Pinos Fire Protection District has served the citizens of Colorado since 1985 and oversees a 217 square mile region. The district relies upon its five member staff and 10 volunteers to remain on call, prepared to fight fires or provide medical assistance on a moment's notice.

Mr. Speaker, it is with sincere admiration that I recognize the Los Pinos Fire Protection District before this body of Congress and this nation. I want to commend all of the Fire District's fire fighters for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Los Pinos Fire Protection District and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the summer's fire season has served as an inspiration to us all and it is an honor to represent such an outstanding group of Americans in this Congress.

RECOGNIZING NICHOLAS ROYCE

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. WATSON of California. Mr. Speaker, I wish to acknowledge Mr. Nicholas Royce, a dedicated American and Southern Californian, who has spent more than fifty years as an advocate for the Eastern Orthodox religion and its inclusion as an integral part of American religious life.

Mr. Royce's first experience with religious discrimination was when he entered the Armed Forces and found the service had limited religious choices—Protestant, Catholic and Jewish. Through Mr. Royce's encouragement and a prolific letter writing campaign, U.S. Senator Leverett Saltonstall introduced and had passed legislation in 1955 which recognized the more than 500,000 Orthodox Catholics who had fought and died in uniform. Today, service men and women are able to wear name tags designating Eastern Orthodoxy and they have access to Orthodox chaplains. In addition, thirty-three states now recognize Eastern Orthodoxy as a major religion.

Having retired from a successful show business career that began at the age of 14 as a dancer, Mr. Royce has devoted his time to fighting for AIDS victims, the homeless and abused women and children. Breaking down gender barriers, Mr. Royce has been an active member of the Hollywood Women's Press Club. Women in Film and American Women in Radio and Television.

I am pleased to be able to recognize the accomplishments of Mr. Nicholas Royce on the occasion of his birthday and wish him many more years of successful activism.

CHRISTIAN DIOR'S ''ADDICT'' CAMPAIGN MARKETS ADDICTION TO YOUNG PEOPLE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. RAMSTAD. Mr. Speaker, I am extremely dismayed by the continued public silence by fashion design house Christian Dior to repeated requests from outraged citizens asking Dior to stop marketing addiction to our young people.

As a grateful recovering alcoholic, I believe it is vitally important for us to condemn the glamorizing of addition for profit by Christian Dior.

The Dior ad campaign for its new ''Addict'' line of fragrance, lipstick and nail polish shows a complete disregard for the millions of people who suffer from the disease of addiction and their families.

Mr. Speaker, Dior's massive new ad campaign is the ultimate in corporate irresponsibility. Dior's abuses trivialize America's No. 1 public health problem—alcohol and other drug addiction.

The Dior ads portray addiction as ''bold, daring and totally sexy.'' Young women targeted by this ad campaign are told ''every day a new temptation.'' Ad copy urges them to ''follow your cravings.''

Dior's outrageous and irresponsible ads claim that becoming an addict is hip, daring and sensual. Dior needs to hear there's nothing hip about the disease of addiction—a disease that killed 150,000 Americans last year.

Mr. Speaker, there's nothing hip about a disease that afflicts 26 million Americans, including 2.1 million teens. In Minnesota alone, more than 18,000 young people ages 14 to 17 are in need of treatment for their addiction.

The visuals of the ''Addict'' campaign are shameful. One example from the internet site is something called the ''Addict Film.'' The music is hypnotic. The visuals pulsate with jarring quick cuts. A model, clad only in skimpy underwear and sweat, brushes her hair back as she leans forward. She's wide-eyed and anxious.

Her finger dips into something on a shiny mirror-like surface. She brings her finger up beside her nose. Later she grabs a blue bottle out of the air and settles down with half-closed eyes and an open mouth. Under the music a seductive voice whispers, ''addict, addict, addict.''

The ad asks, ''Will you admit it?''

Mr. Speaker, Dior is part of LVMH (Louis Vuitton Moet Hennessy), a Fortune 500 company based in France. LVMH talks about corporate responsibility. Company documents say the principles of protection, prudence and care must be applied if the company is to ''reconcile economic development with the overall well-being of humanity.''

But their own annual report says the ''Addict'' marketing visuals are ''the perfect illustration of the possible connotations of the word 'addict.' ''

Mr. Speaker, they obviously don't tell the real truth of addiction. This ad campaign shows callous disregard for parents who have lost a child to addiction. It trivializes a critical public health issue and cheapens the hard work of recovery from addiction.

Magazines like Rolling Stone, Elle and Glamour carry these ads. People around the country are getting samples in the mail. These ads are appearing in newspapers that are in the homes of families, families with children. Faced with a multi-million dollar ad campaign that glamorizes addiction, how can parents teach their children it is not cool to try drugs?

Mr. Speaker, we need a tremendous public outcry against Dior's campaign to glamorize the disease of addiction—the same public outcry that would result if Dior tried to glamorize other deadly diseases like cancer or AIDS.

We need to put public pressure on Dior to pull the ''Addict'' campaign and rename the product.

We need to let Dior know their ''Addict'' campaign shows careless disregard for families who have lost a child to addiction.

Dior needs to know they are doing great harm to parents trying to each their children not to use drugs or alcohol.

Dior needs to know they are doing a tremendous disservice to people in recovery. Dior's marketing campaign is a slap in the face of each and every brave young person in recovery.

Mr. Speaker, the frequency and intensity of these ads will increase as we enter the Christmas shopping season. The city Council of Detroit has just condemned this marketing campaign. There are diverse coalitions working from coast to coast to protect the health and safety of our children and retain the dignity of people who are doing the hard work of recovery.

We must expose Dior's outrageous and irresponsible marketing campaign.

Mr. Speaker, it is my hope this body will join me in condemning this ad campaign which attempts to glamorize addiction. Please join me in using our leadership to send a clear message that addiction is not fashionable.

CELEBRATING THE EFFORTS OF THE MACOMB COUNTY INTERFAITH VOLUNTEER CAREGIVERS ON THE OCCASION OF THEIR 10TH ANNIVERSARY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. LEVIN. Mr. Speaker, I rise to recognize the efforts of the Macomb County Interfaith Caregivers as they celebrate their 10th Anniversary on November 19, 2002.

This celebration will bring together a variety of local support agencies, faith-based congregations, and residents to provide information on their programs and services available to the citizens of Macomb County and recently added areas in Oakland County.

The Macomb County Interfaith Caregivers was started in 1990 by a group of religious leaders from southeast Michigan who saw a need for a program that could reach out to a rapidly growing population of older and disabled adults. These older residents of our communities were struggling to maintain their independence and preserve their health and safety in their own homes. By 1994 the program was an independent, community-owned charitable organization.

The agency's mission is to provide essential support services like transportation, household assistance, meal preparation, home repairs and yard work. They also provide an important emotional support system through a respite program for full-time family caregivers, socialization visits, and ongoing communication with the participants.

The work of the Interfaith Volunteer Caregivers has touched the lives of more than 850 residents in the last ten years and has been made possible through the work of hundreds of volunteers, eighty local businesses and seventy local congregations.

Mr. Speaker, I ask my colleagues to join me in commending the passion and hard work of all of the individuals involved with the Macomb County Interfaith Caregivers. It has been my pleasure to work with them and to see first hand the value of their efforts. They have improved the lives of the elderly and strengthened the fabric of their community.

TRIBUTE TO DURANGO FIRE & RESCUE AUTHORITY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Durango Fire & Rescue Authority for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Fire & Rescue Authority played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the Durango Fire & Rescue Authority to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The newly formed Durango Fire & Rescue Authority consolidated the efforts of the Hermosa Cliff Fire District, Animas Fire District, and the City of Durango Fire Department to serve the citizens in the Durango area and oversees 440 square mile region with a population of 29,700. The Durango Fire & Rescue Authority relies on a host of volunteer firefighters, paramedics, and support staff prepared to fight fires or provide medical assistance on a moment's notice.

Mr. Speaker, it is with sincere admiration that I recognize the Durango Fire & Rescue Authority of Durango before this body of Congress and this nation. I want to commend all of the Durango Fire & Rescue Authority's firefighters for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Durango Fire & Rescue Authority and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the summer's fire season has served as an inspiration to us all and it is an honor to represent such an outstanding group of Americans in this Congress.

HONORING JEAN WORTHAM

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BENTSEN. Mr. Speaker, I rise to pay tribute to Jean Wortham, who was recently honored for her commitment to public service and her continuous efforts to better the communities of Harris County. Jean Wortham has been a community activist for well over 40 years, and her dedication and enthusiasm have energized both the Democratic party and the people of Harris County. For this reason, she has been recognized at a special event entitled ''Salute to Jean Wortham,'' and I believe that this distinction could not be bestowed on a more deserving individual.

Jean Wortham maintains strong family roots in Oklahoma, but has resided in Pasadena, Texas for over forty years, during which time she began a distinguished career in public service. She was employed for fourteen years by State Representative Erwin Barton, who represented District 144, a constituency that included Pasadena. From there, Jean Wortham went on to work for Justice of the Peace Mike Parrott, where she demonstrated outstanding service, upholding the constitutional laws of Texas relating to the Transportation Code as well as the Texas Penal Code in misdemeanor cases, and Small Claims and Justice Court. Her professional public involvement then expanded to the labor movement when she moved on to work as Secretary to the International Vice President of the Boilermakers, where she has been employed since 1996.

Although Jean Wortham has had a notable professional career in public service, volunteer efforts have proved to be a major outlet for much of her community involvement. Her desire to further the Democratic cause is reflected in her years of fervent political activism, which began in 1976 when she took over as the Area 5 Democratic Headquarters Manager in Pasadena. While actively volunteering as a leader in the Area 5 Democratic Club, Jean also took on the position of Manager for Erwin Barton's campaign. Her energetic dynamic continued even after these positions ended. In 1984, she became involved in national politics as the coordinator for Walter Mondale for President in Texas' State Senate District 11.

