SENATE—*Wednesday, July 18, 2001*

The Senate met at 9:30 a.m. and was called to order by the Presiding Officer, the Honorable EVAN BAYH, a Senator from the State of Indiana.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we thank You for this new day in which we have the privilege to serve You. Our ultimate goal is to please You by seeking Your guidance, following it faithfully, and giving You all the glory. You have called us to be servant-leaders. And so we spread out before You the challenges and responsibilities of this day. We thank You for Your presence all through the day. Guide the Senators' thinking and speaking. May their convictions be based on undeniable truth You have defined in their minds and in the negotiations and debates. Bless the Senators as they work together to arrive at solutions so much greater than they could arrive at alone. Help them to draw on Your wisdom, Your penetrating discernment, and Your indomitable courage.

The life and dedication of Senator Paul Coverdell lives on as a stunning example of this quality of leadership. We remember the Senator with profound gratitude today on the anniversary of his graduation to heaven.

And thus, we reaffirm our own commitment: ''One life to live, t'will soon be past; only what's done for Your glory will last.'' Amen.

PLEDGE OF ALLEGIANCE

The Honorable EVAN BAYH led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 18, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EVAN BAYH, a Senator from the State of Indiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BAYH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will conduct 1 hour of morning business for the memorial on the 1-year anniversary of the death of our colleague, Senator Paul Coverdell. At 10:30, the Senate will resume consideration of the energy and water appropriations bill. Rollcall votes are expected throughout the day on amendments to energy and water. The Senate may also consider several Executive Calendar nominations after we finish energy and water.

We have had good bipartisan activity in the Senate in recent days. We have worked our way through some difficult bills. Senator STEVENS and Senator BYRD worked through the contentious supplemental appropriations bill, and Senator BURNS and Senator BYRD, again, worked through the Interior appropriations bill. We are now on the energy and water bill. Last week we cleared almost 60 nominations. When we finish the energy and water appropriations bill today, whatever time that might be, we are going to go to the nomination that has an assigned time, the nomination of John Graham. It is a contentious issue. When we finish that item, we will go to the Transportation appropriations bill.

I hope all Members work together. As Senator DASCHLE and I talked last night, these appropriations bills don't belong to the Democrats or the Republicans. They are ours. The President is leaving for Europe today for a very important set of meetings. He needs these appropriations bills as much as anybody in the country, if not more.

I hope we will have people offering amendments. Yesterday we had one amendment offered. That was accepted by the managers of the bill. We need to move forward. I hope we can do that today around 10:30.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there is now a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Also, under the previous order, the time until 10:30 a.m. shall be under the control of the Republican leader or his designee.

IN MEMORY OF SENATOR PAUL COVERDELL

Mr. REID. Mr. President, I will take a few minutes to talk about Paul Coverdell. There were a number of occasions in Washington, and once at the Democratic National Convention in Chicago, that someone walked up to me and said: Senator Coverdell.

Now, I always pictured myself as more of a Robert Redford type—that is what I expect to see in the mirror, but it never turns out that way. Factually, I am not the Paul Coverdell type, not a real big bruiser of a person. I guess that is why, perhaps, Paul Coverdell and I got along so well. We were a lot alike. When we think of the great orators of the Senate, Daniel Webster and Everett Dirksen, we don't think of Paul Coverdell. But when we think of those Senators who were able to get things done, he was one of those. That is why when Senator LOTT had a difficult legislative and dangerous assignment on the Senate floor, we would see Paul Coverdell.

He was almost a shy man. He was not boisterous, loud, or aggressive in his actions, but he was effective in his actions. I spent lots of time on the Senate floor trying to work issues out with him. When we had the bankruptcy bill or the education bill, with scores of amendments, he and I would try to work through them, trying to move the legislation along.

Paul and I worked on many difficult pieces of legislation together. We spent a lot of time trying to hammer out differences on bills. We rarely had differences. We were not as much interested in the substance as procedure, moving things along. We began negotiations knowing we were confident we could help move things along.

Senator Coverdell believed we could civilly and respectfully discuss opposing points of view, which, after all, is what the Founding Fathers envisioned when they saw the Senate. Paul Coverdell was in the best tradition of the Senate, someone who believed in legislation, recognized that legislation was the art of compromise, legislation was consensus building. He was a very graceful man without being forceful.

He was confident and determined without being obnoxious and condescending. Maybe that is because he knew what it was like to be in the minority, having been the Republican leader in Georgia when the Senate Republicans numbered 5 and the Democrats numbered 51.

Senator Coverdell's evenhanded touch, no question, was the reason Senator LOTT and Republican leadership depended on him time and time again to help them work their way out of difficult situations. The Democrats who knew Paul Coverdell best had the highest regard for him. I spent a lot of time with him. That is why I was flattered and honored when I received a call from PHIL GRAMM asking if I would be one of the Democratic Senators—there are two of us, ZELL MILLER and me—to meet with PHIL GRAMM and Senator DEWINE to talk about things we could do to recognize the service of this very fine man.

I was flattered and have appreciated being involved in the group. We have done some things to recognize Paul Coverdell: the Peace Corps building, a facility in Georgia. But those Democrats who have worked with Paul Coverdell on the State and Federal level know what a good person he was. Senator ZELL MILLER had so much confidence in Paul Coverdell's judgment that Paul Coverdell's chief of staff is ZELL MILLER's chief of staff.

I miss Paul Coverdell. He wasn't somebody with whom I socialized. We didn't go out to ball games together or movies or dinner, but we spent a lot of time being Senators together. I will always remember the service of that shy, somewhat reserved man, the Senator from Georgia, Paul Coverdell.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I rise today to honor and celebrate the life of a dear friend, the late, able Senator Paul Coverdell of Georgia. I am pleased to see in the Chamber this morning his successor, an outstanding Senator, ZELL MILLER. I appreciate the courtesy that he would allow me to speak first this morning as we remember this dear friend. I thank Senator MILLER and Senator REID, Senator GRAMM, and Senator DEWINE who have been involved in trying to find a fitting tribute to the memory of this outstanding public servant.

Just last night legislation was sent to the White House for the President's signature that will name the Peace Corps Headquarters the Paul D. Coverdell Peace Corps Headquarters. I know this and other efforts are being made both here and in Georgia to appropriately recognize the service that Paul rendered to his State and to our country, and to do it in a way that does not involve a scattergun approach but accomplishes that which would really mean an awful lot to Paul if he were here.

The Senate still grieves and mourns the passing of one of its most talented Members. I certainly feel his absence every day. I think about him an awful lot. After decades in Washington, I know how rare it is to find a Senator or Congressman who works equally well with individuals on both sides of the aisle. In fact, in many ways he always reminded me of Senator REID of Nevada, and they worked together very closely: Somewhat reserved, understated, but tremendously effective—both of them—in the way they dealt with legislation, how hard they worked, and how they dealt with their fellow man and woman and how they dealt with their colleagues in the Senate.

Paul had a deep sense of humility, tireless spirit, and ready humor. In fact, whenever I think of him, I always smile, not only in appreciation for what he did but the meetings we had almost always ended with a laugh because I liked to pick at him, actually. As many people recall, I even had a nickname for him because as a Senator and as a member of our leadership—actually after only having been in the Senate for 4 years he was elected to the Republican leadership—we kind of had a rule that if there was a job to be done that no other leader wanted to do, we could always call on Paul. He reminded me of the commercial about the little boy named Mikey. The other kids wouldn't eat the cereal and they would shove it over to Mikey; and say, ''Give it to Mikey, he'll try anything.'' Well, I called him Mikey because I knew he would try anything and he would do it with great spirit and enthusiasm. That is the kind of utility player he was. That is the kind of commitment, that is the kind of willingness to work and do the jobs that other Senators would not do that makes this place really function the way it should.

Paul was a Senator and legislator in Georgia, but he was from Missouri where he received a journalism degree. I guess that served him well. He joined the Army and left as a captain in the early 1960s. I never thought of Paul as being an infantryman, but maybe that is really what he was. He was on the line, doing the heavy duty every day. He helped run his family's small business when his father's health failed. He soon turned that small business into a very successful marketing firm, Coverdell & Co.

Paul was always compelled to want to serve others, going back to early activity in government and activities in Georgia. He was elected to the Georgia State Senate as a Republican in 1970, at a time when most Georgians had not even seen a live Republican. But there he was, and he was in the legislature in the Senate. And his peers elected him the Senate minority leader, a position he held for the next 15 years. Of course, there were only three Republicans. So there was the leader, the whip, and the whipee, I guess. At least Paul was not the whipee. He got to be the leader. He did a lot to make the Republican Party credible in Georgia. But beyond that—I am sure Senator MILLER will remember this—he learned there to work across the aisle. When you are in those small numbers, you have to, to survive. But he became a major player in the legislature even in those limited numbers.

In 1989, he entered the national political stage when he became Director of the Peace Corps under President George H.W. Bush, where he worked for 2 years. I remember I used to harass him about that, too. He particularly worked with emerging democracies in Eastern Europe. But he had a vision for the Peace Corps, too.

That this small guy from a small town in Missouri, and a Georgian who served in the Army, then wound up with a world vision was quite an achievement.

Paul had fundamental beliefs in America, the great Republic. He believed in free trade, free markets, and freedom for all the citizens—not only for the people of his State but people around the world. He worked at making it available and accessible to everybody every day.

He spent a lot of time in the Senate working on education. He was innovative from the beginning. He was one of the early ones talking about the need for some flexibility in how funds are used in education. He worked across the aisle to help solve that problem.

He was really committed to allowing parents of children in elementary and secondary education to have some way to be able to help their children. That is what I like to call the Coverdell savings accounts. He had a broad base of support for that.

He was very aggressive in seeking safe and drug-free havens for learning in our schools.

I met him way back in the 1970s when I made trips into Georgia, and I always appreciated his tenacity and the work he did there. But I really will miss him the most in our leadership because I came to rely on him so much.

Some people have written about, yes, one of the majority leader's key players and that he misses him. I don't deny it for a minute. In life, you lose friends and you see good men and good women pass on. You mourn. You learn lessons from working with those people, and then you find others who try

to fill the void. But in some respects, you never fill the void left by a person such as Paul Coverdell. He was loyal. He was sensitive. He really cared. He made a difference in his State, in our party, in the Senate, and in our country.

So I think it is appropriate today that we honor his memory, after having lost him 1 year ago, and to celebrate the things he did to make it a better place for all of us to live and learn.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished Republican leader for his eloquence and for his heartfelt expressions of fond remembrances of a very special U.S. Senator. Those of us who watched the relationship flourish over the years as we served in the Senate are reminded again today of the friendship and joy Senator LOTT and Senator Coverdell had. It was a rare friendship, a special friendship, one that was evident to all of us as we watched and as they worked.

So it comes as no surprise that Senator LOTT would be the first on the floor today to talk about a man about whom he cared deeply. While we were not as close and did not enjoy that wonderful proximity in friendship, we certainly had a great deal of admiration for the Senator from Georgia. It was 1 year ago that we were stunned and saddened by the sudden death of our colleague. On that day, we lost not only a friend but, as Senator LOTT noted, a gifted leader.

A while back, I came across the story of a hot Saturday he spent at a county fair in north Georgia. Despite the casual setting, he was wearing a coat and tie. When a long-time aide asked him why, Senator Coverdell responded, ''Well, I've noticed that if there's ever any kind of emergency and people are trying to figure out what to do, they always go to the guy with the tie on.''

A year after his death, we still miss being able to go to Paul Coverdell.

Although Paul and I didn't see eye to eye on a lot of matters, I can't think of a single time that he was not fair, that he was not decent, that he was not honest. He was a reminder to all that we can disagree without being disagreeable.

While I may not have agreed with him on every detail, I never questioned his deep commitment to the people of Georgia and the principles that he and we hold dear.

One of the principles in which Paul Coverdell believed most deeply, of course, was the right of every child to go to a good school. So it is fitting that we are creating a living tribute to him by seeing to it that the educational accounts for which he fought so hard will now bear his name.

There is another way in which Paul Coverdell's spirit of kindness, fairness, and bipartisanship live on today in the Senate. That is the work of his fellow Georgians, ZELL MILLER and MAX CLELAND.

In the final years of his life, I am told that Senator Coverdell developed a passion for gardening as well. I think that is entirely fitting because so much of his work in public life was about nurturing and about helping things grow. That was evident in his leadership of the Peace Corps and in his commitment to educational opportunity. These educational savings accounts, which now will bear his name, will help ensure that the seeds he planted continue to take root and his work continues to blossom.

We miss him, and we thank him for his public service.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. LOTT. Mr. President, if I may ask the Senator from Georgia and others to allow 1 minute to follow up on what Senator DASCHLE mentioned, we have an agreement on this initiative. I thank Senator DASCHLE for his comments and for doing this. This is the kind of thing that brings us together in many possible ways.

COVERDELL EDUCATION SAVINGS ACCOUNTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 1190 introduced earlier today by myself.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1190) to amend the Internal Revenue Code of 1986 to rename the Educational Individual Retirement Accounts as the ''Coverdell Education Savings Accounts''.

There being no objection, the Senate proceeded to consider the bill.

Mr. DASCHLE. Mr. President, I ask the distinguished Republican leader if I may be added as a cosponsor.

Mr. LOTT. Mr. President, I would be honored. I should have suggested that in the first place. That certainly should be done. I support that.

Mr. DASCHLE. I thank the Republican leader.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1190) was read the third time and passed, as follows:

S. 1190

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

SECTION 1. RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—

(1) Section 530 of the Internal Revenue Code of 1986 is amended by striking ''an education individual retirement account'' each place it appears and inserting ''a Coverdell education savings account''.

(2) Section 530(a) of such Code is amended—

(A) by striking ''An education individual retirement account'' and inserting ''A Coverdell education savings account'', and

(B) by striking ''the education individual retirement account'' and inserting ''the Coverdell education savings account''.

(3) Section 530(b)(1) of such Code is amended—

(A) by striking ''education individual retirement account'' in the text and inserting ''Coverdell education savings account'', and

(B) by striking ''EDUCATION INDIVIDUAL RETIREMENT ACCOUNT'' in the heading and inserting ''COVERDELL EDUCATION SAVINGS ACCOUNT''.

(4) Sections 530(d)(5) and 530(e) of such Code are amended by striking ''education individual retirement account'' each place it appears and inserting ''Coverdell education savings account''.

(5) The heading for section 530 of such Code is amended to read as follows:

''SEC. 530. COVERDELL EDUCATION SAVINGS ACCOUNTS.''.

(6) The item in the table of contents for part VII of subchapter F of chapter 1 of such Code relating to section 530 is amended to read as follows:

''Sec. 530. Coverdell education savings accounts.''.

(b) CONFORMING AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1986 are amended by striking ''an education individual retirement'' each place it appears and inserting ''a Coverdell education savings'':

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 4973(a).

(D) Subsections (c) and (e) of section 4975.

(2) The following provisions of such Code are amended by striking ''education individual retirement'' each place it appears in the text and inserting ''Coverdell education savings'':

(A) Section 26(b)(2)(E).

(B) Section 4973(e).

(C) Section 6693(a)(2)(D).

(3) The headings for the following provisions of such Code are amended by striking ''EDUCATION INDIVIDUAL RETIREMENT'' each place it appears and inserting ''COVERDELL EDUCATION SAVINGS''.

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 529(c)(3)(B)(vi).

(D) Section 4975(c)(5).

(4) The heading for section 4973(e) of such Code is amended by striking ''EDUCATION INDIVIDUAL RETIREMENT'' and inserting ''COVERDELL EDUCATION SAVINGS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. LOTT. Mr. President, again I thank Senator DASCHLE for allowing me to do this. I think this is the thing that would mean the most to Paul—Coverdell Education Savings Accounts.

Thank you, Mr. President.

EXTENSION OF MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent the time allotted for the remembrances for Senator Coverdell be extended for an additional 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Florida.

Mr. GRAHAM. Mr. President, at a time in my personal life when I am feeling the pain of the loss of a family member, I reflect upon the 1 year which has passed since the loss of a member of our Senate family, Paul Coverdell.

As frequently happens in politics, I first met Paul as an adversary. A good friend of mine, who came to the Senate at the same time I did in 1986, Senator Wyche Fowler, had become embroiled in an unusual runoff election in the fall of 1992. Georgia had a provision, which I understand has subsequently been revised, that unless a candidate received an absolute majority in the general election in November, then there was a runoff between the two highest candidates.

Senator Fowler had narrowly failed to get the majority vote and was in a runoff with Paul Coverdell. A number of colleagues went to Georgia to help Senator Fowler in his campaign. It was in those circumstances that I first met Paul.

There has always been somewhat of a special tension between Georgia and Florida, going back at least to the Revolutionary War, where Florida remained loyal to George III and provided troops to fight against the rebels from Georgia who were supporting the new revolutionary government that was to become the United States of America.

More recently, in the 1930s, the then-Governor of Georgia came to Jacksonville to give a speech about how good things were in Georgia in the middle of the Depression. At the end of the speech, one of the Jacksonville members of the audience asked Governor Talmadge: If things are going so well in Georgia, why is it that so many Georgians are moving to Florida? To which the Governor's response was: We like it; every time it happens, it raises the IQ level of both States. So that describes the nature of the special relationship between our States, which continues now with the close friendships that exist between Senator NELSON and myself and Senator CLELAND and our newest colleague, Senator ZELL MILLER, as it did with Senator Coverdell.

I came to know Paul as a friend in his too short Senate career. In every sense of the word, Paul Coverdell was a gentleman. He was a man who had strong personal views and a wide array of characteristics to put those views into effect. But he always did so with a graciousness and a politeness and a respect for others.

Paul Coverdell was a man who cared about using Government as a means to improve the lives of the people that he represented and the people of the United States of America.

As has been previously indicated, education was his passion. I personally had the opportunity to work with Senator Coverdell on a number of education issues, including how to make higher education more affordable, by providing a means through which families could begin to prepare to finance the cost of college, and to provide school districts with a wider array of means by which they could finance school construction. Those are examples of the creativity that Paul brought to his senatorial service.

Paul Coverdell was a strong Republican. As indicated, he came to the Georgia Legislature when they were few in number. He helped build the Republican Party in that State. But he always operated with a clear understanding of the importance that if you were to build sustaining public support for your idea, it would emerge from the roots of bipartisanship. So he reached out across the aisle to explain, advocate, and bring to his causes Members of both political parties.

Paul Coverdell has been and will be missed but he leaves a proud legacy, a legacy added to today with the naming of a portion of the Internal Revenue Code, for which he was particularly responsible, in his honor, as well as the naming of the Peace Corps offices in his honor. These are appropriate recognition of a proud and distinguished public career, which we, on the 1-year anniversary of his being taken from us, recognize and honor.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, my grandmother used to say as long as anybody remembers you, you are not dead. We are proving today that my grandmother was right, as I suspect she was on so many things, that Paul Coverdell is not dead. In fact, as long as I live I am going to remember Paul Coverdell. Who could forget a person as thoroughly lovable as Paul Coverdell?

It was my great honor to work under the leadership of ZELL MILLER and to work with MIKE DEWINE and HARRY REID in trying to come up with a way to properly honor Paul Coverdell. We put together a bill introduced by Senator LOTT. I was proud to introduce it with him and Senator MILLER. The bill had two major features: first, it named the headquarters of the Peace Corps in Washington after Paul Coverdell, who was proud throughout his life to have served as one of the great Directors of the Peace Corps; and, secondly, it created an authorization to fund the Paul Coverdell Building for Biomedical and Health Sciences at the University of Georgia.

Senator MILLER and I had the honor of going to the University of Georgia, meeting with the university president, the provost, and Nancy Coverdell, and going to the site to look at the plans, and we decided that there was no better way to honor Paul Coverdell than to build this great edifice and to name it after Paul Coverdell. It is not just a beautiful building, but a building that will be alive with bioscience research, and will contribute not just to Georgia but to America and to the world.

I am proud to say that we adopted that bill in the Senate in February and yesterday it was adopted in the House. It will go to the President and be signed.

The headquarters here in Washington of the Peace Corps will be named after Paul. We have authorized the building of this major research facility in Georgia. I would like to remind my colleagues who do not remember the debate on the original bill, that we are going to put up $10 million at the Federal level; the State is going to match that money; and the University of Georgia is going to provide the bulk of the funding.

The State of Georgia has already acted in providing the money. The university is out raising their part of the money. When we come to the proper appropriations bill this year, we will complete our action in terms of providing this most significant honor. We added to the honors that Paul Coverdell's work bestowed on his life today when we named the education savings accounts that were part of our tax bill after Paul Coverdell.

I still see evidence every day of Paul's good work. As many of you will remember, he was very active in forensic sciences and providing funding for the States. We authorized a bill which is now named after him, providing $512 million to get rid of this backlog we have all over the country with DNA evidence, to modernize our State labs, and to build a national DNA database. Senator BYRD named the classroom building at the Law Enforcement Training Center in Georgia after Paul. And Paul's work on teacher liability and volunteer liability is still very much debated in Congress, and I am convinced will eventually become the law of the land.

So a year after Paul Coverdell's death, his stature continues to grow in the Senate. He is still fondly remembered by his colleagues. I do not think we will soon be forgetting Paul Coverdell. His gentleness reminds us all as to how we should behave. I feel blessed that I had the opportunity to get to know and to work with Paul Coverdell.

Let me conclude by thanking ZELL MILLER for his leadership on these efforts to properly honor Paul. I think

Paul would be proud of what we have done. I think the investments we have made in honoring him will yield a good return to the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, in a culture and in an institution where the word ''friendship'' is used so casually that it often has little meaning, it is difficult to express on this anniversary of Paul Coverdell's death what he meant to each of us and the nature of our relationships with him. I am left with few words other than to simply claim that he was a friend, a friend that I admired.

I rise today in recognition of his loss because of the injustice of it, and that all of us probably recognize that as much as Paul did, it was but a downpayment on what his life was to be.

This is not a man who had made his final contribution. His life had not run its real course. Paul Coverdell was an enormously talented man. He was a very good man.

From almost the moment I joined this institution, I came to know Paul and work with him on a very close basis, unlike, perhaps, the relationship I have had with many or maybe all Members of the other party. We fought together for education savings accounts and we failed for years. But it is the best thing I could say about Paul Coverdell, that every time we failed on the education savings accounts, he took out his piece of paper, he worked the list again, and we came back.

Few may ever remember that indeed the massive tax reduction plans voted upon and passed by the Congress this year closely resembled the tax plan that Paul Coverdell introduced in 2000 in the midst of the Presidential campaign. I joined with him in that effort. I believe they became an inspiration for what President Bush later proposed himself. This was a creative man.

History is filled with what might have been. It is enough for Paul Coverdell's family to live with the notion that he made a great contribution and was a good and decent man, but in truth, many of us will always wonder, had his life lived its natural course, the leadership positions he would have filled and the contributions he might have made.

Life was finished with Paul Coverdell, but he was not finished with life.

I, like PHIL GRAMM, believe it is still special that all of us remember him. In that way, he never dies. It also leaves us, in an institution where humility is so rare, to remember that no matter what titles we give to each other, no matter how powerful the institutions might be in our own minds that we build, we are all ultimately so powerless in this life of ours.

Paul Coverdell, you were a good man. Wherever you are, we remember you. We thank you. Generations of Americans who may never know your name—because, indeed, history will never have a chance to truly record all that you might have done—will live better lives because of the all-too-brief life that you lived yourself.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Georgia.

Mr. MILLER. Mr. President, I thank my colleagues and those who loved Paul so much for their moving and heartfelt remarks this morning.

We find it hard to believe that a year has passed since our friend and colleague, Senator Paul Coverdell, died so very unexpectedly. I remember that day vividly. I was at home in Young Harris. When I heard it, I immediately turned on the television, and I watched many in this Chamber, in tears and in disbelief, pour out their hearts in tribute to this good man and this great public servant.

I will never forget one of the things Senator GRAMM said about that frail body that had within it the heart of a lion. That described Paul Coverdell so very well.

The shock and the sadness I felt on that day a year ago remain with me until this day. Georgia, and America, lost one of its greatest public servants in Paul Coverdell—as has been said, a decent, soft-spoken workhorse who was always there and who always put people first and politics second. In a public career spanning more than three decades, from the Georgia Senate, where I served with him for 12 years and knew him so well, to the Peace Corps, and then the U.S. Senate, in all of those positions, Paul served with great dignity. He served with great ability, and he earned the respect of everybody who knew him or saw him or watched him along the way.

I also will never forget sitting up there in that gallery a year ago on the morning that I was to be sworn in as Senator Coverdell's successor. Once again, I listened to the overwhelming outpouring of love and tears for Paul. The heartfelt sentiment and the high praise from this Chamber were a tremendously moving tribute to one of Georgia's finest sons. I had never felt so inadequate in my life. Here I was. How in the world was I ever, even in the most remote way, going to come anywhere close to filling those shoes? The Lord knows, I have tried.

Immediately upon Senator Coverdell's death, folks in Washington and in Georgia began to think how we could remember this great Georgian in a worthy and enduring way. In a bipartisan fashion befitting Senator Coverdell, Senator LOTT appointed two Republicans, Senators GRAMM of Texas and DEWINE, and two Democrats, Senator REID and myself, to sort through the many good ideas for memorializing Paul. They have been mentioned this morning already on the floor. I will not go into them. We wanted to make sure that whatever we decided on was fitting and, very importantly, that it was something of which Nancy Coverdell would approve.

We thought one very important way to honor Paul's commitment to education, research, and agriculture in a grand way was at the State's flagship school in Athens, the University of Georgia. The Paul D. Coverdell Building for Biomedical and Health Sciences will be a $40 million state-of-the-art science center where scientists from different fields will collaborate under one roof to improve our food supply, clean up our environment, and find cures for disease. It is a joint project, as Senator GRAMM mentioned, with the university itself raising $20 million, the State of Georgia appropriating $10 million, and the Federal Government providing the remaining $10 million.

I am pleased that the bill authorizing Congress to approve this memorial for Senator Coverdell has been passed in the Senate and in the House, and the President is expected to sign it next week. It is our hope that the scientists who gather in this center named for Senator Coverdell will do great things and will make discoveries that will improve people's lives in Georgia and around the world for years to come.

A day does not go by that I don't think of Paul Coverdell. And I remain honored and humbled to have succeeded such a great man in the Senate. I believe in life after death. I believe in a loving Heavenly Father. And I believe that Paul is up there watching what we do, watching what I do. That is why I try every day to live up to the high standards of dignity and integrity and bipartisanship that were the hallmarks of Paul Coverdell's distinguished career.

Thank you, Mr. President.

Mr. CRAIG. Mr. President, when I was preparing for this morning's tribute, I could not help but reflect on the year that has passed since the untimely departure of our friend and colleague, Paul Coverdell.

What a year this has been—and what he would have made of it all.

We used to joke that the Senate schedule had become ''All Coverdell, all the time,'' because his fingerprints were everywhere: education, tax reform, fighting for peace, standing for freedom.

It was my privilege to work with him on the Republican leadership team, and to see firsthand that phenomenal energy that kept him working behind the scenes long after the Senate had shut down for the night or before it convened. Descriptions of him nearly always include the word ''workhorse''—and that is a name he certainly earned over and over. He was an idea generator with a boundless enthusiasm for

public service and a willingness to undertake any chore, no matter how thankless, to move the agenda forward.

He would have relished the many challenges that our party has faced over the past year, because he was a loyal partisan. Years ago, when he was one of only four Republicans in the Georgia State Senate, he took on the task of rebuilding the State's Republican Party. Later, his first run for the U.S. Senate was an uphill battle against an incumbent. This was a man who looked for big challenges and never faltered in advancing his party's standard.

Yet despite his partisanship, he was known for his civility and his ability to get along with members of both parties—and I might add, his ability to get along with the variety of temperaments that abound in this institution. Paul Coverdell had a warmth that many people felt on even a short acquaintance. Those who regarded him a friend are legion.

The shock we felt at this time a year ago may have passed, but the bereavement remains. Georgia lost an ardent and effective spokesman, the Nation lost a patriot, and the Senate lost a true friend.

Many have talked about the legacy of Paul Coverdell—the work he did for the party, the stamp he put on the Peace Corps, the legislation he wrote and speeches he gave in the Senate. But I think his lasting legacy is written on the hearts of those who knew him.

The PRESIDING OFFICER. The Senator from Georgia, Mr. CLELAND, is recognized.

Mr. CLELAND. Mr. President, I thank my colleague, Senator MILLER from Georgia, for his eloquent words. As he describes our dear friend Paul Coverdell, I am reminded that Paul Coverdell was a kinder, gentler politician and person before ''kinder, gentler'' was in vogue.

Proverbs tells us, ''Good men must die, but death cannot kill their names.'' In the year since Paul Coverdell has passed, I continue to see the evidence of his hard work everywhere. I see it in the success of the Georgia Project in Dalton, GA, an immigrant education project in the north Georgia mountains that we worked closely together on. I see him in the education savings account amendment that passed as part of the President's tax package, something so close to his heart throughout his career in the Senate. And most of all, I see it in my colleagues faces as they continue to honor him through their work on issues that were important to him.

Paul and I were sworn into the Georgia State Senate on the same day in 1971. We were elected in the election of 1970. He sat just in front of me. In Georgia, we sit by numbers of senatorial districts. We did not sit across the aisle, party to party. So, in effect, we were all together in that State senate. So Paul sat right in front of me; and what an appropriate position for him to be in, because I followed his lead in so many ways, just as I have tried to do in the years in the Senate. He worked quietly; he worked tirelessly. But he had a single-mindedness of purpose that belied his mild manner. He would toil away on a project for months, even years, then submit his results, and leave the judgment and praise for others.

When I came to the U.S. Senate, I felt as if I was following behind Paul Coverdell again. Paul was with me as I was sworn in right here in this Chamber. After that day, he helped me, he guided me, and he tutored me in the ways and rhythms of the Senate, this body he loved so dearly. We were on different sides of the aisle, but we were still great personal friends. He helped me learn because he was a good man and a good friend, and because he knew it was good for our country and for Georgia. He always fought for our State, our farmers, our businesspeople, and the average citizen.

From his time in the Georgia Legislature to his post as head of the Peace Corps under President Bush, to his quiet and demonstrative leadership in the Senate, Paul had a peaceful and resolute efficiency about his work that I hope we can all emulate.

Alphonse de Lamartine once said, ''Sometimes, when one person is absent, the whole world seems less.''

That is the way I feel today. I share this feeling with my colleagues. That is certainly the case as we remember Paul and absorb the magnitude of this loss in this Senate and the people he served. Paul was, indeed, a leader, a legislator, and a dear personal friend. I miss him terribly.

I yield the floor.

The PRESIDING OFFICER. The assistant Republican leader is recognized.

Mr. NICKLES. Mr. President, I compliment both of our colleagues from Georgia for their statements, and also Senators GRAMM and TORRICELLI for the statements they have made.

I have been in the Senate for 20-plus years. A year ago today was probably one of the saddest days of my career because we lost a real friend, a true Senator, an outstanding Senator, Paul Coverdell, a person who achieved a lot in his very brief career in the Senate. He was in the Senate for a little over 8 years. He accomplished a lot. He was elected to leadership in his first term in the Senate. That is very unusual on our side of the aisle. That doesn't happen very often.

Paul Coverdell was very unusual, very exceptional, very talented, very likable, a very popular U.S. Senator. He did a lot. So we are commemorating the 1-year anniversary of his death and celebrating, to some extent, the contributions that he has made. Naming the Peace Corps building after him, the National Peace Corps headquarters building, is a real tribute to his leadership. The building at the University of Georgia, the Institute of Biomedical and Health Sciences, which will conduct research for decades and generations to come and will save countless lives, no doubt, will be a real contribution in recognition of his service to the country.

The education savings account that bore his name, as Senator TORRICELLI said, after years of battle—unsuccessful at first, but finally successful—was signed into law this year. Naming those the ''Coverdell savings accounts,'' where individuals can put in up to $2,000 a year and use that for education K–12, hails a very significant achievement; it showed real tenacity, real forcefulness. It was something that Paul Coverdell would not give up on, and it is now the law of the land. It will enable thousands of people to be able to provide for, save for, and improve their education. Because of his foresight, leadership, tenacity, and his perseverance, it is now the law of the land.

Paul Coverdell had a very positive impact on countless millions of people in the United States and across the world. It is only fitting that we pay him a proper tribute.

I remember the memorial services in Georgia when our colleagues PHIL GRAMM and ZELL MILLER, our newest colleague, made statements that were as moving as any I have heard when they talked about the contributions Paul Coverdell has made to the State of Georgia, our country, and the Senate. So it is with regret that we recognize the 1 year passing of Paul Coverdell, but it is only fitting and proper that we recognize and say thank you to Paul Coverdell and wish Nancy Coverdell all of our best in the years to come.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I join in the tribute to Senator Coverdell. As a Senator from California, I found him to be a remarkable man. He was a humble man. In a way, he was a prototype of the Southern gentleman. He was a determined man; he was a skilled legislative craftsman. I was really delighted to have the pleasure to work with him.

Paul had a profound interest in improving the education of our young people. I worked with him closely as an original cosponsor of his Educational Savings and School Excellence Act, and during that time, I found him to be energetic. He was determined and, most importantly, I found him to be very easy to work beside. He was also very much above political correctness, and he strived to do what he thought was really doable, practical, and would help people.

Another common interest we shared was in reducing the amount of illegal drugs on the streets of America. In fact, we worked together on several antinarcotics efforts. We debated together in this Chamber the issue of certification. I was his Democratic cosponsor of the Foreign Narcotics Kingpin Designation Act. This law made it easier to crack down on leaders of the major drug cartels operating in Latin America. I believe these efforts are paying dividends today because U.S. law enforcement is more able to close in on some of the cartel leadership.

Paul Coverdell knew these were important debates, and I will never forget because the Republican Party was in the leadership, and every time he called me, he asked if he could come to my office to talk with me. It was a very interesting effort on his part because the fact that he was willing to come to my office and sit down to have a discussion on an issue that we would work on together made me even more dedicated to the success of that effort.

I had a wonderful across-the-aisle relationship with Paul Coverdell. The Narcotics Kingpin Act, the educational savings account, and Excellence in Schools Act are a few specific tangible pieces of legislation on which he put his leadership stamp.

All I can say is: Paul Coverdell is missed in the Senate of the United States. I truly wish all of God's blessings on him. He was a wonderful man.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I believe everyone is aware that Senators do a certain amount of posturing. We are a political body. People who are watching us, however, I am sure, cannot get a sense that none of this is posturing. Everything that has been said by Republicans and Democrats alike is heartfelt. We miss Paul Coverdell very much and, as someone said, it does not seem it has been a year he has been gone.

The outpouring of affection for Paul is very real because of the kind of individual he was. Most people can never know what Paul Coverdell meant to the Senate, to his home State of Georgia, and to people on both sides of the aisle. Unless you were a part of this body and worked with Paul on a daily basis, it would be impossible to know what he meant to all of us. I hope, though, by this tribute today, people will get a little bit of a sense of what Paul meant to all of us.