Jean's public service stretched to many areas other than politics, as she became a driving force behind the success of the American Red Cross when she was appointed as Chair of Volunteers for the organization's Pasadena Service Center. During this same time, Jean Wortham kept up her political involvement, serving as a member of the State Democratic Executive Committee from State Senate District 11. More recently, Jean Wortham continued her drive to better the lives of others by establishing the first-ever Native American Caucus at the Texas State Convention in El Paso earlier this year.

Mr. Speaker, I commend the tireless devotion that Jean Wortham has pledged to the advancement and success of our community. Jean's extensive volunteer endeavors combined with her exceptional professional political career have distinguished her as a committed individual, who is extremely deserving of such a salute.

NATIONAL FAMILY WEEK

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. LAMPSON. Mr. Speaker, I rise today to recognize National Family Week and the importance of strong families to the future of our communities and our country.

The purpose of National Family Week, November 24–30, 2002, is to recognize that Connections Count when it comes to strengthening families and communities. Strong families are at the center of strong communities. Everyone has a role to play in making families successful, including neighborhood organizations, businesses, non-profits, policymakers, and, of course, families themselves.

Families thrive when they are connected to the opportunities, networks, support, and services that enable them to succeed. This includes everyday access to high-quality transportation, technology, education, and child care; opportunities to build solid financial foundations; and positive social relationships within and among families, as well as quality support from community networks and institutions.

National Family Week is a great time to honor the connections that support and strengthen families year-round. These connections can be as simple as the neighbor who watches the kids while parents work; the placement center that connects parents to new jobs; the place of worship or neighborhood organization that connects the family to others in the community; the community leader or policymaker who initiates policies, practices, and resources to better benefit families, and the parents who listen to their children and always have time for big hugs.

For 32 years, the Alliance for Children and Families and its non-profit members have promoted National Family Week throughout the nation. Every day these child- and family-serving organizations make a difference for families of all shapes and sizes.

National Family Week is a great time for all of us to recommit to enhancing and extending all families' connections. As we gather with our families this Thanksgiving, let us remember the special connections that help our families thrive, and encourage one another, our neighbors, our businesses, and our organizations to reach out to families in new ways, and honor the special gifts each can bring to our communities and to one another.

HOMELAND SECURITY ACT OF 2002

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 13, 2002

Mr. PAUL. Mr. Speaker, when the process of creating a Department of Homeland Security commenced, Congress was led to believe that the legislation would be a simple reorganization aimed at increasing efficiency, not an attempt to expand federal power. Fiscally conservative members of Congress were even told that the bill would be budget neutral! Yet, when the House of Representatives initially considered creating a Department of Homeland Security, the legislative vehicle almost overnight grew from 32 pages to 282 pages and the cost had ballooned to at least $3 billion. Now we are prepared to vote on a nearly 500-page bill that increases federal expenditures and raises troubling civil liberties questions. Adding insult to injury, this bill was put together late last night and introduced this morning. The text of the bill has not been made available and the only place members and their staff can access a copy of the bill is on the Rules Committee's website. Unfortunately, the location of the bill is not widely published: thus, many members and staffers are unaware of how to access a copy.

The last time Congress attempted to similarly ambitious reorganization of the government was with the creation of the Department of Defense in 1947. However, the process by which we are creating this new department bears little resemblance to the process by which the Defense Department was created. Congress began hearings on the proposed Department of Defense in 1945—two years before President Truman signed legislation creating the new Department into law! Despite the lengthy deliberative process through which Congress created the new department, turf battles and logistical problems continued to bedevil the military establishment, requiring several corrective pieces of legislation. In fact, Mr. Speaker, the Goldwater-Nicholas Department of Defense Reorganization Act of 1986 (P.L. 99–433) was passed to deal with problems steaming from the 1947 law! The experience with the Department of Defense certainly suggests the importance of a more deliberative process in the creation of this new agency.

H.R. 5710 grants major new powers to the Department of Health and Human Services (HHS) by granting HHS the authority to ''administer'' the smallpox vaccine to members of the public if the Department unilaterally determines that there is a public health threat posed by smallpox. HHS would not even have to demonstrate an actual threat of a smallpox attack, merely the ''potential'' of an attack. Thus, this bill grants federal agents the authority to force millions of Americans to be injected with a potentially lethal vaccine based on nothing more than a theoretical potential smallpox incident. Furthermore, this provision continues to restrict access to the smallpox vaccine from those who have made a voluntary choice to accept the risk of the vaccine in order to protect themselves from smallpox. It is hard to think of a more blantant violation of liberty than allowing government officials to force people to receive potentially dangerous vaccines based on hypothetical risks.

While this provision appears to be based on similar provisions granting broad mandatory vaccination and quarantine power to governors from the controversial ''Model Health Emergency Power Act,'' this provision has not been considered by the House. Instead, this provision seems to have been snuck into the bill at the last minute. At the very least, Mr. Speaker, before Congress grants HHS such sweeping powers, we should have an open debate instead of burying the authorization in a couple of paragraphs tucked away in a 484 page bill!

H.R. 5710 also expands the federal police state by allowing the attorney general to authorize federal agency inspectors general and their agents to carry firearms and make warrantless arrests. One of the most disturbing trends in recent years is the increase in the number of federal officials authorized to carry guns. This is especially disturbing when combined with the increasing trend toward restricting the ability of average Americans to exercise their second amendment rights. Arming the government while disarming the public encourages abuses of power.

Mr. Speaker, H.R. 5710 gives the federal government new powers and increases federal expenditures, completely contradicting what members were told would be in the bill. Furthermore, these new power grabs are being rushed through Congress without giving members the ability to debate, or even properly study, this proposal. I must oppose this bill and urge my colleagues to do the same.

TRIBUTE TO FARMINGTON FIRE DEPARTMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Farmington Fire Department for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Fire Department played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado. Today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of Durango, Bayfield and the surrounding communities called upon the Farmington Fire Department to protect their loved ones, homes, and communities from what would become the worst fire in area history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens on a daily basis. The Farmington Fire Department has served its citizens and community since 1924 and serves the entire Farmington area. The department relies upon a personnel of 72 firefighters who remain on call, prepared to fight fires, conduct rescue operations, or provide medical assistance on a moment's notice.

Mr. Speaker, it is with sincere admiration that I recognize the Farmington Fire Department before this body of Congress and this nation. I want to commend the department's fire fighters for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of the Farmington Fire Department and others, the

added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the fire season has served as an inspiration to us all and I extend my sincere gratitude to everyone in the department.

CONFERENCE REPORT ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 2002

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to speak on H.R. 4546, The Bob Stump National Defense Authorization Act of Fiscal Year 2003. I believe that this year's Defense Authorization package is a compromise that does many good things. In particular, I was extremely happy to see that the Committee would offer its full support for restoring the original schedule for CVNX–1.

However, Mr. Speaker, I must point out that I am disappointed at the lack of progress that we have made on the issue of concurrent receipt. Yes, this legislation would allow some of our retired veterans to receive both their VA disability and retirement pay. However, in a real sense, this is not true concurrent receipt as payments are authorized through the Special Stipend for the Severely Disabled Retirees. It is a step, but quite frankly, it is not enough.

Mr. Speaker, I would like to reemphasize my support for inclusion and passage of a full version of concurrent receipt in future years. It is something our veterans deserve and is owed to them. I am fully aware of its costs. The Administration, simply put, should either add the money and program for it, or request that this be made a mandatory spending measure.

Mr. Speaker, I am aware that many members do not fully support this and see it as simply ''pork''. However, let's look at what this is for. VA disability payments, in a very real sense, are earned. The military life is a job unlike any other profession. That's why it is often referred to as a calling. The risks associated with this profession are higher than most and often result in injury that years later becomes debilitating. That is why we have disability payments for our service members.

Mr. Speaker, as we hold this debate, we stand on the cusp of another war, one which will surely cause more casualties and more debilitating injuries to our young servicemen. We should do the right thing and grant concurrent receipt to our current and future veterans.

TRIBUTE TO SCHOOL PSYCHOLOGISTS IN SUFFOLK COUNTY, NY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. ISRAEL. Mr. Speaker, I rise to recognize the work of school psychologists in Suffolk County, NY, during the week of November 4, 2002.

The children of Suffolk County, NY, have a natural desire and propensity to learn and the inalienable right to an education. It is imperative that our society supports the needs of children and youth and invest in education as our top priority.

Children's mental health is closely linked to their successful learning and development. Schools must apply sound psychological principles to instruction, learning and oversight, cultivate children's intellectual, social and emotional development, meet the educational and developmental needs of culturally diverse student populations, and promote prevention and early intervention to ensure students' achievement.

Suffolk County schools must ensure a safe, healthy learning environment for all children and be able to recognize and respond to their emotional and psychological difficulties.

Suffolk County school psychologists help parents and educators foster healthy child development and are the school-based experts in children's learning and development.

Suffolk County school psychologists and other trained school-based professionals have the opportunity and ability to help parents identify and access needed community resources to help their children.

Suffolk County school psychologists are leaders in delivering mental health services to children. It is appropriate that Americans recognize the important and vital role that school psychologists play in the personal and academic development of our nation's children.

HONORING MR. MIKE ALLEN, DIRECTOR, HOUSE RECORDING STUDIO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. NEY. Mr. Speaker, on the occasion of his retirement at the end of this year, we rise to thank Mr. John Michael Allen for his exemplary service to the U.S. House of Representatives. The following statement by Robert F. Kennedy truly defines the caliber of work that Mike has provided to the House during the past 23 years: ''Few of us have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of those acts will be written the history of this generation.'' Mike's strong commitment to providing professional and flawless broadcast coverage of the House floor proceedings has made history. Every day that this House of the People is in session, Mike has guided a professional and dedicated team to provide flawless daily coverage to the country. We who are here and can just cross the street to watch history being made, may not appreciate what Mike has been helping to ''make happen'' for 23 years. Mike is to be admired and praised for providing this notable service to the House.

Mike is currently leading the House Recording Studio from operating in an analog environment to operating in a digital environment and to providing broadcast coverage of Committee Hearings. He continues to lay the groundwork for these technological transitions as he approaches the end of his career with the House. The strength and commitment of the team he has developed will ensure the success of these efforts even after he moves on to his new job of ''retirement.''

On behalf of the entire House community, we commend Mike for his dedication and long, selfless service to the House of Representatives. We wish Mike and his wife Sheila many wonderful years in fulfilling their retirement dreams.

TRIBUTE TO WILLIAM THIEBAUT, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a man that has selflessly devoted his time and energies towards the betterment of the state of Colorado. A member of the Colorado State Legislature, the hard work and dedication of William Thiebaut, Jr., known as Bill, is a testament to the Western pride and character of my state and its citizens. Bill is now leaving the Colorado State Legislature after serving since 1993, and I can think of no better way to celebrate Bill's retirement than to honor his many achievements before this body of congress, and this nation.

Educated in Canon City and now living in Pueblo, Bill has not only experienced the best the state has to offer but also has been inspired to give back to the state and its people. He has served in both the House and the Senate as both an appointee and an elected official. During his time in the Colorado Generally Assembly he has served on countless committees and dedicated countless hours to improving the lives of Coloradoans. Most notably he has diligently served as the Senate Majority Leader and has selflessly given his time to the Legislative Councils Subcommittee on Sexual Harassment, the Criminal Justice Commission, the Governor's Job Training Coordination Council, the Federal Budget Task Force, and the Task Force on Worker's Compensation Premium Rate Increases. In addition he has worked on the issues of election reform, worker's rights, and children's rights. When Bill is not working in the General Assembly he is serving in his other roles as loving husband and devoted father of an amazing fifteen children.

Mr. Speaker, its clear that Bill Thiebaut is a man of dedication and commitment to his state and its citizens. He has achieved many things in his distinguished tenure in the Colorado General Assembly, and I am honored to be able to bring his hard work and dedication to the attention of this body of congress. It is my privilege to be able to express to him, and to this country, my gratitude for all that he has done for our wonderful state, and I wish him all the best in his future endeavors.

HONORING WORCESTER COMPREHENSIVE CHILD CARE SERVICES

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. McGOVERN. Mr. Speaker, I rise today to honor Worcester Comprehensive Child

Care Services, Incorporated, WCCCS, Inc. Since its inception as Great Brook Valley Child Care in 1972, the agency has been serving the after-school needs of children who live in the Great Brook Valley. Building upon its success with that first class of school-age children, WCCCS, Inc. has grown into an agency that serves nearly 300 low-income Worcester children in 5 locations. In order to reflect its mission, the agency changed its name to Worcester Comprehensive Child Care Services, Inc.

WCCCS, Inc. employs 65 staff members and is proud that its national association has accredited all of its teaching personnel and centers for the Education of Young Children, NAEYC. Some of the staff have been working with the agency since its inception, and many of the staff have 10, 15, and 20-plus years of experience. Many of the staff members are themselves WCCCS alumni, and many of their own children, grandchildren, and great grandchildren participate in the program.

WCCCS, Inc. is proud of its policies of providing entry-level jobs for a culturally and ethnically diverse staff, paying for their education and professional development, and offering excellent pay and benefits. The agency is a 501–C3 not-for-profit, and a volunteer board of directors leads it.

Mr. Speaker, I would like to take this opportunity to commend the WCCCS, Inc. Board of Directors and staff for 30 years of dedicated service to the children of my hometown, Worcester, MA. I congratulate them as they celebrate the 30th Annual Meeting of the Board of Directors.

CONGRESSMAN SONNY CALLAHAN'S RETIREMENT

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to our distinguished colleague, SONNY CALLAHAN, as he retires from Congress after 18 years of representing Alabama's first district.

Chairman CALLAHAN has dedicated most of his life to public service. In addition to his long and noteworthy career in the House of Representatives, he served in the Alabama legislature for 12 years and he has served his country in the Navy. I congratulate him on his remarkable record of service. I commend him for his proven dedication to his constituents and his countrymen.

Most recently, SONNY has served as the chairman of the Energy and Water Appropriations Subcommittee. In this role, he has had a direct, lasting, and positive impact on the basic infrastructure that enables America's economic might. Nearly every congressional district represented in the House, Mr. Speaker, has directly benefited from SONNY's leadership of this committee.

I have personally benefited from SONNY's leadership. His office in the Rayburn Building is next to mine. Because of his proximity, he has provided me with guidance and support in my first term in Congress. I am grateful, Mr. Speaker, for direct and positive impact Mr. CALLAHAN has had on me in his final term.

Our Nation is better off because of SONNY CALLAHAN'S long and distinguished career. We in Congress are better off for knowing him. I wish him well in his future endeavors, and I thank him for his accomplishments.

HONORING VIJAY MITAL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. WALSH. Mr. Speaker, I rise to recognize the retirement of Vijay Mital, the City of Auburn, New York's Director of Planning and Economic Development. Vijay, who retires next month, has been a dedicated public servant in the Auburn community for 32 years. Having worked with this exceptional individual for 14 years, I can say he will be missed by all those who have come to know and respect his work.

If anyone can attest to living the American dream, it is Vijay Mital. He grew up near New Dehli, India before immigrating to the United States in 1970 at the age of 30. While visiting his sister in my hometown of Syracuse, Vijay came across an employment ad for an opening in Cayuga County's planning department. He applied for the job, was hired five days later, and as they say, the rest is history. He has worked for the county for 20 years and spent the last 12 years with the City of Auburn in his current position.

A humble and modest man, Vijay is the only Director of Planning and Economic Development the city's ever had. Here are just some of the extraordinary accomplishments of his career. Vijay and his staff have diligently worked to bring over $50 million in state and federal aid for local projects. At one point, the Department of Housing and Urban Development awarded the city 19 consecutive grants. This is record at the agency that still stands today.

Upon learning SnyderGeneral, now McQuay International, was going to close its local plant and move elsewhere, Vijay led a city delegation to the company's headquarters in Texas. There, he convinced the company to stay open in Auburn saving 350 jobs. Since that time, the company has more than doubled its workforce, adding a new marketing division. Vijay has also been instrumental in developing the Stryker Homes and the Boyle Center senior citizen complexes, the Holiday Inn, and the new Falcon Park minor league baseball field.

As everyone can see, Vijay is truly an extraordinary person. I join his wife Nisha, daughter Seema, and son Mansha in saluting his lifetime of work for the people of Cayuga County and the City of Auburn. Vijay Mital has made a difference in his community and I wish him well in his future endeavors.

TRIBUTE TO STANLEY T. MATSUNAKA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002—

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Stan T. Matsunaka and thank him for his contributions to the State of Colorado while serving as a state senator. After serving his state for eight years, Stan is leaving the Senate Assembly to continue his political career in other arenas. It is with a great deal of respect that I pay tribute to him today, in front of this body of Congress, and thank him for his hard work and dedication while in office.

Born and educated in Colorado, Stan has long held an interest in politics. As a student at Fort Morgan High School, Stan was elected student body president. He is known as a devoted father of three, and a loving husband. Stan has gone beyond the walls of the Capitol to serve his fellow citizens as a valued member of the community. He has led Boy Scout troops, Odyssey of the Mind teams, and coached his children's athletic teams for years. He has also served as a member and chairman of the Namaqua School Accountability Committee, the Thompson Valley Preschool, Hospice, Loveland Daycare Center and the Loveland Sertoma Club. Stan also acts as a deacon and elder in his church, and is well respected by his community.

Stan was elected to the State Legislature in 1994 and again in 1998 and has dedicated countless hours to his work. He currently serves as President of the Senate, chair of the Education Committee, and a member on the Public Policy and Planning and Senate Services committee. During his time as a state senator, Stan has worked on the issues of education, housing and government finance.

Mr. Speaker, I am honored to bring to the attention of this body of Congress, the service of Stan Matsunaka. His contributions to his state and constituents through his many years of public service are an example for our state. His service and commitment should serve as serve as an example for us all, and I wish him the best of luck in the future.

REMEMBERING UKRAINE'S FAMINE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, this Saturday, Ukrainians around the world will honor the millions that died in the man-made famine created by Josef Stalin's Soviet government. In 1932–33, citizens of Ukraine, the northern Caucasus and the lower Volga River regions died as a result of Stalin's implementation of forced collectivization. The heaviest losses occurred in Ukraine, where an estimated 7 to 10 million people perished.

This artificial famine was instituted to break the spirit of the Ukrainian farmer and force them into collectivization. Stalin was determined to crush Ukrainian nationalism and to do so required an ethnic cleansing of the most horrific nature. The task took the form of a man-made famine where the quota for grain from Ukraine was brutally increased. The extraordinarily high quota resulted in a severe grain shortage, effectively starving the Ukrainian people.

Additionally, the peasants were threatened if they did not perform the work expected of them and the Soviet government issued a decree stating that anyone found hiding food products or produced materials would be shot.

The end result was a demoralized and depleted Ukrainian ethnic population. Stalin covered up this genocide so effectively that little

was known of this horrific event. However, the Ukrainian Government has exposed Stalin's atrocities by issuing a decree stating that the fourth Saturday of November is designated as the national memorial day for the millions of victims of the 1932–33 famine. This day of observance reminds us that freedom does not come easy.

I join those in mourning and aid their cause in expanding the world's acknowledgment of this horrific event in Ukraine's history. Furthermore, I support the Ukrainian community's action to erect a monument to the victims of the 1932–33 Ukrainian Famine-Genocide in Washington, D.C.