He was a friend. He was a counselor. He made things happen in the Senate, and it was never with any personal aggrandizement or publicity on his part. There was no fanfare when Paul did his work.

He will be known, even though only having served a relatively short period of time in the Senate, as one of the most effective Senators who ever served here.

It is instructive that the person who took his place in the Senate, a great public servant in his own right, former Governor and now Senator ZELL MILLER, asked how he could ever begin to fill Paul Coverdell's shoes. The reason he cannot and none of us can, of course, is that Paul Coverdell was unique and no one can ever do exactly what Paul Coverdell did. We can each aspire to have his attitude, selflessness, friendship, and helpfulness to others. If we all aspire to do that, this Senate will be a better place.

We do hear every week: We need a Paul Coverdell to solve this problem or solve that problem. That is how Paul is remembered: as a person you could always turn to, to get something done when no one else could quite figure out how to do it, and frequently, by the way, that was because of personalities.

Paul had a way of bridging the gap between people who were of strong minds on something; he would find a way to bring them together.

As Senator FEINSTEIN just said, we miss Paul Coverdell very much. We love him. We love his wife, Nancy. We wish her and the family the very best.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will never forget this day last year when it was announced that we had lost our friend and colleague, Paul Coverdell. His death was a shock to all of us. It was something that most of us were so emotional about that we could not speak in the first few days after learning of his death because we knew that we would not be able to get the words out. Those who did speak will be remembered; they did, indeed, have a hard time getting through the words they wanted to say.

It is very rare that after a year from losing a Senator or a Member of Congress that loss is still so vivid, but that is the case with Paul Coverdell. I miss him today just as much as I missed him a year ago today. He had that kind of impact.

The interesting thing is he accomplished so much in a very short time. And there is not anyone who knew him who did not like him.

He was also a leader. In his career in public service, which he actually did after a very successful private sector career, he made a difference wherever he was.

In 1989, Paul Coverdell took the reins of the Peace Corps. He looked at the Peace Corps in 1989 and said: What should be the mission? He did not just take the reins of the agency and do more of the same. He stepped back and said: What does the world need today from the Peace Corps?

Of course, Poland, Hungary, Czechoslovakia at the time were emerging from the Iron Curtain. So Paul Coverdell said: We have these countries now emerging from the cold war, trying to seek democracy. Maybe the Peace Corps can play a part in keeping the peace.

He began to send volunteers from the Peace Corps into Eastern Europe and the former Soviet Union countries. He blazed a new trail for the agency that made a difference, maybe in a small way, but a lot of small things build, to Poland and Hungary where the first Peace Corps volunteers went after the fall of the Iron Curtain. Those are two countries now firmly in the democratic camp. They are countries that have just joined NATO.

Paul Coverdell made a difference because he stepped back and was thoughtful. He was a leader in the truest sense.

The Coverdell education savings accounts were an extension of his leadership at the Peace Corps and his interest in education. He said: What can we do to help parents who have a hard time buying a band uniform, a computer, or something that will give a child that extra opportunity to excel and succeed? He came up with the concept of education savings accounts.

As usual in Congress, it does not happen easily, even if it is a great idea. But Paul Coverdell was dogged in his determination that being able to save tax free to buy your children the things that would help them succeed in their educational experience was worth a fight. He fought and he won. It is fitting that we named the education savings accounts the ''Coverdell education savings accounts.''

The other thing that is significant about Paul Coverdell is that he built the two-party system in Georgia. Georgia, like Texas, 15 years ago was an entirely Democratic State. They did not have Republican county officials in very many counties in Georgia or Texas. They did not have Republicans in numbers in the State legislature. In fact, Paul Coverdell was the minority leader of the State senate in Georgia, and I believe there were three Republicans in the entire State senate. He was the person who came in and said I think democracy works best when there is a strong two-party system. He became the first Republican every elected to the Senate from Georgia.

At the same time, Paul Coverdell was respected and liked by Democrats. At his funeral, Governor Barnes, the Democratic Governor of Georgia, made a wonderful presentation about his friendship with Paul Coverdell from their days in the legislature. He said Paul Coverdell was his mentor in politics.

We have heard former Governor ZELL MILLER, now Paul Coverdell's successor, speak eloquently about his relationship and the impact that Paul Coverdell had on Georgia, as well as Senator CLELAND and other Democrats

who have spoken in the Chamber about what a wonderful person Paul Coverdell was.

He was a leader through being creative and innovative. He was a fighter for what he believed was right. He persevered. He usually won. He built the Republican Party while having a loyal following of Democrats. He had the kind of respect it took to walk that kind of very fine line.

He could bring people together. He could calm the waters. When tempers flared, he would tell a joke and dissolve the tension. He was an extraordinary person.

The most telling of all the things one could say about Paul Coverdell is he is truly talked about and missed every day, even a year later. The vacuum left by Paul Coverdell's sudden death last year at this very time has not been filled. I am glad we are taking time to pay tribute to this extraordinary man. I am proud I was able to be his friend.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I can safely say, unless it is the death of a family member, usually by a year after someone's passing you sort of have gotten over it and moved on. Yet here we are a year after the death of our good friend, Paul Coverdell, and Senator after Senator after Senator on both sides of the aisle is making the point that we have not gotten over it. We still miss him. We think about him almost every day because he was such an indispensable part of this Senate which people have come and left for over 200 years.

I met Paul back in 1988. I was one of the people trying to help President Bush get the Republican nomination—the first President Bush—and I was traveling in the South. It was not a pleasant week. The former President had lost the Iowa caucus. This was between Iowa and New Hampshire. His potential to be nominated was very much in doubt at that point. Part of my travels took me to Georgia where I met State Senator Paul Coverdell, obviously an intimate friend of the Vice President, and I was involved in his campaign in 1980, 8 years before that, prior to the nomination of President Reagan.

Our paths continued to cross. He came to Washington as Director of the Peace Corps. I was a member at the time of the Foreign Relations Committee and had a chance to deal with him. Then my wife, Elaine Chao, succeeded him as Director of the Peace Corps when Paul went off to have the most extraordinary experience in getting to the Senate. Paul has to be in the Guinness Book of Records for having won the most elections to get to the Senate.

He ran in Georgia in 1992. I don't know what the law of Georgia is today, but in 1992 you had to win a majority of the votes for your party to win the primary. If you didn't, there would be a runoff. So Paul had a very close primary election and had to have a runoff, an additional election, to get the nomination. So it took him two elections to become the Republican nominee in 1992. Then Georgia also had a curious law with regard to the general election. I don't know whether it is still the law of Georgia or not, but at that time in 1992 in order to be elected to the Senate you had to get 50 percent of the vote, plus one. Paul, in his contest against former Senator Wyche Fowler, had gotten about 47 percent of the vote. Wyche Fowler came up short of 50 percent, and there was a third party nominee, so that was the third election.

The fourth election was a runoff, a month after the regular election, after President Clinton had been elected, after everybody else who was going to serve in the Senate, if that Congress had been chosen. There was yet another election going on in Georgia, 30 days after the first election. Paul managed to win that election and came to be sworn in to the Senate, having had to win four elections in 1 year to get here.

I cite that not just to recount his resume but to make the point of what incredible tenacity it took to go through all of that to make it here.

As all of our colleagues have indicated, once he arrived, his personality, his work habits—he was peripatetic; he was everywhere. No matter what the issue might be, no matter what little group might be discussing a particular matter, Paul was always there in a nonthreatening way in a body in which people have a tendency to compete with each other constantly. His personality was such that no one ever thought of him as a competitor. His interests were vast, across the board, everything my colleagues have said, everything from education to foreign policy. He had wide interests.

He was elected to our leadership in the first term which, as Senator NICKLES said earlier, is quite unusual in our party. He was unfailingly polite, competitive but polite, and had a way of engaging in politics to make friends rather than enemies. So many people in politics acquire numerous enemies in the process of participating in the business in which we are all engaged. Paul, quite the opposite, tended to add friends. He was a truly remarkable man, a leader not just for Georgia but for all of America. It was a great tragedy his life was cut short. He would have had many more years in the Senate making an enormous contribution to his State and the Nation and enriching the lives of all of us who had the privilege of getting to know him.

We still miss you, Paul, and we are confident we will see you again some day in the future.

I yield the floor.

Mr. CAMPBELL. Mr. President, I would like to take a moment in remembrance of my good friend and our colleague, Senator Paul Coverdell, who passed away a year ago today.

It hardly seems an entire year has passed since Paul was with us on the Senate floor. Paul served the State of Georgia and our Nation nobly for almost 40 years, in the Army, in the Georgia State Legislature, as a respected businessman, as the head of the Peace Corps, and as a member of the U.S. Senate. Paul believed, as do I, that people flourish when they have the freedom to work and make their own decisions, and he worked day after day to ensure these freedoms for all Americans.

Last year as we were preparing the Treasury and General Government appropriations bill for fiscal year 2001, we were shocked to learn of the passing of our colleague, Senator Coverdell. As we moved forward with that bill, S.2900, I inserted a provision requiring the naming of a building at the Federal Law Enforcement Training Center in Glynco, GA, in honor of Paul Coverdell. Our House colleagues agreed and we included this language in the conference report which was signed into law. I am pleased to let my colleagues know today that the ceremony to name the building will be conducted next month.

There is an American Indian saying, ''When legends die, there are no more dreams. When there are no more dreams, there is no more greatness.'' Well, I can assure you that Paul's dreams are alive in us and his greatness will transcend the years.

Mr. President, I respectfully request this body take a moment to remember our colleague and his family.

Mr. FRIST. I rise today to honor the memory of our colleague, Senator Paul Coverdell of Georgia. It's hard to believe a year has passed since he left us, but his legacy of integrity, compassion and commitment remains a model for us to emulate.

Throughout his long career in public service, Paul Coverdell was a tireless champion of freedom. He believed in America and the power of the American spirit. Paul Coverdell knew what was right and he fought for it with all his might. He was a husband, a citizen, a Senator, a patriot, and he is sorely missed.

For me, as a newcomer to the U.S. Senate now seven years ago, Paul Coverdell was a mentor. I had the honor and privilege of watching his courage up close working on Medicare and education in particular where his expert guidance helped us communicate our message to the American people. Whether on the practicalities of how to structure a U.S. Senate office to broader policy implications on the issues of the day, Paul Coverdell was the conscience and guide to whom we turned for advice and counsel.

To help honor the life and work of Paul Coverdell, I am drafting bipartisan legislation authorizing two new initiatives—the Paul Coverdell Stroke Disease Registry and the Paul Coverdell Health Care Corps. The untimely death of our friend points to the need to provide more comprehensive stroke care and to learn more about providing a better quality of care to the more than 700,000 people who suffer a stroke each year. Our first step in doing so is introducing the STOP Stroke Act, which requires the Department of Health and Human Services to develop a national disease registry.

The Paul Coverdell Health Care Corps is a tribute to the values incorporated into the Peace Corps while he was Director and further demonstrates our dedication to providing American expertise to developing nations. This new Corps would provide skilled health care professionals for countries dealing with the crises of HIV/AIDS, tuberculosis and malaria. The Paul Coverdell Corps would be an extension of the changes made in 2000 in which all Peace Corps volunteers serving in Africa must be trained as educators of HIV/AIDS prevention and care.

I believe both of these pieces of legislation are a fitting tribute to the late Paul Coverdell. It is my hope that these two bills will reflect the compassion and commitment that he demonstrated time and time again in his service to our Nation and indeed, to the world. Senator Paul Coverdell was a champion of liberty and freedom, and with his wife, Nancy, he knew instinctively that love and freedom are the greatest gifts God has planted in the human heart. His legacy charges all of us with the task of doing everything we can to preserve our freedoms and to demonstrate in every way the indomitable American spirit.

Mr. THOMPSON. Mr. President, one year ago today, Senator LOTT had the sad duty of coming to the floor of the Senate to announce to this body that Paul Coverdell, Senator from Georgia, had suddenly and unexpectedly died. While his absence was felt immediately and deeply, only now with the benefit of time can we develop a full sense of the contributions and legacy of this quiet statesman.

Few Americans these days take to heart so completely the notion of public service as Paul Coverdell did. From the Peace Corps to his years in the Georgia Legislature to his time in the Senate, he was a model of dedication and sincerity, unwilling to substitute style for substance. He was a serious student of policy and a consistent advocate of deeds over words. Paul was a tireless leader in the effort to reform our education system and I am proud to support legislation renaming education IRAs as Coverdell education savings accounts. His concern for the young people of this country was also demonstrated by his commitment to the fight against the trafficking of illegal drugs. But perhaps above all, he was a great champion of civility. Each time I hear of the need to ''change the tone in Washington,'' I think of Paul Coverdell.

It is fitting that Congress has now sent legislation to the President that will rename the Washington headquarters of the Peace Corps for Paul Coverdell. I was honored to support that legislation, and I was honored to serve alongside Senator Paul Coverdell of Georgia. He is still deeply missed.

Mr. DEWINE. Mr. President, I rise today to pay tribute to my dear friend and beloved colleague, Senator Paul D. Coverdell, who, as we all know, passed away a year ago today.

Paul was a dear friend, who meant so much to each and every one of us here in the Senate. He was our friend, and we loved him very much. Paul was a kind man—a gentle man—a sweet man. The Senate is not the same without him. It is not the same because we miss his kindness, his spirit, and his unbelievable energy—energy that he brought to every task he undertook.

Whatever it was, Paul would do it and do it effectively. He was one of the key people running this Senate. Candidly, he was that person not because of his leadership position, which was significant, but because of the fact that he just got things done. His effectiveness came because of his energy, because of his drive, because of his determination. It also came because he could get along with people on both sides of the aisle. He knew people. He understood them. He liked people, and people liked him back. That is what made Paul Coverdell effective.

All of us have different stories and remember different things about our friend Paul. I worked with him on Central American issues, Caribbean issues, and Latin American issues. He cared passionately about the safety, security, and prosperity of our hemisphere. He paid particular attention to this hemisphere, because he understood that what happens here in America's backyard affects the people of Georgia, and it affects the people of this country. He brought this kind of thought and passion to all of the issues he tackled.

On the first anniversary of Paul's death, we honor what he stood for, what he believed in, and what he accomplished here in this Senate. As a public servant, Paul touched the lives of his family, his friends and colleagues in the Senate, his constituents in his home State of Georgia, and the lives of millions of people throughout the United States and abroad. He is deeply missed and will always—always be remembered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

Mr. REID. 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. THOMAS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I appreciate very much of all the contributions, the great statements that have been made about my friend Paul Coverdell. I think now we are ready to move forward to some other topics.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

Mr. THOMAS. Mr. President, I would like to talk a little about energy. Of course, the appropriation before us is on energy and water, but the broader topic I think we are going to talk about here in the next couple of days as well is the whole notion of an energy policy and the implementation of a policy for this country.

We have, as you know, gone now for a number of years without an energy policy. It has resulted in some things that we have felt recently. Frankly, I think we are very likely to feel them some more in the future. We felt it in California, of course, and continue to feel it, although it is a little less pressing now. We felt it in the price of gasoline and continue to feel it, although the price is down. But if we do not do something about the causes of this crisis, we will have it again.

I come from a State, Wyoming, of course, where we are big in the production of energy. We are the No. 1 producer of coal. We are producing natural gas, methane gas—a grand, new operation there. So we also feel the up and down, in and out, of energy. Frankly, selfishly, I hope we can level things out a bit and get away from this boom-and-bust kind of economy that seems to be inherent in energy.

To do that, it seems to me, we need to really take seriously this idea of having a national energy policy. I am very pleased the President and the Vice President have put forth an energy policy, as I said, for the first time, really, in a very long time. Now it is up to us

in the Congress to take up the portions of that policy that have been laid out that need to have congressional action. Not all of it does, but a great part of it does, and we need to do so.

The results of the lack of a policy over the years are pretty apparent in a couple of areas. One, obviously, is our dependence on overseas production. I suspect we will continue to have a good deal of overseas production, but we have allowed ourselves to become nearly 55-percent dependent on OPEC and other countries to fill our needs here, so we find ourselves in a position where, if the OPEC countries make a decision with regard to production, make a decision with regard to pricing, we are simply the victims of that.

What is the solution? I suspect at least one of the solutions we need to consider seriously is an increase in domestic production. We have an opportunity to do that. There is a great deal of reserve energy here. There is a great deal of reserve in coal, for example, that we can depend on for a very long time.

One of the impediments to that, of course, in the West particularly, has been access to public lands. In a State such as Wyoming, and even much more so in Nevada and some of the others, half of our State belongs to the Federal Government. In order to have production on those lands where minerals are available, you have to have reasonable access to those lands.

I am not talking about wilderness. I am not talking about national parks. I am not talking about those lands that have been set aside for particular things—even in many cases parts of the forest reserve. I am talking more about Bureau of Land Management lands, the multiple-use lands.

You have to understand how those lands became what they are before you can really have an idea of how they might be used. Parklands, obviously, were set aside. Forest reserves were set aside. BLM lands were simply the lands that remained there after the goals of the Homestead Act and so on were accomplished, and they remained in Federal hands. So they were never set aside for any particular reason, and therefore they are common land and should be available.

Unfortunately, the access to those lands is much less available than it was just a small number of years ago. Some of the environmental groups have said: Oh, my goodness, they are 85 percent available. The fact is they might be, in terms of their designation, but when you get down to specific requirements that have been placed on the lands, the available lands are much less than they were just 10 years ago.

I don't want to get into the ANWR thing, where we have been wrestling over that. There are lots of lands that we have shown and will continue to show can be explored, where minerals can be produced and those lands can be replaced and put back just as they were.

Another problem we have had, that continues to be there and we will feel again, is the lack of infrastructure—the lack of refineries, for instance, for gasoline. We have not produced new refineries for years. Part of the reason for that is the indecision, where we are. Part of it has been the regulations that were there—14 or 15 different kinds of gasoline that had to be prepared for different areas, which makes it much more difficult.

One of the more pressing problems is the transportation of available energy, whether it be through transmission lines for electricity or whether it be through lines for gas and oil. We have to get the energy from where it is produced to where it is used in the marketplace. We have not done that. These are some of the things that need to be considered.

In addition, we have to take a long look at what we can do on renewables—continue to do more research so wind and solar and hydro become more and more a part of our future in energy. That can very easily happen. One of the things that has to be done, of course, is research. We have to do more of those kinds of things. The other is conservation. Conservation is much a part of where we are. I do not think we can solve the problem in the future with conservation, but that is one of the approaches that must be taken.

I hope we continue to press to get the leadership of the Senate and leadership of the Congress to come to an accord on taking up the specifics of energy and not letting ourselves be fooled into thinking, because of this little pullback from the so-called crisis, that the problem has been solved; it has not. In order to avoid that happening again, really in any sort of project, we need to look ahead at what our needs are going to be, what kind of energy do we want available to us, and what do we need to have. Then we need to move to implement those things. I hope we hear more about that.

I yield to my friend from Alaska, who is the ranking member and has been chairman of the Energy Committee and is probably one of the most knowledgeable of all of our Senators on this area.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I am here today to begin the discussion on the 2002 energy and water appropriations bill. I want to recognize the hard work of professional staff members on the Committee on Energy and Natural Resources, both the majority and the minority, and the hard work of the Members of this body as we address this difficult and often contentious issue associated with nuclear waste and the issue at hand, which is a substantial reduction in funding for the nuclear waste program.

We have seen lots of good projects funded in this legislation, the energy and water appropriations bill: Flood control, reclamation projects, Indian water settlements such as Animas and Rocky Boys and others. But we also have a very significant obligation at this time, and that is the matter of disposing of our high-level nuclear waste that is generated as a consequence of the operation of nuclear powerplants that contribute about 20 percent of the power generated for electricity in the United States.

I also want to recognize Senator DOMENICI for his tireless efforts in this area.

What we have before us is the current measure which proposes a major reduction in funding to allow the Federal Government to select the site for storage of spent nuclear fuel and high-level radioactive waste.

This is kind of a two-headed major environmental issue. We talk a lot and express our concerns about global warming. One of the answers to global warming, of course, is nuclear energy. On the other hand, we have a problem with nuclear waste, and currently the industry is clearly choking on its own waste because of our inability to address and resolve what to do with that.

So on the one hand, we have the positive aspects of the nuclear industry inasmuch as it answers many questions associated with global warming, but the reality is that this industry can never move into its full development capability unless we do something about the waste issue.

I have been critical of the previous administration for playing politics with the issue, sacrificing the environment and health and safety of the American people for short-term political gain. Here we are again with an obligation of what to do about the problem because we have seen a substantial cut in funding in this area. The Appropriations Committee has proposed to make cuts in the Yucca Mountain Waste Disposal Program. Specifically, the administration requested $445 million for the Office of Civilian Radioactive Waste Management, the office that oversees the Yucca Mountain projects. The House energy and water bill funded the program at $443 million. While not the administration's full request, it is about $48 million more than last year's funding.

Unfortunately, we have before us in the Senate a committee recommendation to provide a total of $275 million to continue the scientific and characterization studies already underway at Yucca Mountain. So we are looking at a cut from $443 million in the House, the administration's request of $445 million, and the committee recommendation to fund at $275 million. There is a question of whether or not we are going to offer an amendment at some time to reinstate full funding,

but before we address that, I want to discuss this matter in depth because it creates, if you will, an obligation for the American people and the Congress to face up to reality. I want to outline what the reality is, and I could probably best do it by having a chart and pointer with which we will attempt to explain just where we are on the issue of Yucca Mountain and the proposed scheduling.

I am going to ask Colleen to go over here with the pointer and help me out.

What we have, first of all, is a bottom line that will catch the attention of virtually everyone who is watching, which is the investment the American taxpayer has in trying to address what to do with the high-level nuclear waste and what we have expended at Yucca Mountain because that is the bottom line, and we are going to work backwards from there. We have spent about $8 billion of the taxpayers' money developing Yucca as a permanent repository. Do we have a picture of Yucca?

We don't have it with us today. We have it somewhere. It shows the tunnel. It is the repository out in Nevada in the proving grounds where we have had some 25 years of extensive nuclear tests—over 800 nuclear tests—both above and below ground. It is a pretty hot area in the sense of the testing that has taken place in the area, but in any event, it was one of the proposed sites and the site that was finally approved for a process. This process is overwhelmingly complex, but the bottom line is not overwhelming.

The cost to the taxpayer at Yucca Mountain so far is $8 billion. That is only part of the story, Madam President, because the other part of the story is what happened in 1998. In 1998, the Federal Government had a contract with the industry, the nuclear industry, to take the waste that year.

The Federal Government has always acknowledged a responsibility to deal with spent fuel and other waste from civilian reactors as well as our nuclear weapons program. As a consequence of the obligation to take civilian spent fuel, the Federal Government signed a contract saying it would take the waste in 1998. You might wonder, well, what is the point of this conversation because you have to get the bottom line of what happened.

Since 1987, utility ratepayers, the nuclear ratepayers of this country have been paying a premium to the Federal Government so that the Federal Government could take the waste in 1998. That Fund, the Nuclear Waste Fund, currently has $19 billion—$19 billion in it. All to help the Federal Government meet its contractual obligation.

Madam President, 1998 came and went. The Federal Government did not have the proper repository ready, and as a consequence the Federal Government was in breach of its contract.

Nineteen billion dollars is a lot of money. I am not going to stop there because the costs don't stop there. It gets more complex because, as you know, any time you breach a contract you expose yourself to litigation. So we have already spent $8 billion on examining Yucca Mountain.

The claims filed by the nuclear industry against the Federal Government total somewhere between $60 and $80 billion for nonperformance of the contractual commitments. That is about $90 billion to $100 billion. That is what we are looking at. We are looking at the $19 billion that ratepayers have paid into the Nuclear Waste Fund, $8 billion of which we have spent and then we are looking at $60 to $80 billion in litigation associated with the breach of contract. And here we sit.

The point I want to make now with this chart is to show you the steps. Back in 1978, we had the first Yucca Mountain bore hole, the testing. Then in 1982, we went with the Nuclear Waste Policy Act. Then in 1984, we had the draft environmental assessment. Then in 1986, we had the three candidate sites-selected areas. Well, the one that was selected and approved in 1987 was Yucca. We had final environmental assessment in 1986. Then in 1988, we had consultation, we had draft site characterization and then in 1989, and so forth, we had site characterization. Then in 1993, we begin the actual construction. That was the bore hole test. Then in 1998, we had the viability assessments. And then we had the draft EIS.

Now we are in 2001 in the buff-colored area, and we have funding for the science and the engineering report. That is basically funded this year in the 2000 appropriation supplemental, draft EIS, NAS report, and then we have the site recommendations.

Moving over in the next year we have suitability evaluation and the final EIS. Notice the significant portion where we are at risk is the site selection review, and that is proposed in the funding that is in the current water bill at $445 to $443 million. If you cut that to what the committee has proposed, $275 million, you are setting this whole program back a number of years. How many years? Heaven knows.

But let us look at the next scenario because it suggests the significance of the result of this action.

As I indicated, the amendment that might be discussed at a later time would increase the funding to the level that is felt that can keep the program on schedule. Why do you want to keep the program on schedule? Well, for the following reasons: According to the Department of Energy, the cuts would have a significant impact on the program: immediate reduction—in other words, layoffs—of about 650 Federal and contract personnel; indefinite delay in license application; renders the 2010 spent fuel receipt date unachievable—so basically, at the end of this thing, which is out here in 2010 when we are supposed to take the waste, that makes that date unachievable—the loss of 75 percent of Federal staff performing oversight, the loss of most quality assurance oversight; loss of ability to conduct independent technical reviews; termination of the Nye County Early Warning Drilling Program; eliminates any of the universities that are involved in this process; loss of repository surface design support for license application; loss of modeling ability; loss of license application design and analysis capability.

All these activities that are underway—and have been—are necessary to achieve this 2010 date, at which time this repository would be licensed and capable of taking the high-level nuclear waste. So this is necessary funding to keep this on a reasonable schedule.

That is under the assumption that science will determine that Yucca is suitable. I believe it will. If so, then licensing activities are key to getting the repository back on track.

There is no question that the Federal Government has the obligation to take the waste. There was a contract in 1998 to take the waste. As I indicated, the ratepayers have paid in $19 billion. The Federal Government has breached its contract. And the Federal Government is subject to lawsuits, litigation, somewhere in the area of $60 billion to $80 billion. This is serious business. This is serious accounting to the American taxpayers for performance. They expect the Congress of the United States to perform. We have an obligation to perform; that is, to structure this so it can achieve its purpose as designated by the Congress.

I can understand the opposition of my friends from Nevada to the Yucca Mountain issue. They do not want it in their State. They are working very hard to assure that it does not go in their State.

On the other hand, if you are not going to put it in Nevada, where are you going to put it? You are not going to put it in the other 49 States for obvious reasons. There is another alternative. We could pursue reprocessing.

However, today at the Energy hearing, we asked the Deputy Secretary, Mr. Francis Blake, if we pursue reprocessing, will we need Yucca Mountain as a permanent repository? He said yes. And if you don't depend on experts, on whom are you going to depend? Are you going to hold a public hearing and make a decision on emotion rather than science? These are scientists speaking.

I personally believe there is a place for reprocessing. Perhaps we should have started on that a long time ago. But that was killed under the Carter administration. We had an opportunity. So here we are. We have nearly

$100 billion of taxpayers' money at risk. We are hung up right on the pinnacle of what to do, and the proposal now is to cut funding—to cut funding without coming up with an alternative of how we are going to do this.

A lot of people say we are never going to be able to move the waste anyway. We have moved military waste all over the country. We have moved high-level waste to South Carolina, to the State of Washington. It is moved by military means. And it is moved safely. We have been very fortunate in the manner in which we handle this waste. I think we have the scientific capability to reduce the risks to a minimum. We have to get this thing off center.

My appeal to my colleagues and the staffs who are watching this debate is that we have a responsibility to the taxpayers. I hope everybody who is listening recognizes that we have spent $100 billion of taxpayers' money on this project. If we reduce the funding, we are going to put it off indefinitely, or we certainly are going to put it off after the watch of my good friend, Senator REID, and others, and simply pass the problem on to others who may come into this body from Nevada.

I do not have a constituency on this in Alaska, but I have a responsibility, as former chairman of the Energy Committee, and the ranking member, to address the obligation that this body has to address this problem with some finality. We are either going to fund it, keep it going, or we should come to grips with the other alternative. And I am not conversant necessarily on what that might be.

But we have the waste. The nuclear industry produces 20 percent of the power in this Nation, and we can't agree on how to solve it. Not only is the selection of a repository critical in dealing with our present spent fuel problem, but it is essential if we are to build an energy-secure future. I talked a little bit about that in my opening remarks.

There is the realization, as we look at global warming, there is definitely a place, a strong place for nuclear energy. Our future energy security depends on nuclear power if we are ever to meet our environmental goals. I would say to my colleagues, who are very sensitive to the environmental point of view, that those environmentalists who oppose the advancement of nuclear energy are really sticking their heads in the sand and unrealistically failing to recognize that energy has to be produced from some source, and, as a consequence of that, whether it be coal or oil or gas, we have concerns about global warming and emissions. We do not have that particular concern with nuclear, but we have the concern of what to do with the waste. We have to address that. But the contribution that nuclear energy is making is significant to reducing global warming.

We have had hearings on nuclear energy in the Energy and Natural Resources Committee. We have looked at the future of the industry. We have discussed the reauthorization of Price-Anderson.

Nuclear energy, as I have indicated, is 20 percent of our energy mix and must continue to play an even greater role in the future if we want to meet our energy demands and protect our air quality. The production of electricity from nuclear energy, as I have indicated, emits no greenhouse gases, no CO_2, no SO_X, no NO_X. It is a baseload power which provides our grid stability and reliability.

Nuclear energy supplies California with about 16 percent of its electricity supply. Without that in the past year, the California grid would have simply collapsed. High natural gas prices and low uranium prices have helped to make electricity produced from nuclear some of the cheapest in the country and some of the most efficient.

Safe and efficient U.S. plants are operating today at record efficiencies. In 1999, U.S. nuclear reactors achieved close to 90-percent efficiency. Total efficiency increases during the 1990s at existing plants was the equivalent—this is just the efficiency—of adding approximately 23 1,000-megawatt powerplants. So that gives you some idea of the sophistication of the industry. Keep in mind, it is all clean, nonemitting generation.

Now we are seeing more acceptance, that the nuclear energy industry is on the upswing. Four or five years ago, who would have thought we would have heard about buying plants, selling plants, and, yes, even building new plants. That discussion is happening today.

The U.S. industry is actually putting its money where its mouth is. By the end of 2001, the Chicago-based Exelon Corporation will have invested $15 million in a South African venture to build a pebble bed modular reactor, new technology, technology that reduces the risk associated with the operation of nuclear reactors and a very exciting development.

It is fair to say that we are seeing the public becoming more accepting in recognizing the role of nuclear energy. This past April the Associated Press commissioned a poll that suggests that half of those polled, nearly half, support using nuclear powerplants to produce electric energy, and 56 percent said they wouldn't mind a nuclear plant within 10 miles of their home.

The problem we still have is what to do with the waste. I believe there has been more of a political problem than a technical one. I understand the politics of Nevada, and I respect it. Now a funding cut, however, that impacts the technical program for reasons that we can conjecture simply is not acceptable. It is not acceptable for the American taxpayer in light of the exposure to that taxpayer already.

Again, I cite that exposure in dollars because I think we have a tendency to generalize around here. But when we get specific, we have spent $8 billion of the taxpayers' money in Yucca Mountain, that hole in the Nevada mountain, we have collected $19 billion that we have collected from the ratepayers to have the Federal Government take the waste in 1998, with the realization that the Federal Government broke the contract and now with litigation totaling some $60, $80 billion, you can see the significance of the obligation we have.

For those of us who support the Yucca Mountain program, at last count there were 66 Members of this Chamber who indicated support of using Yucca Mountain as a repository for the storage of spent nuclear fuel—66 Members. I don't know how many Members we have today in this body who are willing to support this effort. It suggests that if an amendment is taken to a vote and the amendment would fund at the appropriate level necessary to continue the program, that if that amendment failed—and there may be a good deal of loyalty on the other side in reference to the amendment—then those responsible would have to bear the brunt of recognizing the significance of this in basically killing the nuclear program in this country associated with Yucca Mountain and the disposal of the waste.

On the other hand, if some assurances can be made that there will be funding at a level to keep this at a reasonable level, to continue the schedule that I have outlined behind me, then, obviously, we could work together to recognize the necessity of maintaining this program as it has been developed. We can't simply accept this kind of a cut that would set this program back that many years.

I don't know where the votes are, but I will let others who are responsible make a determination of where the votes are on this issue.

I remind each and every Member, as they reflect on how they might vote on an amendment to restore the funding to the appropriate level, again, the taxpayers of this country may be questioning each Member on the validity of basically putting this program off and potentially abandoning the program after nearly $8 billion has been expended.

I find it ironic, the one hook that the opponents of the site have always hung their hat on. They have said time and time again that science should decide the issue, not politics. Well, this schedule I am showing you is science in action. This is the check and balance system. This is the evaluation of all our environmental considerations in an orderly process. It is science in action. If

politics is going to kill this program by cutting the funding from the roughly $445, $443 million down to $275 million, it will not be science that is making that cut. It will be politics.

Let me repeat the statement because I think it is important. Science should decide this issue. This is science in action, not only because of its importance to the taxpayer but because it may be the only area of agreement the opponents and I have on Yucca Mountain. That is, let science determine the disposition. I, too, believe that science should determine this issue.

I hope, as we continue the discussion today on this matter, we consider the significant merits of exposing the American taxpayer to upwards of $100 billion in liability. Are we going to stop this program in its tracks at this time? If we let science make the determination about Yucca Mountain, then the funding should be restored and the program should be allowed to reach a determination about suitability one way or another. That is the orderly way to approach this. That was the general consensus of Members relative to the process which authorized the funding all these years, and we are still in the process of reaching a determination on suitability. That should be allowed to be funded at a level so we can make that determination.

If the suitability determination is not there, then, obviously, the project cannot go forward; it would have to be terminated. But that, again, should be a decision made by science and not the political process associated with this body.

I hope the Senate conferees will address this at an appropriate time, and it may be necessary that we move an amendment to restore the funds on the floor, but there are other Members who want to talk on this issue.

I yield the floor, and I will be happy to respond to any questions.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, before my friend from Alaska leaves the floor, I take this opportunity to briefly respond.

In all my dealings with the then-chairman of the Energy Committee, now the ranking member, he has set an example of how one should treat people. He has always been available on difficult issues, on easy issues. He has never, as a result of our disagreement on a subject, done anything to be vengeful on something else that was important to Nevada. I have the greatest respect for the junior Senator from Alaska. He has been, in my estimation, a real role model as to how one should be a legislator.