This monument will serve as a reminder of the sacrifices the Ukrainian people endured for their freedom and the knowledge of this horrible crime will spread and stimulate the fight for freedom all over the world.

TRIBUTE TO CONGRESSMAN BOB CLEMENT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. QUINN. Mr. Speaker, as the 107th Congress comes to a close, I want to take this opportunity to pay tribute to a dear friend of mine.

For the past two years, Congressman BOB CLEMENT and I have had the privilege of working together as Chairman and Ranking Member of the Transportation Subcommittee on Railroads. I affectionately describe BOB as my partner on the Subcommittee because we have worked so well together and approached every situation in a bipartisan way. Our relationship embodies the true spirit of bipartisanship, the type of open and honest discussions that other committee heads should envy. This level of cooperation is a direct result of BOB'S admirable character and collegial personality.

Always the gentleman, BOB has been a pleasure to work with and his presence will be sorely missed on the Subcommittee next year. He has been a champion of a national passenger rail system and was instrumental in securing the passage of legislation to increase the pensions and benefits of retired railroad workers and their widows. His commitment to providing the necessary resources for mass transit is second to none and his overall passion for improving our country's transportation systems is irreplaceable.

I congratulate BOB on a distinguished career in the U.S. House of Representatives and I wish him and his family the best in their future endeavors.

CONGRATULATING NAN SHELBY WELLS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize the contributions of Nan Shelby Wells on her retirement after 26 years with Princeton University.

In 1979, Nan founded the University's Office of Government Affairs and later moved it to Washington as one of the first university offices to be located there. For more than two decades, Nan made friends for Princeton in Washington and has represented the University on a broad range of issues, always ready to be helpful to Members of Congress and their staffs, as well as officials in the executive agencies.

A champion of higher education, especially graduate education, Nan played a central role in the creation and funding of the Education Department's Jacob Javits Fellowships, and she has been a leader in strengthening the National Science Foundation and the National Endowment for the Humanities.

For her entire career at Princeton, Nan has been an advocate for research and development and especially for the national fusion energy research program, and particularly for the excellent work that has been done at the Princeton Plasma Physics Laboratory. She has worked hard to educate policy makers and to establish and maintain strong support from the U.S. Congress and the Department of Energy for the Laboratory's mission.

When I was with the Plasma Physics Laboratory, I worked closely with Nan for ten years and know her to be a great advocate for education, for investment in our country's future prosperity, and for a compassionate humane society, and especially for Princeton University.

I know that all members who have worked with Nan join me in wishing her all the best as she retires from Princeton University and undertakes other activities.

TRIBUTE TO ABEL J. TAPIA———

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002—

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the contributions of a true statesman from the State of Colorado, Abel J. Tapia. Abel has given four years of his life to the Colorado State Legislature as a Representative, a position that is simply his most recent in a long line of service to his state and fellow citizens. Abel is now leaving the State House, and I am honored take this opportunity to thank him for his service.

After a successful engineering career, including graduate work at the Graduate School of Business and John F. Kennedy School of Government at Harvard University, Abel switched gears, and embarked upon his political career. He ran for the Pueblo School District 60 School Board and he served there for eight years, helping the people of Pueblo drastically improve their public school system. He took on leadership positions on the board, serving as vice president for three years and as president for two years. In 1998 Abel took his service to the state level. As a member of the Colorado State House of Representatives, Abel has continued his long-standing dedication to the Pueblo area and its people. He is a member of the Legislative Council and is the Chairman of the Democratic Caucus, and also serves on the Finance and Appropriations Committee.

Abel is also a valued member of the Colorado community, both as a person and as an entrepreneur. He has long served Colorado through his engineering firm, Abel Engineering Professionals, which has been honored numerous times for its dedication to excellence and service. Abel is also known throughout his community for being a devoted husband and loving father of three, as well as a grandfather.

Mr. Speaker, I am quite sure that Abel's leadership and hard work will be sorely missed in the State House of Representatives, and I thank him for all that he has done for the great State of Colorado. I am honored to bring his accomplishments to the attention of this body of Congress, and wish him all the best in the future. His hard work and dedication truly embodies the spirit of the State, and it is with a great deal of pride that I thank him for his many years of public service.

IN HONOR OF EUNICE BREAZEALE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. FROST. Mr. Speaker, I rise today in honor of Eunice Breazeale, a lifelong Texas resident celebrating her 100th birthday this week on November 17th.

Over her lifetime, Eunice has seen America and the world change around her again and again. Yet, through it all, one constant in her life has been her love of education. I know of very few people who have two high school diplomas—but Eunice does! Due to the demands of World War I, Eunice's high school dropped its senior year, and she graduated as a junior. She later returned to complete one last year—thus earning her second diploma.

All that education must have lured her into teaching, because she enrolled in Baylor Female College in September 1922 to become a certified teacher, and subsequently obtained a position in the Mt. Olive CSD of Mills County, Texas. So began her 29-year-long career as an educator.

Yet, as she taught, pursued a higher education for herself, and raised a family of her own, Eunice found time to lend her talents to service, and quickly became a leader in her community. Among her accomplishments, Eunice helped start the Teachers' Retirement in Texas, served as Adult Sunday School Superintendent for 10 years and Children's Sunday Coordinator for 2 years. She also worked in the Baptist W.M.U. for 27 years while holding a number of offices, worked in the PTA for 25 years, and played piano for the Kamay Baptist Church for 10 years. Even today, Eunice is active in her community and church.

Mr. Speaker, as Eunice's friends and family gather this weekend in Lampasas, Texas, I know my colleagues will join me in honoring this remarkable woman. I salute Eunice Breazeale today, and wish her a very happy 100th birthday with many more to come.

WOMEN'S EQUALITY AMENDMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mrs. MALONEY. Mr. Speaker, on the day when we have elected the first even, highest-

ranking woman in Congress, NANCY PELOSI, I issue a challenge to my colleagues and to the incoming freshman class: Pass the Women's Equality Amendment, also known as the Equal Rights Amendment in the 108th Congress!

We are in a new millennium, and we cannot continue to leave women behind. Times have changed, but the purposes of the Women's Equality Amendment remains the same. It's simple concept: Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

On March 22, 2001, I was joined by a group of my male colleagues from the House and Senate as we re-introduced the Women's Equality Amendment with over 160 original co-sponsors. At the end of the 107th Congress, we have a record 210 cosponsors. We have worked too hard and too long to see these advances dashed as we enter a new legislative session. We must use the momentum we've established to launch an full-fledged campaign to pass the Women's Equality Amendment. We cannot wait another thirty years. For the sake of our daughters, we should not wait. Now is the time.

Thirty years ago, the Women's Equality Amendment passed the House, but a time limit was added. It was eventually ratified by 35 states, just 3 states shy of final ratification. This is why House Judiciary Chair Rodino re-introduced the Women's Equality Amendment in 1982. We have been trying to pass this legislation ever since. Don't get me wrong. Progress has been made. There are now 61 women Members of Congress and 13 women Senators compared to 1972's grand total of one women Senator and 10 women Members.

In modern America, after five decades of legal and legislative advices for women, it may seem to some that the Women's Equality Amendment is not needed. But the fact is women do not enjoy full, and equal protection under the law.

Yes, we have a patchwork and piecemeal set of legal protections that try to ensure equality under the law; the Equal Protection Clause, Title IX, the Equal Pay Act, the Pregnancy Discrimination Act. However, laws can be changed, repealed or swept away. It is a glaring gap in our body of laws that women do not enjoy the full force of constitutional protection. Gender must have the same level of judicial review as the other protections that combat the many forms of discrimination.

Women are paid less than their equally male counterparts in the workforce, just seventy three cents for each dollar the man earns.

In fact, many of you may know, that last January, Congressman JOHN DINGELL and I released a report title ''A New Look Throughout the Glass Ceiling.'' The results were truly astonishing. Our study, based on data generated by the General Accounting Office, showed that women managers were actually losing ground to their male counterparts. In all ten industries studied, which employ 71 percent of U.S. women workers and 73 percent of U.S. women managers, full-time women managers earned less than men in both 1995 and 20000.

But I was truly shocked that in seven of the ten industries, the earning gap between full-time women and men managers actually widened between 1995 and 2000.

As this report shows, when our nation was at its strongest. We didn't spread the wealth, we grew the disparity.

The Supreme Court did not advance the protections for women in sex discrimination cases, however women still have a stricter burden of proof to prove discrimination than do racial minorities Ironically, a white male claiming race discrimination has a stronger legal standing than a black female claiming sex discrimination by the same employer or action.

In some states, a group of women cannot joint together to rent a home, While several men could, because ancient state laws consider women a greater risk of using that group home for illict sexual activities.

Overriding all of these examples is the simple fact that equal protection for men is guaranteed by the Constitution, and equal rights for women are secured at the whim of politicians and jurists. Any Congress or legislature or judge could roll back back the gains women have secured in the last half century without risk the ultimate Constitutional penalty.

Across America and in this Congress, that simple reality is being recognized more and more;. The 210 co-sponsors of the Women's Equality Amendment is the highest for any Congress since 1983, the last time it reached the floor of the House.

It will not be long before an overwhelming majority of this House, and then this Congress, will endorse the Women's Equality Amendment once again, and repair a travesty in our nation's history.

Within this short, but essential, statement, women will be on their way to enjoying equal status in society. We must gather together, men and women on both sides of the aisle and pass the Women's Equality Amendment once and for all.

RECOGNIZING THE 100TH ANNIVERSARY OF THE MINNESOTA VISITING NURSE AGENCY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Ms. MCCOLLUM. Mr. Speaker, I rise today with great honor to recognize the vital contributions to public health made by the Minnesota Visiting Nurse Agency throughout its 100 years of service. Founded in 1902 by women in the Minneapolis community, the MVNA has grown from a single Public Health Nurse into an indispensable public health organization serving thousands of patients every year. Today the MVNA provides crucial public health services to the Twin Cities community including care for families and children, care for adults and the elderly, and hospice care for the terminally ill. It is my great pleasure to extend congratulations to the Minnesota Visiting Nurse Agency on its 100th anniversary.

TRIBUTE TO GRANDMASTER GEORGE A. DILLMAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. GILMAN. Mr. Speaker, I rise today to pay tribute to Grandmaster George A. Dillman on the occasion of his 60th birthday.

George A. Dillman, a 9th degree black belt in ryukyu kempo tomari-te, was honored by Black Belt Magazine in 1997 as ''Instructor of the Year.'' He is one of the USA's best-known and well-established martial arts personalities. There are many who believe Mr. Dillman has contributed more to the body of martial arts knowledge available to the public, than anyone else in the 20th century.

Mr. Dillman came to the attention of the martial arts press when he began competing in the early 1960's. By the middle of that decade, he had started running his own tournament, called the Northeast Open Karate Championships. This competition was held annually for many years.

Official Karate Magazine (Nov. 1982) described Dillman as ''one of the winningest competitors karate has ever know.'' Dillman was four-times national karate champion (1969–1972) and during this period was consistently ranked among the top ten competitors in the nation by major karate magazines. During his nine-year competitive career, Dillman claimed a total of 327 trophies in fighting, forms, breaking and weapons.

Dillman began serious martial arts training in 1961 with Harry G. Smith. He went on to study with Daniel K. Pai, Robert Trias and Seiyu Oyata. Dillman has always considered himself a student, never a master of the martial arts. To this end he and his students have traveled throughout the United States to meet and train with various martial arts experts.

Because of his perseverance, Dillman's martial arts talents have earned him widespread U.S. media coverage. He has appeared on 34 national TV shows, including, Real People, Mike Douglas, PM Magazine, Evening Magazine, and NBC's Sports Machine. Dillman has also been featured five times in Ripley's Believe it or not, and has been the subject of over 300 newspaper and magazine articles. Dillman, who was a professional boxer for three and one half years, is the only person known to have trained with both Bruce Lee and Muhammad Ali. In May of 1988, Dillman was inducted into the Berks County Sports Hall of Fame. He was the first martial artist to be so included. Currently, Dillman travels the world teaching seminars on pressure points and tuite (grappling) hidden within the traditional movements of the old martial arts forms. It is his research and scientific dissection of the old forms that is earning him his most notoriety.

Never one to shy away from controversy, Dillman has rediscovered a formerly secret level of meaning for kata movements, and has made that interpretation understandable to all. He has produced a video tape instructional series on the pressure points, and has written six books with Chris Thomas, and Grandmaster Kimberly Fritz Dillman, herself a two-time U.S. National Champion: Kyusho-Jitsu: The Dillman Method of Pressure Point Fighting; Advanced Pressure Point Fighting of

Ryukyu Kempo; Advanced Pressure Point Grappling: Tuite; Pressure Point Karate made easy; Little Jay Learns Karate; and Humane Pressure Point Self-Defense.

The books have been said to be, ''the definitive martial arts books of the century,'' and ''unparalleled among current martial arts literature.''

Mr. Dillman is the chief instructor for Dillman Karate International, an organization of over 85 schools worldwide, with an enrollment of nearly 15,000 students. He has studied under five 10th degree black belts from Okinawa and is currently furthering his personal study through research, practice, and the sharing of techniques.

Mr. Speaker, it is indeed a great honor to pay tribute to this extraordinary man. George A. Dillman is a genius of the martial arts world.

USS ''RONALD REAGAN''

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, next year, an important event takes place for the U.S. Navy. It is the commissioning of the aircraft carrier, USS *Ronald Reagan*.

Since leaving office, President Reagan has been honored in many ways for his remarkable legacy as our Nation's 40th President. Across the Potomac River is Ronald Reagan National Airport and down Pennsylvania Avenue stands the Ronald Reagan Building and International Trade Center. Throughout the Nation there are a number of other buildings and structures honoring the man credited with bringing down the Berlin Wall. He has received numerous awards for his contributions to world peace, contributions that will manifest themselves for many years to come.

But, Mr. Speaker, I can only assume that few honors means as much to President Reagan as the naming of a naval vessel as mighty as this one that will navigate the oceans protecting the ideals and values that he embraced and cherished.

Mr. Speaker, I hope to attend the commissioning next year, the final ceremonial exercise before the ship begins her long and, what will certainly be, illustrious voyage. As much as I look forward to this event, I am equally disappointed that I cannot attend a special ceremony today in Newport News, VA, aboard the USS *Ronald Reagan*.

A close friend and former constituent of mine, Chas Fagan, will present to the ship a bust of President Reagan. A highly talented artist and native of Pennsylvania, Mr. Fagan was commissioned to create the artwork of the former President, which will be placed in the ship's museum room located in the quarterdeck. The likeness is strikingly clear, capturing the President's confident expression that came to epitomize America's renaissance as the defender of the free world.

The bust, itself, is a profile of the President affixed to a piece of the Berlin Wall. The juxtaposition of the bust and Berlin Wall symbolize President Reagan's greatest legacy: the collapse of the Iron Curtain and reunification of Europe. It is a legacy matched by few individuals throughout the course of human history.

Mr. Speaker, the work of Chas Fagan covers many mediums and genres. As you know, each year in Washington, 2,000 national fire and emergency services leaders assemble together in Washington for the annual National Fire and Emergency Services Dinner. Mr. Fagan has often been commissioned to do a painting of the fire service, capturing the essence of heroism in this country. His work is without equal, receiving accolades for its realism and emotional energy. His latest title, ''Protecting Our Nation,'' was recently featured on the front cover of Firehouse Magazine, the largest fire service publication in the world.

Art plays such a vital role in recording human history, and Mr. Speaker, I would like to commend Chas Fagan for doing his part in perpetuating the legacy of a truly great American icon, President Ronald Reagan. And to the sailors serving abroad the USS *Ronald Reagan*, I bid them good luck and God speed.

TRIBUTE TO DANIEL ''DAN'' GROSSMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor the achievements of an outstanding member of the Colorado State Legislature, and thank him for all that he has done for the state. After three terms in the Colorado House of Representatives, Dan Grossman is leaving the House in order to pursue other opportunities, and I can think of no better way to thank Dan for his many years of service, than to bring his many accomplishments to light in front of this body of Congress.

A Colorado native, Dan was born in Denver, where he also attended high school. He then received his Bachelors Degree in Political Science from the University of Kansas, and his Jurist Doctorate from Denver College of Law. Dan is currently a corporate attorney for Tele Tech Holdings, Inc.

Dan was first elected to the house in 1996, and has since served on countless committees, working to improve the lives of those in Denver and in Arapahoe County. He has served diligently on the Judiciary, Agricultural, Livestock and Natural Resources Committees and is currently serving on the Executive Committee and the Veterans and Military affairs committee. Dan also served as the House Minority Leader for the 2001 and 2002 legislative sessions. During his time in the House, he has passionately dedicated himself to the issues of growth management, the environment, education and crime reduction.

Dan's compassion and philanthropic spirit goes beyond the walls of his office, and has touched the lives of many Coloradans. He is a member of the anti-defamation League, the Civil Rights Committee, Colorado Common Cause, is a former board member of the Democratic Leadership Council, and is also involved in his temple, Temple Emanuel. A true Coloradan, Dan spends his free time outdoors, running, skiing, and biking.

Mr. Speaker, I am positive that Dan's colleagues and constituents will sorely miss the leadership and compassion that he consistently gave to the State of Colorado, and I thank him for all that he has done for the state. I am honored to bring his accomplishments to the attention of this body of Congress, and wish him all the best in the future. His hard work and dedication truly embodies the spirit of the State, and it is with a great deal of pride that I thank him for his many years of public service.

TRADE DEVELOPMENT AGENCY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. BEREUTER. Mr. Speaker, this Member would like to highlight the important work of the Trade Development Agency (TDA). The TDA is an independent U.S. Government Agency that promotes U.S. exports in long-term, commercially sustainable projects in developing countries. Additionally, the TDA is unique because it is small, flexible, and can respond quickly. As a result, TDA is one of the first agencies to enter new markets. Moreover, TDA also makes the host country an important part of identifying priority developmental needs.

The TDA funds various forms of technical assistance, training grants, feasibility studies, orientation visits, and business workshops. To illustrate their work, in September of this year, TDA signed a grant with the National Bureau to Combat Desertification, State Forestry Administration in the People's Republic of China for $244,200. The Grantee selected Valmont Industries, Inc., a Nebraska company, to be the contractor for this study. The goal of the study is to help prevent and reduce desertification in Western China, thereby improving the air quality in Beijing and other Western areas and improving the areas immediately surrounding the desert. The study will examine Valmont's pivot irrigation technologies and how they can be utilized to best prevent the desert from expanding.

Furthermore, under the administration of President Bush, the Director of the TDA has refocused its priorities so that program activities support important policy initiatives and objectives, such as reconstruction efforts in Afghanistan. For example, TDA continues its cooperation with Afghan officials to address infrastructure, pipeline, airport, hotel development and telecommunications initiatives.

Another priority of the TDA is to support program activities in Africa. To demonstrate this, in October 2001, President Bush announced the establishment of an Africa Regional Trade Development Office under TDA. In July 2002, TDA opened an office in South Africa, which will help develop infrastructure and trade opportunities for the continent. For instance, in Nigeria, TDA allocated funds for the development of fertilizer production, power generation and agricultural irrigation.

It has come to my attention that the demand for TDA's services during FY2002 has been tremendous. Moreover, in light of priorities such as Afghanistan, the demands on TDA are expected to increase in FY2003.

Mr. Speaker, a little money goes a long way at TDA. As a result, this Member urges his colleagues to continue to support TDA.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report on S. 1214, Port and Maritime Security Act.