On this issue we disagree. There are so many issues involved with this. Because I am from Nevada, I always consider myself maybe not the right person to speak about this issue. Maybe someone else should speak about it. Therefore, I am not going to speak a lot other than to say we not only have the characterization problem with Yucca Mountain but the unbelievably difficult problems dealing with transportation.

Senator Bryan and I traveled to St. Louis a year or two ago and met with the county commissioners, the legislative body that governs the county where St. Louis is located. We made a presentation to them. They, a short time after that, passed a resolution saying they were opposed to Yucca Mountain and they didn't want any nuclear waste traveling through St. Louis.

People feel that way all over the country. The problems dealing with transportation are complex, difficult, and almost impossible. That is why in Europe they have gone away from the burial of nuclear waste and, basically speaking, to now where they are going to try to do transmutation that we should already be doing in America.

We had a program going that was killed in the early 1980s. It was the Clinch River in Tennessee. Transmutation was terminated. Why? Because there was a belief at the height of the cold war that some of this processed plutonium could make its way into the hands of the wrong people. In hindsight, that was a very bad choice. Now in this bill we have money to again begin this process. The comanager of this bill, Senator DOMENICI, and I have worked hard to increase that funding.

I have not tried to, in any way, be mean spirited with the cuts we have made with Yucca Mountain. These moneys are not just thrown away; they have gone to extremely important programs. I have a little difficulty crying big alligator tears over a program that still has $275 million to be spent in 1 year. We are going to conference with the House. Of course, there would have to be changes made there, I am sure. But the changes are not going to be easy because we have programs for places in Ohio and we have programs in South Carolina, in Idaho, and in Washington, where huge amounts of money are going to clean up the mess that we as a Government made dealing with things nuclear.

So I understand from where my friend from Alaska is coming. It is a difficult problem. My personal belief is that we as a country and as a world would be better if we simply said let's leave it where it is, in dry cask storage. We will save hundreds of billions of dollars doing that, and we won't have the transportation problems. It would be safe for a hundred years. By then, we will have something to do with the product.

I know that my friend, the senior Senator from Idaho, has indicated he wants to speak on this issue and perhaps offer an amendment. The junior Senator from Nevada has indicated that he wants to speak on this issue. Perhaps during the day we will do that.

Madam President, let me say this. My friend from New Mexico is not here. I am not frustrated, but I am arriving at the point where I am a little bit frustrated. This is a bill involving more than $25 billion. Over $20 billion of this bill goes to defense-related activities, which is important for this country. We need to move this legislation along. There are a lot of phantom amendments out there. Bring them on. Let's have a debate and move this legislation along.

It is very apparent to me that there is an effort being made to stall this legislation, slow down the progress of what we are doing in the Senate. As our distinguished majority leader mentioned last night, this legislation is important to the President of the United States. It is his agencies we are trying to fund—the Bureau of Reclamation, Corps of Engineers, Department of Energy. So I really don't know what people are gaining by having us accomplish nothing.

The majority leader said we are going to work to complete this legislation, and we have an a agreement that after this we will go to the Graham nomination, and we will do Transportation this week. I have not spoken to the majority leader, so I am on my own in saying this. But we don't have to sit around here and do nothing. There can be votes. We can vote on all kinds of things. I think that Thursday and Friday, if there is still the view that we are going to do nothing, there would probably be some votes; I would think we would be going until sometime on Friday.

I have tried since last week to get an agreement as to when amendments would be filed, and we can't get either a finite list or a filing deadline. We can't get those. Yet no amendments are being offered. So I hope that later this afternoon we can have a time when we can determine not only what amendments are going to be filed but be more certain to have amendments filed at the desk.

It is my understanding that the Senator from Ohio, who has a lot of knowledge on things nuclear—and I have worked with him on a number of different issues—wishes to speak on energy-related matters generally. Is that true?

Mr. VOINOVICH. Yes.

Mr. REID. I have no objection to yielding. It is my understanding there are no time constraints. The Senator wishes to speak for 20, 25 minutes; is that correct?

Mr. VOINOVICH. Yes.

Mr. REID. I yield to my friend from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I rise to generally speak about the issue

of energy in this country and to underscore the fact that one of the sources of energy that we really need to look at is nuclear energy. The sooner we resolve the issue of how we deal with nuclear waste, the better for this Nation. We ought to do everything in our power to accelerate the decision in terms of where that waste is going to be located if we expect to deal with not only the energy needs of our country but also with something about which many of us are concerned, and that is climate change.

Nuclear power is a source of energy that does not produce greenhouse gases, and I think it is something that should be a priority for the Senate and for this Nation to resolve once and for all.

My other remarks will deal with the issue of the fact that in spite of much talk and much writing, conservation and alternative fuels are not going to be able to deal with the problem we have in this Nation in terms of our energy crisis. We have that crisis because we lack a national energy policy. We haven't had one for 30 years, and it is a Republican and Democrat problem.

We have a faulty deregulation law in California. We have environmental policies that have contributed to a lack of diversity and difficulties in siting new facilities, pipelines, and transmission lines. We are too reliant on foreign sources of oil, and we have inappropriately demonized nuclear power.

Today, we are a fossil-based economy, although there is broad recognition that we are eventually going to shift away from primary reliance on fossil fuels to much greater use and emphasis on other sources.

Several alternative energy sources exist today. They are either inexhaustible, i.e. solar, wind and nuclear—or renewed through natural processes—i.e. hydropower or plant-based fuels such as ethanol and vegetable oils.

Currently the contribution of alternative energy sources to U.S. needs range from less than one tenth of 1 percent for wind and solar power, 3 percent from hydroelectric and biofuels each and 8 percent from nuclear energy.

Today, however fossil fuel reserves appear to be adequate to serve the Nation's current energy needs, with a 70-year reserve for oil and approximately 250 years of reserves for coal, at current consumption rates.

One of my colleagues noted a while ago that wind power is the fastest growing source of electricity in the world and we should look to it more seriously as an alternative energy source.

Another one of my colleagues pointed out that solar panels covering a 100 by 100 mile square would produce enough solar energy to power this entire Nation.

The truth is that although alternative energy sources are being used in some places across the country, we have been subsidizing solar and wind power for 25 years now, and combined they only make up one tenth of 1 percent of the total energy demand to date.

Renewables are now generally costlier than fossil fuels, for example, solar power is currently 8 to 10 times more costly. Even assuming optimistic technology scenarios, it will take at least 30 to 40 years before renewables' energy infrastructure could be built up from its current level and start contributing significantly to our energy supplies.

As this chart shows, costs have a disproportionate impact on low-income families.

Since the beginning of the 107th Congress, I have been holding a series of public meetings across the state of Ohio where I have asked individuals and business owners to relay their experiences as to how our energy crisis is impacting them.

In Cleveland, I have held a meeting with Catholic Charities, Lutheran Housing, and Salvation Army as well as senior citizens, low-income parents, and handicapped individuals, and another with some small businesspeople to talk about the impact energy costs were having on their businesses.

Another was with governmental agencies and the increase our heating bills had on their budgets. Then I met with some folks who talked about the impact our high cost of gasoline was having on their businesses. One of the things the people of America should note is that when it gets to energy costs, the least of our brethren are those who are impacted the most.

As this chart shows, the people making under $10,000 in the United States of America spend 29 percent of their income on energy costs, and those making between $10,000 and $24,000 spend 13 percent, and those who are over $50,000, about 4 percent.

This energy crisis, quite frankly, is impacting more, as I refer to it, the least of our brethren than any other segment in our society. For example, the Catholic diocese said in the year 2000 their help line received 3,400 calls for basic needs, items such as food, utilities, mortgage, or rent. The number of calls the diocese received went up 96 percent from 1999 to 2000 and 194 percent from 1998 to 2000—attributable to this energy crisis.

Let's look at U.S. energy consumption by fuel so we get an idea of from where our energy actually is coming. As we can see by this chart, the principal sources of energy today are oil, natural gas, and petroleum. It goes without saying that these fuels have become essential elements in creating our way of life.

Despite the fact each year we use energy more efficiently, energy demand rises about two-thirds the rate of economic growth. As we can see, nuclear, hydro, and renewables are at the bottom of the chart, and any shortfall created between production and consumption of our three main energy sources—that is, oil, natural gas, and coal—is going to be made up in imports.

For example, oil imports have risen, as we are all aware, from 1973, when they were 36 percent, to 2001 at 56 percent. Refined gasoline net imports have risen from 1 percent in 1980 to approximately 5 percent in 2000. The reason for it is we have had to import oil to make up for the lack of our own production.

Oil and natural gas demand is expected to continue to grow for the foreseeable future. Alternative energy sources, such as wind and solar power, are being pursued but will not alter this outlook for decades to come, again making the point that for those who say do not worry about these three major sources of energy, we are going to make it up with nonrenewables, we can see the large discrepancy.

Now that we know how much Americans expect to consume over the next two to three decades, it is important to look at how that expectation will be met given our current state of resources. This chart shows how much energy we produce domestically by fuel type.

At the top of the list are natural gas, coal, petroleum, and then we have nuclear and renewables at the bottom of the list.

According to the Department of Energy, natural gas is expected to be the fastest growing component of world energy consumption. Gas use is projected to almost double to 162 trillion cubic feet in 2020 from 84 trillion cubic feet in 1999. So the world demand for natural gas is going up.

It is that increase in natural gas prices that drove up the cost of energy in my State for my homeowners, my businesses, my farmers, and for the other portions of our economy. If that continues, we can see continuing high prices.

We need to increase our infrastructure. According to a study by the nonprofit operator of New England's power grid, New England will be increasing its natural gas demand from 16 percent in 1999 to a projected 45 percent in 2005, but they lack—another thing we need to talk about—the local pipelines to distribute the gas to its market. We have a need for gas. The next question is, How do we get it to folks? We know we do not have the infrastructure to do that.

With that in mind, we also know there is an estimated 40 percent of undiscovered natural gas that is located on land owned by the Federal and State Governments. These resources will need to be tapped to accommodate the inevitable increase in natural gas consumption. If not, then we face the

hardship of increasing dependence on foreign resources that will have the capacity to cripple our energy economy and again drive up our cost.

The challenge to produce more oil and natural gas is greater because the production from our existing resource base is subject to natural decline through depletion.

Fuel cells, electric vehicles, hybrids, biomass, solar, and wind technology, all represented on this chart as nonhydropower renewables, are all promising energy sources for the future, but right now there is no suitable infrastructure in place that will allow for these energies, even combined, as we will see in later charts, to sufficiently supply current needs, much less future demands.

Energy consumption: As we can see by this chart, Americans consume more energy than we produce and will continue to consume more energy, especially fossil fuels, for decades to come.

Although several alternative energy sources exist today, the chart reflects that even the combination of those sources, marked ''renewables'' at the bottom of the chart, through 2020 will not compensate for the need for energy production that will take place over the next two decades.

Even if we double or triple renewables, we will not make up the difference between production and consumption. The President is right: We need more refineries, more electric powerplants, more coal, and more natural gas pipelines and production. It is plain to see that we will not be able to conserve our way out of this crisis. While conservation helps, it is not going to meet our estimated consumption without drastically changing Americans' standard of living.

Looking at this chart, we can see renewable energy sources that reflect some of the most promising forms of alternative energy in existence today. However, each is accompanied by extremely realistic limitations that hamper their ability to be viable in the near future.

We hear a lot about fuel cells, and I have studied fuel cells substantially. I met with the president of General Motors. He said it is going to be 10 to 15 years before fuel cells will be marketable and commercially viable.

Electric vehicles: I visited a facility in Euclid, OH, Alliance Electric, a Rockwell Automation subsidiary, and they are working on a little gismo for hybrid automobiles, but it is going to be 5 to 6 years before they get that down to a cost where it is going to be commercially viable.

We have biomass and solar power to which I made reference.

All of these are available, but the practical impact on our needs in this country in the next 20 years is negligible.

World primary energy is another issue at which we ought to look. This is not to say that alternative fuels are destined for failure. I agree with the President that we need to diversify our energy sources. I believe promoting technology of these sources is the right approach to take, not for the near term but for the future.

We as a government should continue to invest in providing grants and incentives to move forward with some of these alternatives. Over time, we have learned advancing technologies is perhaps the single most important factor that contributes to long-term productivity and economic growth. For example, we have clean coal technology available that we could use for burning coal. We need to move forward with that.

This chart is a little complicated, but it shows how energy sources have peaked in the world: Oil going down, gas going up, and we are seeing nuclear at the bottom of the chart. This little bit is the increase in renewables.

Again, if you look at the world picture, we have a problem. Today, China imports oil. They used to export oil. We are seeing that all over the world. The economy is getting better for all people. Their standard of living is going up and they are using more. We need more energy.

On petroleum production, the United States is the world's largest energy producer, consumer, and net importer. It is no secret the United States is becoming more and more dependent on foreign oil imports. This chart reflects what we have to look forward to by way of dependence through the year 2020. This is petroleum production and consumption, which is going up. Imports in the month of April as a percentage of petroleum delivered was 62.4 percent. This time last year it was only 60 percent. The total petroleum products delivered to the domestic market in April was over 19 million barrels per day. In the same month last year, it was 18½ million barrels per day.

Scarce petroleum resources is not a problem experienced only by the United States. The energy crisis is being felt across the globe; so much so that inevitably, as foreign countries realize an increase in their own energy needs, they will be less willing to accommodate the growing energy demands our country places on them. With the increased reliance on foreign oil, we will not get far if we do not work to expand the current oil and natural gas pipeline system.

Our Nation's 200,000-mile pipeline system is the world's largest. These nearly invisible ribbons of steel deliver more than 13.3 billion barrels of crude oil and petroleum products in a typical year. Without them, it will take thousands of trucks and barges clogging the Nation's roads and waterways to do the job. The capacity of the system, however, is being seriously eroded and the future of oil and natural gas transmission does not appear promising.

If we refuse to act, the alternative will be a continued capacity squeeze and higher transmission costs, passed on to the consumer. That is one of the problems we had last year with the big spike in gasoline. We had a break in two lines, one coming from the Gulf of Mexico, the other coming from Canada. That had a dramatic increase on the cost of oil to the people living in Ohio and other parts of the Midwest.

On conservation and its impact, this chart shows what we can expect under three different energy production scenarios through the year 2020. The top line assumes constant energy use with respect to economic growth, and it is going up. Hopefully, the economy continues to grow. This means if a nation continued along the same path we are traveling, through 2020, with energy demands rising with proportion to growth, and there were no technological advances made, consumption would increase dramatically.

The bottom line represents energy production growth without significant change. If we stay the way we are now, we are in very big trouble. The second line shows what the Department of Energy predicts will happen when or if consumers are offered a menu of available technologies from which to choose. An example would be a family replacing a vehicle after several years of usage for a more fuel-efficient automobile. This menu of options makes a big difference when compared to increased energy intensity and consumption in the first line. We need to move forward in order to meet our demand.

The third path reflects the impact of conservation at its height. This includes nonuse and the use of the most competent and efficient technology combined. This chart shows an ''available technology'' consumption curve by barely 20 percent. There is still a considerable gap between consumption, even at the greatest levels of conservation. We need to be concerned about it.

The point I am making this morning is that we have a challenge to meet the energy needs of this country. Those people who advocate conservation and alternative fuels, renewables and so forth, as the answer to the problem, frankly, are not being intellectually honest or facing reality. That means the Members of this Senate and the House of Representatives are going to have to face up to the issue of how to harmonize this Nation's environmental needs and this Nation's energy needs so we can come up with a realistic energy policy.

It is very important for the future of our country. I happen to believe, in terms of issues that need to be dealt with, we need to face this head on as soon as possible. President Bush should be given a great deal of encouragement

for coming up with a comprehensive energy policy that is being quarterbacked by the Vice President of the United States. It is long overdue to get on with the issue of debating how it is that we are going to confront this energy crisis that is having such a negative impact on the people in my State of Ohio, the people who live in our inner cities, our small businesspeople.

I had a meeting this week with small businesspeople, manufacturers. I asked the question, How many believe we are not in recession? There was not a hand that went up. Part of the reason they are being negatively impacted is the fact that the energy costs are skyrocketing. We have a very large plastics industry. We have more jobs in plastic than any other State. Because of the high cost of natural gas, they are now in a noncompetitive position and are laying off workers. For farmers in our State, natural gas is used in fertilizer. As a result, our corn crop will be 25 percent less this year because of the cost of fertilizer.

Some fertilizer companies are not manufacturing fertilizer this year but selling their natural gas contracts and are making more doing that rather than selling fertilizer.

The point I am making is, the energy crisis is cutting across my State and, I am sure, the State of the Presiding Officer and all other Senators. We owe it to our constituents to make sure we do not duck, take a walk, be unwilling to make the hard decisions we are going to have to make to deal with this problem, including the issue of what do we do with waste from our nuclear energy plants in this country. There are still people who demonize nuclear energy, for example, and fail to recognize our entire nuclear fleet has had not one problem since Three Mile Island, very little problem whatsoever. It is a safe way of producing energy. Europe is into it. We have had it in limbo because of the fact it has been demonized.

More important than that is how to deal with the nuclear waste. It is time we moved on with this. I hope this energy appropriations bill puts in enough money so we can intellectually move forward in resolving that issue. If it is not Yucca Mountain, what are the alternatives? We have to come up with a solution for what we do with our nuclear waste, to take advantage of nuclear energy in this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I have been advised that the Senator from Tennessee, Mr. FRIST, wishes to speak for up to 20 minutes in morning business. I ask unanimous consent that he be allowed to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEM CELL RESEARCH

Mr. FRIST. Mr. President, I rise to speak to a topic that is very much on the minds of the American people as well as policymakers in Washington, DC; that is, the issue of embryonic stem cell research. The issue of embryonic stem cell research is one that has captured the imagination of people all over the world in the last 2 to 3 years. It wasn't that long ago that the idea of taking cells very early in life and having their potential captured and set in different directions to help treat disease—to help make diagnoses—was really just a pipedream. Literally, it was 2 or 3 years ago.

Now, because of the advances in science, the advances in technology and the tremendous research that is being conducted in this country and, indeed, around the world, a whole new frontier has opened—the frontier of what is called stem cell research. I will mention a little bit about what that is, but what captures people's minds so much is the promising aspect of this research. What has inspired such interest in this is the fact that people with numerous diseases, for really the first time in their lives, can look ahead and say there is the potential for a cell at its earliest level to be channeled in certain directions to make the care of that disease easier, and possibly even cured.

The same hope—I hear it daily—is expressed by people with diabetes, Alzheimer's disease, or Parkinson's disease, and for spinal cord injuries. Indeed, this stem cell research—both adult stem cells and embryonic stem cells—has opened up a new frontier that is full of potential, full of hope, and full of promises.

The issue is being addressed by the leaders of our country. It is being addressed in amendments on the floor of the Senate. It is being addressed by groups considering the ethics among the think tanks. It is being considered by the administration as we speak.

I would like to make four points.

No. 1, in any of these arenas where we are talking about life—and indeed I believe upon fertilization—there is a continuum from a sperm and an egg, to a blastocyst, to a fetus, to a child, to an adolescent, to an adult. That continuum is indeed life.

As policymakers, we will be injecting our own feelings and our own beliefs into this debate as we go forward. Therefore, I wish to make it clear to my colleagues that from my perspective I do value life and give moral significance to the embryo and to the blastocyst and to that full continuum.

I, indeed, am pro-life. I oppose abortion. My voting record on the floor of this body is consistent with that. Those beliefs are based on the very strongly held spiritual beliefs that I have. They are based on my medical understanding, having spent 20 years in the field of medicine, and in science—that medical understanding of this process of life and of living tissues. I do give moral significance to the embryo, as I mentioned earlier.

Second, I am a transplant surgeon. I had the opportunity to serve on committees that looked at the ethical considerations surrounding the use of tissues and the transplantation of those tissues. I have served on committees sponsored by the United Network For Organ Sharing—the registry that oversees transplantation in this country. I have served on the board of local organizations and tissue procurement agencies. I have served on the ethics committees within hospitals. I have had the real privilege of writing scores of peer-reviewed papers in the field of transplantation and scientific papers in the field of transplantation—both basic science and clinical transplantation of living tissues. I wrestle on a daily basis with these decisions surrounding life and death and health and healing. I have had the opportunity to routinely deal with many of these end-of-life tissues.

I have also been blessed with having had the opportunity and the training to transplant tissues myself—to take a beating heart out of an individual who has healthy lungs, a healthy heart, healthy kidneys, and to take that beating heart from that individual that, yes, does terminate the living function of the lungs and the kidneys and the other organs, but to take that heart and give it to another on really a weekly basis before coming to the Senate, and allowing that individual to live in a new life, a better quality of life; an individual who without that transfer of tissue otherwise had no hope.

I mention that, because the ethical construct and ethical and moral decisionmaking that we are having to face today in a much earlier point on this continuum of life is very similar to what we debated and talked about—what our scientists debated and talked about—what our ethicists did—what our medical scientists did about 30 years ago in transplantation. To whom do you give scarce resources? To whom do you not give a heart or a lung because we have this shortage? Which organ tissues are suitable for transplantation?

I have had the privilege—really the blessing—to be able to see the rigorous

consent process we have now established in a very solid fashion surrounding the use of tissue taken from one source and given to another source. Again, it is not an exact parallel, but it is similar from the large ethical construct in transplantation 30 years ago to what happens after birth, to the moving of tissues, or cells in this particular case, in a period much earlier along the time line, at a time 5 to 6 days after a sperm and egg come together.

I am convinced, based on this personal experience, based on professional experience, that we can address this use of living tissue, living tissue that otherwise would not be used. It is critically important that we understand, and in our moral and ethical framework ensure, that this tissue otherwise would not be used. It is similar to the fact that when I do a heart transplant, that heart otherwise would not be used for anything useful. That individual would likely be buried 6 days later or 10 days later.

To use that tissue that has no other use—and that is where this informed consent process is important when we are talking about stem cell research, to benefit other people, people with diabetes and Parkinson's disease and Alzheimer's and spinal cord injuries, who may potentially benefit from this new research.

It was not easy in transplantation 30 years ago, but we did it. And through organizations such as the United Network for Organ Sharing, a national registry, strong Government oversight, full transparency, full public accountability, discourse among not just the scientists—because they are going to push for it hard—but discourse on the public square, where you get the input of the theologians and the ethicists and the philosophers and the medical doctors and the clinicians, and the parents, as well as the scientists themselves—the consent process; I will come back to it very briefly—but the consent process must be comprehensive.

That is the only way we can avoid the potential abuse, the potential for overcommercialization of this process. We have to make sure the consent process protects against coercion. We can look back to that transplant arena because we addressed it 30 years ago. Again, this is much later in the continuum of life, when we are doing heart transplants and lung transplants, but we must come back and superimpose a comprehensive consent process much earlier in time.

The third issue is research. As I mentioned, this is new research. It is exciting. It gives hope to millions and millions of people. But let's not over-sell the potential. This research is new. It is uncharted. It is evolving. It is untried and untested. Therefore, we cannot predict exactly what is going to come from this research. So let's not oversell the research in order to build public support for whatever position we take.

We should not let the potential of this research drive the moral considerations themselves. Thus, we must set up a very important, strong, transparent, ethical construct in which this decisionmaking can be made, and needs to be made, on an ongoing basis. We do not know what the next great discovery is going to be 6 months from now. We cannot lock into place either the moral considerations or the way we consider whether or not it is appropriate to look in a new field of science.

So the oversight process has to be responsive, has to be ongoing. It has to recognize that science moves very quickly. The lack of predictability means there is the potential for abuse of the science itself. Again, that is why we must consider this issue in this body, why politics or policy must be engaged to prevent the potential for abuse. Anytime we are talking about the manipulation of life or living tissues at this early point, there is the potential for abuse. Thus, I conclude that embryonic stem cell research and adult stem cell research should be federally funded within a carefully regulated, fully transparent, fully accountable framework that ensures the highest level of respect for the moral significance of the human embryo, the moral significance of the human blastocyst.

There is this unique interplay of this potentially powerful research—uncharted research—this new evolving science with those moral considerations of life, of health, of healing. That interplay demands this comprehensive, publicly accountable oversight structure I propose.

I very quickly have addressed this issue in a comprehensive way. The reason I am in this Chamber and take this opportunity to speak is for people to actually see that the issue is a complicated issue but one that has to be addressed in a larger framework than just to say: Funding, yes or no.

There are basically 10 points I think we must consider, and I have proposed an answer. Again, I don't know the answer, and I struggle, like every person, on this particular issue to make sure we have the appropriate moral considerations. But I will outline what my 10 points are.

No. 1, we should ban embryo creation for research. The creation of human embryos solely for research purposes should be strictly prohibited.

No. 2, we should continue the funding ban on the derivation of embryonic stem cells. We need to accomplish this by strengthening and codifying the current ban on Federal funding for the derivation of embryonic stem cells.

No. 3, we should ban human cloning. We need to prohibit all human cloning to prevent the creation and the exploitation of life for research purposes.

No. 4, we should increase adult stem cell research funding. These adult stem cells, stem cells that are removed from an adult, that you can back out in such a way that you can capture the potential for using them for treatments for various diseases—we should increase this funding for research on adult stem cells to ensure the pursuit of all promising areas of stem cell research, on both adult stem cells which occur much later in life and the embryonic stem cells which are derived at the 5- or 6-day-old blastocysts.

No. 5, provide funding for embryonic stem cell research only from blastocysts that would otherwise be discarded. We need to allow Federal funding for research using only those embryonic stem cells derived from blastocysts that are left over after in vitro fertilization and would otherwise be discarded.

No. 6, require a rigorous informed consent process to ensure that the blastocysts used for stem cell research are only those that would otherwise be discarded. We must require a comprehensive informed consent process establishing a clear separation between a potential donor's primary decision to donate blastocysts for adoption or to discard blastocysts and their subsequent option to donate blastocysts for research purposes. Such a process is modeled on this well established and broadly accepted organ and tissue donation process in which I have been so intimately involved over the last 20 years.

No. 7, limit the number of stem cell lines. I believe we should restrict federally funded research using embryonic stem cells derived from blastocysts to a limited number of cell lines. This does not mean limiting it to research using stem cells that have already been derived to date, most of which would reportedly not be eligible even under the current NIH guidelines that need much strengthening. In transplantation, when I remove a heart from an individual and I give it to another individual, that one individual benefits. With stem cells, it is very different. From a stem cell line, you derive the cells, and that stem cell line can be used for multiple experiments, thousands of investigations as we go forward.

No. 8, establish a strong public research oversight system. I believe we should establish an appropriate public oversight mechanism, including a national research registry, to ensure the transparent, in-depth monitoring of federally funded and federally regulated stem cell research and to promote high ethical, moral, and quality research standards.

No. 9, require ongoing, independent scientific and ethical review. We need to establish an ongoing scientific review of stem cell research by the Institute of Medicine and create an independent Presidential advisory panel to

monitor evolving bioethical issues in the area of stem cell research. In addition, we need to require the Secretary of Health and Human Services to report to Congress annually on the status of Federal grants for stem cell research, the number of stem cell lines created, the results of stem cell research, the number of grant applications received and awarded, and the amount of Federal funding provided.

Lastly, No. 10, strengthen and harmonize fetal tissue research restrictions. Because stem cell research would be subject to new, stringent Federal requirements, I believe we must ensure that informed consent and oversight regulations applicable to federally funded fetal tissue research be made consistent with these new rules.

During the past several months, rarely has a week passed without a newspaper story or scientific publication about possible research breakthroughs involving adult or embryonic stem cells—and the ethical issues raised by this research. Today, Americans' thoughts on stem cell research are debated on Sunday talk shows; photographs of microscopic blastocysts grace the cover of our nation's news magazines; and—twice in the last week alone—we have been reminded by those on the unregulated medical research frontier that human cloning and the creation of embryos for research is no longer relegated only to the realm of science fiction.

Across the country, families are discussing the difficult moral issues that are raised by stem cell research around their kitchen tables. At their offices, co-workers are weighing the potential benefits of stem cell research against its morality. And many of my colleagues are personally grappling with the difficult decision of how best to approach these issues.

An explosion of medical and scientific innovations are producing new treatments and hope for patients suffering from a wide range of disease. This has been accompanied by a newfound awareness among policymakers, and the public, of the potential of biomedical research—an awareness that has spawned an insatiable appetite for more and faster advances. As a physician and a researcher, I am honored to have played my part in this movement—helping to foster broad, bipartisan support for increasing funding for biomedical research and, specifically, for the National Institutes of Health (NIH).

However, we must always remember that science should not be practiced in a vacuum. And, with the ever-increasing pace of progress has come new challenges—posed by a variety of ethical dilemmas—that have, at times, outraced the ability of public policy and we, as legislators, to respond. Yet, I deeply believe that we have an obligation to do just that.

There are those, I believe, who would tell us that ''politics'' should not impinge on the scientific process. As a legislator and a medical researcher, I can tell you that is not the case. Rather than leaving the progress and the ethics of science only to be determined by researchers and bioethicists, ''politics'' should, and does have, an important role in deciding what research is not only scientifically promising but also societally acceptable. This role is to determine, as the Washington Post noted several years ago and as I have referred to since, ''is there a line that should not be crossed, even for scientific or other gain, and if so, where is it?''

Moreover, politics and policy plays a crucial role in guiding and ensuring the ethical pursuit of science, as well as restraining the inclination of science, left unchecked, to move beyond ethically acceptable boundaries. That, then, is our challenge.

Today we are faced with the issue of embryonic stem cell (ES) research—research that carries both great promise and great peril. Most of us have been made aware, by now, of the tremendous potential of embryonic stem cells for therapeutic advances for a variety of conditions—diabetes, Alzheimer's disease, Parkinson's disease, leukemia, spinal cord injuries, to name a few.

Embryonic stem cells are derived from a five to six day old embryo, also called a blastocyst. By this stage, the embryo has formed two layers: the inner cell mass which will form the embryo proper and the extra embryonic tissues that form the placenta and supportive cells. Although these inner cells, roughly 20–30 cells, have lost the ability to form supporting tissues, they retain the ability to develop into any cell type found in the body and are considered ''pluripotent.'' Over time and if allowed, they continue to multiply and differentiate further, becoming committed to specific lineages. It is from these inner cells found in the blastocyst stage that embryonic stem cells are derived. Such pluripotent embryonic stem cells, when properly isolated and cultured, appear to contribute to all cell types found in the adult and to be capable of indefinite self-renewal.

These embryonic stem cells being discussed here are obtained from embryos left over following the conclusion of in vitro fertilization (IVF). Many of us have known couples who, because of their inability to have children through natural reproduction, have turned to IVF as an alternative. Since its introduction to the United States in 1981, more than 45,000 babies have been born using IVF procedures.

However, because of the significant implantation failure rate involved in infertility treatment, current IVF techniques require couples to create more embryos than initially needed as a sort of insurance policy. Typically, physicians will obtain roughly 10 eggs. Of these eggs, only six to eight will become fertilized—producing an embryo. Then, in order to avoid producing multiple-fetus pregnancies, physicians will only transfer 2–3 embryos to the uterus. Those not used may be frozen for later use or donated for adoption. In fact, many couples decide to leave embryos frozen, in case they decide to have additional children, rather than beginning the entire process again.

Adult stem cells, by contrast, are relatively undifferentiated and self-renewing cells that help repair tissues harmed by injury, disease, or natural cell death. The most widely known and understood example of such a cell is the hematopoietic stem cell, found in bone marrow and responsible for the production of blood cells. Other promising cell types include neural stem cells and mesenchymal stem cells. There have also been publications touting the potential of stem cells found in human fat tissue as well as umbilical cord blood. Until recently, adult stem cells were considered to be very rare, if they even existed, and inflexible—only able to form the cell types for the tissue in which they were found. However, recent news suggests adult stem cells may have more plastic properties than previously believed.

Both embryonic and adult stem cell research hold tremendous potential for a wide range of uses, including clinical applications of cell-based therapies for a number of diseases and injuries. This research may be useful in providing scientists a better understanding of the human cellular growth and differentiation process—allowing researchers to seek out and attempt to treat or prevent the causes of birth defects and genetic abnormalities and diseases. It may also be useful in pharmaceutical development, allowing researchers to grow large numbers of various cell types in order to test drug effectiveness and toxicity.

However, it is important that advocates not over-sell the potential of either embryonic or adult stem cell research for medical treatments. This evolving science is relatively new, and much basic research remains before we can reasonably expect to see clinical trials and possible treatments. In fact, to date, with the exception of hematopoietic stem cells that have been used in bone marrow transplantation for many years, none of these sources has yet demonstrated proven therapeutic applications.

Some of the challenges that remain for both adult and embryonic stem cell research include: learning the signals that control the differentiation of stem cells into a desired type; overcoming the challenge of immune rejection in cell transplantation; and establishing consistent, effective methods to culture, isolate, and grow the cells in a timely manner that is consistent with

good manufacturing processes. Yet the hope that they will someday yield therapies for those suffering from chronic and debilitating and life-threatening diseases is powerful.

In my work as a physician and heart and lung transplant surgeon, I have for years wrestled with decisions involving life, death, health, and healing. Having taken part in hundreds of organ and tissue transplants, I've experienced the ethical dilemmas involved in end-of-life care on numerous occasions. I have seen families faced with the most difficult decision of saying farewell to a loved one. Yet I have also seen their selfless acts in the midst of this sadness to consent to donate living organs and tissues of their loved ones to benefit the lives of others.

Moreover, having performed surgery in the early days of heart and lung transplantation, I know the powerful impact that medical progress has had on each of my patients, many of whom are alive today because of the life-saving treatments developed through medical research.

Because of my professional experiences, I have, during my nearly seven years in the United States Senate, devoted a significant portion of my time to address health policy issues as a way to impact patients on a broader scale than the one-on-one interaction which I knew previously. However, this effort has remained guided by the same basic principles that informed my career as a practicing physician and scientist—to improve the lives and health of patients and deeply respect the dignity of life.

During the past few months, I have read much of the medical, scientific, and ethical literature relevant to this debate. I have queried my colleagues in the scientific and medical community who have first-hand experience with stem cell research, reproductive treatments, and the ethical issues enmeshed in each. I have talked with bioethicists. I have reviewed my own professional medical experience for guidance. I have examined federal public policy precedents involving medical research. And I have spent a great amount of time in prayer and reflection on this issue.

As the Senate's only physician, and its only medical researcher, I feel compelled to explain to my colleagues and the American people my views on the proper public policy approach with respect to stem cell research. This is a critically important decision—one that cannot be left, as some have suggested, only to scientists—and it is vitally important that each of us is fully aware of the depth of the scientific, ethical, and moral issues involved.

I mention that this issue should not be driven totally by the research community. Nor should it be determined solely by National Bioethics Advisory Commission (NBAC) commissioners or by patient advocates. Each of these stakeholders certainly has its role to play. The NIH has advocated on behalf of what they see as the direction in which science is heading. The NBAC has debated the issue and determined it worthy of Federal support. And patient advocacy groups have rightly worked to advance science that could benefit their particular illnesses.

However, as a researcher, as someone who has participated in scores of clinical investigations on the transplantation of human tissues to benefit others, I know that this decision cannot be left to the sole jurisdiction of the scientific community. It is our responsibility as legislators to determine the proper role of our Federal government in this evolving, new research and to build in appropriate ethical safeguards.

After grappling with the issue—scientifically, ethically, and morally—I believe that both embryonic and adult stem cell research should be federally funded within a carefully regulated, fully transparent framework that ensures the highest level of respect for the moral significance of the human embryo. Because the unique interaction between this promising but uncharted new science with the ethical and moral considerations of life is continually evolving and presenting new challenges, we must ensure a strong, comprehensive, publicly accountable oversight structure that is responsive on an ongoing basis to moral, ethical and scientific considerations.

As a legislator, I have been consistent in my work to ensure that human life is treated with the utmost respect and dignity. I am pro-life. My voting record in the Senate has consistently reflected my pro-life philosophy. In my 6-plus years in the Senate, I have voted time and time again to preserve human life. For instance, I am proud to have been a leader in the fight to ban the partial-birth abortion procedure. As a physician, my sole purpose has been to preserve and improve the quality of life.

Throughout my career on the forefront of heart and lung transplantation, I have had to face the ethics of life and death with my patients and their families. As a surgeon, I have frequently removed a heart from one individual whose brain has died and placed that heart into another patient who would otherwise die. But this requires determining when brain death has occurred a process that was very controversial when it was first developed just 33 years ago.

A similar dilemma now confronts us in the field of embryonic stem cell research, and I have turned to my own experience as a transplant surgeon for wisdom. The question is much like that faced in the early days of organ transplantation—do we remove organs and tissue for transplantation and research from an individual who is brain dead, but whose other organs continue to live and function normally? Do we allow research using stem cells derived from blastocysts that could, if implanted, become a fetus, but which the parents clearly have determined to discard? I believe this is the proper course, but only under the strictest of regulations to ensure a clear separation between the decision of whether to discard excess embryos or donate them for adoption and the option to donate such embryos for research.

Scientifically, I consider human embryonic stem cell research to be a promising and important line of inquiry. I am fully aware and supportive of the advances being made each day using adult stem cells. However, it seems clear that research using the more versatile embryonic stem cells does have greater potential than research using adult stem cells and may, under carefully considered and appropriate conditions, be conducted ethically. The scientifically prudent course for us as policymakers seems to provide for the pursuit of both embryonic and adult stem cell—research allowing researchers in each field to build on the progress of the other.

Let me make this clear, however. To say that the research may ethically be conducted is not to say that the guidelines promulgated by the National Institutes of Health (NIH) are sufficient, as some of my colleagues have asserted. To the contrary, they are severely lacking in appropriate safeguards. Nor do any of the present versions of legislation pending in Congress to authorize ES research include sufficient protections.

Therefore, federal funding for stem cell research should be contingent on the implementation of a comprehensive, strict new set of safeguards and public accountability governing this new, evolving research—to ensure the progress of this science in a manner respectful of the moral significance of human embryos and the potential of stem cell research to improve health.

I transplant hearts and lungs. I spent 20 years in both medical training and engaged in surgery. I am board certified in two surgical specialties. I have spent countless hours research and publishing this research in peer-reviewed medical journals. I was active in clinical transplantation. In each case, families of the donor individual has completed a comprehensive informed consent process giving consent to organ donation. I would weekly get calls in the middle of the night summoning me to the operating room, where I would come face-to-face with individuals near death and their grieving families. Through these experiences, I have seen firsthand the impact that medical progress and technological have had in reshaping legal and ethical criteria, and, in turn, I have seen how ethics has shaped the practice of medicine.

Historically, death was not particularly difficult to determine or define. Generally, all vital systems of the body—respiratory, neurological, and circulatory—would fail at the same time and none of these functions could be prolonged without the maintenance of the others. With major technological advances in life support, particularly the development of ventilators, it is possible to keep some bodily systems functioning long after others have ceased.

Over time, most state laws adopted a neurological standard for determining when death occurs. Thus, it has become common, accepted practice that requires that both the cerebral cortex and the brain stem irreversibly cease to function—this is the so-called ''whole brain death'' standard. There is now broad public support for organ donation upon this basis. But the interplay of science, ethics, and policy did not come easily.

As we came to no longer face the inevitable simultaneity of systemic failures, it became necessary to define with greater precision which physiological systems are indicators of life and which are not. In 1968, a Harvard Medical School special committee report first urged that brain death be used rather than the older definition of irreversible circulatory-respiratory failure. This was later embraced by a Presidential Commission in 1981 as a recommendation for state legislatures and courts.

In this context of life and death decision-making, physicians remove organs from individuals for the purpose of organ donation based upon the informed consent of families after determination of ''brain death,'' at which time the individual is considered to be dead. However, this decision-making process is carefully protected to ensure that the decision to withdraw life support or declare brain death is made entirely independent of any consideration of obtaining the individual's organs for donation. Even though the body and other organs and tissues are technically alive with the assistance of ventilators and other medical devices, the brain has ceased to function. When I removed a heart—or a heart and lungs—other organs were living and still functioning. Their organs would be used to save the lives of others. If the family consents following a comprehensive and broadly accepted consent process, we permit surgeons to remove living organs from the body of the individual.

The decision to donate the organs of brain dead individuals is, as it should be, a decision separate from all other medical decision-making. It is made by informed consent of family to carry out the intent of the individual. It meets both ethical and practical requirements. First, it ensures that families are not faced with this difficult decision at a time when they are already struggling with saying good-bye to a loved one. It ensures that the treating physician is not the individual approaching the family for consent. On a very practical, public policy level, it strengthens the organ donation procedure by reassuring the public that decisions of best medical treatment are clearly divorced from the considerations of organ donation.

The example of organ and tissue donation holds one framework to review in fashioning an approach that both respects the human embryo and promotes this new, evolving research. I believe that the human embryo is inherently valuable and has moral significance regardless of whether it will be implanted in a woman's uterus or is left-over in the colder, artificial setting of an infertility clinic. Because an embryo holds a high measure regardless of status, that embryo should be afforded a high level of respect.

Because embryonic stem cells appear capable of indefinite self-renewal and differentiating into all adult cell types, this research has tremendous potential to provide new, important cell-based therapies.

Research using adult stem cells also holds tremendous promise for treating disease, and recent studies have altered long-held conceptions about the abilities and usefulness of adult stem cells. However, there appear to be characteristics—in particular, that they appear to have more limited life spans, are presently more difficult to isolate in useful quantities, and may not be able to form all cell types—that may limit the potential of adult stem cell research. However, it does appear that adult stem cells may be able to be manipulated on a scale previously thought impossible. Moreover, the apparent differentiation limitations placed on adult stem cells may indeed pose an advantage over embryonic stem cells.

Nonetheless, it appears clear that research using adult stem cells does not hold the same potential for medical advances as does the use of the more versatile embryonic stem cells. But, as in all research endeavors, what we are considering is the potential for advancements. Scientifically, we will see the best advances in both adult and embryonic research by allowing the two to proceed along parallel tracks, fostering valuable collaboration and interplay between researchers on each side.

Some of my colleagues have advocated that the guidelines promulgated by the National Institutes of Health provide a sufficient framework to ensure that embryonic stem cell research can be conducted ethically. I strongly disagree. On the contrary, I find the NIH guidelines lacking in appropriate safeguards.

Therefore, Federal funding for stem cell research should be contingent on the implementation of a strict new set of safeguards and public accountability governing this new, evolving research. The following 10 points are essential components of a comprehensive framework that allows stem cell research to progress in a manner respectful of the moral significance of human embryos and the potential of stem cell research to improve health.

One, require a rigorous informed consent process: To ensure that blastocysts used for stem cell research are only those that would otherwise be discarded, require a comprehensive informed consent process establishing a clear separation between potential donors' primary decision to donate blastocysts for adoption or to discard blastocysts and their subsequent option to donate blastocysts for research purposes. Such a process, modeled in part on well-established and broadly accepted organ and tissue donation practices, will ensure that donors are fully informed of all of their options.

As with organ and tissue donation, we must first ensure that health care providers make no mention of the option to donate excess embryos until completion of infertility treatment and the decision has been made independently by both members of a couple to discard embryos remaining in frozen storage at the clinic. Once that decision has been made, the destiny of the embryos is certain. When couples make this decision and authorize a clinic to discard the embryos, it is clear that the embryos will be dead within a short time frame. Only after both members of a couple have made a firm decision to discard these additional embryos should health care providers or researchers be allowed to approach them about the opportunity to donate these embryos for use in research.

Moreover, the NIH regulations should strengthen the informed consent process by requiring stronger informed consent. And regulations should ensure greater oversight and accountability in the derivation process by requiring site visits of labs where cell lines are derived and prospective approval of line derivations.

Two, ban embryo creation for research: The creation of human embryos solely for research purposes should be strictly prohibited.

Last week, researchers announced the creation of three ES cell lines derived from embryos created for the express purpose of research. Limiting federal funding to research using embryos left over after being created for reproductive purposes will not prevent the creation of embryos only for research purposes by unethical researchers. Such an action has been nearly universally decried from all quarters. Therefore, we should include a comprehensive ban on the creation of embryos through IVF for the sole intent of performing research.

Three, continue funding ban on derivation: Strengthen and codify the current ban on federal funding for the derivation of embryonic stem cells.

While we find it important to scientific research and ethically acceptable that limited and strictly regulated ES research proceed, this does not mean that federal funds should be used in the derivation of ES cells. Rather, a continued ban on federal funding for the derivation of ES cells is a right and proper indication and acknowledgment that the American people are conflicted on the ethical and moral propriety of this issue and do not feel that the proper use of federal funds is in the derivation process.

Four, ban human cloning: Prohibit all human cloning to prevent the creation and exploitation of life for research purposes.

Ban all uses of human cloning. Most are agreed in their opposition to reproductive cloning. It is important, however, to also ban non-reproductive or research cloning both for the practical, implementation reason of making it more likely that such a ban on reproductive cloning will be successful as well as for the broader moral reasons shared by the majority of the American people that human embryos should not be created for the purpose of research and exploitation.

Five, increase adult stem cell research funding: Increase federal funding for research on adult stem cells to ensure the pursuit of all promising areas of stem cell research.

Although not presently as scientifically promising as ES research, AS research has seen many advancements in recent years and holds important potential for treating disease and injury. Many scientists have noted that not enough science has been completed to determine which of the two lines of inquiry will produce therapeutic applications and that it is therefore scientifically premature to limit research to one type of research only. Accordingly, in funding ES research, it is important to see that this is done in a manner complementing ongoing AS research so that both lines of inquiry are pursued aggressively and that neither is pursued to the scientific detriment of the other.

Six, provide funding for embryonic stem cell research only from blastocysts that would otherwise be discarded: Allow Federal funding for research using only those embryonic stem cells derived from blastocysts that are left over after in vitro fertilization (IVF) and would otherwise be discarded.

Specifically, the regulations should allow the use only of embryos that were created but unused for infertility treatment. These may only be donated from IVF clinics following completion of infertility treatment. Regulations should also include safeguards to prevent unethical creation of embryos in excess of clinical need.

Seven, limit number of stem cell lines: Restrict federally funded research using embryonic stem cells derived from blastocysts to a limited number of cell lines. In addition, authorize Federal funding for stem cell research for five years to assure ongoing Congressional oversight.

Limiting the number of cell lines would allow Federal funding to jumpstart the research into the basic properties of ES cells for more in-depth discovery of the capabilities, shortfalls, and properties of these cells, while respecting the ethical sensitivity of the research to the American people. Moreover, numerous researchers have expressed concern that, because existing embryonic stem cell lines would not be in accord with the present guidelines and regulations laid down by NIH, additional cell lines will have to be created. By limiting the creation of cell lines, the research will go forward, but under strong restrictions.

Eight, establish a strong public research oversight system: Establish appropriate public oversight mechanisms, including a national research registry, to ensure the transparent, in-depth monitoring of federally funded and federally regulated stem cell research and to promote ethical, high quality research standards.

A national research registry would serve as a holding and distribution facility that would provide another level of Federal oversight and control in the process. The registry would also be able to serve an important role of tracking the progress of this research as well as providing a strong oversight mechanism to track the research and its attention to public regulations.

Nine, require ongoing, independent scientific and ethical review: Establish an ongoing scientific review of stem cell research by the Institute of Medicine (IOM) and create an independent Presidential advisory panel to monitor evolving bioethical issues in the area of stem cell research. In addition, require the Secretary of Health and Human Services to report to Congress annually on the status of Federal grants for stem cell research, the number of stem cell lines created, the results of stem cell research, the number of grant applications received and awarded, and the amount of Federal funding provided.

Stem cell research is so significant both ethically and scientifically, that continued Congressional oversight is important. All of this research should be the subject of ongoing scientific and ethical review.

Ten, harmonize restrictions on fetal tissue research: Because stem cell research would be subject to new, stringent Federal requirements, ensure that informed consent and oversight regulations applicable to federally funded fetal tissue research are consistent with these new rules.

These principles provide for an appropriate amount of research using human embryonic stem cells but ensure that such research is not conducted to the detriment of research utilizing adult stem cells. They balance the desire to move this research forward on a greater scale with the imperative to maintain the highest level of oversight to prevent abuses and the importance of continuing Federal oversight as this research advances.

These 10 principles help answer the question I posed earlier: ''Is there a line that should not be crossed even for scientific or other gain?'' The clear response is ''Yes.'' It is clear to me that the creation of human embryos for research purposes should not be undertaken, regardless of the potential for scientific gain. It is clear to me that the use of human cloning should be strictly prohibited to prevent the commoditization and exploitation of human life. It is clear that the present restriction on the use of Federal funds for the derivation should be maintained and strengthened to reflect the concerns of the American people.

I know that many people with deeply held views on this issue will disagree with some portion of the position I have outlined today. Others may attempt to divorce certain of these issues from consideration of the others.

This should not be done. The fact is that these issues—of stem cell research, the creation of embryos, human cloning, public restrictions on the scope of research broadly are all pieces of a larger whole.

By pursuing the policy framework I have laid out today, we can help set the stage for groundbreaking research with the potential to help untold millions of Americans and individuals worldwide. We will have laid a firm foundation for that research to succeed—a foundation without which the goal of seeing treatments through embryonic stem cell research will falter on the fears and uncertainties of Americans. This framework provides that firm ethical foundation instilling confidence in comprehensive and transparent oversight ensuring that such research is conducted with close attention to the difficult ethical and moral issues involved.

We must define the role of the Federal Government in harnessing this technology for good. Our task as citizens is to exercise responsible stewardship of the precious gift of life. This effort represents a first step in this process.

Mr. President, I look forward to continued participation in this dialog on embryonic and adult stem cell research.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask the Senator from Tennessee if he

needs further time to finish his statement. His statement was very thoughtful, and this is a crucial issue facing our country. If he would require added time, I would be happy to yield.

Mr. FRIST. Mr. President, I appreciate the offer of the Senator from Texas. I believe my statement will complete my thoughts. I do look forward to continued participation of all of us. She and I were both in a hearing a few minutes ago talking about this very issue.

Mrs. HUTCHISON. Mr. President, I appreciate very much what Senator FRIST, who is the only physician in the Senate, is contributing to the issue of stem cell use for research purposes. We have just spent several hours in a hearing learning from scientists and many others about the differing viewpoints on the need for the use of stem cells for research into many diseases where it is hoped we can find an answer through the use of these embryonic stem cells. The debate is valid.

Senator FRIST has pointed out some of the legitimate ethical questions. I hope we can move forward in a way that does increase the ability to use these types of stem cells and cord blood for looking into the causes and, more importantly, even the treatment of some of the cancers and diseases, such as Alzheimer's, Parkinson's disease, multiple myeloma, many forms of cancer where there is great hope that we might have treatment that would allow people to live healthy lives, normal lives, with this kind of treatment, even though they have these diseases.

I thank the Senator from Tennessee for his thoughtful contribution to this debate.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Continued

Mrs. HUTCHISON. Mr. President, I rise to talk about the Nation's lack of an energy policy. Many have spoken earlier today about the fact that we have not taken up an energy policy for our country. It doesn't seem to be a priority for the Senate.

I disagree with that. I think it is the highest priority for the Senate, and I urge the majority to let us debate an energy policy. It is time that we have a long-term strategy. We know from what is happening in California right now, where the energy shortage has hit very hard the people of California and the economy of California, that we can't wait and try to do something quickly because quickly doesn't work when you are dealing with something that is so long range.

For instance, one of California's big problems is they don't have a distribution system. They have a shortage. Even if they could get the energy into their State, they don't have an adequate distribution system.

President Bush has put forward an energy policy that would address long term some of these issues. As our economy is growing, they are going to become even more acute.

The Congress also has put forward a plan. Senator MURKOWSKI has been a leader in this effort, as past chairman of the Energy Committee. We need to be able to debate these issues and see where our country is going.

The interesting thing is, our country is going to increase its oil consumption by 33 percent in the next 10 years. It is expected that our foreign oil imports will go from 55 percent to 67 percent by the year 2020.

Natural gas consumption will increase by 50 percent. Demand for electricity will rise 45 percent in the next 20 years. We cannot sit on antiquated, unreliable, and inadequate distribution systems if we are going to be able to keep our economy strong, to keep the businesses going, to keep the jobs in America, and so consumers have good and adequate sources of energy. We must address this policy.

I call on the majority to make this a priority. Yes, appropriations bills are important, but that does not address the long-term needs of our country.

What would a good energy policy entail? It would entail modernization and expansion of our energy infrastructure. That is the distribution system. We need more pipelines. We need more powerplants. We need to be able to get the electricity into the homes and businesses of our country.

We must have diversification of our energy supplies. I have been trying for 3 years, with support across the aisle, very bipartisan, for tax credits for small drillers, people who drill 15-barrel-a-day wells. When prices go below $18 a barrel, those people cannot stay in business. Yet all of those little bitty producers together can produce 500,000 barrels of oil a day, the same amount we import from Saudi Arabia. But they can't stay in business when prices fall to $18, $17, $16 a barrel. We had $9-a-barrel oil just 2 and 3 years ago, and those people went out of business. They kept their wells, and they will never be able to reopen their wells because they are too small. The margins are too thin.

We want to encourage our small producers of oil and gas by saying there will be a leveling off and a stabilizing when prices go so low that you can't break even. It is the same thing we do for farmers. When crop prices fall below break even—we value having farmers make the food for our country—we stabilize the prices. If we don't open markets for our farmers, we give them subsidies so they can stay in business so they won't have to sell the family farm to a real estate developer.

That is the same concept we need for the smallest energy producers, so we can keep the jobs in America, not send them overseas, and so we can keep the prices at a stable level so that the little guys can stay in business and keep their employees employed when prices go below a break even.

This has been supported by Democrats and Republicans. We have actually passed it. It has been in other legislation that has been vetoed previously. I believe President Bush will sign a bill that includes this kind of tax incentive if we can pass a bill that is balanced, a bill that will give our country a long-term energy policy to which we can work for energy sufficiency for our country.

We must modernize our conservation and efficient energy use programs. I am going to introduce an amendment, if we ever make energy policy a priority, that will give incentives to people who buy cars that have more gasoline mileage efficiency. It may be a $250 credit if you buy a car that has a 25-mile-per-gallon efficiency level. These are the kinds of things that will encourage people to conserve energy so that it will be more available.

A good energy policy has three prongs. It has consumption energy efficiency as one leg of the stool, and we should make sure that we have an incentive that encourages that kind of energy consumption efficiency, and hopefully education so that people will want to do the right thing.

Secondly, we need diversification of our energy supplies. We need more oil and gas. We need nuclear power that is safe and clean. We need to have more dependence on our own resources rather than depending on foreign imports. We cannot be a secure country if 67 percent of our energy needs are imported, not to mention what that does to the jobs that go overseas rather than staying in America.

The third part of a good energy policy is expanding the infrastructure, making sure we have the ability to efficiently and safely get the energy into the businesses and into the homes.

I think it is high time—it is beyond time—that we should address the energy crisis in this country. The average price of gasoline is about $1.50 now. That is down from what it was, but it is not great; we can do a whole lot better. We can make the price of gasoline less if we have stability and if we have our own resources developed in our country.

Clean burning coal—it seems as if sometimes when I hear people talking about oil, gas, and coal, they are talking about technology 50 years ago, not today. When you talk about drilling at ANWR, you are talking about a little part of a vast area. It is the size of Dulles Airport and the State of South Carolina. That is what ANWR in Alaska is the size of—South Carolina. What you would need to drill, because of the new technology, is the area the size of Dulles Airport because the new technology allows you to go underground

and drill without putting an oil well in every place.

We have new technology in coal. You can now have coal extraction with technology that does not disrupt the environment. We need to talk about the new technology, not the old technology, and we need to discuss an energy policy for this country. I think we can get a bipartisan agreement on the three prongs of a good energy policy—self-sufficiency of production and diversification and jobs in our country, conservation and incentives to conserve, and an infrastructure that gets the product from business to consumer in a safe and efficient way. But we can't come to a conclusion if we don't bring it up.

So I call on the majority to make this a priority and to say our energy policy is one of the areas that we must address before Congress goes out in August, and if we don't, we are not doing the job for the people of this country and for the long-term future of this country that we were sent here to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise to discuss the provision that funds Yucca Mountain in this appropriations bill. The senior Senator from Nevada has cut the funding that the President has requested, but Yucca Mountain is still being funded at somewhere around $275 million. Anybody who has been out to Yucca Mountain will see that they have spent a tremendous amount of money out there, to the tune of a little over $7 billion to this point. Most of the time people in this body are saying: Send more money to our State; build us more projects because they create economic opportunities.

But both Senators from Nevada, and the majority of the people in Nevada, believe that the Yucca Mountain project is misguided. We feel this way for many reasons. One is, we believe it is not meeting the safety requirements that are necessary to have a permanent repository.

Secondly, nuclear waste rods are really not just nuclear waste; they are partially spent nuclear fuel rods. They have a lot of valuable energy still in them.

I applaud, first of all, Senator DOMENICI, for putting into this bill research money for accelerated technology for something called transmutation, which is a modern recycling technology for nuclear waste. The administration has also said we need to, perhaps, look at reprocessing or other alternatives for disposing of the waste, other than just burying it in a mountain. Doing that is the worst thing we can do instead of unlocking this untapped energy from these partially spent nuclear fuel rods buried in the mountain—just putting it in there; it is a very valuable resource. I believe it would be nuclear waste at that point because we would be wasting a valuable resource.

What we should do instead of trying to build Yucca Mountain—the ratepayers from around the country have been paying into this fund. They say: Since we have been building this thing at $7 billion, we think the Federal Government should take the waste out there and finish the job. The problem with that is that Yucca Mountain, according to the GAO, is going to cost somewhere around $58 billion, and most people expect that number to go up much further than that. It will be the most expensive construction project in the history of the world.

This construction project will be borne not just by the ratepayers when it gets up to those kinds of numbers but by the taxpayers of the United States. It is a waste of the taxpayers' dollars to bury a valuable resource in a mountain in the middle of the desert instead of recycling this fuel that is a non-greenhouse-producing fuel when we do it.

The junior Senator from Texas just talked about the energy problems we have in this country. Let's not bury a valuable resource. Let's look at recycling technology to use this resource.

I also add that there is no hurry. People say they are running out of room at these nuclear plants around the country. In one sense, that is true. The cooling pools in which these partially spent nuclear fuel rods are sitting today are being filled up, but the easy solution to that is to take them out of the cooling pools and put them in what are called dry cask canisters. That is being done in several places around the country even as we speak. It is a cheaper thing to do, and it is also a better thing to do. By the way, dry cask storage is safe, by all estimates, for a conservative 100 years. That gives our country time to look into these new technologies about recycling.

I suggest that the people who are supporting taking nuclear waste to the State of Nevada should look at these new technologies and focus our resources there, instead of trying to put more money into really what is becoming a white elephant out in the State of Nevada.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the list of amendments which I will send to the desk be the only first-degree amendments in order to the bill, and that they be subject to relevant second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list is as follows:

Biden, proliferation accounts;
Bingaman, relevant;
Byrd, relevant, relevant to any on list;
Conrad, Upper Great Plains;
Corzine, relevant;
Daschle, relevant, relevant to any on list, relevant to any on list;
Dorgan, transmission constraints;
Edwards, section 933 study;
Feinstein, 2 relevant;
Graham, 10 relevant;
Harkin, National Ignition Facility, Mad Creek;
Hollings, plutonium disposition;
Johnson, mid-Dakota rural water, James River Project;
Landrieu, Port of Iberia;
Levin, 2 relevant;
Reed, FERC ISO;
Reid, relevant, relevant to any on list, manager's amendment, relevant to any on list;
Sarbanes, Chesapeake Bay shoreline;
Torricelli, Green Brook Basin, navigational servitude, relevant;
Wyden, 2 Savage Rapid Dam.
Bond, 2 relevant;
G. Smith, clarifying BPA borrowing authority; Klamath;
Kyl, Lower Colorado River Basin Development Fund;
Allard No. 998, reduce funding in the bill by 1 percent;
Collins, Camp Ellis Beach, relevant;
Gramm, appropriation for Paul Coverdell, relevant; relevant to list;
Stevens, research; 2 relevant;
Chafee, Estuary Restoration Act, relevant;
Craig, Arrow Rock Dam, Lava Hot Springs, Yucca Mountain;
Bunning, Paducah Plant;
B. Smith, 4 Army Corp;
Nickles, 2 relevant, 2 relevant to list;
T. Hutchinson, relevant;
Inhofe, relevant;
Lott, 4 relevant, 2 relevant to list;
Domenici, 2 relevant, 2 relevant to list, Technical, Dept of Energy, FERC, NNSA;
Crapo, advance test reactor;
Murkowski, DOE workforce, Yucca Mountain, Price Anderson, Iraq, 4 relevant;
Warner, relevant;
Kyl, Indian water rights;
Roberts, Army Corps;
Thomas, relevant, Snake River;
Craig/Burns, Bonneville borrowing authority.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise today to call attention to one of the issues we face in protecting our water, our taxpayers, and our public lands. I

am talking about the need to strengthen environmental mining regulations or so-called 3809 regulations.

These regulations protect lands managed by the Bureau of Land Management from the impacts of mining for minerals such as gold and copper. Earlier this year, the Clinton administration made long overdue revisions to the regulations after years of public comments, congressional hearings, and reports and evaluations.

Despite the thorough input, the Department of the Interior announced in March that they were going to roll back the updated 3809 regulations. What they were really rolling back are stronger protections for our environment and public health.

My colleagues in the House recognized the importance of maintaining strong environmental mining regulations. With bipartisan support, the House voted to prohibit the administration from overturning the updated regulations. I fully support the House in their effort and hope the Senate will accept the House language in conference.

Let me clarify the three major issues at risk.

First, the new rules would direct mining operators to protect water quality. This is a serious problem for the hardrock mining industry. Just last May, the U.S. Environmental Protection Agency recognized the industry as the Nation's largest toxic polluter. The Bureau of Mines estimated that 12,000 miles of streams are polluted by hard rock mining.

Second, the old rules were not interpreted to allow land managers to deny mining operations in environmentally or culturally sensitive areas. The updated regulations would allow the BLM to deny mining operations that would endanger towns or national parks.

Of course, the mining industry is opposed to any authority that would curtail mining operations. Based on their strong opposition one would think that every mining operation will be banned.

But the BLM has publicly and repeated stated that they would ''rarely invoke'' this authority. And before they would ever use this authority they would provide full opportunities for evaluation and public comment.

This provision is not about shutting down mining businesses. I recognize that they have a role to play in our economy. This provision is about responsible hardrock mining and responsible business practices.

Third, the old regulations too often allowed mining companies to declare bankruptcy after they finished mining, leaving taxpayers to pay for the cleanup. Independent reports show that taxpayers have a potential liability in excess of $1 billion for cleanup costs at current hardrock mining operations.

Keep in mind that these mining operations are taking place on public lands owned by Americans—lands owned by taxpayers. Too many times the people who come into these lands mine them for profit, making rather substantial profits in the process, pay little or nothing to the Federal Government for that right, and leave a mess to be cleaned up afterwards. When they leave that mess, the taxpayers have lost twice: First, when public lands have been exploited for profit; and, second, when those despoiled lands remain for the taxpayers to clean up.

To the administration's credit, they have acknowledged the importance of strengthening the financial requirements. But 33 percent was a failing grade where I went to school.

I recognize the need for a healthy mining industry. Under stronger mining regulations we will have a healthy, environmentally responsible mining industry that does not sacrifice the interest of communities for the interest of profit.

As my colleagues prepare to conference on the Interior appropriations bill, I urge them to support the hard rock mining language as it passed in the House.

Mr. REID. Mr. President, there is no question that we have to do something about the bonding of hard rock mines. It has caused problems recently in Nevada. The largest mining company in the world that has significant operations in Nevada is the Newmont Mining Company. The Newmont Mining Company is considering discontinuing the use of corporate guarantees. That is the way it should be. They are setting the example for the rest of the industry in saying corporate bonds simply may not work.

As I told my friend from Illinois, we need to be vigilant and do everything we can to change this hard rock mining bonding so that when mining operations are complete there are adequate resources to follow through and make sure they complete appropriate reclamation.

Mr. DURBIN. Mr. President, I thank the Senator from Nevada. I think it is perfectly reasonable, if someone is going to come along on the public lands owned by the taxpayers of this country and mine for profit, they should at least post a bond so if they should leave that land despoiled where there is a need for environmental cleanup there is money to do it and the taxpayers don't end up footing the bill.

The House version of this appropriations bill contains that provision. Hopefully, the chairman of the committee, the Senator from Nevada, will do everything in his power to make sure it is included as part of the conference.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. 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. 1013

Mr. BOND. Mr. President, now that our distinguished majority leader is here, I send to the desk an amendment on behalf of myself, Senators CARNAHAN, GRASSLEY, and HARKIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN, proposes an amendment numbered 1013.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose additional conditions on the consideration of revisions to the Missouri River Master Water Control Manual)

On page 11, at the end of line 16, add the following: ''During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.''.

Mr. BOND. Mr. President, this is part of a continuing effort to prevent the U.S. Fish and Wildlife Service from advancing what we believe is a very ill-conceived directive to increase springtime releases of water from Missouri River upstream dams in an experiment to see if a controlled flood may improve the breeding habit of the pallid sturgeon.

House language was added to prevent implementation of the ''controlled flood'' during consideration in the House Committee on Appropriations. The majority leader has entered an amendment, which we appreciate, in this bill which says no decision on final disposition of the Missouri River manual should be made this year. I thank him for that. That is one step in the right direction.

This, however, goes beyond and makes clear there is a broader policy involved. Rather than let the Fish and Wildlife Service dictate national priorities to the Congress, the administration, the States, and the people, I believe the elected officials in Congress need to weigh in to protect human safety, property, and jobs. In sum, we ought to be able to do several things at once.

The authorizing legislation for the dams and other structures on the Missouri River says that they should be to

prevent floods, to enhance transportation, provide hydropower, and to facilitate recreation. Subsequent to those enacting statutes, the Endangered Species Act was adopted with the hope that we would stop the disappearance of endangered species and help recover them. My purpose here today, along with my bipartisan colleagues, is to assure that the multiple uses of the Missouri River may be pursued.

As so many of my colleagues, I was a great fan of the work by Stephen Ambrose, ''Undaunted Courage.'' I had a great-great-grandfather who was one of the laborers who pulled the boats up the Missouri River. I find it fascinating. It was truly a remarkable chapter in our Nation's history.

That chapter has come and gone and people have moved in and live and farm by the river. They are dependent upon the river for water supply, water disposal, hydropower, transportation, and, yes, in the upstream States, for recreation.

While we have had continuing discussions throughout my career serving the State of Missouri over the proper uses of the river water between upstream and downstream States, I continue to assure my colleagues in the upstream States that if there are things we can do to help improve the recreational aspects of the impoundments on the river above the dams, I would be more than happy to do so.

This amendment—very short, very simple—says, simply put, that the Secretary, meaning the Secretary of the Army, who is the ultimate responsible official, may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the U.S. Fish and Wildlife Service in the biological opinion of the Service.

In other words, they have already proposed one thing, controlled spring floods. The Secretary may also propose other alternatives. This doesn't say that he has to; it says that he can do it. He may do it. It mandates that the Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.

This amendment simply says, we enacted a number of different objectives for the Missouri River. Mr. Secretary, when you select an option, you have to take into consideration all of these specific congressionally authorized objectives.

I believe—and it makes a great deal of sense—that the Federal Government should prevent floods, not cause them. It should be providing more safe and efficient transportation options, not monopolies for railroads. It should not be curtailing energy production from an environmentally clean source of energy, water power, during peak summer periods of demand during an energy crisis.

People in our State of Missouri cannot believe that we need to have this debate. They cannot believe that the Endangered Species Act does not have enough flexibility in it to permit human safety and economic security to be considered. They cannot believe that their needs are necessarily subordinate to what the Fish and Wildlife Service said is the only way the pallid sturgeon can be saved.

Unfortunately, what the Fish and Wildlife Service says goes. And then to add insult to injury, after imposing their plan on the Corps of Engineers, the Corps of Engineers has to put the States and the citizens through the hoax—I say hoax advisedly—of a public comment period that is irrelevant to the Fish and Wildlife Service that has, in the past, demonstrated it will use its dictatorial power under the Endangered Species Act not just to put people out of business and increase damage to private property but to threaten human safety of urban and rural communities where there will be greater risk of flood and flood damage.

This amendment on behalf of my colleagues gives the Corps of Engineers the opportunity to propose alternative species recovery measures that help fish and don't hurt people. It requires the continuation of public input and directs that the Corps preserve the other authorized purposes for the Missouri River.

The current Fish and Wildlife Service proposal, which they offered as a dictate to the Corps of Engineers last July, saying you have 7 days to implement this plan that will flood Missouri and downstream States in the spring, is not some new proposal that just needs a little public sunlight to be fashioned into something that is sensible.

It represents the ''my way or the highway'' approach to regulatory enforcement and the reincarnation of what has previously been rejected by the people and the States involved.

A spring rise and low flow period was proposed by Fish and Wildlife through the Corps of Engineers in 1994. It was subjected to 6 months of public comment, and it was ridiculed at public forums from Omaha to Kansas City to St. Louis to Memphis to Quincy to New Orleans to Onawa, IA, and elsewhere. This is what the people of the heartland of America said about the spring rise. I have a bad hand, and I can only lift a third of the transcripts at a time, but these are the comments that the Corps of Engineers received in 1994. Guess what. They didn't think much of the plan then for spring rise.

President Clinton's Secretary of Agriculture and his Secretary of Transportation criticized the plan in writing. The plan was then shelved by the Clinton administration because of public opinion. They had their public comment. People did weigh in, and they said this is a disaster. The Clinton administration withdrew it.