The House passed H.R. 5708, to reduce preexisting PAGO balances.

The House agreed to Senate amendments with amendments to H.R. 5063, to extend Temporary Assistance for Needy Families (TANF) and Temporary Extended Unemployment Compensation.

The House agreed to the conference report to accompany H.R. 3210, Terrorism Risk Insurance Act.

The House agreed to the conference report to accompany S. 1214, Port and Maritime Security Act clearing the measure for the President.

The House agreed to the conference report to accompany H.R. 4628, Intellignece Authorization Act.

The House agreed to the Senate amendment to H.R. 333, Bankruptcy Reform Act, with an amendment.

Senate

Chamber Action

Routine Proceedings, pages S10973–S11032

Measures Introduced: Fourteen bills and three resolutions were introduced, as follows: S. 3156–3169, S.J. Res. 53, and S. Res. 356–357. **(See next issue.)**

Measures Reported:

H.R. 3180, to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact.

H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion.

S. 1655, to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals, with an amendment in the nature of a substitute.

S. 2480, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns, with amendments.

S. 2520, to amend title 18, United States Code, with respect to the sexual exploitation of children, with an amendment in the nature of a substitute.

S. 2541, to amend title 18, Unites States Code, to establish penalties for aggravated identity theft.

S. 2934, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion.

S. Con. Res. 94, expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education. **(See next issue.)**

Measures Passed:

Wellstone Community Center: Senate passed S. 3156, to provide a grant for the construction of a new community center in St. Paul, Minnesota, in honor of the late Senator Paul Wellstone and his beloved wife, Sheila. **Pages S11000–01**

Restore Your Identity Act: Senate passed S. 1742, to prevent the crime of identity theft, and mitigate the harm to individuals victimized by identity theft, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Reid (for Cantwell) Amendment No. 4954, in the nature of a substitute. **(See next issue.)**

Unemployment Compensation Extension: Senate passed H.R. 3529, to provide tax incentives for economic recovery and assistance to displaced workers, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Clinton Amendment No. 4960, in the nature of a substitute. **(See next issue.)**

Webcasting Licensing: Senate passed H.R. 5469, to amend title 17, United States Code, with respect to the statutory license for webcasting, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Reid (for Helms) Amendment No. 4955, in the nature of a substitute. **(See next issue.)**

Afghanistan Freedom Support Act: Senate passed S. 2712, to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **(See next issue.)**

Reid (for Hagel) Amendment No. 4956, to make managers' amendments. **(See next issue.)**

National Day of Prayer and Fasting: Senate agreed to S. Con. Res. 155, affirming the importance of a national day of prayer and fasting, and expressing the sense of Congress that November 27, 2002, should be designated as a national day of prayer and fasting. **(See next issue.)**

American Legion Eligibility: Senate passed S. 2934, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion. **(See next issue.)**

American Legion Eligibility: Senate passed H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion. **(See next issue.)**

Senate Compensation: Senate agreed to S. Res. 356, paying a gratuity to Trudy Lapie **(See next issue.)**

Armed Forces Domestic Security Act: Senate passed H.R. 5590, to amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations, clearing the measure for the President. **(See next issue.)**

Relative to 108th Congress: Senate agreed to S.J. Res. 53, relative to the convening of the first session of the One Hundred Eighth Congress. **(See next issue.)**

Printing Authorization: Senate passed H. Con. Res 487, authorizing the printing as a House document of a volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senate from the Congressional Record on the terrorist attacks of September 11, 2001. **(See next issue.)**

Commending Anaheim Angels: Senate agreed to S. Res. 357, commending and congratulating the Anaheim Angels for their remarkable spirit, resilience, and athletic discipline in winning the 2002 World Series. **(See next issue.)**

Health Care Coverage: Senate agreed to S. Con. Res. 94, expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education. **(See next issue.)**

Private Relief: Senate passed H.R. 3758, for the relief of So Hyun Jun, clearing the measure for the President. **(See next issue.)**

Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act: Senate passed S. 2520, to amend title 18, United States Code, with respect to the sexual exploitation of children, after agreeing to a committee amendment in the nature of a substitute. **(See next issue.)**

Commending Sail Boston/Maritime Heritage of Nations: Committee on Commerce, Science, and Transportation was discharged from further consideration of S.J. Res. 42, commending Sail Boston for its continuing advancement of the maritime heritage of nations, its commemoration of the nautical history of the United States, and its promotion, encouragement, and support of young cadets through training, and the resolution was then passed. **(See next issue.)**

Wireless Telecommunication Alternatives: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 2869, to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers, and the bill was then passed, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Reid (for Kerry) Amendment No. 4957, in the nature of a substitute. **(See next issue.)**

Dam Safety and Security Act: Senate passed H.R. 4727, to reauthorize the national dam safety program, clearing the measure for the President. **(See next issue.)**

North American Wetlands Conservation Reauthorization Act: Senate passed H.R. 3908, to reauthorize the North American Wetlands Conservation Act, after agreeing to committee amendments.

(See next issue.)

NSF Authorization: Committee on Health, Education, Labor and Pensions was discharged from further consideration of H.R. 4664, to authorize appropriations for fiscal years, 2003, 2004, 2005, 2006, and 2007 for the National Science Foundation, and the bill was then passed, after agreeing to the following amendments proposed thereto:

(See next issue.)

Reid (for Kennedy) Amendment No. 4958, in the nature of a substitute. **(See next issue.)**

Reid (for Kennedy) Amendment No. 4959, to amend the title. **(See next issue.)**

Armed Forces Tax Fairness Act: Senate passed H.R. 5557, to amend the Internal Revenue Code of 1986 to provide a special rule for members of uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, after agreeing to the following amendment proposed thereto: **(See next issue.)**

Reid (for Baucus) Amendment No. 4961, to provide additional tax equity for military personnel.

(See next issue.)

Homeland Security Act: Senate continued consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:

Pages S11002–30 (continued next issue)

Withdrawn:

Durbin Amendment No. 4906 (to Amendment No. 4902), to provide for the development of a comprehensive enterprise architecture for information systems to achieve interoperability within and between agencies with responsibility for homeland security. **Pages S11011–21**

Pending:

Thompson (for Gramm) Amendment No. 4901, in the nature of a substitute.

Pages S22003–40 (continued next issue)

Lieberman/McCain Amendment No. 4902 (to Amendment No. 4901), to establish within the legislative branch the National Commission on Terrorist Attacks Upon the United States.

Page S11002 (continued next issue)

Dodd Amendment No. 4951 (to Amendment No. 4902), to provide for workforce enhancement grants to fire departments. **Page S11024 (continued next issue)**

Senate will continue consideration of the bill on Friday, November 15, 2002, with a vote to invoke cloture on Thompson (for Gramm) Amendment No. 4901, listed above.

Port and Maritime Security Act—Conference Report: By a unanimous vote of 95 yeas (Vote 243), Senate agreed to the conference report on S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports. **Pages S10974–93**

Appointments to Commission—Agreement: A unanimous-consent was reached providing that notwithstanding the sine die adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **(See next issue.)**

Removal of Injunction of Secrecy: The junction of secrecy was removed from the following treaties:

Convention with Great Britain and Northern Ireland regarding Double Taxation and Prevention of Fiscal Evasion (Treaty Doc. No. 107–19); and

Protocol Amending Convention with Australia regarding Double Taxation and Prevention of Fiscal Evasion (Treaty Doc. No. 107–20).

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **(See next issue.)**

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolutions of ratification were agreed to:

Treaty with Honduras for Return of Stolen, Robbed, and Embezzled Vehicles and Aircraft, with Annexes and Exchange of Notes (Treaty Doc. 107–15);

Extradition Treaty with Peru (Treaty Doc. 107–6), with one understanding and one condition;

Extradition Treaty with Lithuania (Treaty Doc. 107–4), with one condition;

Second Protocol Amending Extradition Treaty with Canada (Treaty Doc. 107–11);

Treaty with Belize on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 107–13), with one understanding and two conditions;

Treaty with India on Mutual Legal Assistance In Criminal Matters (Treaty Doc. 107–3), with one understanding and two conditions;

Treaty with Ireland on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 107–9), with one understanding and two conditions; and

Treaty with Liechtenstein on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 107–16), with one understanding and two conditions.

(See next issue.)

Executive Session—Motion to Proceed: The motion to proceed to Executive Session to consider the nomination of Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor, as not agreed to.

(See next issue.)

Nominations Confirmed: Senate confirmed the following nominations:

Dennis P. Walsh, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2004.

Collister Johnson, Jr., of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2004. (Reappointment)

John M. Rogers, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

Stanely R. Chesler, of New Jersey, to be United States District Judge for the District of New Jersey.

William J. Martini, of New Jersey, to be United States District Judge for the District of New Jersey.

Ronald B. Leighton, of Washington, to be United States District Judge for the Western District of Washington.

David Gelernter, of Connecticut, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.

Rene Acosta, of Virginia, to be a Member of the National Labor Relations Board for the remainder of the term expiring August 27, 2003.

Phyllis K. Fong, of Maryland, to be Inspector General, Department of Agriculture.

Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term of one year. (New Position)

Carol C. Gambill, of Tennessee, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Kyle E. McSlarrow, of Virginia, to be Deputy Secretary of Energy.

David McQueen Laney, of Texas, to be a Member of the Reform Board (Amtrak) for a term of five years.

Peter Schaumber, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2005.

John Randle Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala.

Rebecca Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2005.

Nancy C. Pellett, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring May 31, 2008.

Ellen R. Sauerbrey, of Maryland, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

Daniel L. Hovland, of North Dakota, to be United States District Judge for the District of North Dakota.

Thomas W. Phillips, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Linda R. Reade, of Iowa, to be United States District Judge for the Northern District of Iowa.

Quanah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2003.

Alia M. Ludlum, of Texas, to be United States District Judge for the Western District of Texas.

Joel Kahn, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 2004.

Patricia Pound, of Texas, to be a Member of the National Council on Disability for a term expiring September 17, 2005. (Reappointment)

Linda Wetters, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 2003.

Roger P. Nober, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2005.

Robert G. Klausner, of California, to be United States District Judge for the Central District of California.

James E. Kinkeade, of Texas, to be United States District Judge for the Northern District of Texas

William E. Smith, of Rhode Island, to be United States District Judge for the District of Rhode Island.

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2006. (Reappointment)

Jeffrey S. White, of California, to be United States District Judge for the Northern District of California.

Kent A. Jordan, of Delaware, to be United States District Judge for the District of Delaware.

Otis Webb Brawley, Jr., of Georgia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

Wayne Abernathy, of Virginia, to be an Assistant Secretary of the Treasury.

Mark E. Fuller, of Alabama, to be United States District Judge for the Middle District of Alabama.

Rosemary M. Collyer, of Maryland, to be United States District Judge for the District of Columbia.

Robert B. Kugler, of New Jersey, to be United States District Judge for the District of New Jersey.

Jose L. Linares, of New Jersey, to be United States District Judge for the District of New Jersey.

Freda L. Wolfson, of New Jersey, to be United States District Judge for the District of New Jersey.

John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay.

Kim R. Holmes, of Maryland, to be an Assistant Secretary of State (International Organizations).

Irene B. Brooks, of Pennsylvania, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Allen I. Olson, of Minnesota, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Philip N. Hogen, of South Dakota, to be Chairman of the National Indian Gaming Commission for the term of three years.

Judith Ann Rapanos, of Michigan, to be a Member of the National Museum Services Board for a term expiring December 6, 2002.

Judith Ann Rapanos, of Michigan, to be a Member of the National Museum Services Board for a term expiring December 6, 2007. (Reappointment)

Beth Walkup, of Arizona, to be a Member of the National Museum Services Board for a term expiring December 6, 2003.

Nancy S. Dwight, of New Hampshire, to be a Member of the National Services Board for a term expiring December 6, 2005.

A. Wilson Greene, of Virginia to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Maria Mercedes Guillemard, of Puerto Rico, to be a Member of the National Museum Services Board for a term expiring December 6, 2005.

Peter Hero, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 2006.

Thomas E. Lorentzen, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 2006.

David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.

James M. Stephens, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2005.

Maura Ann Marty, of Florida, to be an Assistant Secretary of State (Consular Affairs).

Peter DeShazo, of Florida, Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during tenure of service as Deputy Permanent Representative of the United States of America to the Organization of American States.

John L. Morrison, of Minnesota, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2004.

John Portman Higgins, of Virginia, to be Inspector General, Department of Education.

Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 2005.

Robert J. Battista, of Michigan, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2007.

Wilma B. Liebman, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2006.

J. Cofer Black, of Virginia, to be Coordinator for Counterterrorism with the rank and status of Ambassador at Large.

Blanquita Walsh Cullum, of Virginia, to be a Member of the Broadcasting Board of Governors for term expiring August 13, 2005.

Routine lists in the Coast Guard, which were discharged from the Committee on Commerce, Science, and Transportation, and in the Foreign Service.

Pages S11031–32 (continued next issue)

Nominations Received: Senate received the following nominations:

Harlon Eugene Costner, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

Richard Zenos Winget, of Nevada, to be United States Marshal for the District of Nevada.

Daniel Pearson, of Minnesota, to be a Member of the United States International Trade Commission for the term expiring June 16, 2011.

James M. Loy, of Virginia, to be Under Secretary of Transportation for Security for a term of five years.

1 Army nomination in the rank of general.

Routine lists in the Army, Navy. **Pages S11030–31**

Messages From the House: **(See next issue.)**

Measures Placed on Calendar: **(See next issue.)**

Executive Communications: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Statements on Introduced Bills/Resolutions: **(See next issue.)**

Additional Statements: **(See next issue.)**

Amendments Submitted: **(See next issue.)**

Authority for Committees to Meet: **(See next issue.)**

Privilege of the Floor: **(See next issue.)**

Record Votes: One record vote was taken today. (Total—243) **Pages S10992–93**

Adjournment: Senate met at 9:30 a.m., and adjourned at 10:46 p.m. until 9:45 a.m., on Friday, November 15, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in the next issue of the Record.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Foreign Relations: Committee concluded hearings on the nominations of Mary Carlin Yates, of Oregon, to be Ambassador to the Republic of Ghana, after the nominee testified and answered questions in her own behalf.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items: The nominations of Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, Michael W. McConnell, of Utah, to be United States Circuit Judge for the Tenth Circuit, and Kevin J. O'Connor, to be United States Attorney for the District of Connecticut;

S. 2480, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns, with amendments;

S. 1655, to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals, with an amendment in the nature of a substitute;

S. 2934, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion;

H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion;

S. 2541, to amend title 18, United States Code, to establish penalties for aggravated identify theft;

H.R. 3180, to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact;

S. 2520, to amend title 18, United States Code, with respect to the sexual exploitation of children, with an amendment in the nature of a substitute; and

S. Con. Res. 94, expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

TERRORISM REPORT

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information held hearings to examine the current state of national preparedness against terrorism, focusing on the October 2002 Hart-Rudman Terrorism Task Force Report, after receiving testimony from former Senator Warren Rudman, Cmdr. Stephen E. Flynn, USCG (Ret.), Council on Foreign Relations, New York, New York, and Philip A. Odeen, TRW, Inc., Arlington, Virginia, all on behalf of the Council on Foreign Relations Independent Task Force on Homeland Security; and Colonel Randall J. Larsen, USAF (Ret.), ANSER Institute for Homeland Security, Arlington, Virginia.

House of Representatives

Chamber Action

Measures Introduced: 30 public bills, H.R. 5728–5757; and 8 resolutions, H.J. Res. 125; H. Con. Res. 518–520, and H. Res. 613–616, were introduced. **(See next issue.)**

Reports Filed: Reports were filed today as follows:

H.R. 1452, to amend the Immigration and Nationality Act to permit certain long-term permanent resident aliens to seek cancellation of removal under such Act, amended (H. Rept. 107–785);

H.R. 5334, to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits (H. Rept. 107–786);

H.R. 2458, to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, amended (H. Rept. 107–787, part 1);

Report of the Joint Economic Committee on the 2002 Economic Report of the President (H. Rept. 107–788); and

Conference report on H.R. 4628, a bill to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (H. Rept. 107–789). **Pages H8764–84**

Private Calendar: On the call of the Private Calendar the House passed over without prejudice H.R. 392, for the relief of Nancy B. Wilson. Subsequently the House passed H.R. 3758, for the relief of So Hyun Jun. **Pages H8736–37**

Recess: the House recessed at 1:58 p.m. and reconvened at 3:15 p.m. **Pages H8741–42**

Reduction of Preexisting PAGO Balances: The House passed H.R. 5708, to reduce preexisting PAGO balances by recorded vote by 366 ayes to 19 noes, Roll No. 482. **(See next issue.)**

Rejected the Moore motion to recommit the bill to the Committee on the Budget with instructions to report it back to the House forthwith with an amendment that reduces balances in fiscal years 2002 and 2003 and further reduces all balances in succeeding fiscal years if the President submits a budget that projects an on-budget balance or an on-budget surplus by fiscal year 2008 by recorded vote of 187 ayes to 201 noes, Roll No. 481. **(See next issue.)**

H. Res. 602, the rule that provided for consideration of the bill was agreed to on Nov. 13. **(See next issue.)**

Technical Amendments to the Social Security Act—Extensions of Temporary Assistance for Needy Families (TANF) and Temporary Extended Unemployment Compensation: The House agreed to the motion to concur in the Senate amendments with amendments to H.R. 5063, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services. The text amendment in the nature of a substitute was printed in H. Rept. 107–784, the report accompanying the rule. The title was amended so as to read: ''An Act to make technical amendments to the Social Security Act and related Acts.''. **(See next issue.)**

Agreed to H. Res. 609, the rule that provided for consideration of the Senate amendments with amendments by recorded vote of 245 ayes to 137 noes, Roll No. 480. Earlier agreed to order the previous question by a yea-and-nay vote of 207 yeas to 198 nays, Roll No. 479. **Pages H8757–64**

Terrorism Risk Insurance Act: The House agreed to the conference report to accompany H.R. 3210, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism. **Pages H8738–41**

Earlier, agreed to H. Res. 607, the rule that waived points of order against the conference report by voice vote. **(See next issue.)**

Port and Maritime Security Conference Report: The House agreed to the conference report to accompany S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports—clearing the measure for the President. **(See next issue.)**

Earlier, agreed to H. Res. 605, the rule that waived points of order against the conference report by voice vote. **Pages H8737–38**

Recess: The House recessed at 10:08 p.m. and reconvened at 11:10 p.m. **(See next issue.)**

Intelligence Authorization Conference Report: The House agreed to the conference report to accompany H.R. 4628, a bill to authorize appropriations for fiscal year 2003 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a yea-and-nay vote of 366 yeas to 3 nays, Roll No. 483. **(See next issue.)**

The conference report was considered by unanimous consent. **(See next issue.)**

Point of Order Sustained Against Bankruptcy Conference Report: The Chair sustained the Blunt point of order under clause 9 of rule 22 that the conference report to accompany H.R. 333, to amend title 11, United States Code, included matter outside the scope of the differences between the two Houses that were committed to the conference committee for resolution. Representative Blunt specifically cited section 331 of the conference report, which was described in the joint explanatory statement of the managers as having no counterpart in either the House bill or Senate amendment. **(See next issue.)**

Earlier, the House failed to agree to H. Res. 606, the rule that sought to waive points of order against the conference report to accompany H.R. 333, and against its consideration, by a yea-and-nay vote of 172 yeas to 243 nays, Roll No. 478. **Pages H8742–57**