However, that plan was subsequently resurrected by the Fish and Wildlife Service, using the force of the so-called consultation process sufficient to impose its will on the people in the States.

In other words, the Fish and Wildlife Service failed to convince the public and the States of the wisdom of their plan, as represented by these comments, so they decided to force their plan by putting a gun to the head of the Corps.

If the Fish and Wildlife Service cared about the views of the States and the public opinion of those who live in and around the basin and depend upon the Missouri River, we would not be here today. There is very little hope that they would care about next year's comments than they care about the comments people took pains to make in 1994 because they simply don't have to. The Fish and Wildlife Service gets to do what it wants because while they are required to allow public comment, they are not required to listen. And I guarantee you, when it comes to this plan, they have not listened.

This process, as previously orchestrated, is more rigged than a WWF championship match. But for my citizens, the price of admission is the cost of losing a planning season, a levee, an export opportunity, a flood, and maybe even the loss of a life.

Some may tell you that the Government can control this proposed flood. I know they wish that were the case. But wishes are not going to provide accurate weather forecasts in the temperamental heartland spring. Unless someone in the Corps can forecast weather accurately 5 to 10 days to 2 weeks in advance, there will be accidents, people will be hurt, and it will be because the U.S. Government decided to risk their safety for an experiment. When the Government releases pulses of water from the dams, that water can't be brought back; it is not retrievable. It takes 5 days to get to Kansas City, 10 days to get to St. Louis, and further down the river, even longer.

On average, the river never floods. In the real world, though, it isn't the averages that hurt us but the extremes. I understand that a lot of people have drowned in lakes that average only 3 feet deep. With downstream tributary flow, we already have a natural ''spring rise'' every time it rains, and when that happens, a ''pulse'' released days before is a tragic gift courtesy of the Federal Government.

Just 6 weeks ago, following a series of low pressure systems in the basin, in less than 5 days gauging stations in Missouri went from below normal stage to flood stage. Right in the heart of our State, in Herman, MO, the streamflow increased from 85,000 cubic feet per second to 250,000 cubic feet per second in 5

days. That is almost a threefold increase in the amount of water coming down that river.

Now, neither the people of Herman nor the Corps of Engineers expected this dramatic tripling of the flows, but it shows the danger of intentionally increasing those flows during the spring season, and it shows what people in our State already know: We already have a spring rise. It is natural and it is dangerous. If the pallid sturgeon really liked spring rises, they would be coming out our ears. After the floods, we should have had little pallid sturgeons all over the place.

The second part of the Fish and Wildlife plan is an artificially low summer flow, which inverts the historical natural hydrograph. For those who may be a little concerned about the terms, that means the river ''ain't'' flowing like it used to flow before dams. The natural hydrograph is to have more water in the summer during the snowmelts in the upper basin. This natural pattern would be turned on its head if you had the releases in the spring and then low flows during the summer. It starves the hydropower generators of capacity during peak periods of energy demand, driving up the rates for customers, driving up the rates for Native American tribes and other citizens in rural areas.

According to data from the Western Area Power Administration, ''Risk analysis including river thermal powerplants: Both capacity and energy losses increase exponentially as the summer flow decreases in July.''

That means that when you cut the waterflow during the summer in peak cooling seasons, you get much greater than a straight line loss in capacity and energy production. The line doesn't go down like this; it goes up like that. That is what happens to power production when you reduce summer flows.

The plan does call for continued production of energy, just not when people need it. The middle part of the summer is when air-conditioning rates are the highest and when there is the greatest drain on electricity. Unless we no longer care about clean energy options, then we should not be taking deliberate steps to increase the cost of power.

Additionally, let me point out for our southern neighbors that low summer flows provide inadequate water to continue water commerce on the Missouri River and during very low water periods on the Mississippi River. During the drought years, up to 65 percent of the flow in the Mississippi River below St. Louis comes from the Missouri River.

Water commerce is important for another reason. One medium-sized 15-barge tow can carry the same amount of grain—usually going to the export markets—as 870 trucks. This one medium-sized tow is much better for safety, clean air, fuel efficiency, highway congestion, and the competitiveness of our shippers in the international marketplace than putting 870 trucks on the highway through congested metropolitan areas. Water commerce for our farmers, shippers, and exporters is a necessary insurance policy against high rates that occur when the absence of competition leaves shippers to the mercy of transportation monopolies. A key assumption of some is that freight carriers don't raise rates when they face no competition. That is a nice wish, but it is not a realistic assumption.

Other forms of transportation do raise rates when competition is not present. According to the Tennessee Valley Authority, which did a study, higher shipping costs would add up to as much as $200 million annually to farmers and other shippers in Missouri, South Dakota, and all the States in between, not including the Lower Mississippi River States. A shipper from the Omaha, NE, region told my office that he secures railroad rates of less than $25 per ton when they go up to Sioux City, where the river provides competition, but when he ships up to Sioux Falls, where the river doesn't go, where river transportation is not available, then rates double.

I am pleased and proud to say there are many ongoing programs and practices to improve Missouri River habitat. I have listened to the discussions that relate to this matter over the years, and there is some presumption that only the Federal Government should do something about it. That is false. There is that overtone, since Missouri strongly opposes the Federal Fish and Wildlife plan—on a bipartisan basis, I might add—we aren't as dedicated to fish and wildlife as some of our friends in the Dakotas, or Montana maybe.

Well, Mr. President, no State in the basin dedicates as much money as Missouri does to fish and wildlife conservation measures. Most States just take payments from the Pittman-Robertson and the Wallop-Breaux and licensing revenue. Some States have appropriations from their general fund.

The citizens of Missouri have imposed upon themselves by referendum a State sales tax for conservation. That has enabled Missouri to spend as much as California on fish and wildlife. This year that total will be $140 million.

Our State conservation tax has enabled Missouri to spend twice as much as Florida, 11 times more than Massachusetts, 11 times more than Vermont, 9 times more than Nevada, and 3 times more than Illinois.

According to the latest data from the Wildlife Conservation Fund of America, Missouri spends roughly 50 percent more on fish and wildlife than the Dakotas and Montana combined. Missouri spends 5 times more than South Dakota on fish and wildlife, and 10 times more than North Dakota.

Almost all States raise money from hunting and fishing licenses and all States get Federal money. If you go beyond those sources, the difference between what Missouri citizens have set aside for fish and wildlife compared to our upstream neighbors, the numbers are staggering. In the latest years, the figures available to me, Missouri dedicated 60 times more from State taxes in the general fund than South Dakota, for example.

I will not say anything beyond this except that Missouri citizens are doing their part, and certainly we encourage other States to follow the constructive example that Missouri has set.

What have we done? What have we done for wildlife habitat? What have we done to conserve species, to preserve and help restore endangered species? Our Department of Conservation has acquired 72 properties in the Missouri River flood plain totaling almost 45,000 acres. Senator HARKIN of Iowa and I and others have requested funding for a number of ongoing habitat projects, and while two are funded in this bill, one was not funded.

We have authorized and we have begun funding for a 60,000-acre flood plain refuge between St. Louis and Kansas City. We authorize an addition of 100,000 acres of land acquisition in the lower basin to restore habitat, with almost 13,700 acres already acquired.

I have been pleased to work with American Rivers and Missouri farm groups to authorize habitat restoration on the river, to create sandbars, islands, and side channels. These are the natural structures that support and facilitate species such as the pallid sturgeon.

I regret to say this administration, as the last administration, requested no funds to start the project, and the subcommittee this year did no new starts, so a consensus approach is lying in state. We have financed over 21,740 acres of wetland easements from the Wetlands Reserve Program in Missouri. Missouri is very active with the Conservation Reserve Program, and farmers are signing up for filter strips along waterways to reduce runoff.

We are working in Missouri on an agroforestry flood plain initiative and have demonstrated tree systems that take out nearly three-quarters of the phosphorous and nitrogen so it does not reach the waterways while providing excellent bird habitat.

According to our Department of Natural Resources, river engineering efforts on the Mississippi River have paid big dividends for endangered species. For example, at river mile 84 on the Upper Mississippi River, the Corps has created hard points in the river to separate a sandbar from the bank to create a nesting island for the federally

endangered least tern. In addition, larval sturgeon have been collected in the resultant side channel.

Four islands around mile 100 on the Upper Mississippi were created by modifying existing navigational structures without interfering with water transport. Islands have flourished even through the flood of 1993.

At river mile 40 on the Upper Mississippi, the Corps has established critical off-channel connectivity essential as overwintering and rearing habitat for many Mississippi River fishes.

We know there are better approaches that do not hurt people, and that is where the focus has been in Missouri, and that is where the focus should be in Washington. The sooner we table the plan that is risky, untested, and dangerous, the sooner we can get to the plans that are tested and broadly supported.

Our bipartisan amendment is supported by members across the country: the National Waterways Alliance, National Corn Growers Association, American Soybean Association, American Farm Bureau Federation, National Association of Wheat Growers, National Council of Farmer Cooperatives, Agricultural Retailers Association, National Grain and Feed Association, and others.

The Fish and Wildlife Service plan has been opposed strongly by the Southern Governors Association which issued another resolution opposing it early this year. The Fish and Wildlife plan is opposed strongly by our current Governor, Governor Holden, and his Department of Natural Resources which is just as knowledgeable and just as committed to the protection of the river they live on as the Federal field representatives who live in other regions and States.

I say to all the Senators on the Mississippi River that objections were raised to the Fish and Wildlife Service plan in a recent letter to the President signed by nine Mississippi River Governors. These Governors include Governor Patton from Kentucky, Governor Sundquist from Tennessee, Governor Foster from Louisiana, Governor Musgrove from Mississippi, Governor Ryan from Illinois, Governor Huckabee from Arkansas, Governor McCallum from Wisconsin, and Governor Holden from Missouri.

This plan is opposed on a bipartisan basis by elected officials, by our late Governor Carnahan, by mayors, farmers, and the people all along the Missouri River.

Our amendment seeks to add some balance in the decisionmaking process and attempts to permit the administration to do what is right to find ways to address species recovery that do not harm people, that do not harm property, that do not interfere with the other legitimate multiple uses of the Missouri River.

I strongly urge my colleagues to adopt this bipartisan amendment. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I compliment the Senator from Missouri. He clearly feels as passionate about this issue as I do, and he, like I, has tried to find common ground. I have no objection to the amendment that Senator BOND is proposing this afternoon.

What he is saying through this amendment is that in addition to the proposal made by Fish and Wildlife, there ought to be consideration of other issues, other opportunities to address the problem. I have said that from the beginning.

I will support this amendment, and I urge my colleagues to support it as well. I also urge my colleagues to endorse this position as the bill proceeds through conference. This is a position that I think will clearly show unanimity on both sides of the aisle and, as a result, I hope we can maintain this position rather than the very negative approach adopted by the House.

I am hopeful as we go into conference that Senator BOND will support the position that he and I now have adopted as a Senate position.

While I am in agreement on the amendment, we are in vast disagreement about the issue. I feel compelled to address some of the questions raised by the distinguished Senator from Missouri.

First of all, it is important to remember, most importantly perhaps, it is important to remember that this goes beyond just the pallid sturgeon. Obviously, the pallid sturgeon is an endangered species, and we can argue all afternoon about the relevance of the pallid sturgeon to the master manual debate, but in my view, this is about more than an endangered species. This debate is about an endangered river. This debate and the master manual is about whether or not we can save an endangered river.

This is not about an endangered species. This debate is about an endangered river. This debate and the master manual is about whether or not we can save an endangered river.

The distinguished Senator mentioned the organization American Rivers. The American Rivers organization has now listed for the second year in a row the Missouri River as the most endangered river in America. It doesn't get any worse than that.

We talked about the Federal Government's commitments and regulatory approach. Citizens of South Dakota know a lot about commitments and regulatory approach. We were told if we gave up hundreds of thousands of acres of land to build four dams to help downstream States, we would benefit. We would have irrigation projects, and we would have water projects, and we would have an array of special consideration given the new jeopardy within which we find ourselves as a result of the dams' construction.

The first things to go, of course, were all the irrigation projects. We don't have any in South Dakota. That is done. The second thing to go, of course, was the quality of life for people who lived along the river. We had to move communities. That is done. We have moved them. Unfortunately, because the master manual is now so out of date, we are drowning communities all along the river as we speak.

The Senator from Missouri talks about his concern for spring rise and floods. We are getting that every year. We have already authorized the construction of new homes for 200 homeowners in Pierre, SD. We will have to commit $35 million to move homeowners because we flooded them out because the master manual isn't working.

So don't talk to us about spring rise. Don't talk to us about flooding. Don't talk to us about sacrifice. We know sacrifice. We know the problem because we are living in it every single day.

Yes, this is about pallid sturgeons. But this is about a lot of South Dakotans who are living on the river who were told they were safe, who were told they had been given commitments, who were told they would get irrigation projects, who were told they would get all kinds of benefits which we have not seen.

This is about an endangered river. It is about a master manual written 50 years ago when times were a lot different. It is about a recognition that every once in a while, perhaps at least every two generations, we ought to look at a master manual and whether it is working or not and come to a conclusion about rewriting it so people are not flooded out.

This has been an effort 10 years in the making. In spite of all the assertions made by the Fish and Wildlife and the Corps of Engineers and others that the spring rise proposal provides 99 percent of the flood control we have today, that is not good enough for some of our people. In spite of the fact they tell us in any single year there would be high water, there would be no spring rise, we would not authorize it, that is not good enough for some people.

The distinguished Senator from Missouri mentioned a hero of mine, Steve Ambrose. I don't know of anybody who knows more about that river than he does. He has walked virtually every mile of it. He knows it backwards and forwards. He knows its history, he knows its splendor. He knows the river like no one knows the river. He has been very complimentary about the efforts made to protect it now. I will not speak for him, but I will say this. Were

he here, I think he would express the same concern about how endangered this river is, as I just have.

Steve Ambrose is not the only one. The Senator from Missouri was talking about all the indignation, talking about all those who came out in opposition, and he mentioned quite a list of people. I could go on, too, with lists of organizations, lists of Governors on a bipartisan basis. I think perhaps the most important is the letter we received on May 21 from the Missouri River Natural Resources Committee. The Missouri River Natural Resources Committee is made up of people up and down the river, but especially people in the lower regions of the river. Here is what the Missouri River Natural Resources Committee has to say. I will read one sentence, and I ask unanimous consent the letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 1.)

Mr. DASCHLE. ''The MRNRC supports the recommendations contained in the Biological Opinion as biologically sound and scientifically justified.''

There you have it, perhaps the most authoritative organization on river management dealing with the Missouri River. This sentence is underlined: ''This plan is biologically sound and scientifically justified.''

I feel this as passionately as the distinguished Senator from Missouri. What happens when two people who feel as passionately as we both do, with polar opposite positions, come to the floor on a bill of this import, on an issue of this import? What I did early in the year—and I thank my very professional staff, Peter Hanson, and others, and my colleague, Senator JOHNSON, for his admirable work on the committee in working with us, and perhaps most importantly, my chairman on this subcommittee, HARRY REID. I thank them all for their extraordinary efforts to work with us to try to find some common ground.

Basically, what is in the bill is simply an amendment that says: Look, let's continue to look at this; let's see if we can find the common ground, with the depth of feeling we recognize on both sides. Let's not do any damage, but let's keep working.

That is what is in the bill. Let's not make any conclusions, let's not insert that somehow the States have to comply prematurely. We already have invested 10 years. What is another year? Let's keep working.

That is what is in the bill.

What the Senator from Missouri is saying is let's also ensure that there are other options that we look at. I have no objection to that. That is why I support this amendment. If we pass this legislation, we will look at other options, we will not take any specific action right now, but we will not deny, as the House did, the right to continue to move forward. I hope we can all agree this is a legitimate, balanced approach.

I also hope people recognize this: If we don't solve it, the Fish and Wildlife and the Corps don't solve us, there is only one other recourse: The courts of the United States will solve this. This will be tied up in the courts, and we will see litigation for a long time to come, and it will be North v. South in a new context. I don't want to see that.

I want to see a resolution to this problem. I want to see some understanding of the science that has gone into the solution to this problem. I want to see a recognition that there is pain on both sides of this problem. I want to see us not continuing to kick the ball down the field but coming to grips with it, finishing it, and moving on.

This master manual is now older than I am. The river has changed a lot, as I have, over the last 50 years. I think it is time to update it. Probably time to update, me, too. This river is a lot more important than I am. This river provides a lot more livelihood to people in South Dakota than I do. This river is dying, and we need to save it.

EXHIBIT NO. 1

MISSOURI RIVER
NATURAL RESOURCES COMMITTEE,
Missouri Valley, IA, May 21, 2001.

Secretary GALE NORTON,
Department of the Interior,
Washington, DC.

DEAR MS. NORTON: I am writing to express the position of the Missouri River Natural Resources Committee (MRNRC) concerning the biological and scientific merits of the November 30, 2000, final Biological Opinion of the U.S. Fish and Wildlife Service on the Operation of the Missouri River Main Stem Reservoir System, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project, and Operation of the Kansas Reservoir System. By way of introduction, the MRNRC is an organization of appointed, professional biologists representing the seven main stem Missouri River Basin state fish and wildlife management agencies. Our agencies have statutory responsibilities for management and stewardship of river fish and wildlife resources held in trust for the public. We were established in 1987 to promote and facilitate the conservation and enhancement of river fish and wildlife recognizing that river management must encompass the system as a whole and cannot focus only on the interests of one state or agency. Besides an Executive Board of state representatives, we also have three technical sections—Fish Technical Section, Tern and Plover Section, and Wildlife Section—consisting of river field biologists and managers which advise the Board on river science, management, and technical matters.

The MRNRC supports the recommendations contained in the Biological Opinion as biologically sound and scientifically justified. Implementation of these recommendations will not only benefit the federally-listed pallid sturgeon, interior least tern and piping plover, but also many other river and reservoir fish and wildlife for which our agencies have responsibility and jurisdiction, including river fish species which have declined in many river reaches since development of the system. A sustainable river ecosystem requires restoring as much as possible those hydrological functions and river and floodplain habitat features under which native river fish and wildlife evolved. The scientific community is increasingly recommending restoration of natural flow patterns or some semblance of them to conserve native river biota and river ecosystem integrity (Richter et al., 1998; Galat et al., 1998). The Opinion takes the first, adaptive management step toward accomplishing this task while recognizing that the river has been drastically modified and must continue to meet other human needs for power generation, water supply, recreation, flood control, and commercial navigation.

The Opinion contains most of the operating and habitat rehabilitation objectives contained in an alternative submitted by the MRNRC in August, 1999, for the Corps of Engineers' Missouri River Master Manual Environmental Impact Statement Review and Study and in a white paper we developed in 1997 (Restoration of Missouri River Ecosystem Functions and Habitats). These objectives include higher spawning flow releases from Fort Peck and Gavins Point Dams in the spring, warmer water releases from Fort Peck Dam through the spring and summer, lower flows below Gavins Point Dam in the summer, unbalancing of reservoir storage (annual rotation of high, stable, and lower reservoir storage levels among the big three reservoirs), restoration of shallow water aquatic habitat in the channelized river reaches, and restoration of emergent sandbar habitat in least tern and piping plover nesting areas, all of which have been advocated for many years by the MRNRC.

The MRNRC also commented on and supported the draft Biological Opinion. A copy of that letter is enclosed. The final Opinion is responsive to our comments on the draft. We are especially pleased to see the commitment to include our agencies in the Agency Coordination Team process for fine-tuning and implementing management actions identified in the Opinion. I am also enclosing a copy of the 1997 white paper and a brochure which explains the function of the MRNRC. I hope this letter and accompanying materials clarify the views of professional biologists responsible for Missouri River fish and wildlife. Please do not hesitate to contact me (712–336–1714) if we can be of further help in this regard.

Sincerely,

THOMAS GENGERKE,
MRNRC Chair,
Iowa Department of Natural Resources.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the Senator from Missouri will yield for a brief statement.

While the leader is here, I want to say this is legislation that is best. The provision in the bill could have been a benchmark for a lot of confusion and derision, but the staffs involved, because of all the concern for the river, sat down and did something constructive. I, personally, as well as Senator DOMENICI, appreciate this very much. This avoids a contentious fight. Because of the good heads of the staff and the wisdom of the Senators involved, we have resolved a very contentious issue. Senator DOMENICI and I are very thankful.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I thank my colleague for that eloquent and enthusiastic support for a solution to the problem we have worked on for so many years. I love the opportunity to work with him in being able to find that solution.

Today, I want to speak about an issue that is important to the people of Missouri. As you see, my State lies at the confluence of these two great rivers, the Missouri and the Mississippi. The rise and the fall of these rivers has a tremendous effect on Missouri, on its agriculture and recreation and environment and economy.

The U.S. Fish and Wildlife Service has proposed to shift the flow of the Missouri River so that more water passes through our State in the spring and less in the summer. It is called the spring rise. If this proposal goes into effect, it could have devastating consequences, including increased likelihood of flooding and the shutdown of the barge industry on the Missouri.

The energy and water appropriations bill being considered by the Senate contains language that would prohibit the Army Corps of Engineers from expediting the schedule to finalize revisions to the master manual that governs waterflow on the Missouri River. In effect, this provision would ensure that the decision regarding the flow of the river would not be made until 2003.

While I welcome that language as a temporary stopgap for Missouri, it is not enough to protect Missourians or other downstream States, for without additional action by Congress, it is virtually certain that the Corps of Engineers will adopt the Fish and Wildlife Service's recommendation for spring rise. That is a condition that will do great harm to Missouri and other users of the Missouri and Mississippi Rivers.

The Bond-Carnahan amendment strengthens the bill to provide greater protections for Missourians. It would allow the Corps to propose alternatives to assist the recovery of endangered species, but it would not preclude the Corps from adopting the Fish and Wildlife Service's proposal for spring rise.

Just 8 years ago, Missourians faced one of the worst floods in their history. The water crested almost 50 feet over the normal level. Entire neighborhoods were washed away and damage estimates ran into the billions. This year, we saw communities up and down the river battling against floodwaters once again.

I cannot believe that a government agency would contemplate an action that would put Missourians and residents of other downstream States at risk of even more flooding.

The proposal is to release huge amounts of water from Gavins Point, SD, in the spring when the risk of flooding is already high. It takes 10 to 11 days for water from Gavins Point to reach St. Louis. What would happen if we received an unexpected heavy rainfall after the water had been released from Gavins Point? The answer is simple. Missourians would face a severe flood. Even the Corps admits that would be the case. That is an unacceptable risk.

The change would also damage the region's economy. The barge industry contributes as much as $200 million to our economy and would be severely hurt by the low river levels that would occur in the summer. The economic benefits to upstream users, approximately $65 to $85 million, pales in comparison.

We must also factor in the value of barge traffic on the Mississippi River. The proposed low summer flow would bring barge traffic to a near halt for at least 2 months during the summer at that area known as the bottleneck region of the Mississippi River. This is the portion of the river that stretches just south of the confluence of the Missouri and Mississippi Rivers, to Cairo, IL. The bottleneck needs the higher Missouri River flow to sustain barge traffic.

The disruption caused by this proposal would jeopardize 100 million tons of Mississippi River barge traffic which generates $12 to $15 billion in annual revenue.

Finally, there is no reason to believe that the Fish and Wildlife Service proposal will do anything to help endangered species. The Service claims that its recommended plan will benefit the pallid sturgeon below Gavins Point, but it provides no supporting evidence that any of the claimed benefits will be realized. In fact, the Service admits, in its own Biological Opinion, that enormous gaps exist in our knowledge of the needs of the pallid sturgeon. Furthermore, the Biological Opinion notes that commercial harvesting of sturgeon is allowed in five States.

If that is the case, I would think it would be more appropriate for the Service to halt the commercial harvesting, rather than risk severe flood and shut down barge traffic, all for unproven benefits to the sturgeon.

I am also not convinced that the Fish and Wildlife Service plan will accomplish the goal of helping two bird species: the interior least tern and the piping plover. In fact, many experts believe that the higher reservoir levels upstream resulting from the Service's proposal could actually harm these birds and their habitat at a critical point in the year. Fluctuations in the river level could also greatly disrupt nesting burdens below Gavins Dam. The Service's Biological Opinion fails to address the consequences of these unnatural changes.

There are better ways to ensure the continued healthy existence of these species. After the pallid sturgeon was added to the Federal endangered species list in 1990, the U.S. Fish and Wildlife Service formed the pallid sturgeon recovery team to rebuild the fish's dwindling numbers. The Missouri Department of Conservation joined this effort by working with commercial fishermen to obtain several wild sturgeon from the lower part of the Mississippi River. In 1992, the Department successfully spawned female pallid sturgeons, which has since led to the production of thousands of 10- to 12-inch sturgeon for stocking. The pallid sturgeon had never been spawned in captivity, but the Department developed certain techniques to do so. The fish were then released into the rivers.

Before the release, the Missouri Department of Conservation tagged them for tracking purposes. They have since been amazed at the number of reported sightings of the tagged fish, which has surpassed anything they anticipated.

If we are dedicated to preserving these species, we can do so through efforts such as those carried out in Missouri.

In recent years, this has become a partisan issue. It should not be. Some say it is an environmental issue. It is not. The environmental benefits of a spring rise are totally unproven.

Some say it is an economic issue. It is not. On balance, it would harm our economy. This is an issue of fairness. It is not fair to expose Missourians and other downstream residents to severe flooding, economic loss, and potential environmental destruction.

Our amendment, the Bond-Carnahan amendment, will ensure fairness for everyone who shares these rivers. I urge its adoption.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I commend and applaud the work of Senator CARNAHAN and Senator BOND on crafting this amendment. We have been at a gridlock state on the master manual development now for many years. Senator CARNAHAN's work to try to break that gridlock ought to be applauded.

Last year, as many recall, this bill wound up being vetoed by President Clinton over this very issue. For years it has been an all-or-nothing struggle between upstream and downstream States over the management of the Missouri River. I think we may be moving ahead more constructively now, thanks to a more thoughtful approach being taken in this body.

The Missouri River is of utterly profound consequences to my home State of South Dakota. It divides the State in two, an East River and West River, as we say in South Dakota. It is central to the economy of the State. It is the corridor by which settlers came to Dakota territory. This Senator grew up on the Missouri River. My hometown is

a college town situated on a bluff overlooking the Missouri River. Its welfare is of great concern to my State. It is of great concern to me personally.

My colleague, Senator DASCHLE, noted that the Missouri River has been referred to as ''America's most endangered river.'' I appreciate that could be the criteria you might happen to choose to apply, but, nonetheless, the Missouri River has gone through a great many changes from its pristine early days—largely impounded at least in the upper stretches of the river behind huge earthen dams, channelized in other stretches, and barge traffic.

In my home community of Vermilion, it remains as about as close to what Lewis and Clark saw as any stretch that remains. But that is only for a stretch of some 60 or 70 miles.

This river remains of enormous consequence. The management of the river has always been a matter of great import. For 40 or 50 years now, the existing master manual—the rules for the management of the river that guides the Corps of Engineers—has been in place. When the Pick-Sloan plan was implemented and these larger earthen dams were constructed, they were constructed with multiple purposes—flood control for South Dakota and for our downstream neighbors as well; energy production; and they remain a great source of hydroelectricity for our State and throughout the region; recreation certainly; barge traffic; and drinking and irrigation purposes.

The thought at the time was that these huge bodies of water would be used for massive irrigation development through the Dakotas, and that there would then, in turn, be a need for reliable barge traffic to haul this amount of grain from the heartland and the Dakotas downstream. For many reasons, irrigation never happened—at least not on a large scale. We have moved on from the irrigation that was envisioned.

The Missouri River is used as a significant source of drinking water. In the meantime, recreation, fish, and wildlife purposes have become paramount on the Missouri River. Although it is a far, far small industry than it was originally thought, it is of no one's interest to unnecessarily drive the barge industry out of existence. It still plays an important role in a much smaller way than was originally thought. But, nonetheless, it plays an important role, and to the degree that we can preserve it, that is well and good. But I think there is a very strong consensus that the vision for the Missouri Valley that existed at the time of the Pick-Sloan plan was envisioned and then implemented is much changed.

This master manual no longer serves the interest and no longer reflects the contemporary economic realities of the Missouri River—certainly in the upstream reaches of the river but downstream as well.

It is the responsibility of the Corps of Engineers to proceed with the study, public input, and with the science that goes into at long last a revamping of the master manual. Up until now, we have been caught up in the question of should we revise the manual or should we not revise the manual.

Now, at least in this body, there is an agreement that, yes, the manual should and needs to be revised. It should be done in a careful manner. I am pleased that we have gotten over that hurdle. That hurdle still remains in the other body, the House of Representatives, but I think as the Senate approaches this issue in a more thoughtful and wiser fashion, it is important for the Corps to take the best biological science available from the Fish and Wildlife Service.

It is also important for the Corps to listen to those who have concerns about flooding. It is important for the Corps to listen to those concerned about energy production. Our rural electrics, and public power in particular, have a great concern about levels of energy production from these hydrodams. This year more than most, we have had a lesser amount of waterflow from the head waters of the Missouri than in past years. In fact, our water levels are down this year in any event regardless of the master manual. That remains of concern.

We have endangered species. We have a great recreation and wildlife industry on the Missouri River. Much of it has been at risk because of the unreliability of the waterflows on the river and the lack of consideration given to this huge industry, the recreation and wildlife industry. In fact, every dollar's worth far exceeds that of the barge industry that has been there for so long.

We have concerns about erosion. We have concerns about the supply of drinking water on the Missouri River. We have concerns about the health of the Missouri River itself. Steps need to be taken to restore this river to the grand status that it once had.

I am pleased we are taking this step today. This does not mean that Fish and Wildlife's views will be ignored, or that the ultimate plan developed by the Corps of Engineers will be contrary to what the Fish and Wildlife Service wishes. But it does suggest that there are other perspectives that ought to be considered as well, and that the Corps will proceed, that they will move forward finally, at last, with the revision of the master manual—one that I hope will more fully reflect the contemporary economic and environmental realities of the Missouri River.

It is my hope again that as we proceed on with this bill—again, my commendation to Senator REID, our friend from Nevada, and Senator DOMENICI, our friend from New Mexico, who have done such great work on this bill as a whole—we will proceed with an excellent piece of legislation, so that when we reach a conference circumstance with the other body, the views of the Senate on this critical issue will, in fact, prevail.

I yield the floor.

Mr. HARKIN. Mr. President, the Missouri River is a tremendous resource for the Midwest. It is used for recreation and for transportation. It supplies water for drinking, for irrigation, to cool power plants, and it can, at times provide far too much water resulting in flooding, hurting many farmers and sometimes communities as a whole.

It is also the home for a wide variety of wildlife, providing excellent hunting and fishing opportunities. It has many beautiful views to be enjoyed by all. And it is the habitat for a number of species that, unfortunately, appear to be in very serious difficulty, endangered.

I believe we have a responsibility to protect endangered and threatened species, and I take that responsibility very seriously. And, I take the needs of my constituents to minimize flooding, to maximize the benefits of barge traffic and to use the areas along the river for good hunting and fishing very seriously as well.

The Corps of Engineers which manages the large dams on the river is charged with a number of legislative purposes such as navigation, flood control, recreation and environmental remediation and enhancement. And, many of those responsibilities are in regular conflict. Doing more to promote one priority can and regularly does hurt another priority. Few Members are happy with the Corps in this balancing effort. I understand lots of Corps officials are not happy with the Corps either at times.

Under the Endangered Species Act, passed in the early 1970s just before I became a member of Congress, we said that saving endangered species was a top priority. And, I strongly support that goal. It is often a difficult task. We so often know so little and, at times, can be so very wrong. But we should work in a determined manner to help species that are endangered.

In this case, the Fish and Wildlife Service has issued a biological opinion of what they think is the best course of action. Is it the best path to take? Under the law, there is a process that the Corps is supposed to follow in making the determination of what they will do to move forward towards saving the endangered species. It is a long process. But, as the language already in the bill notes, under its timetable, the Corps is more than a year away from coming to a final ''record of decision'' and then more months away from that decision's implementation.

I believe that the Corps needs to very carefully consider the input it gets during that time. Many, including the

state governments, learned professors, organizations representing many sides, have a great deal of resources and expertise. I feel that the comment period is not supposed to be for show, or to allow people to vent. I believe that it should be an opportunity for people to not only forcefully note their interest, but for those with the capability to propose creative solutions, solutions that can both do more to help the endangered species and more to maintain the historic priorities of the Corps.

Do I know what that solution is? No. Is there such a solution? I don't know.

I did propose increasing funding in this measure to increase sandbars of benefit to birds and towards slow moving water which I am told will help the endangered fish. And, the committee placed a portion of that funding in the bill. But, I am certainly not sure that it will be effective. A Senator is constantly listening to experts who may or may not be correct.

I believe the Corps is responsible for truly sifting through all of the ideas and taking the best and melding them, to do what it can to find the best path. Some say the Fish and Wildlife Service has already spoken—period. This is only correct to a point. Yes, they have spoken, but that does not mean that they can't learn about new options and become aware of more information that can, with an open mind, lead to different alternatives.

Last year, I opposed Senator BOND's amendment because it simply precluded under all circumstances one type of action from being used that might help endangered species. I understand his strong concerns about a spring rise that his proposal of last year was designed to prevent under all circumstances. I certainly have considerable doubts about the logic of the Fish and Wildlife Service's proposed spring rise. But, frankly, I believe that the best path is not to legislatively say: No, this option shall be excluded. The best path is for knowledgeable parties to propose better alternatives to be considered on their merits.

Frankly, I also was told that last year's amendment would have quickly resulted in a strong lawsuit, with a likely judgement that the restrictions on the Corps to implement a spring rise would violate the Endangered Species Act. My fear was that a Federal judge, instead of the Corps would have replaced the Corp of Engineers.

Today's amendment is a balanced one. Under the already existing language of the bill, clearly, the process is not going to come to a final judgement in the coming year. The amendment adds to that reality, saying to the Corps: look at the need of the endangered species, look at the many purposes of the river. Listen to those who come to testify and to provide meritorious input. And, put together some options.

Ideally, the Corps will do just that. And, a year from now, hopefully, something will be presented that provides for the protection of the endangered species and the many benefits that are derived from its flowing waters.

Mr. President, I am pleased that I was able to help develop this language which has genuine balance.

Mr. BAUCUS. Mr. President, last year, Mr. DASCHLE and I fought hard against efforts to halt the progress of the new Missouri River Master Manual. As my distinguished colleague from South Dakota pointed out both last year and this year, the Missouri River is a river in jeopardy and the manual is long overdue for a revision.

We need a more balanced management of this river system, a balance that will, among other things, give more weight to the use of the water for recreation upstream, at places like Fort Peck reservoir in Montana. Under the current river operations, there are times when the lake has been drawn down so low that boat ramps are a mile or more from the water's edge, all to send water downstream to support the barge industry. Recreation is vital to the eastern Montana economy and to economies of other upper Missouri states. It's time the Army Corps' management practices reflected that reality.

This year, one of the worst water years in my State's history, the problems started back in March and April. The Corps told me their hands were tied by the old manual as to how much they could protect lake levels at Ft. Peck and at other upstream Missouri reservoirs—in short, they had to keep letting water out even though lake levels were dropping fast.

Which is why I applaud Senator BOND's decision to search for compromise because we all want a solution to this problem. We all want to make sure the river is managed in the best way possible. Mr. BOND has come forward with an amendment that will allow the Corps flexibility to work towards that goal. Mr. REID and Mr. DOMENICI agreed to language in the Energy and Water bill that will make sure the Corps won't accelerate this process, and that a decision on a new master manual won't be made until 2003. The Corps now has breathing room to do what's right for the Missouri River, for upstream and downstream interests and for fish and wildlife. After more than 50 years, it's about time.

Mr. GRASSLEY. Mr. President, I strongly urge my colleagues to support the Bond-Carranhan-Grassley amendment to the energy and water appropriations bill. This amendment will allow the Secretary of the Army to propose alternatives to the decision mandated by the last administration which will unquestionably increase flood risk and limit barge travel on the lower Missouri and Mississippi Rivers.

If we do not correct the ill-informed position that was shoved down our throats last year by the previous administration, landowners in Iowa along the Missouri River will face the threat of increased flooding. Thanks to a few of my colleagues that have obviously never been over to Freemont, Mills, Pottawattamie, Harrison, or Monona counties in Iowa, just to name a few, we have let an issue that was decided for political gain put lives and livelihoods at risk.

This is not a new issue. Provisions to limit significant changes in flow had been placed in five previous appropriations bills by my distinguished colleague from Missouri, Senator BOND. Each of these bills had been signed into law by the last administration, except for the legislation last year. Last year a few members let special interest groups drive the agenda and place my constituents in harm's way. It was not acceptable then and it is not acceptable now.

Senator BOND's amendment will allow the U.S. Army Corps of Engineers to propose alternatives to achieve species recovery other than those specifically prescribed by the U.S. Fish and Wildlife Service plan to increase releases of water from Missouri River dams in the spring. Majority Leader DASCHLE championed the Fish and Wildlife Service's position last year which will eventually result in significant flooding downstream given the heavy rains that are usually experienced in my, and other downstream states during that time.

Last year our opposition described their position as a ''slight revision'' to increase spring flows, known as ''spring rise'' once every three years. They emphasized, ''not every year, but once every three''. When they emphasized that point I guess I'm wondering whether that somehow makes it better or excusable to risk the lives and the livelihood of Iowans and other Americans living on the Missouri once out of every three years instead of every year.

This issue is exactly what is wrong with our representative government. How many times have we heard about special interests having too much influence and the decisions that are being made not representing the majority. Well here is my casebook example. How many Americans would view increasing the flow of the river to scour sandbars more important than protecting life and livelihood. There might be a few, and I realize as hard as this is to believe, there were 45 in the Senate last year. But if we could let the American people vote, I bet they would feel protecting Americans is more important than scouring sandbars.

The opposition's approach is a terribly risky scheme. Keep in mind that it takes 8 days for water to travel from Gavins Point to the mouth of the Missouri. Unanticipated downstream

storms can make a ''controlled release'' a deadly flood inflicting a widespread destruction. There are many small communities along the Missouri River in Iowa. Why should they face increased risk for flooding and its devastation? They should not.

Equally unacceptable is the low-flow summer release schedule. A so-called split navigation season would be catastrophic to the transportation of Iowa grain. In effect, the Missouri River will be shut-down to barge traffic during a good portion of the summer. It will also have a disastrous effect on the transportation of steel to Iowa steel mills, construction materials and farm inputs such as fertilizer along the Missouri.

Opponents of common sense argue that a spring flood is necessary for species protection under the Endangered Species Act, and that grain and other goods can be transported to market by railroad. I do not accept that argument.

I believe that there is significant difference of opinion whether or not a spring flood will benefit pallid sturgeon, the interior least tern, or the piping plover. In fact, the Corps has demonstrated that it can successfully create nesting habitat for the birds through mechanical means so there would be little need to scour the sandbars. Further, it is in dispute among biologists whether or not a flood can create the necessary habitat for sturgeon.

This is why it is important to allow the Secretary to propose alternatives to achieve the same goals without the same deadly, ruinous side effects.

One thing I do know for sure is that loss of barge traffic would deliver the western part of America's grain belt into the monopolistic hands of the railroads. Without question, grain transportation prices would drastically increase with disastrous results to on farm income.

Every farmer in Iowa knows that the balance in grain transportation is competition between barges and railroads. This competition keeps both means of transportation honest. This competition keeps transportation prices down and helps to give the Iowa farmer a better financial return on the sale of his grain. This competition helps to make the grain transportation system in America the most efficient and cost effective in the world. It is crucial in keeping American grain competitively priced in the world market. The Corps itself has estimated that barge competition reduces rail rates along the Missouri by $75–$200 million annually.

If a drought hits during the split navigation season, there will be even less water flowing along the Missouri unless we make this necessary change. Low flow will also significantly inhibit navigation along the Mississippi River. We cannot let this happen.

Less water flowing in the late summer will also affect hydroelectric rates. Decreased flow means less power generation and higher electric rates for Iowans who depend upon this power source. This is not the time to be increasing the price of energy. In my opinion, the last administration already accomplished increasing energy costs to the breaking point for consumers, now it is time to start bringing those rates down.

The corngrowers summed it up best last year when they stated, ''an intentional spring rise is an unwarranted, unscientific assault on farmers and citizens throughout the Missouri River Basin. ''Unfortunately, the past administration felt sandbars were more important than citizens. Let's fix this. I urge my colleagues to support the Bond-Carnahan-Grassley amendment. Vote for common sense.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank you. I will be very brief.

I remind the Senate how important this Missouri River issue is and was. First of all, I am very grateful to hear that it is going to get resolved, which I understand to be the case. I haven't seen the language yet, but obviously there are very good Senators who have a more genuine interest than this Senator. So it will be right.

But last year, believe it or not, this entire bill that we are talking about was put at risk because Senator BOND sought to protect the river. An amendment passed, which I supported, that made the entire energy and water bill subject to that amendment with reference to not moving ahead too fast with the new ideas. It had a veto threat with it.

Believe it or not, since 1979, I think is the case, energy and water types of appropriations bills had never been vetoed. So we put at risk all the things that are needed in this bill and said we would take it. If the President vetoes it, we will find a way to pass the bill one way or another.

The reason I state that is because, obviously, the issue is a very important one. It brought down this entire energy and water appropriations bill.

Incidentally, we found a way to fix it. It became an issue. I am hopeful that today it remains an issue, and that, with this amendment which has been spoken to and about by those who are Missouri River affected, we will end up with something that is really an achievement.

Last year, I wondered—it is a very important bill—whether it was worth putting the entire bill at risk of a veto. My good friend, Senator BOND, who is now joined by others—and I compliment them all—told me: It is a worthwhile thing to do, Senator. I don't like putting your entire bill at risk—the one I happened to have managed then; the one I am ranking member of now—but I willingly did it, and I think that had ultimately a bit to do with resolving this issue in a better way. Because the Senate did find out it was a very serious issue and that they would put it at risk, with a veto pen, with reference to the issues between the river people and the professional Federal bureaucracies and the environmentalists. Hopefully, it has been worked out in an amendment that will be agreed to today.

I compliment everybody who has worked on it. I can see the fine hand of the majority leader. I can see other Senators from the other side of the aisle who got together to do it. I must, with all respect, compliment Senator KIT BOND for not giving up and for his tenaciousness last year in seeing to it that we, as a Senate, understood that some of our Government people were busy about changing things and that we ought to get ourselves involved.

Normally, we would not like to get involved, but we did. Today, perhaps, within an hour or so, we will end this issue with a compromise, which will mean we will not have anyone objecting, and everyone—whether they are so-called river people or environmental people or commerce interests—will all agree that their Senators have done a yeoman's job.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, while I understand the reason the amendment was put in the energy and water bill, and understand the reason that there has been discussion about a modification of it that the majority leader says he will accept, nonetheless, let me say that I would prefer that we not have this issue in this bill, that the revision of the master manual on the management of the Missouri River has been going on a long, long time—far too long.

For 12 years the Corps of Engineers has been wrestling with this issue of how to revise the master manual to manage the Missouri River. For 12 years it has been ongoing. The root of all of these amendments has been to try to continue to stall.

Let me describe why this is an important issue from the perspective of those of us who live in the upstream States. We have a flood in the state of North Dakota—a flood that came and stayed a manmade, permanent flood. It is the size of the State of Rhode Island. It visited North Dakota in the 1950s.

Why did that happen? Because this Missouri River—this wonderful 2,500 miles of wild and interesting river—was causing a lot of problems for a lot of people in some springs. On some occasions during the springtime, those downstream reaches of the Missouri River would have an awful flood. You

could not play softball in the parks of St. Louis in the spring because the Missouri River had gone over its banks and caused substantial flooding. It was true, for a substantial portion of the Missouri River. And for flood control, and other reasons, it was decided that there ought to be a plan to see if they could harness, somehow, this river called the Missouri River.

A man named Lewis Pick and a man named Glenn Sloan put together a plan, as you might guess, called the Pick-Sloan plan of the 1940s. As almost anyone who knows anything about the river understands, the Pick-Sloan plan was a mechanism by which they would harness the forces of the Missouri River and create six main stem dams. One of those dams was in North Dakota, at the time, the world's largest, earth-filled dam. It was dedicated by President Eisenhower. It flooded 500,000 acres of North Dakota land. It created a manmade, permanent flood the size of Rhode Island in the middle of our State.

One might ask the question, Why would North Dakotans, in the 1950s, say: All right, you can do that. You can come to our State and create a Rhode Island-sized flood? I will tell you the answer to that. The answer to that was, the Pick-Sloan plan was a plan that said: What we would like to do is provide some benefits for everyone. Downstream, we provide the benefits of flood control, the benefits of perhaps achieving more stable navigation opportunities. Upstream, you have the opportunity to have a substantial shoreline for the recreation, fishing, and tourism industries. And then, in addition, and more importantly, what we will do for you upstream is to take from this huge body of water the ability to move water around your State, something called Garrison Diversion. And by the way, you can use that water to irrigate 1 million acres in your State.

So those were the costs and the benefits. Our cost? Our cost was the one-half million acre flood that came and stayed forever.

Now we have the cost. Take a plane and fly over it, and you will find the cost. It is there. That big old body of water is there. So we have a permanent flood. As a result of that permanent flood, some of the folks downstream do not get flooded in the spring. And some of those wonderful cities downstream in the springtime, late in the day, when the shafts of sunlight come through the leaves or trees, they can gear up and play a good softball game because there is no flooding. Good for them. That is their benefit. They have the benefits. We have the flood. But we never got the rest of what was promised to us.

But in addition to all of that, the master manual by which the river is managed was created in a way that said to the Corps of Engineers, here are the things we want to do with this river. And then the Corps of Engineers went about managing to what they thought was written in the master manual. And they have always insisted, notwithstanding the fact that the Government Accounting Office, and others, that have studied this have said they are wrong, that the issues of recreation and fishing and tourism—the industries that have spawned upstream, the industries that have spawned in my State—are somehow of lesser consequence to barge traffic and flood control downstream.

So as a result of all of that, there has been discussion about the need to revise the master manual. In 1989, we began to have the Corps of Engineers work to revise the master manual.

No one in America has ever accused the Corps of Engineers of speeding, and I expect they never will. It is as slow and as bureaucratic an organization as there is. But 12 years to revise the master manual? Twelve years? I don't think so. That is not reasonable. Yet here we are today. We do not have a master manual revision. And we have propositions that need to be delayed further. There needs to be intervals that are artificially created.

Let me say this about the states that are involved. We have had a group called the Missouri River Basin Association—eight States, all of which harbor the Missouri River. All of these States are enriched by the presence of the Missouri River. These eight States together have tried to work on plans about how one would manage the Missouri River and what kind of a master manual plan one would develop.

Seven of the eight States have reached agreement. One has not. Seven of the eight States have reached an agreement, and one will not. Can anyone guess which State is outside of the seven? The only State among the eight States that said, no, we will not agree? That is right, the state of Missouri.

Compromise is important. Compromise is an art. But it is not just in this Senate Chamber. In the Missouri Basin Association, there is not the ability to compromise on the fundamental issue of how you rewrite the master manual with respect to the Missouri River.

I have talked a little about the Rhode Island-sized flood that came and stayed in my State. Let me talk for a moment about this river.

Lewis and Clark went up that river. In the years 1804, 1805, they took keelboats and went up that river. It is a fascinating story. My colleague from South Dakota mentioned just a bit of it, but the story is really quite remarkable. Captain Lewis, Mr. Clark, and one of the world's great expeditions—what a remarkable thing they did.

Thomas Jefferson actually, with an appropriation of $2,000 that was not disclosed, enlisted Captain Lewis to begin this bold venture. He told them: When you get to St. Louis, charge what you need for your venture and sign a requisition to the Federal Government, and we will pay for it. He purchased keelboats. He purchased a whole series of things. In fact, in St. Louis, he purchased 110 gallons of whiskey. Think of what they would make of that today. Requisition that to the U.S. Government.

So he left St. Louis with this band of men, his keelboats, his 110 gallons of whiskey, and so many other things to enrich that trip, and they went up the Missouri River. According to their journals, they saw their first grizzly bear when they got to what is now Williston, ND. They even made notes in their journals about the mosquitoes they encountered. You can encounter some of those same mosquitoes or relatives of them.

They wintered near where the city of Washburn, ND, now exists, and spent the winter with the Mandan Indians. Here is what the description of that river was and is by Mr. Clark and others: ''A tawny, restless, brawling flood,'' one observer scribbled about the Missouri River. ''It makes farming as fascinating as gambling; you never know whether you are going to harvest corn or catfish.'' What an apt description of that wonderful river.

William Clark, who braved that wilderness, admired the lush swaths of oak, ash, and cottonwood on the Missouri's floodplain. He said: It is ''one of the most butifill Plains I ever Saw, open and butifully diversified.'' ''No other river was ever so dead-set against being navigated,'' another Missouri watcher wrote.

This river is unique, remarkable, and wonderful in many ways. But the river has suffered. The people who make a living on that river and near that river have suffered as well. We have not done right by that river. We have created the six main stem dams, and a whole series of things have intervened in the way the river is managed. They have upset the ecosystem. They have caused a series of problems for plants and for animals and for mankind.

We can do better. That is the purpose of this issue of rewriting the master manual. It is said that rewriting the master manual will mean that less attention will be paid to downstream barge traffic. The downstream barge traffic is a minnow compared to the upstream tourism, recreation, and fishing industries, which are a whale. We are talking about less than $10 million compared to nearly $80 million in terms of impact. Yet the Corps of Engineers manages this river as if the downstream barge traffic is some colossus. It is not. It is a relatively small amount of economic activity that has been shrinking.

Upstream, the interest in recreation, tourism and fishing has been growing

and growing. Yet the river is managed as if it was yesterday in terms of economic circumstances and consequences. That is wrong.

I have heard the discussions today about the spring rise and split navigation, all the myths about that. The fact is, even with the spring rise, most of the navigation traffic would be unaffected, the downstream reaches. Even with the proposed change in the master manual, and managing this river the way it ought to be managed, 99 percent of the flood protection would be available to downstream States.

Some of us have exhausted our patience. We get all the cost and virtually none of the benefits upstream. Downstream gets all the benefits and almost none of the cost. Somehow they have said to us: By the way, we love having the Missouri River run through our cities, but we don't want the inconvenience of having spring floods. We don't want to interrupt the softball games in the middle of our cities. They build a flood up north and you have the flood forever. And by the way, when we are short of water, we want your water. And when we have too much, we want you to store it because we want you to be the reservoir that takes all of the cost all of the time.

Sometimes you almost think that what we really ought to do, if they don't appreciate the flood control downstream and they don't appreciate the benefits they have received, maybe we ought to just dump those dams out of there and let that water go where it will. Then see if maybe we do have a master manual that manages this river in a manner that is sensible. Maybe everyone will understand there is a ''balance'' between the interests of the downstream and the upstream States.

In most cases, one would be able to resolve this in a pretty thoughtful way. Frankly, the Missouri River Basin Association has some pretty good people from every State of the eight States involved who have worked pretty hard on this issue. Seven of the eight States have pretty much reached agreement on how to resolve it. One State has not. That is the State of Missouri.

One would hope that perhaps in that venue, and perhaps also here in the Senate, we might find reasonable compromise to understand that the balance between cost and benefits of downstream and upstream States is something that ought to be a true balance.

Again, this issue is critically important to us. Our future relates to economic development. Economic development relates to water opportunities. If you don't have water, you don't have development. It is that simple. We have the development around this flood that came and stayed forever in our State, the development of an aggressive, vibrant group of industries—fishing, tourism, recreation, that of the downstream navigation interests. Yet we are told with this archaic management of the river that somehow it really doesn't count for much. We are saying that is not right. So there ensues this revision of the master manual.

Then 12 years later, we are still standing here talking about whether or not the master manual ought to be completed. Of course, it ought to be completed. What on earth can we be thinking about. Twelve years is far too long. We ought to be ashamed of ourselves, the Corps and the Congress, that it takes more than a few years to revise a master manual. Maybe we will give it 5 years. How about 7? Maybe 10 years or 11. But you can't do it in 12? You need more time than that? What kind of thinking exists that says you need more time than 12 years to revise a master manual on how to run a river? I hope we don't have to fight a war some day if that is the thinking that exists. We ought to be able to do this in a sensible way.

I will not object to what has been offered here. The majority leader spoke on behalf of all of us that while he would prefer this issue get resolved, and that it is critically important to upstream States, I will not object to this amendment. But this issue should not even be here. This is not where this issue should be considered. This issue should have been behind us, not in front of us. I hope one of these days all of the States, all eight States and not just seven in the Missouri River Basin Association, will get together and help to resolve the balance in terms of how to deal with the intricate, simple, and complex issues dealing with the management of the Missouri River.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate vote in relation to the Bond amendment No. 1013 at 4:45 p.m. this day, with 4 minutes for closing debate prior to the vote, equally divided between Senators BOND and DASCHLE or their designees and that no second-degree amendment be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, I inquire, has the Bond amendment not been accepted or at least is this a controversial amendment?

Mr. REID. No, this is not. From everything we have heard from everybody we have heard it from, the answer is no. It is just felt it would be appropriate for some to have a vote.

Mr. DORGAN. So there is a requirement of a recorded vote on a noncontroversial amendment.

Mr. REID. Yes.

Mr. DORGAN. I do not object.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I won't object, but I did maybe leave a misinterpretation a while ago when I spoke about being pleased that we had reached consensus after all of these difficult times, including last year. I may have left the impression that there was not going to be a vote required. That was not my prerogative. I should not have said it. The Senator who is the prime sponsor has indicated he wants a vote. We will have one.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator is absolutely right. There has been such significant progress made. This vote is more of a celebration of the great progress made. I don't know of anyone who is going to object to this vote. There may be someone I don't know. I would say this is just a culmination of days and days of deliberations.

As I indicated earlier, there have been staffs working many hours on this matter. I think the vote is more kind of a note of accomplishment, and this will be an overwhelmingly positive vote.

Mr. DOMENICI. Mr. President, actually, I don't know what Senator BOND thinks it is, a celebration or whatever. What I understand is that I have been around here a while. There are a lot of reasons to seek a rollcall vote.

I have begun the practice of not trying to speculate as to why rollcalls are requested. In some situations, I would not ask for them and Senators insist on them. Other times, I wonder why they don't because it seems to be such a great issue. Senator Bond is entitled to his request.

I yield the floor and have no objection to the unanimous consent.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have now a half-hour before the vote, approximately. I hope that those who have amendments will come over and offer them. I have had conversations with a couple people, and they said they were thinking about offering them. I wish they would because we have a managers' package we have talked to a number of Senators about, and we have a number of issues on which we are working. We are not going to do that until we have some end in sight on this legislation. If there are issues, bring them over. What we will do at a subsequent time, if enough time has gone by and everybody has had an opportunity to offer amendments—and we believe there are amendments that are no longer vital to

be offered if people aren't willing to offer them—then we will move to third reading.

I recognize that I can't do that without the concurrence of the Senator from New Mexico; I would not anyway. But that is something we can do when we have waited long enough with nothing happening.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. As I understand it, we entered into an agreement to vote on the Bond amendment at a time certain. I now speak to Senators on my side of the aisle. We have the list of the kinds of amendments people are thinking about. I hope that in the next 2 minutes a Senator who has an amendment that he really wants to have us vote on and consider for some extended period of time will advise either this Senator or Senator REID because we ought to go on to another amendment or two. The Bond amendment will have its vote, and it will be disposed of. We need to have something to do. I urge them to consider coming down to talk about the amendment they would like to offer.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I know we are on the energy and water appropriations bill. I ask unanimous consent to speak for 10 minutes as in morning business with the proviso that if someone shows up and wishes to speak on the bill, I will be happy to relinquish the floor.

The Senator from New Mexico is here, and I know he is anxious for people to offer amendments. I say to him that if someone shows up and wishes to offer an amendment, I will relinquish the floor and finish my statement another time.

Mr. DOMENICI. I thank the Senator. There may well be someone in particular, Senator BOND. I do not want him to have to wait if he arrives in the next 10 minutes.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under ''Morning Business.'')

Mr. DORGAN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. Without objection, it is so ordered.

Mr. DASCHLE. Could the Presiding Officer inform the body as to the unanimous consent agreement entered into with regard to the final comments on the Bond amendment?

The PRESIDING OFFICER. There will be 4 minutes evenly divided and proceeding to a vote at 4:45.

Mr. DASCHLE. Since it is now 4:40, I consulted with the distinguished Senator from Missouri, and with his permission I will use my 2 minutes and accommodate the Senator's desire to speak to the amendment prior to the time we have the vote.

Let me say what I said a few moments ago for purposes of emphasis. No. 1, I support this amendment. I think it, again, is a bona fide effort to reach common ground. I attempted to do that. Thanks to the distinguished chair and ranking member of the appropriations subcommittee, I felt we had done so in a reasonable way.

Senator BOND goes further and says the Corps of Engineers and the Fish and Wildlife Service ought to look at other options beside spring rise, and that is certainly appropriate. We have no objections.

My hope is that we can maintain this position in the final conference on the appropriations bill. I hope on a bipartisan basis, given the kind of strength this amendment will clearly demonstrate, that we can do that.

Let me just make three points about the issue. The first point is that American Rivers and other organizations have singled out the Missouri River as the single most endangered river in the country. This issue is not just about pallid sturgeons. It is not just about endangered species. It is about an endangered river. It is about a future for a river that is in great peril.

Second, this issue is about a master manual that is over four decades old, that needs to be revised to recognize how endangered this river really is. There has been an extraordinary effort made to find a way to recognize the need for change in the way the river has been managed. I believe they have done a good job. I believe when the Corps asserts they can control 99 percent of the flooding, as they do now, we ought to believe them. But I am prepared to go beyond that, to find additional ways to accommodate those downstream even though we are being flooded out each and every day. There are 200 homes in Pierre, SD, that are being flooded out. And the families who own these homes are now being moved. So we know about floods.

Finally, let me say if we do not resolve this issue, the courts will. This will be tied up in the courts for a long time to come. We are not going to be able to avoid this issue. This issue will be dealt with. It will be resolved. The question is, ''Do we do it with Fish and Wildlife with the assistance and oversight of the Congress, or do we do it in the courts?''

I hope we can move on and recognize that in spite of our passionate, deeply held feelings, it is important for us to find common ground. This amendment, in my view, moves us closer to that goal. While we have different positions on the issue of how the master manual should be written, we certainly do not have different positions on the need to resolve this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my cosponsors and others for supporting this amendment, which will get us to a final resolution of this very important question.

In response to some of the comments that have been made, the record shows in 1952, in the authorization, the projection of tonnage was we could have up to 4 million tons on the river by 2010. The latest figures I have are we currently move agricultural products on the Missouri River equivalent to 45,000 transport trucks, fully loaded, at 80,000 pounds each. That is about 9 million tons of agricultural products moved in a more environmentally friendly and more efficient and more economical way.

With respect to the work we do to enhance conservation, wildlife habitat, I note Missouri spends about $141 million on fish and wildlife. I outlined in my remarks all the steps we have taken. I hope the managers of the bill will find it in their hearts to be able to fund the Mississippi and Missouri River Habitat Program that we authorized several years ago that enables us to continue to make improvements in the river that do not affect the multiple uses of the river but make it much more friendly and supportive of the pallid sturgeon, the least tern, the piping plover, and other endangered species.

My position is simply that the Government should be preventing floods, not forcing floods on people. We have an opportunity to ensure good transportation for farmers. We expect, under this new rule, we can have the Fish and Wildlife Service and the Corps of Engineers listening to the people who are affected and develop a plan that does not force a spring rise down our throats, that does not force flooding on the Missouri River, that does not take away our potential for hydropower, that does not cut off river transportation that is vitally important for our farmers.

I thank all who have worked with us on this amendment. I urge a strong vote because I believe this finally puts us on a path, not where we are saying you cannot resolve the issue this year, but this outlines a procedure that I believe can allow sound science to give us the right answer that achieves all of

the purposes legislated for the Missouri River, including the preservation and recovery of endangered species.

I ask my colleagues to support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1013.

The clerk will call the roll.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—100

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

The amendment (No. 1013) was agreed to.

Mr. BREAUX. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand we are looking for somebody to offer an amendment that can be debated tonight and voted on tonight. Senator MURKOWSKI is ready to proceed with an amendment. We have one scheduled after it, but I will try to determine if we can find some additional amendments.

Mr. REID. Mr. President, the majority leader is in the Chamber, if I could have his attention.

Senator DOMENICI just advised that there was an amendment ready on which we could have a vote tonight. I want to say in the presence of the majority leader that as the manager of this bill and having heard what he has said the last several days, we really need to do more than just one amendment. I am glad we are moving forward. I extend my appreciation to the Senator from New Mexico. We need to look at completing this bill tonight, if it is possible. Would the leader agree?

Mr. DASCHLE. Mr. President, if the Senator will yield, I appreciate very much the work of the chairman and ranking member.

We have just had a vote on the first amendment offered. We have been on the bill all week and the vote was 100–0. I hope we can move to the more substantive issues that have to be resolved before we can bring the bill to closure. But we will be in later this evening and tomorrow and tomorrow evening in order to accommodate Senators who wish to offer amendments.

After this, of course, we still have the Transportation bill that we have to bring up. There is a lot of work left to be done for the week. If Senators will cooperate and work with us, we can complete our work on this bill. This is a very good bill. Senators have done a good deal of work to get us to this point. I think it is a fine product, but we need cooperation from Senators in order to finish.

As the Senator from Nevada has noted, we are looking for people who can offer amendments. I know the Senator from Alaska is planning to do that now. I am hopeful that we can do more of that tonight before we complete our work for this evening.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I yield to the Senator from Massachusetts to ask a question.

Mr. KERRY. I wanted to ask something of the majority leader. It is my understanding that the majority leader made it quite clear at the beginning of the week that there was an agenda that needed to be accomplished if indeed the Senate intended to not be here on Friday. It is my understanding that, at the pace we are moving, there is a clarity to the fact that unless this changes, we will be here until late Friday and all of Monday voting; is that accurate?

Mr. DASCHLE. The Senator is correct. We will have to be here later than normal on Friday afternoon, and we will be here on Monday as well. We have no choice. We have to continue our work. This will accommodate the consideration of the bills that have to be disposed of.

Last year, eight appropriations bills had passed by the end of July. Thus far, we have only passed one in the Senate. So we have a lot of work to do just to catch up with what we did last year. So our effort to do that will go unimpeded, and we will do the best we can, given the schedule we have. We have a lot of work to do this week.

Mr. KERRY. I thank the majority leader.

Mr. DOMENICI. Mr. President, let me state in the presence of the majority leader that nobody is more interested in getting the bill completed than the Senator from New Mexico. I remember one year when this bill was vetoed over an amendment that was debated in this Chamber. The distinguished majority leader remembers that. It was a pretty onerous situation to veto an entire bill over the Missouri River.

We have not been on this bill very long because if you want to recall with me, what happened is you carved out big pieces of time for other things during each of the days that this bill has been up, so that on Monday we had a little time but no votes; Tuesday, yesterday, we didn't start on this bill until after noon, and this morning we finished our memorials and started at 11 o'clock.

So while it may seem that we were here the whole time, we have not been on the bill that whole time. This would be a very short number of hours. Nonetheless, I will work with our Members, and I don't think anybody is intending to delay matters. We just put them off when, in fact, we have long lists, wondering who is going first. There are not a lot of amendments that people say they want to vote on. There are a lot of amendments that are going to be either in the managers' amendment or are not going to be taken care of. Senators know that. I will try to get two or three more lined up if we can proceed with this one now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. In the spirit of cooperation, after listening to the majority leader, I would be happy if the other side took the amendment and we would not need to have a vote. We are willing to do that on this side, but not on the other side. I hope after my explanation there will be a reconsideration and we will not have to have a vote. However, if we don't get accepted, we will press for a vote.

AMENDMENT NO. 1018

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1018.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide grants and fellowships for energy industry workforce training and to monitor energy industry workforce trends)

On page 12, line 19, strike ''$732,496,000'' and insert ''$722,496,000''.

On page 19, line 2, strike ''$3,268,816,000, to remain available until expended.'' and insert ''$3,278,816,000, to remain available until expended: *Provided,* That $10,000,000 shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technology industries by the Department of Energy, in consultation with the Department of Labor.''.

Mr. MURKOWSKI. Mr. President, this amendment makes appropriations for energy and water development for the fiscal year ending September 30, 2002, specifically providing that $10 million shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technological industries by the Department of Energy, in consultation with the Department of Labor.

The purpose of the amendment is to address realities associated with the area of energy and to focus in on the energy crisis in this country. To a large degree, that crisis exists because of inadequate training capabilities within the energy area.

The amendment would monitor workforce trends across the energy industry. It would provide $10 million for DOE grants and fellowships to colleges and universities to remedy workforce shortages. It would develop the energy workforce of the future.

This amendment takes $10 million from the increased funding proposed for the CALFED program. I want to identify for my friend, the senior Senator from California, that these are funds coming from the increased funding proposal. I recognize the sensitivity to the senior Senator from California of the CALFED program. I also direct your attention to the fact that this program has never been authorized by the Energy and Natural Resources Committee, which is an appropriate procedure.

I welcome that authorization. I would welcome the opportunity to work with my friend from California, perhaps, to find these funds in some other area. In any event, what we do in the amendment is redirect these funds to address what we consider a critical need for our Nation's energy security and the next generation of energy workers.

I recognize the CALFED program is a water program, but I also point out that we are taking this from the increased funding for CALFED.

As we talk about national energy policy—supply, demand, and infrastructure—I think we also have to consider the realities associated with the inadequacy of the workforce. Who is going to develop and deploy the new energy technologies we are going to need for the future? Even now, we find the Nation is unable to meet current labor needs and trends for the future. The forecast is ominous.

Enrollment in petroleum engineering has dropped 28 percent in the last decade. Geoscience enrollment is down 32 percent. Enrollments in nuclear engineering have declined by 60 percent in the past 10 years. Two-thirds of our nuclear faculty are older than 45; 76 percent of U.S. nuclear workers and 51 percent of geophysicists are within 10 years of retirement. There are few renewable energy and energy-efficiency programs but large potential needs for skilled workers to meet the demand.

Several years are required to train highly skilled workers with advanced engineering or science degrees. We must act now. I have worked with Senators DOMENICI and BINGAMAN, and I agreed they were right to include workforce considerations in their energy proposals. This is a vital but unrecognized part of energy strategy.

Recognizing the urgent national need we face, I propose that we provide sufficient funding to finally get this program started. Mr. President, $10 million will allow the Department of Energy to begin the program, conduct the initial needs assessment, and fund a few of the fellowships that are necessary in the necessary priorities.

I would have preferred to bring this program to the floor of the Senate in conjunction with comprehensive energy legislation, but we are still reviewing several proposals, still holding hearings, with the hope of action later this year.

I hope we can adopt this amendment now and get started and develop a fully authorized, fully funded program as we consider comprehensive energy legislation.

I urge the adoption of this amendment to develop the energy workforce of the future. In order to fund this critically needed education program, I am proposing to take $10 million from funding from the CALFED bay-delta program in California. This program, just like last year, has no authorization, as I have indicated.

Last year, the Appropriations Committee refused to fund CALFED, and I think it should consider the merits of this amendment this year. I am not unsympathetic, as I have indicated, to the water needs of the Western States. When I was chairman of the Energy and Natural Resources Committee, a number of important water projects were authorized: the Garrison project in North Dakota; the Lewis and Clark Rural Water System; the Animas-LaPlata project, and several others perhaps not as expensive as these.

What these projects had in common were, A, many, sometimes agonizing, years of study and negotiation; B, numerous Senate hearings spanning several Congresses; C, most important, they were all authorized by the committee of jurisdiction, the Energy and Natural Resources Committee.

CALFED has done none of this—no hearings in the Senate ever, although I point out we do have our first CALFED hearing scheduled for this Thursday afternoon in Senator DORGAN's Water and Power Subcommittee.

When CALFED was first authorized in 1996, no hearings were held; $430 million over 3 years was put in the Omnibus Parks Act of 1996, which I managed, to begin a process to address California's complex water problems. But that authorization expires at the end of fiscal year 2002.

Senator FEINSTEIN has introduced a bill, S. 979, to authorize the actions recommended in the RECORD of Decision last summer. I commend her for her efforts on this important project and hope the hearing scheduled on Thursday will be helpful as she pursues this goal.

However, one scheduled hearing is certainly not adequate in my mind to justify the $20 million requested by the administration, much less the $20 million added by the subcommittee.

Mind you, it was $20 million by the administration, and an additional $20 million was added by the subcommittee. What we are proposing to do is to take $10 million of the additional $20 million, so it will still leave $30 million, which is $10 million more than the administration proposed.

In addition, one hearing is not likely to provide enough information to learn as much as is necessary to move on a 30-year project that is estimated to cost in the first 7 years alone some $8 billion. Clearly, this is a project that should be authorized by the committee of jurisdiction.

I wonder how many Senators in the Chamber today can tell me on what some of that $8.5 billion will be spent.

In funding the CALFED program, the committee report contains some rather interesting language. First, the committee report notes that:

The appropriate authorizing committees of Congress should thoroughly review and specifically reauthorize the CALFED program.

I believe Senator FEINSTEIN has started us along that path with S. 979 and Thursday's hearing.

Second, the committee recommended:

No funding under the California Bay-Delta Ecosystem Restoration Project.