Bankruptcy Reform: The House agreed to the Senate amendment to H.R. 333, to amend title 11, United States Code, with an amendment by a recorded vote of 244 yes to 116 noes, Roll No. 484. Earlier, Representative Gekas moved that the House recede from disagreement to the Senate amendment to the bill, and concur therein with an amendment that, in lieu of the matter proposed to be inserted by the Senate amendment, inserts the matter after the enacting clause in H.R. 5745, to amend title 11 of the United States Code, as introduced on November 14, 2002. **(See next issue.)**

Committee on Rules Resolutions: H. Res. 586, 587, 601, 603, and 608 were laid on the table. **(See next issue.)**

National Park Service Design Commission: The House agreed to H. Res. 591, expressing the sense of the House of Representatives that the National Park Service should form a committee for the purpose of establishing guidelines to launch a national design competition. **(See next issue.)**

Commemorative Work to Honor President John Adams: The House passed H.J. Res. 117, approving the location of the commemorative work in the District of Columbia honoring former President John Adams. **(See next issue.)**

Bainbridge Island Study: The House passed H.R. 3747, to direct the Secretary of the Interior to conduct a study of the site commonly known as Eagledale Ferry Dock at Taylor Avenue in the State of Washington for potential inclusion in the National Park System. **(See next issue.)**

Caribbean Forest Wilderness: The House passed H.R. 3955, amended, to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System. **(See next issue.)**

Hydrographic Services et al.: The House passed H.R. 4883, to reauthorize the Hydrographic Services Improvement Act of 1998. **(See next issue.)**

Salt River Bay Park Boundary: The House passed H.R. 5097, amended, to adjust the boundaries of the Salt River Bay National Historical Park and Ecological Preserve located in St. Croix, Virgin Islands. **(See next issue.)**

Mount Rainier Boundary Adjustment: The House passed H.R. 5512, amended, to provide for an adjustment of the boundaries of Mount Rainier National Park. **(See next issue.)**

Yavapai Indians Land Exchange: The House passed H.R. 5513, amended, to authorize and direct the exchange of certain land in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership. Agreed to amend the title. **(See next issue.)**

Pittman-Roberts Wildlife Conservation et al.: The House passed S. 990, amended, to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs. **(See next issue.)**

POW/MIA Flag Display: The House passed S. 1226, to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial—clearing the measure for the President. **(See next issue.)**

Haines, Oregon Land Exchange: The House passed S. 1907, to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon—clearing the measure for the President. **(See next issue.)**

Old Spanish Trail: The House passed S. 1946, to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail—clearing the measure for the President. **(See next issue.)**

Indian Financing Act: The House passed S. 2017, amended, to amend the Indian Financing Act of

1974 to improve the effectiveness of the Indian loan guarantee and insurance program. **(See next issue.)**

Big Sur Wilderness: The House passed H.R. 4750, amended, to designate certain lands in the State of California as components of the National Wilderness Preservation System. **(See next issue.)**

Consideration of Compound Request: The Chair announced that he would entertain the following compound request under the Speaker's Guidelines as recorded on page 712 of the House Rules and Manual with assurances that it has been cleared by the bipartisan floor and committee leadership. It was then agreed by unanimous consent that the House be considered to have:

1. Discharged from committee and passed H.R. 5334, H.R. 5436, H.R. 5738, S. 1010, H.R. 5716, H.R. 5499, S. 2239, H.R. 5280, H.R. 5586, H.R. 5609, H.R. 628, H.R. 629, H.R. 3775, H.R. 5495, H.R. 5604, H.R. 5611, H.R. 5728, and H.R. 5436;
2. Taken from the Speaker's table and passed S. 2712, S. 3044, and S. 3156 clearing the measures for the President;
3. Discharged from committee and agreed to H. Res. 604, H. Con. Res. 499, H. Res. 582, H. Res. 599, and H. Res. 612;
4. Discharged from committee, amended and passed S. 1843, in the form placed at the desk;
5. Passed H.R. 5504, amended;
6. Passed H.R. 3429, amended;
7. Discharged from committee, amended and agreed to H. Con. Res. 466 in the form placed at the desk;
8. Taken from the Speaker's table and concurred in the respective Senate amendments to H.R. 4664, H.R. 2621, H.R. 3609, H.R. 5469, and H.R. 3833—clearing the measures for the President;
9. Taken from the Speaker's table and amended S. 2237, in the form placed at the desk; and
10. That the committees being discharged be printed in the Record, the texts of each measure and any amendment thereto be considered as read and printed in the Record, and that motions to reconsider each of these actions be laid upon the table. Further the Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bills.

Rules and Manual of the House of Representatives: The House agreed to H. Res. 614, providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Eighth Congress. **(See next issue.)**

Committee to Notify the President: The House agreed to H. Res. 615, providing for a committee of two members to be appointed by the House to inform the President. Subsequently the Chair appointed Representatives Armey and Gephardt to the Committee. **(See next issue.)**

Resignations—Appointments: Agreed that notwithstanding the adjournment of the Second Session of the One Hundred Seventh Congress, the Speaker, Majority Leader, and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. **(See next issue.)**

Extension of Remarks for Committee Leadership: Agreed that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the record, up to and including the record's last publication, and to include a summary of the work of that committee or subcommittee. **(See next issue.)**

Extension of Remarks for House Members: Agreed that members have until publication of the last edition of the Congressional Record authorized for the Second Session of the One Hundred Seventh Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the Second Session Sine Die. **(See next issue.)**

Convening of the First Session of the One Hundred Eighth Congress: The House passed S.J. Res. 53, relative to the convening of the first session of the One Hundred Eighth Congress at noon on Tuesday, January 7, 2003. **(See next issue.)**

Meeting Hour—Tuesday, Nov. 19: Agreed that when the House adjourns today, it adjourn to meet at noon on Tuesday, Nov. 19. **(See next issue.)**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Gilchrest or Tom Davis of Virginia to sign enrolled bills and joint resolutions through the remainder of the One Hundred Seventh Congress. **(See next issue.)**

National Science Foundation Authorization: The House agreed to the Senate amendment to H.R. 4664, to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation clearing the measure for the President. **(See next issue.)**

North American Wetlands Conservation Act Reauthorization: The House agreed to the Senate amendments to H.R. 3908, to reauthorize the North American Wetlands Conservation Act clearing the measure for the President. **(See next issue.)**

Senate Message: Messages received from the Senate today appear on pages H8735–36 and H8757.

Referrals: S. 958, was referred to the Committee on Resources, S. 2845 was referred to the Committee on the Judiciary, S. 3067 was referred to the Committee

on Government Reform. S. 1742 was referred to the Committees on the Judiciary and financial Services. S.J. Res. 42 was referred to the Committees on Transportation and Infrastructure and International Relations. S. 3044, S. 3156, S. 2712, S. 2934, S. 2520, and S. Con. Res. 155 were held at the desk.

(See next issue.)

Quorum Calls—Votes: Three yea-and-nay votes and four recorded vote developed during the proceedings of the House today and appear on pages H8756–57, H8763, H8763–64 (continued next issue). There were no quorum calls

Adjournment: The House met at 1 p.m. and adjourned at 3:05 a.m. on Friday, Nov. 15.

Committee Meetings

GILMORE COMMISSION

Committee on Armed Services: Subcommittee on Military Procurement, hearing on the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction pending the release of its fourth report. Testimony was heard from James Gilmore, Chairman, Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction.

MERCURY—IN DENTAL AMALGAMS AND VACCINES

Committee on Government Reform: Held a hearing titled ''Mercury in Dental Amalgams and Vaccines: An Examination of the Science.'' Testimony was heard from the following officials of the Department of Health and Human Services: Lawrence A. Tabak, D.D.S., Director, National Institute of Dental and Craniofascial Research, NIH; and David W. Feigal, M.D., Director, Center for Devices and Radiological Health, FDA; and public witnesses.

AQUATIC INVASIVE SPECIES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans and the Subcommittee on Environment, Technology and Standards of the Committee on Science held a joint hearing on the following bills: H.R. 5395, Aquatic Invasive Species Research Act; and H.R. 5396, National Aquatic Invasive Species Act of 2002. Testimony was heard from Steve Williams, Director, U.S. Fish and Wildlife Service, Department of the Interior; Timothy R. E. Keeney, Deputy Assistant Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; Capt. Michael W. Brown, USCG, Chief, Office of Operating and Environmental Standards, U.S. Coast Guard, Department of Transportation; Gregory M. Ruiz, Senior Scientist, Environmental Research Center, Smithsonian Institution; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1136)*

S. 1210, to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996. Signed on November 13, 2002. (Public Law 107–292)

S. 2690, to reaffirm the reference to one Nation under God in the Pledge of Allegiance. Signed on November 13, 2002. (Public Law 107–293)

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 15, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs: to hold hearings to examine the nominations of Alejandro Modesto Sanchez, of Florida, and Andrew Saul and Gordon Whiting, both of New York, each to be a Member of the Federal Retirement Thrift Investment Board, 10 a.m., SD–342.

House

No Committee meetings are scheduled.

Next Meeting of the SENATE
9:45 a.m., Friday, November 15

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 10 a.m.), the Majority Leader or his designee will be recognized.

Also, at approximately 10 a.m., Senate may vote on the motion to proceed to the conference report on H.R. 3210, Terrorism Risk Protection Act; following which, Senate will continue consideration of H.R. 5005, Homeland Security Act, with a vote on the motion to invoke cloture on Thompson (for Gramm) Amendment No. 4901, in the nature of a substitute, to occur at 10:45 a.m.

Next Meting of the HOUSE OF REPRESENTATIVES
12 noon, Tuesday, November 19

House Chamber

Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

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(Senate and House proceedings for today will be continued in the next issue of the Record.)

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