This is where things get a little tricky. In the next paragraph of the report, the committee provides an additional $20 million over the budget request for the Central Valley Project:

Additional funds to support the goals of CALFED are provided as follows:

Then the report goes on to list all kinds of projects with very little explanation that should be undertaken in the CVP to support the goals of CALFED.

To understand the irony of this, I have one more quote from the committee report:

The committee has consistently expressed concern regarding the duplication and overlap of CALFED activities with Central Valley Project Improvement Act programs and other activities funded under various other programs within the Bureau of Reclamation.

It seems to me by not funding CALFED, then pulling money from CVP, the committee is fostering the very confusion and overlap about which concern has been consistently expressed. If we are providing funds from the CVP, the CVP contractors should receive the benefit. Yet a central focus on the CALFED proposal is that proposals, such as raising the Shasta Dam or enlarging the Los Vaqueros Reservoir, should not be used to offset the 1.2 million acre foot reduction in CVP yield as a result of the CVPIA.

I am not proposing we completely eliminate the funding proposed under this bill, but I am asking that a portion of the increase be redirected to critically needed educational programs.

I also suggest that the appropriators, when they get to conference, ensure that whatever they fund is directed toward the purposes of the original authorization.

The benefits of raising Shasta Dam should go to the water and power users of the CVP, even if there are collateral benefits to the CALFED process.

If you want to pick a particular aspect of the subcommittee that should not be funded, I support cutting the environmental water account. Maybe that is a good idea, but that is why we are holding a hearing on S. 979.

Mr. President, that concludes my statement. I yield the floor, and I will be happy to respond to any questions.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I regret that I have to strongly oppose the amendment of the distinguished Senator from Alaska. I recall both in the committee and in the Senate Chamber hearing the distinguished Senator from Alaska talk about supply, particularly in view of the electricity and natural gas portion of the energy crisis that faces this Nation.

One of the things we in California have learned is that the electricity crisis is a forerunner of what is going to happen with water.

California has 35 million people. It is the largest high-tech State and the largest agricultural producing State. It has a need for high-quality water for high-tech, and it does not have enough water.

Just last week, this Senate debated the Klamath with an endangered species issue involving both the coho salmon and the suckerfish. The Bureau of Reclamation had to cut off water for farmers, and 1,500 farmers on both sides of the Oregon-California border essentially could not plant.

This is not going to be an isolated incident. We are going to see this happen up and down the Central Valley if we do not act smart, if we do not work smart, if we do not move to improve the water supply, to work smarter on the big pumps on the California Water project, if we are not able to recharge our ground water and, respectfully, if we are not able to take from the wet years and store that water to use in the dry years.

The Senator is precisely going after this money so that we cannot build the storage we need. The three projects that he mentioned: Raising Shasta Dam—that is a dam that is already there—raising the Los Vaqueros Reservoir, which is for reasons of water quality. There is a need for water quality both for the people in the area as well as what is supplied to the high-tech industry. That is Los Vaqueros. And the third is a delta wetlands project to provide water for the Central Valley water community.

He mentioned that there is no authorization. CALFED was authorized, he is correct. The authorization has expired. Tomorrow we have a hearing in the committee on a bill he mentioned which I have authored to provide the necessary authorization. There are three bills in the House.

I believe we are going to authorize this project. Not to do so would be a terrible mistake.

I must correct the Senator on one point. He mentioned $8 billion in the authorization. This is not correct. Although the bill says ''such sums as may be available,'' the fact is the Federal share would be $3 billion and the State share $5 billion.

The point of what I am trying to do in the authorization bill is have all segments of the project—the ecosystem restoration, which is necessary for fish, the environmental water account, which is there to avoid an additional takings issue, as well as the storage and the water quality improvements—moved together concurrently so there is a balanced plan to move on the California water issue prior to the time it becomes a real crisis and the fifth largest economy on Earth is put out of business.

I plead with the Senator from Alaska not to take these dollars, particularly from the storage project. Unless we can take water from the dry years and save that water and use it for the wet years, California has no chance of solving its problem. We have 34 million people, projected to be 50 million people, and we have the same basic water infrastructure we had when we were 16 million people. That is why this isn't going to work.

The chairman of the committee, the distinguished Senator from Nevada, has worked very hard to be helpful. I am enormously grateful to him. He has worked in a prudent way to meet the need, I think knowing we are going to be able to produce an acceptable authorization vehicle in this session.

Once again, I am willing to work with the Senator from Alaska. I am willing, as an appropriator, to try to help find other funds. His project is worthy. His offset is not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the subcommittee was very cautious to make sure that anything we did did not interfere with the jurisdiction of the Energy Committee. The ranking member, Senator MURKOWSKI, is in the Chamber. Everything we have appropriated money for is related to things that have been authorized. We are not appropriating money that has not been authorized, and we went to great extremes to make sure we did that.

I am, some say, the third Senator from California. I am happy to be in that category. Because it is such a huge State, they need all the help they can get. We in Nevada are a neighbor of the State of California. We are small in relation to population, compared to their 34 million, but we have some of the same problems they have. Water is one of them. The bay-delta project is an extremely complex, difficult problem. The State of California has recognized it is a difficult problem. It has spent billions of dollars of California taxpayers' money to solve these problems.

I believe, this subcommittee believes, and I think the Senate will believe, we, the Federal Government, have an obligation to help. This money we are appropriating is a very small amount of money, considering the tremendous burden the State of California has to meet their demands. Many of these problems were created by the Federal Government. The Bureau of Reclamation has been up to their hips in water. Many of the problems that California has had have been created by virtue of the Federal Government being involved in one way or another.

The committee believes, of course, the appropriate authorizing committees of Congress should shortly review and authorize the programs. We agree with the distinguished Senator from Alaska that should be the case. They are in the process of doing that, as has

been indicated by the Senator from Alaska and the Senator from California.

However, in what we have appropriated, it is important to keep the Federal Government involvement. I oppose the amendment being offered by my friend from Alaska. I agree it is important to invest in the future of our energy workforce. I believe that very much. I believe his amendment, as far as what he is trying to accomplish, is excellent. I think the offset he has identified is inappropriate.

My friend from Alaska correctly notes the worker training program is subject to future authorization in his committee as is CALFED. However, this subcommittee, I repeat, has been very careful to fund only those CALFED programs that existed as authorizations under other programs. CALFED is desperately important to the bay area and is important to the whole State of California.

I oppose any changing of the mark at this time. It is an appropriate level of funding dealing with the population growth of the largest State in the Union, 34 million people and growing. As the Senator from California has indicated, it is the fifth largest economy in the world. It is the largest agricultural State in America. We hear a lot about the farm States. Rarely is California included in those, but they are an immense producer of agricultural products. We in the West appreciate very much the fruits and vegetables that come from the State of California. The commodities are great. Much of that comes from this area of the country. Agricultural needs of California are threatened if we don't provide this money.

One of the things we have not talked about that we need to talk about is the ecosystem itself. I admire what the State of California is trying to do. The State of California in years past has created economic and environmental disasters in the State of California. The State of California, to its credit, is trying to correct this. We, the Federal Government, should join in trying to help them.

I will try to work with my friend from Alaska. It is my understanding that the chairman of the committee also likes very much this program dealing with worker training. I think that is important. I would like to work with him to try to accommodate this new program for workers in conference. I will try to do that.

I am aware, as I indicated, that we have a situation where the chairman and the ranking member agree on this, as they agree on a number of issues. I honestly believe we have stayed out of the authorizers' jurisdiction in this matter, and I will ask at the appropriate time for the Senators to support this motion to table that I will make at a subsequent time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Let me make a couple of observations. In arguing against the amendment, it is somewhat ironic that the two Senators probably have as much exposure as any Members who come from States where there is either a risk or an exposure to electricity blackouts. Clearly, training a new generation of energy workers suggests we need the best engineers in the world to create the best energy development, the best delivery system. That will help fund the solutions to the States' problems, particularly California.

I remind my friend from Nevada, the floor manager, and the distinguished senior Senator from California, we are not creating a new program. We are not creating a new program that requires authorization. We are directing funding to the DAO Office of Science to carry out this important function as opposed to what we are doing relative to the California issue.

As far as the CALFED issue is concerned, I agree California needs to address its problems with the help of the Congress. However, they must do so in a process that is customarily laid out in procedure before this body. I am happy to help the Senator from California with her concern, but the Senate has never, ever, ever, ever held a hearing on the proposals mentioned here. That is significant itself. Many Senators in this body assume there is a process where we hold a hearing, we do an evaluation, and we hear from witnesses on the merits of the proposal. There has been no explanation offered as to why we have not had a hearing. I recognize there will be a hearing tomorrow. We have held a hearing on workforce needs, specially nuclear workforce needs in the Energy Committee.

So we have some reasonable reference point to justifiably say there is a significant difference here between funding this workforce effort and having had a hearing on it and not having had any hearings on the CALFED issue, as proposed in this legislation. The dollars are not specifically taken from an individual project, only from a larger overall account. I am happy to support appropriations once a proposed authorization is completed, and I would work with the Senator from California to address from where those funds might come. But the bottom line—and I encourage my colleagues and those who are monitoring this debate to recognize the realities—is the administration requested $20 million. What did the Appropriations Committee do? They said no. They said no because CALFED is not authorized.

Instead, the Appropriations Committee put $40 million into the CVP, which is a separate California project. But the intent was to spend it on the CALFED project. It is kind of a sleight of hand, if you will. I do not mean this in a derogatory way, but when you look at the $20 million the administration requested and the Appropriations Committee said no because CALFED is not authorized, then the Appropriations Committee put $20 million into CVP, so they basically doubled the amount that was requested by the administration.

What we are talking about here is not taking anything beyond what the administration requested, which was $20 million. They got $40 million in the CVP. We are talking about taking $10 million to fund the workforce effort in the Department of Energy. Clearly, the CVP would have $10 million more than the administration requested. Instead of $40 million, they would have $30 million. So I think that is an adequate explanation of the points brought up.

Again, I have the deepest respect for the senior Senator from California and for the floor manager, the senior Senator from Nevada. Having gone to school in California, having familiarity with the necessity of California's productivity related to water, I suggest we proceed with this process through an authorization in the committees of jurisdiction, including the Energy and Natural Resources Committee, and I will pledge to the delegation from California my effort, and that of the professional staff, to work toward the end to meet the legitimate needs of California. But I think we need to adhere to the process.

It is my understanding there has been an effort to try to reach consensus on a vote, perhaps at 6 o'clock or shortly after?

Mrs. BOXER. I object to 6 o'clock.

Mr. MURKOWSKI. I hear the Senator from California objecting. I am not asking for a unanimous consent. I was making an inquiry. Again, I encourage recognition of the necessity of authorization on this matter.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time until 6:15 today be equally divided and controlled between Senators REID and MURKOWSKI; that no amendments be in order prior to the vote in relation to the amendment; that at 6:15 the Senate vote in relation to the amendment with no intervening action; and that the Senator from Nevada allocate 10 minutes that I have to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

If no one yields time, time will be charged to both sides.

The Senator from California.

Mrs. BOXER. Mr. President, I rise to address the amendment before us. Is that in order at this time?

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Mr. President, because I was preparing for this debate, I do not know exactly the time I have been allowed. May I be informed?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mrs. BOXER. I thank the Chair.

Mr. President, I am really disappointed that we have this amendment pending which would take $10 million out of a $40 million appropriation that my colleague Senator FEINSTEIN has worked hard to get for the California water, I would say, near crisis.

We have a process in California called the CALFED process. I think a lot of our States could learn some good lessons from this process. Why do I say that? Because we all know that questions about water, when it is in short supply, can be extremely contentious. We certainly know water is the staff of life. People need it to live. We certainly know that water and the free flow of water is important to our wildlife, to our environment, unless we believe we can abandon being good stewards of the environment and forget about the wildlife, about endangered species, and suddenly have a circumstance where we have fishermen worried they cannot fish. We certainly know we need the water for our farmers.

The reason Senator FEINSTEIN has worked hard on this appropriation is we did not have an appropriation last year. We have to move this process forward. We cannot abandon this very carefully balanced approach which I think has worked so well. We will have a reauthorization; that is clear. But the bottom line is we have many times appropriated funds where there was no authorization, where we had a history, a good history, with the project as we have had with CALFED. This important process would be harmed if the Murkowski amendment were to pass.

Why do I say that? I refer you to the bill where we have very carefully explained it. My colleagues are again to be commended, for this spells out exactly where these funds will go. Yes, we have an environmental water council, which my colleague from Alaska talked about without seeming to praise it very much. But it is crucial because if we can take care of that particular part of the equation environmentally, it will free us up to get more water storage to be able to take care of the other users.

The money that is in this bill is not put there lightly. My colleague from California understands the needs of the country. But every single appropriation is spelled out very clearly and very carefully. As I read it, most of this will go in terms of numbers for projects to find water for the farmers. And, yes, we have an environmental council that will take care of that set-aside.

We know what it is to go through water wars in California. We know what it is to go through electricity wars in California. We know what it is to have people pointing fingers back and forth about who is to blame. We also know that the CALFED process works. It is very important that we hold it together. It is very balanced.

As my colleague and I seek to get reauthorization, we are trying to be as one as we go forward. But we certainly have one goal, and that is to be true to the CALFED process. We will in fact be sending a very bad signal this evening if this appropriation is reduced.

This funding is needed. This funding is important. This funding sends a signal to all stakeholders—be they urban users or farmers or environmentalists—that their goals are important; we will come behind those goals with funding. I think it will be in fact very detrimental to the CALFED process if the Senate sends this kind of signal tonight.

This is not controversial. We talk about water. Water in itself always brings up controversy. But the CALFED process to date has been very successful. What Senator FEINSTEIN has done and what the committee has done is to take those projects that are not controversial, that are part of the CALFED process, and fund them.

I hope we will reject the Murkowski amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, the Senator from California wishes to speak.

Mrs. FEINSTEIN. Mr. President, I thank my friend and colleague for her comments. I very much appreciate her solidarity and unity on this subject. It is extraordinarily important.

I also want to say there is a statement from the administration in support of this appropriation. We have the support of the Secretary of the Interior, as well as the administration, that this appropriation move forward. I am very hopeful that we will have unanimous support from our side of the aisle as well as support from the Republican side.

As my colleague has well stated, we are fighting for every dollar. The energy subcommittee listened. I think it is a fact that the money in this appropriations bill is extraordinarily important. I believe that unless we can move aggressively to build an environmentally sensitive water infrastructure in our State, there is no way we are going to be able to meet the challenges of the future.

This is a beginning.

I thank the Chair. I thank the chairman and my colleague.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am certainly sensitive to the considerations of my two friends from California. I would like to correct the record in one sense. We are not talking about a reauthorization; we are talking about an authorization that has never taken place. While there are exceptions from time to time, it is the general rule that we authorize these projects.

This is a complex project. Again, I remind my colleagues that the Appropriations Committee during this process increased over the administration's proposal from $20 million to $40 million total. As a consequence, to take $10 million away is still giving this project $10 million more than originally proposed by the administration.

Again, let the record note specifically that the administration requested $20 million. The appropriators said no. Why did the appropriators say no? They said no because CALFED is not authorized.

That is the only real reservation the Senator from Alaska has. I do that as the ranking member and former chairman of the committee of jurisdiction. I have no other reason, no other motivation, because I am sensitive to the water needs of California. Instead, the appropriators put $20 million in the CVP, a separate California project. But the intent was for it to be spent on CALFED projects.

There has been a little sleight of hand here, if you will, in the manner in which the appropriators addressed this. That is their business. But it is my business as the ranking member of the Energy Committee to advise my colleagues that we have not had an authorization. That is the basis for my objection.

I think it is certainly a justification, since we are not creating a new program with $10 million of the $40 million, which is more than the administration requested in the sense that they offered $20 million and offered to move $10 million to a worthwhile project while not creating a new program that would need authorization, but directed funding to the DOE Office of Science to carry out the important function of technical training in the State.

I yield the floor.

Mr. DOMENICI. Mr. President, I rise to compliment the distinguished Senator from Alaska on what his amendment will do.

There is no question that the Department of Energy is now engaged in a transition period as we prepare for new technologies, both in conservation and

in the production of electricity and other aspects of energy consumption in our country.

His amendment supplements a portion of this bill which continues to fund college programs in the area of nuclear physics and related matters. He brings it down to creating some openings for internships to get involved in this kind of technology and training. I think it is a rather interesting approach to this changing period. He discussed it with me. I urged him to proceed with reference to this idea.

I urged that we not support the motion to table and that we permit this new idea to be approved with reference to the kinds of skills that are necessary to make the transition, and see whether it will work, along with other programs that we are now funding out of the Department of Energy.

I yield any time I may have.

Mr. REID. Mr. President, I move to table the amendment offered by the Senator from Alaska, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

The question is on agreeing to the motion to table amendment No. 1018. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—-yeas 56, nays 44, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—56

Akaka	Dayton	Levin
Baucus	Dodd	Lieberman
Bayh	Dorgan	Lincoln
Biden	Durbin	Mikulski
Bingaman	Edwards	Miller
Boxer	Ensign	Murray
Breaux	Feinstein	Nelson (FL)
Byrd	Graham	Nelson (NE)
Campbell	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Hutchison	Rockefeller
Carper	Inouye	Sarbanes
Chafee	Jeffords	Schumer
Cleland	Johnson	Smith (OR)
Clinton	Kennedy	Stabenow
Collins	Kerry	Torricelli
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Daschle	Leahy	

NAYS—44

Allard	Brownback	Craig
Allen	Bunning	Crapo
Bennett	Burns	DeWine
Bond	Cochran	Domenici
Enzi	Inhofe	Shelby
Feingold	Kyl	Smith (NH)
Fitzgerald	Lott	Snowe
Frist	Lugar	Specter
Gramm	McCain	Stevens
Grassley	McConnell	Thomas
Gregg	Murkowski	Thompson
Hagel	Nickles	Thurmond
Hatch	Roberts	Voinovich
Helms	Santorum	Warner
Hutchinson	Sessions	

The motion was agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2311, the Energy and Water Development Appropriations bill:

Tom Daschle, Jack Reed, Daniel Inouye, Bob Graham, Kent Conrad, Carl Levin, Max Baucus, Christopher Dodd, Paul Sarbanes, Tom Harkin, Harry Reid, Barbara Mikulski, Fritz Hollings, Ted Kennedy, Joseph Lieberman, Byron Dorgan, and Tim Johnson.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2311, the Energy and Water Development Appropriations bill:

Tom Daschle, Harry Reid, Jeff Bingaman, Bob Graham, Kent Conrad, Daniel Inouye, Jack Reed, Joseph Lieberman, Carl Levin, Max Baucus, Christopher Dodd, Paul Sarbanes, Tom Harkin, Byron L. Dorgan, Tim Johnson, Debbie Stabenow, and Richard J. Durbin.

Mr. REID. Madam President, I ask unanimous consent that the live quorums in relation to these two cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I rise today to speak about the programs in the fiscal year 2002 Energy and Water Appropriations Report that prevent the spread of nuclear weapons and nuclear weapon-usable material. These programs are vital to the national security of the United States.

Appropriately, the committee has expressed concern that the ''proposed budget would seriously erode progress made at great expense to assure the Nation's capability to detect and mitigate global proliferation activities.'' By providing $106.8 million above the President's request, the committee has restored many of the administration's cuts to nuclear non-proliferation programs.

Programs restored by the committee include the Nuclear Cities Initiative, which redirects Russian nuclear expertise and reduces Russian nuclear infrastructure. This project was given a $14.5 million boost. An additional $15 million was added to the Initiatives for Proliferation Prevention program, which funds joint non-military research and development projects, pairs U.S. industries with industries in the former Soviet Union and identifies and creates non-military commercial applications. I support the committee's recommendation that some of the excess funds for this program be directed to projects within Russian nuclear cities, in coordination with the Nuclear Cities Initiative. While encouraging, these actions by the committee merely move us back to the starting line.

I also would like to express my support for the committee recommendation of $300 million to recapitalize existing operation facilities. The President proposed nothing in his budget to recapitalize our nuclear infrastructure.

The National Nuclear Security Administration released a study last year on defense programs facilities and infrastructure assessment that reviewed the conditions of our nuclear facilities and labs. The report identified a $650 million annual shortfall over the next five years in our nuclear weapons complex, with unfunded priority requirements increasing by $200 million per year.

This is unacceptable.

Many of our facilities are World War II-era and in dire need of upgrades and repair. I have visited the facilities in Oak Ridge, TN, and can personally attest to the amount of recapitalization and modernization needed. The President's budget addressed none of these needs.

Recently the distinguished former leader of this body, the Honorable Howard Baker from Tennessee, testified before the Senate Foreign Relations Committee about the serious funding inadequacies in non-proliferation programs run by the Department of Energy. As Co-Chair of the Baker-Cutler

Task Force, Baker testified that increased funding is critical to the future of these vital programs.

He testified that in the former Soviet Union ''over 40,000 nuclear weapons, over a thousand metric tons of nuclear materials, vast quantities of chemical and biological weapons materials, and thousands of missiles. This Cold War arsenal is spread across 11 time zones, but lacks the Cold War infrastructure that provided the control and financing necessary to assure [they] remain securely beyond the reach of terrorists . . . The most urgent unmet National Security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or our citizens at home.'' As a result, the Baker-Cutler report called for an increase in funding for such initiatives—approximately $30 billion over the next 8–10 years.

I urge the Senate to consider the efforts and work of Howard Baker and Lloyd Cutler and provide the resources needed to fund these programs and facilities because they are vital to our national security.

Our nuclear weapons complex and infrastructure will become even more important if the president seeks to reduce our stockpile as part of a new strategic framework. I encourage President Bush to place appropriate emphasis on nonproliferation as we develop this new framework with Russia and other involved nations.

Mr. HOLLINGS. Mr. President, in 1997, the Department of Energy and the State of South Carolina reached an agreement for the Savannah River Site to accept and dispose of surplus weapons-grade plutonium. In response to an effort by the former Soviet Union and the United States to reduce weapons-grade plutonium, the Savannah River Site would accept plutonium from the Pantex Plant in Texas and the Rocky Flats Environmental Technology Site in Colorado. South Carolina was promised that this plutonium would only be treated at SRS, not stored for a significant amount of time. The disposition agreement included two types of treatment—blending the plutonium into mixed oxide fuel for use in commercial nuclear reactors, commonly known as MOX—and immobilizing it in a facility know as the Plutonium Immobilization Plant. The reason for using two different treatments was simple and spelled out in the Federal Register on January 21, 1997.

Due to technology, complexity, timing, cost, and other factors that would be involved in purifying certain plutonium materials to make them suitable for potential use in MOX fuel, approximately 30 percent of the total quantity of plutonium (that has or may be declared surplus to defense needs) would require extensive purification to use in MOX fuel, and therefore will likely be immobilized. DOE will immobilize at least 8 metric tons, MT, of currently declared surplus plutonium materials that DOE has already determined are not suitable for use in MOX fuel.

Since 1997, DOE has continued on this dual-track path for disposition. That is until this year. In the administration's fiscal year 2002 DOE budget request, funds for the National Nuclear Security Administration, NNSA, were cut by over $100 million. Due to these budget cuts, one of the plutonium disposition programs, immobilization, was delayed indefinitely. I don't blame the NNSA for the cut to this program because I know it is their job to work within the budget they are given. However, I do blame the Administration for providing a budget that is woefully inadequate to provide for plutonium disposition activities at Savannah River. When General Gordon, the NNSA Director, testified in front of the Energy and Water Appropriations Subcommittee, he stated plainly that Plutonium Immobilization was delayed because of financial reasons, not policy ones. DOE claims it can process all of the plutonium by converting it into MOX, but, when pressed on the matter they say there is no certainty in this treatment. If MOX fails and there is not a back-up, SRS will be left with large amounts of surplus weapons-grade plutonium, but without a plan to treat it.

There is an analogous situation to this one track mind set that previously occurred at SRS. To separate the sludge and liquid wastes contained in the tank farms, DOE proposed In-Tank Precipitation, ITP. After putting more than a billion dollars into this separation process, problems occurred. Excessive benzine was being produced as a by-product of the separation. As a result, the program was shut down until a new process could be found. The new process was selected last week—four years after the old process failed. Why? Because there was not an alternative to this process. Four years and a billion dollars later, the tanks are still overflowing with 60 percent of the Nation's high-level waste. This is exactly why I want to continue a dual-track disposition program for this plutonium. It was part of the original agreement and I believe that any attempt to change the agreement should be made in consultation with all the affected parties.

To date, the Secretary of Energy and the Governor of South Carolina, Governor Hodges, have not spoken about the disposition activities, which is unfortunate. In fact, Governor Hodges has said he may take steps to stop shipments of plutonium to SRS, which are scheduled to begin in August. I hope the Secretary and the Governor can come to some agreement to ensure safe and timely disposition of this surplus plutonium.

I had an amendment, which would have prohibited the shipment of plutonium to SRS until March 1, 2002 or until a final agreement could be reached on disposition activities, whichever comes first. Some say that stopping these shipments would be devastating to our clean-up efforts at other sites. I say that walking away from our commitments of safe and timely disposition of this material would be just as devastating. All I want is for the Administration to commit to me, the Congress and to the State of South Carolina on plutonium disposition. I do not want this plutonium to be shipped to SRS and then have the Administration come back and say that MOX is not going to work and they're going to study another way of disposing of the material. I fear this is the road we are going down, especially in light of a recent article in the New York Times saying the White House wants to restructure or end programs aimed at disposing of tons of military plutonium.

I have spoken to the Chairman and Ranking Member of the Energy and Water Appropriations Subcommittee and we have worked out an agreement on my amendment. With this compromise, hopefully, DOE and the State of South Carolina will come together and reach an agreement to continue these disposition programs at SRS, while ensuring they're done in a timely and safe manner. If an agreement cannot be reached, you can rest assured this will not be the last time this issue is raised on the Senate floor.

I want to thank the distinguished chairman and ranking member for all their help on this amendment.

ORDERS FOR THURSDAY, JULY 19, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, July 19. I further ask unanimous consent that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Energy and Water Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with each Senator allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, in the coming days I suspect there will be appropriations bills and we will visit another issue we have visited previously in the Senate and also in the House, and that is the price of prescription drugs, especially those imported into this country from other countries.

About a week ago, the Secretary of Health and Human Services decided that legislation which I and several of my colleagues drafted and was passed last year and became law would not be administered. It is a law dealing with the reimportation of prescription drugs into this country.

The provision allows distributors and pharmacists to go to another country such as Canada, to access the same prescription drugs made in an FDA-approved plant and bring them to this country because it is much less expensive in Canada, and pass those savings along to consumers. That is what our legislation did.

The Secretary of Health and Human Services under the previous administration and now under this administration said they could not certify, A, that it would be lowering costs for prescription drugs and, B, that it would be safe; therefore, they would not certify to that and would not implement the law.

We are terribly disappointed by that. We think it was a mistake in the past administration to have made that decision, and we think last week it was a mistake for the Department of Health and Human Services to make that decision.

We will revisit this issue, and there will be another vote in the Senate dealing with it. We will have to do it in a different way, but the principles are still the same.

The same pill put in the same bottle manufactured by the same prescription drug company by the same pharmaceutical manufacturer is sent to Grand Forks, ND, and to Winnipeg, Canada—the same drug made in the same plant put in the same bottle made by the same company. The difference? Price, and in many circumstances a very big difference.

One pays 10 times more for the drug tamoxifen, which is used to treat breast cancer, in the United States than in Canada. I happen to have in my desk—I have had several of them. These are two empty bottles. I ask unanimous consent to show these bottles in the Senate Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this drug called Zoloft is used to treat depression, a very commonly used drug. The same pill made by the same company; one is marketed in Canada, one in the United States; $2.34 per tablet sold in the United States; $1.28 per tablet—same drug—sold in Canada.

Let me make it more immediate. Emerson, Canada; Pembina, ND—5 miles apart. I took a group of senior citizens to Emerson, Canada. We left Pembina, ND, traveled across the border, and went to a little one-room drugstore in Emerson, Canada. The prices for the prescription drugs, for a whole range of prescription drugs that these senior citizens needed for heart disease, diabetes, and a whole series of ailments they had, in every circumstance, was much less expensive in Canada.

Why is that the case? It is not just the case in Canada; it is the case in every other country in the world: Mexico, England, Italy, France, Sweden, the identical drug, produced in a plant approved by the Food and Drug Administration, in many cases produced in the United States, is sold for a much higher price here than any other country in the world.

Why is that the case? Because the pharmaceutical industry can do it. They can impose whatever price they choose and they choose to do it in this country. The result is the American consumer is charged multiples of what the same pill is sold for or the same drug is sold for to virtually every other citizen in the world.

We said if this is truly a global economy, there is trade back and forth, it is a global economy that ought to benefit everyone, how about making this a global economy with respect to the purchase of prescription drugs? Why should you not be able, if you are a pharmacist in Grand Forks, ND, to go to Winnipeg to access a supply of prescription drugs at a fraction of the cost and bring it back and pass the savings on to the customers? Why should you not be able to do it?

At the moment, a law prevents it. The United States has a law that says the only entity that can bring a prescription drug into this country is the manufacturer itself. What a sweetheart deal that is.

So we said, provided this is a drug that is approved by the FDA, provided for a chain of custody and safety of supply, our distributors and pharmacists ought to be able to go to another country to access the same prescription drug, made in the same plant, put in the same bottle, and come back and pass those savings along to the American consumers.

So we passed a piece of legislation like that on the floor of the Senate with over 70 votes. It went to conference. After some laboring in conference, it became law. And then the Health and Human Services Secretary in both the last administration and this administration refused to administer it because they said they cannot demonstrate there will be, A, savings, and, B, they cannot assure the safety.

Let's take part A, savings, first. This is not rocket science. I am happy to give the names of citizens from Fargo who can describe to the Secretary of Health and Human Services, either in the previous administration or this administration, that there is savings. They have gone to the one-room drugstore in Emerson, Canada, and saved the money on the prescription drugs. If you are going to pay half the price or a third of the price or a tenth of the price for the identical prescription drug, how on Earth can a Cabinet Secretary not compute that to be a savings? What nonsense is this? Of course there are savings, and substantial savings.

Second, with respect to safety, we import a massive quantity of prescription drugs into this country from other countries with the pharmaceutical manufacturers doing the importing. What is the difference between that and having a licensed pharmacist or a licensed distributor access from a licensed pharmacy in Canada the identical prescription drug made in the identical plant, approved by the FDA, to bring back into this country to sell to American consumers at a reduced price? Why on Earth should someone have to go in the first place to a foreign country to find a reasonable price for a prescription drug that was made in the United States? That doesn't make any sense to me. So we passed that legislation and now it has been sidetracked because the HHS Secretary has refused to implement it both last year and this year.

We will be back to revisit that and we will change the construct of it some. A group of Senators, including Senator STABENOW, Senator COLLINS, myself, Senator JEFFORDS, Senator WELLSTONE, and others, have worked very hard on this issue for a long period of time. There is no justification for the American consumer paying the highest prices for prescription drugs in this country. There is no justification for that.

I have held hearings across this country as chairman of the Democratic Policy Committee in recent years on this subject. It doesn't matter where you are—in downtown Manhattan; I have held hearings in Dickinson, ND; hearings in Chicago; you hear the same story. The stories are from people 70 or 75 years of age. A woman testifies at a hearing, saying: I go into a grocery store and I must go to the back of the store first where the pharmacy is because when I buy my prescription drugs and pay for them, then I will

know how much money is left for food, if any.

We hear that all the time. Or the doctor from Dickinson who did a mastectomy on a senior citizen and told her: Now, in order to reduce the chance of recurrence of breast cancer, you have to take these prescription drugs I will prescribe. And she asked how much they would cost. He told her, and she said: There isn't any way I can take the prescription drugs; I have to take my chances.

We hear those stories in town after town. It doesn't matter what the State is.

The fact is, prescription drug prices are higher in this country for the American consumer than they are anywhere else in the world. It is unfair. We ought to do something about it. My feeling is we ought to pass a piece of legislation we will offer once again this year and expect someone to implement that legislation as we enact it, that gives pharmacists and distributors and ultimately the American consumers—not just senior citizens, the American consumers—the opportunity in a global economy to access prescription drugs that are reasonably priced. They are reasonably priced in virtually every other country of the world but are overpriced here, often in multiples of prices as elsewhere for the exact same drug that was manufactured in this country.

I wanted to offer a preview, again, of this issue to say we won last year, passed legislation that became law, and HHS refused to implement it. But we are not giving up. This is the right thing to do for the right reasons. We say to the American people who struggle to pay the prices, there is a way to make the global economy work for you and allow, through your pharmacist or distributor, a personal amount of prescription drugs, to access those prescription drugs in Canada or elsewhere.

Ultimately, my goal is not to ask someone to go elsewhere to buy drugs but to force the pharmaceutical industry to reprice the drugs in this country so our consumers get a fair price as well.

LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 2002

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for S. 1172, the Legislative Branch Appropriations Act for Fiscal Year 2002.

The Senate bill provides $1.9 billion in discretionary budget authority. Per tradition, that amount does not include funding for exclusive House items. The discretionary budget authority will result in new outlays in 2002 of $1.6 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $2 billion in 2002. The Senate bill is well under its Section 302(b) allocation for budget authority and outlays. In addition, the committee once again has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process.

I ask unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1172. LEGISLATIVE BRANCH, 2002

[Spending comparisons—Senate-reported bill (in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	1,944	99	2,043
Outlays	2,020	99	2,119
Senate 302(b) allocation:			
Budget Authority	2,877	99	2,976
Outlays	2,912	99	3,011
House-reported:			
Budget Authority	0	0	0
Outlays	0	0	0
President's request:			
Budget Authority	2,987	99	3,086
Outlays	2,921	99	3,020
SENATE-REPORTED BILL COMPARED TO—			
Senate 302(b) allocation:			
Budget Authority	(933)	0	(933)
Outlays	(892)	0	(892)
House-reported			
Budget Authority	(1)	(1)	(1)
Outlays	(1)	(1)	(1)
President's request			
Budget Authority	(1,043)	0	(1,043)
Outlays	(901)	0	(901)

[1] Not applicable. The House Appropriations Committee has yet to consider its 2002 bill for the Legislative Branch.

Notes: Details may not add to totals due to rounding. For enforcement purposes, the Budget Committee compares the Senate-reported bill to the Senate 302(b) allocation. Prepared by SBC Majority Staff, 7–19–01.

DEPARTMENT OF DEFENSE COUNTERDRUG SUPPORT

Mr. GRASSLEY. Mr. President, I rise to express my deep concern about the apparent lack of emphasis by the Department of Defense on the counterdrug mission. This has been a year of continual discussion of increased DOD funding for various military missions. However, all the indications I am hearing point to a decreased DOD interest in this mission, as well as decreased funding levels. I believe this would be a poor policy decision, and a poor indication of the Nation's priorities.

In May 2001 testimony, before the Senate Caucus on International Narcotics Control, on which I served as Chairman, the heads of the Drug Enforcement Administration, the U.S. Customs Service, and the U.S. Coast Guard all testified that DOD reductions would be detrimental to their agencies' counterdrug efforts. The Office of National Drug Control Policy summarized that, ''DOD's command and control system provides the communications connectivity and information system backbone * * * while the military services detection and monitoring assets provide a much need intelligence cueing capability.''

The Commandant of the Coast Guard testified at length about DOD counterdrug support, stating ''[w]e would go downhill very quickly'' without DOD contributions. The Commandant also stated that 43 percent of Coast Guard seizures last year were from U.S. Navy vessels, using onboard Coast Guard law enforcement detachments. The Coast Guard concluded that ''[s]hould there be any radical reduction of the assets provided through the Department of Defense * * * it would peril the potential for all the other agencies to make their contributions as productive * * * mainly because of the synergy that is generated by the enormous capability that the 800-pound gorilla brings to the table * * * They are very, very good at what they do. They are the best in the world * * * and when they share those capabilities * * * in terms of intelligence fusion and command and control, we do much better than we would ever otherwise have a chance to do.'' I understand that an internal review of DOD's drug role contemplated severe reductions as a working assumption. After years of decline in DOD's role in this area, I believe this sends the wrong signal and flies in the face of DOD's statutory authority.

I have consistently supported an integrated national counterdrug strategy. If we reduce the DOD role, we risk lessening the effectiveness of other agencies as well. We need to make these decisions carefully, and with full Congressional involvement. I urge the Department of Defense to keep in mind DOD's important role in, and necessary contribution to, a serious national drug control strategy.

COST ESTIMATE ON S. 180

Mr. BIDEN. Mr. President, on July 12, the Committee on Foreign Relations reported S. 180, the Sudan Peace Act. At the time the bill was reported, the cost estimate from the Congressional Budget Office was not available.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 17, 2001

S. 180: SUDAN PEACE ACT

[As ordered reported by the Senate Committee on Foreign Relations on July 12, 2001]

S. 180 would condemn slavery and human rights abuses in Sudan, authorize the Secretary of State to support the peace process in Sudan, and require the President to devise

a contingency plan for delivering aid to Sudan. CBO estimates that enacting S. 180 would have no significant budgetary impact. The act would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply. S. 180 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Each year the United States provides nearly $190 million in assistance to the people of Sudan through various emergency food-aid, disaster assistance, refugee assistance, and development assistance programs. The provisions of S. 180 would not substantially expand the Administration's authority to provide such assistance. CBO estimates that spending on those emergency and humanitarian programs would continue at current levels.

The bill contains several reporting and contingency planning requirements that would not affect the State Department's or the U.S. Agency for international Development's (USAID) workload significantly. Based on information from the department and USAID, CBO estimates that enacting S. 180 would increase the agency's spending by less than $500,000 annually, assuming the availability of appropriated funds.

On June 7, 2001, CBO prepared an estimate for a similar bill, H.R. 2052, as ordered reported by the House Committee on International Relations, on June 6, 2001. Like S. 180, H.R. 2052 would not significantly affect discretionary spending. That bill would require disclosure of business activities in Sudan prior to an entity trading its securities in any capital market in the United States. That provision constitutes a private-sector mandate, as defined in UMRA, but the cost of the mandate would fall below the annual threshold established in UMRA ($113 million in 2001, adjusted annually for inflation).

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

COST ESTIMATE ON S. 1021

Mr. BIDEN. Mr. President, on July 12, the Committee on Foreign Relations reported S. 1021, a bill to re-authorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004. At the time the bill was reported, the cost estimate from the Congressional Budget Office was not available.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 16, 2001

S. 1021: A BILL TO REAUTHORIZE THE TROPICAL FOREST CONSERVATION ACT OF 1998 THROUGH FISCAL YEAR 2004

[As reported by the Senate Committee on Foreign Relations on July 12, 2001]

SUMMARY

S. 1021 would extend the Tropical Forest Conservation Act for three years through 2004 and would authorize the appropriation of $225 million for the cost of implementing the act over that period. Assuming the appropriation of the authorized amounts, CBO estimates that implementing the bill would cost $221 million over the 2002–2006 period. Because S. 1021 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The Tropical Forest Conservation Act authorizes the Secretary of State to negotiate agreements with eligible countries to create local funds administered by local boards with the authority to make grants to preserve, maintain, and restore tropical forests. The local funds receive a stream of payments generated by modifying the terms of outstanding development assistance or food-aid debt owed to the United States. The debt modifications include authority to reduce and to restructure debt, to swap the debt, or to sell the debt back to an eligible country in ways that will generate income for the local funds. The amounts authorized by S. 1021 would be used to cover the cost, as defined by the Federal Credit Reform Act, of modifying the debt.

S. 1021 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1021 is shown in the following table. The costs of this legislation fall within budget function 150 (international affairs).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Debt Reduction of Developing Countries with Tropical Forests:						
Budget Authority[1]	13	0	0	0	0	0
Estimated Outlays	6	13	0	0	0	0
Proposed Changes:						
Authorization Level	0	50	75	100	0	0
Estimated Outlays	0	13	36	69	64	39
Spending Under S. 1021 for Debt Reduction of Developing Countries with Tropical Forests:						
Authorization Level[1]	13	50	75	100	0	0
Estimated Outlays	6	26	36	69	64	39

[1] The 2001 level is the amount appropriated for that year for the cost of implementing the Tropical Forest Conservation Act of 1998.

BASIS OF ESTIMATE

CBO assumes that the authorized amounts would be appropriated by the start of each fiscal year and that outlays would follow historical spending patterns.

Pay-As-You-Go Considerations: None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 1021 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

PREVIOUS CBO ESTIMATE

On June 21, 2001, CBO prepared an estimate for H.R. 2131, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes, as ordered reported by the House Committee on International Relations. The amounts authorized and the estimated cost of implementing that bill and S. 1021 are the same.

Estimate Prepared By: Federal Costs: Joseph C. Whitehill (226–2840); Impact on State, Local, and Tribal Governments: Elyse Goldman (225–3220); and Impact on the Private Sector: Lauren Marks (226–2940).

Estimate Approved By: Robert A. Sunshine, Assistant Director for Budget Analysis.

COST ESTIMATE ON S. 494

Mr. BIDEN. Mr. President, on July 12, the Committee on Foreign Relations reported S. 494, the Zimbabwe Democracy and Economic Recovery Act of 2001. At the time the bill was reported, the cost estimate from the Congressional budget Office was not available.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 16, 2001

S. 494: ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY ACT OF 2001

[As ordered reported by the Senate Committee on Foreign Relations on July 12, 2001]

SUMMARY

S. 494 would support a transition to democracy and promote economic recovery in Zimbabwe through a set of incentives and sanctions. The bill would require the United States to oppose lending by international financial institution to or debt relief for Zimbabwe until the President certifies to the Congress that certain conditions are satisfied. It would, however, authorize additional funds for programs to reform landholding and to promote democracy and good governance in Zimbabwe. Assuming the appropriation of the authorized amounts, CBO estimates that implementing the bill would cost $23 million over the 2002–2006 period. Because S. 494 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

S. 494 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 494 is shown in the following table. The costs of this legislation fall within budget function 150 (international affairs).

BASIS OF ESTIMATE

S. 494 would earmark $20 million for land reform and $6 million for programs to promote democracy and good governance in Zimbabwe from funds otherwise authorized to be appropriated in 2002 for development assistance and economic support fund. No funds are currently authorized for 2002. CBO assumes that the specified amounts would be appropriated by October 1, 2001, and that outlays would follow historical spending patterns.

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
Spending Under Current Law for Zimbabwe:						
Budget Authority[1]	16	0	0	0	0	0
Estimated Outlays	22	19	10	5	3	2
Proposed Changes:						
Authorization Level	0	26	0	0	0	0
Estimated Outlays	0	2	8	7	4	2
Spending Under S. 494 for Zimbabwe:						
Authorization Level[1]	16	26	0	0	0	0
Estimated Outlays	22	21	18	12	7	4

[1] The 2001 level is the amount appropriated for that year.

Pay-As-You-Go Considerations: None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 494 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate Prepared By: Federal Costs: Joseph C. Whitehill (226–2840); Impact on State, Local, and Tribal Governments: Elyse Goldman (225–3220); and Impact on the Private Sector: Lauren Marks (226–2940).

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

''DISAPPEARED'' BELARUSIAN OPPOSITION LEADERS

Mr. CAMPBELL. Mr. President, earlier today, I had the opportunity to meet with the wives of four Belarusian opposition leaders who have either disappeared, been imprisoned, or have died under mysterious circumstances. Theirs is a compelling story which starkly illustrates the human toll of Alexander Lukashenka's regime in which human rights, democracy and the rule of law are violated with impunity.

These courageous women—Ludmilla Karpenko, Irina Krasovska, Tatiana Klimova and Svetlana Zavadska—conveyed their concerns about their husbands as well as about the continuing climate of fear in Belarus.

Earlier this month, I led a delegation to the OSCE Parliamentary Assembly Annual Session, where I met with Anatoly Lebedko, one of the leaders of the Belarusian democratic opposition.

Belarusian presidential elections are quickly coming up—on September 9. Unfortunately, the Belarusian authorities have not yet made a serious commitment to abide by criteria set forth well over a year ago by the Organization for Security and Cooperation in Europe, OSCE, of which Belarus is a member. These criteria include an end of the climate of fear, equal access to the state media for all candidates, respect for freedom of assembly, as well as transparency and fairness in the registration of candidates and functioning of electoral commissions.

The Helsinki Commission, which I chair, continues to receive troubling reports concerning developments in Belarus. Indeed, the prospects for free and fair presidential elections this fall remain dim. The unbalanced composition of the regional electoral commissions is particularly disturbing given the apparent rejection by the authorities of all candidates—over 800—proposed by Belarusian democratic parties and non-governmental organizations. The Belarusian authorities need to guarantee the impartiality of the electoral commissions by ensuring that democratic parties and non-governmental organizations, NGOs, are represented meaningfully and to correct other reported violations of the electoral code.

The State Department has urged the Belarusian authorities to mount a credible investigation to account for missing former Minister of Internal Affairs Yury Zakharenka, 13th Supreme Soviet Deputy Chairman Viktor Gonchar and his associate Anatoly Krasovsky, as well as Russian Television cameraman Dmitry Zavadsky. They have urged the immediate release of political prisoners and 13th Supreme Soviet members Andrei Klimov and Valery Shchukin. Such an investigation, as well as the release of political prisoners, will be an essential factor in reducing the current climate of fear.

Finally, the Belarusian authorities need to work with the OSCE to facilitate the work of international and domestic observers and to help ensure that all candidates are able to organize freely, without harassment, and carry their campaigns to the people.

While it is not yet too late for the Belarusian authorities to take the steps necessary to ensure an atmosphere conducive to elections that will meet international democratic standards, time is of the essence. Free and fair presidential elections are an essential step if Belarus is to move ahead and end its self-imposed isolation. As President Bush has remarked in connection with this week's observance of Captive Nations Week, America must remain vigilant in our support of those living under authoritarianism. The people of Belarus have that support as they seek to overcome the legacy of the past and build an independent nation based on democracy, human rights and the rule of law.

NURSE RECRUITMENT AND RETENTION ACT OF 2001

Mr. CLELAND. Mr. President, I want to commend Senator ROCKEFELLER, Chairman of the Committee on Veterans' Affairs, VA, for his leadership on the measure we are introducing today, the Nurse Recruitment and Retention Act of 2001.

I also want to commend Senator ROCKEFELLER for conducting his first hearing as newly appointed Chairman of the Committee on Veterans' Affairs on the looming nursing shortage. The Federal health sector, employing approximately 45,000 nurses and the VA as the single largest employer of nurses may be the hardest hit in the near future with an estimated 47 percent of its nursing workforce eligible for retirement in the year 2004. Current and anticipated nursing vacancies in Federal health care agencies are particularly alarming with the increased nursing care needs of an aging America. The Journal of the American Medical Association published a study last year which found the average age of the nursing workforce rose by 4.5 years between 1983 and 1998, mostly because fewer younger people are joining the profession.

It is imperative that the VA have the ability to recruit and retain nurses. Expert witnesses, like Nurses' Organization of Veterans Affairs, NOVA, President Sarah Meyers R.N., Ph.D. of Atlanta, GA, testified at the June 14 hearing. These witnesses identified critical issues ranging from those impacting VA nurses' ability to continue to safely care for veterans to nursing burn-out. Senator ROCKEFELLER and I have developed a comprehensive proposal to address both recruitment and retention of VA nurses.

The Nurse Recruitment and Retention Act of 2001 includes provisions for the nurse scholarship program and education debt reduction. The bill's other needed measures to enhance retention of nurses are: Saturday premium pay for nurses and other identified health professionals, inclusion of unused sick leave in retirement computation for nurses enrolled in the Federal Employees Retirement System, FERS, and full-time service credit in annuity computation for part-time service prior to April 7, 1986. Also proposed are reports to Congress on: (1) the use of mandatory overtime with recommendations for alternative staffing strategies and (2) the encouraged use of waivers of pay reduction for reemployed annuitants to fill needed nurse positions to enhance recruitment.

The Nurse Recruitment and Retention Act of 2001 is needed now in order for VA nurses to continue to care for this country's veterans.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in 1998 in Boston, MA. A 27-year old gay man was allegedly attacked and beaten when he was walking home from work by assailants who shouted anti-gay epithets. One of the attackers carved the letter ''F,'' presumably for ''faggot,'' on the victim's shoulder.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

COSPONSORSHIP OF S. 1188

Mr. ROCKEFELLER. Mr. President, because of a clerical mistake, Senator SPECTER was not listed as an original

cosponsor to S. 1188, the Department of Veterans Affairs Nurse Recruitment and Retention Enhancement Act of 2001. This bill was introduced yesterday.

Although Senator SPECTER has now been added as a cosponsor and my introductory statement on the bill referred to him as an original cosponsor, I want the RECORD to reflect his early support of the legislation. I look forward to working with him to enact the VA Nurse Recruitment and Retention Act of 2001.

SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001

Mr. KERRY. Mr. President, I am pleased to join my colleague, Senator BOND, in introducing the Small Business Investment Company, SBIC, Amendments Act of 2001. I am a strong supporter of this program, and am mystified and frustrated by efforts to eliminate funding for and restrict the investment capacity of a program that does so much good for the economy.

Last year, the Agency financed 4,600 venture capital deals, which invested $5.6 billion in our fastest-growing small businesses. In spite of this impressive track record, the President's budget, and the House appropriators, have eliminated funding for the SBIC participating securities program and reduced the program level for the debenture program, which requires no appropriations. Why eliminate funding and restrict activity for the SBIC programs when venture capital has all but dried up? As I have said so many times, the programs at SBA are a bargain. For very little, taxpayers leverage their money to help thousands of small businesses every year and fuel the economy.

In the SBIC participating securities program last year, taxpayers spent $1.31 for every $100 leveraged for investment in our fastest growing companies—companies like Staples, Callaway Golf, Federal Express, and Apple computers.

The main purpose of this Act is to adjust the fees charged to Participating Security SBICs from one percent to 1.28 percent. The change is necessary because the demand for the SBIC program is growing beyond what is possible to fund solely through appropriations.

The National Association of Small Business Investment Companies, NASBIC, testified before both the Senate and House Committees on Small Business in favor of increasing the program level from $2 billion to $3.5 billion.

This legislation raises fees just enough to make up the difference between appropriations of $26.2 million, which is level funding, and the $65.4 million that would be needed to provide a $3.5 billion program level. This approach is consistent with the Kerry/Bond amendment to the Budget Resolution that was agreed to in the Senate by voice vote in April, and retained in the final budget resolution.

The other changes strengthen the oversight and authority of SBA to take action against bad actors and protect the integrity of the program.

THE LOSS OF KATHARINE GRAHAM

Ms. LANDRIEU. Mr. President, yesterday Washington D.C. and the Nation lost a great friend. A first-rate role model and deft businesswoman, Katharine Graham was a believer in the first amendment who printed the stories that defined our Nation and impacted our lives. As one of the first female executives to run a major newspaper, Katharine Graham opened the doors of power for women here in the Nation's capital and around the country. When Katharine Graham assumed the reigns at The Washington Post, two women served in the U.S. Senate, and none served as Governors of States. Today, in large part because of the path that she and other women of her generation have blazed, there are more women serving as Members of Congress, as Governors, and as corporate executives than ever before. Among all her accomplishments, it is this inspiration for which I am most grateful. Katharine Graham will be surely remembered by her family, friends and her many admirers around the world.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 17, 2001, the Federal debt stood at $5,714,215,489,048.80, five trillion, seven hundred fourteen billion, two hundred fifteen million, four hundred eighty-nine thousand, forty-eight dollars and eighty cents.

One year ago, July 17, 2000, the Federal debt stood at $5,671,573,000,000, five trillion, six hundred seventy-one billion, five hundred seventy-three million.

Five years ago, July 17, 1996, the Federal debt stood at $5,162,070,000,000, five trillion, one hundred sixty-two billion, seventy million.

Ten years ago, July 17, 1991, the Federal debt stood at $3,541,621,000,000, three trillion, five hundred forty-one billion, six hundred twenty-one million.

Fifteen years ago, July 17, 1986, the Federal debt stood at $2,070,188,000,000, two trillion, seventy billion, one hundred eighty-eight million, which reflects a debt increase of more than $3.5 trillion, $3,644,027,489,048.80, three trillion, six hundred forty-four billion, twenty-seven million, four hundred eighty-nine thousand, forty-eight dollars and eighty cents during the past 15 years.

ADDITIONAL STATEMENTS

HONORING COLONEL HAROLD DEAN WEEKLEY

• Mr. INHOFE. Mr. President, in a couple of days, July 27th to be exact, I will be going to Oshkosh, WI, to attend ''2001 Air Venture'' or the Oshkosh Fly-In for those of us who are involved in general aviation. This will be the 23rd consecutive year that I have gone and it is an event that I look forward to each July.

As in years past, I will use the opportunity to catch up with old friends, watch a couple of air shows, and look over hundreds of planes. In addition, this year I will have the opportunity to meet a true American hero, Colonel Harold Dean Weekley, retired, who will be honored by the WAR BIRDS for his 30 years of service in the Army Air Corp and then the United States Air Force. During World War II, Colonel Weekley flew B17's where he had a great many close calls but in each instance heroically finished his mission and on several occasions put his own life on the line to protect his crew.

I know all my colleagues will agree with me that we owe the men and women of the Armed Forces a tremendous debt of gratitude because they are the ones on the front lines protecting our liberty. Colonel Weekley and his generation went above and beyond the call of duty when they put their lives and careers on hold to fight in a conflict a half a world away which many at the time did not believe should involve the United States. Certainly in hindsight, American involvement in World War II was not only the right thing to do but critical to our own security. It was courageous individuals like Colonel Weekley that won the war. Therefore, I think it very fitting that the WAR BIRDS honor Colonel Weekley for his service and urge my colleagues to join me in thanking the Colonel for the sacrifices he has made for us.•

HONORING CENTENNIAL OF BROWNE'S MARKET AND DELI

• Mrs. CARNAHAN. Mr. President, it is the 100th anniversary of a business in Kansas City, MO that represents the entrepreneurial spirit that has made America great. In 1901, two Irish immigrants, Edward and Mary Flavin, in search of the American dream, designed and constructed a building that would serve as a grocery store and meat market. The couple wished to develop a successful business, catering to the needs of the residents in their neighborhood. The Flavins recognized the opportunity offered in the United

States and took advantage of it, building a strong business that still exists today.

The store continued to flourish, proving to be a profitable investment. But as the couple grew older, the Flavin Grocery store was eventually passed on to their daughter, Margaret Flavin-Browne, and her husband James Browne. They continued to operate and develop the store, changing the name to J.R. Browne Grocery.

The grocery and building complex is now operated by Kerry Browne, fourth generation, and is known to Kansas Citians as Browne's Market & Deli. The building was designated a historic landmark in 1983, symbolizing the certainty of the American dream and the opportunity which embodies it.

Today we celebrate the contributions of the Flavin-Browne family and this building complex to the cultural, aesthetic and architectural heritage of Kansas City and Jackson County. The great State of Missouri is very proud to honor this significant landmark on the centennial of its founding.●

TRIBUTE TO LARRY HORNSBY

● Mr. SESSIONS. Mr. President, today I pay tribute to an outstanding representative of Alabama State, Larry G. Hornsby, CRNA, BSN. Mr. Hornsby will soon complete his year as national president of the American Association of Nurse Anesthetists, AANA. I am very pleased that one of Alabama's own was tapped as the 2000–2001 president of this prestigious national organization.

The AANA is the professional organization that represents more than 28,000 practicing Certified Registered Nurse Anesthetists, CRNAs. Founded in 1931, the AANA is the professional association representing CRNAs nationwide. As you may know, CRNAs administer more than 65 percent of the anesthetics given to patients each year in the United States. CRNAs provide anesthesia for all types of surgical cases and are the sole anesthesia provider in ⅔ of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization capabilities. They work in every setting in which anesthesia is delivered including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and the plastic surgeons.

Larry received his nurse anesthesia education at the University of Alabama, Birmingham, where he also earned his bachelor's of science and nursing degrees. He is currently president of Anesthesia Professionals, Inc., in Montgomery, AL, and Anesthesia Resources Management, Inc., in Birmingham, AL. Mr. Hornsby has held various leadership positions in the AANA as regional director, vice president, and president-elect before becoming the national president of AANA in 2000. Also, Larry has served terms as president and vice president for the Alabama Association of Nurse Anesthetists, and has chaired the Government Relations and the Educational District Six committees.

In addition to his service to the AANA, Mr. Hornsby sits on the Alabama Board of Nursing Advisory Council to the Nursing Practice/Discipline Committee and was a representative to the State of Alabama Commission on Nursing. Adding to his professional accomplishments, Mr. Hornsby has become a nationally recognized speaker on anesthesia-related topics over the years.

Even with his time commitments to the AANA and in his profession as a CRNA, Larry still manages time for his second passion, to fish for bass in the rivers of Alabama. As a bassmaster, Mr. Hornsby was president of the Capital City Bassmasters in Montgomery, AL between 1987–1997.

I ask my colleagues to join me today in recognizing Mr. Larry G. Hornsby, CRNA, BSN, for his notable career and outstanding achievements.●

IN MEMORY OF ALDERMAN LORRAINE L. DIXON

● Mr. DURBIN. Mr. President, I would like to take this moment to commemorate the life of Lorraine L. Dixon, Alderman from the 8th Ward in the City of Chicago.

Born on Father's Day, June 18, 1950, in the south side neighborhood of Bronzeville, she was the youngest of five children born to Edwin and Edra Godwin. Alderman Dixon grew up surrounded by friends and family including her four brothers Edward Jr., Eddie, Andrew and John. She was particularly close to her brothers Eddie and John who would do anything to protect and please their little sister including taking the blame for accidents. After attending Fuller Elementary School and South Shore High School, she graduated from Chicago State University in 1972 with a Bachelor of Science Degree in Secondary Education and a minor in English Literature.

Alderman Dixon's career in the public service began soon thereafter. After graduation she became a member of the 8th Ward Young Democrats Organization and became the vice president of the organization in 1977. In that same year and again in 1978 she was elected Woman's Vice Chairman of the Cook County Young Democrats.

From these positions she went on to work for current Cook County Board President John Stroger during his 1980 congressional campaign, and thus began a strong alliance between these two public servants. President Stroger was a mentor to Alderman Dixon throughout her years of community involvement and work for her constituents. Her years of service with President Stroger were representative of the intense loyalty she had for her colleagues in public service.

Alderman Dixon next held positions with the Chicago Department of Human Services, the Chicago City Council Committee on Zoning and the Committee on Energy. She also served as an aide to Alderman Keith Caldwell, who represented the 8th Ward at the time.

Lorraine Dixon's career as an alderman began when she was appointed by Mayor Richard M. Daley to complete the term of the late Alderman Keith Caldwell in June 1990. Her commitment to the position was demonstrated by her scheduling of weekly Monday night meetings with constituents of the 8th Ward. Alderman Dixon won her first aldermanic election to represent the 8th Ward in 1991 and won overwhelming reelections in 1995 and 1999, demonstrating the support she inspired from her constituents. During her years as the standard bearer for the 8th Ward, she served as Chairman of the Human Relations Committee and Chairman of the Subcommittee on MBE/WBE and Affirmative Action Matters. In 1993 she was elected President Pro Tempore of the Chicago City Council, becoming the first woman in the history of the Chicago City Council to be so honored. Then in August 1994 she was elected as the first woman to serve as Chairman of the Committee on the Budget and Government Operations. From this powerful committee she was able to oversee taxpayer dollars used to support programs in the city that she loved. She served her ward, and the entire City of Chicago, with passion and grace.

Her dedication to the public was equaled only by her dedication to God and her unwavering faith gave her courage as she battled breast cancer. Alderman Dixon's faith gave her the strength to overcome the anguish of being diagnosed with this grave disease and to continue her work in the 8th Ward during the last days of her life. She worshiped at Christ Temple Cathedral and was active within the community of the 8th Ward, where she is remembered by many for her willingness to come to the aid of those in need. The constituents of the 8th Ward will not soon forget her kindness.

Alderman Dixon was a member of many community boards and professional organizations and from these activities she was able to hear and effectively respond to the issues and needs of her constituents in the 8th Ward. Her involvement touched many lives. Lorraine L. Dixon was a true leader and a true public servant. Her accomplishments in life leave a rich legacy to all who knew and respected her. She has left an extended family that includes her mother, Edra, her brothers Edward Jr. and Eddie, and countless

nieces, nephews, cousins and close personal friends. I was honored to call her a friend and I will miss her warm smile, boundless energy and personal commitment to help those in need.●

IN RECOGNITION OF THE 100TH ANNIVERSARY OF IRONWORKERS LOCAL NUMBER 25

● Mr. LEVIN. Mr. President, today marks the 100th anniversary of Ironworkers Local Number 25—the largest ironworkers local in the Nation. On Saturday, July 21, 2001, thousands of members of Local 25, their families and friends will gather in Detroit, MI to celebrate this significant milestone.

Founded on July 18, 1901, and chartered by the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 25 is responsible for the construction of much of modern day Detroit. As we continue to celebrate the 300th anniversary of Detroit, many of the most notable landmarks that dot Detroit's skyline were constructed by members of Local 25. Cobo Hall, the Broadway Theater, the Renaissance Center and many of the cities' auto plants are just a few of the facilities constructed with the help of Local 25.

Dubbed ''I-beam cowboys'' or ''cowboys of the sky,'' because of their independent nature and the fact that they often work hundreds of feet above ground on steel beams only a few inches wide, ironworkers are proud of the challenging and rewarding nature of their work. Ironworkers are not to be confused with steelworkers who make steel. Ironworkers take architectural plans and turn them into massive steel structures. This work can send ironworkers all over the country—in fact, some members of Local 25 are working in our very backyard on the biggest steel project underway in North America: the Washington, DC Convention Center.

The independent nature of ironworkers makes the success of Local 25 even more significant. While one should never doubt the strength of an individual ironworker, the strength of ironworkers uniting together around a common goal is something to behold. While their collective work is evident in beautiful structures across our Nation, Local 25 and the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers have also worked together to guarantee fair wages, increased safety and needed benefits for their members.

Local 25's contributions to Detroit and our Nation can be seen in skylines, bridges and facilities across our country. At the same time, Local 25 has worked to protect the rights of skilled workers enabling them and their families to build better lives. I know that my Senate colleagues join me in saluting Local 25 for all the enthusiasm they bring to their work everyday, and for all they have done to build our Nation.●

REMEMBERING THREE GREAT MUSICIANS, THREE GREAT FRIENDS

● Mr. MILLER. Mr. President, three good and uniquely talented men who spoke to the world through the universal language of music died recently.

Chet Atkins, John Hartford, and Johnny Russell are gone. They are dead, but as long as their music is played they remain alive, and they will be for a long, long time.

Chet Atkins was as responsible as any single person for turning Nashville, Tennessee, into ''Music City, USA'' and was the originator of what came to be called ''The Nashville Sound.'' From his position as vice president in charge of country music for RCA and because of the great respect other artists had for him, he was able to influence the direction the music went in and who the artists were who made it.

A laconic, modest man, Chet Atkins played down his own importance and referred to himself simply as ''a picker.''

John Hartford is best known as the songwriter of ''Gentle On My Mind,'' one of country music's most recorded songs and as the banjo picker in the Glenn Campbell and Smothers Brothers Shows. But he was much more than that. He was a versatile musician who recorded nearly 40 albums of his own and appeared most recently on the soundtrack of ''O Brother, Where Art Thou?''

Johnny Russell was a country music singer and songwriter, but it was one of his songs by The Beatles that was his most successful compositions. It was called ''Act Naturally'' and was on the flip side of the Beatles' single ''Yesterday.'' His biggest hit as a singer was ''Red Necks, White Socks and Blue Ribbon Beer.''

Much more could be said, and has been said, about these three remarkable talents who died so closely together. The New York Times wrote lengthy obituaries of both Atkins and Hartford.

I had the good fortune of knowing all three as personal friends. Chet once showed me the toilet stall in a school in Harris County, Georgia, where as a young picker using it, he got the idea for an echo chamber. John Hartford and his talented son, Jamie, have stayed up late with me at the Georgia Governor's Mansion picking and singing. And Johnny Russell always said my wife, Shirley, made the best biscuits he had ever eaten. Coming from a 275-pound man with a tremendous appetite, she always considered that to be the supreme compliment.

I will miss them. America will miss them. But their music still lives. Thank God, their music still lives.●

COMCAST LEADERS OF TOMORROW SCHOLARSHIPS

● Mr. CORZINE. Mr. President, it is a pleasure to take this opportunity to recognize the 144 New Jersey students who were recently selected to receive this year's Comcast Leaders of Tomorrow Scholarship. The company awarded scholarships totaling $144,000 to college bound students from 96 high schools throughout New Jersey. Each scholar is receiving a grant in the amount of $1,000 to pursue further, post-secondary studies. To be considered for this scholarship, prospective candidates were required to demonstrate a positive attitude, outstanding academic achievement, exemplary leadership skills, and a serious commitment to community service. Therefore, it is with great pride that I bring the outstanding accomplishments of these individuals from the great State of New Jersey to your attention.

Education has always been one of my top priorities. In an era of globalization and high technology, it is vital that each child has access to a world-class education that emphasizes the importance of both academics and social responsibility. The quality of our educational system will determine the future of our children, our nation, as well as the world.

At a time in history where environmental hazards and civil conflicts have captured our interests, we must not abandon the ongoing battle to modernize schools and reform education. It is truly gratifying to learn how these individuals from New Jersey are challenging themselves to reach their highest potential. As these students quickly emerge as the future leaders in our society, I would ask that my colleagues join me in applauding this year's Comcast Leaders of Tomorrow Scholarship winners for their remarkable accomplishments and their sincere desire to make a difference.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:47 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 807. An act for the relief of Rabon Lowry of Pembroke, North Carolina.

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H.R. 1) entitled ''An act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind,'' and agreed to the conference asked by the Senate to the disagreeing votes of the two Houses thereon.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 807. An act for the relief of Rabon Lowry of Pembroke, North Carolina; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

REPORTS OF COMMITTEES RECEIVED DURING RECESS

The following reports of committees were submitted on July 18, 2001:

By Mr. KOHL, from the Committee on Appropriations, without amendment:

S. 1191: An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes (Rept. No. 107–41).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Mark B. McClellan, of California, to be a Member of the Council of Economic Advisers.

*Sheila C. Bair, of Kansas, to be an Assistant Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominees's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. 1190. A bill to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account; considered and passed.

By Mr. KOHL:

S. 1191. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CLELAND (for himself, Ms. SNOWE, Mr. SCHUMER, and Mr. HOLLINGS):

S. 1192. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990; to the Committee on Finance.

By Mr. BAYH:

S. 1193. A bill to provide for the certain of private-sector-led Community Workforce Partnerships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Ms. STABENOW, and Mr. WARNER):

S. 1194. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. BOND, Mr. REID, Mr. SCHUMER, Mr. CORZINE, and Mr. DURBIN):

S. 1195. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself and Mr. KERRY):

S. 1196. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 136. A resolution to authorize testimony, document production, and legal representation in State of Connecticut v. Kenneth J. LaFontaine, Jr; considered and agreed to.

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. STEVENS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 159

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 258

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 304

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 304, a bill to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs.

S. 367

At the request of Mrs. BOXER, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 677

At the request of Mr. HATCH, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 723

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 723, a bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research.

S. 794

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 794, a bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry.

S. 816

At the request of Mr. BREAUX, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 816, a bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts.

S. 826

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 845

At the request of Mr. CRAPO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource.

S. 856

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 856, a bill to reauthorize the Small Business Technology Transfer Program, and for other purposes.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1002

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1008

At the request of Mr. STEVENS, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1008, a bill to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Response within the Executive Office of the President, and for other purposes.

S. 1018

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1018, a bill to provide market loss assistance for apple producers.

S. 1019

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1019, a bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes.

S. 1025

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1025, a bill to provide for savings for working families.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1185

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1185, a bill to amend title XVIII of the Social Security Act to assure access of medicare beneficiaries to prescription drug coverage through the SPICE drug benefit program.

S. 1188

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1188, a bill to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes.

S.J. RES. 12

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S.J. Res. 12, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 119

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 119, a resolution combating the Global AIDS pandemic.

S. CON. RES. 53

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself and Mr. DASCHLE).

S. 1190. A bill to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account; considered and passed.

Mr. LOTT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1190

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

SECTION 1. RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—

(1) Section 530 of the Internal Revenue Code of 1986 is amended by striking ''an education individual retirement account'' each place it appears and inserting ''a Coverdell education savings account''.

(2) Section 530(a) of such Code is amended—

(A) by striking ''An education individual retirement account'' and inserting ''A Coverdell education savings account'', and

(B) by striking ''the education individual retirement account'' and inserting ''the Coverdell education savings account''.

(3) Section 530(b)(1) of such Code is amended—

(A) by striking ''education individual retirement account'' in the text and inserting ''Coverdell education savings account'', and

(B) by striking ''EDUCATION INDIVIDUAL RETIREMENT ACCOUNT'' in the heading and inserting ''COVERDELL EDUCATION SAVINGS ACCOUNT''.

(4) Sections 530(d)(5) and 530(e) of such Code are amended by striking ''education individual retirement account'' each place it appears and inserting ''Coverdell education savings account''.

(5) The heading for section 530 of such Code is amended to read as follows:

''SEC. 530. COVERDELL EDUCATION SAVINGS ACCOUNTS.''.

(6) The item in the table of contents for part VII of subchapter F of chapter 1 of such Code relating to section 530 is amended to read as follows:

''Sec. 530. Coverdell education savings accounts.''.

(b) CONFORMING AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1986 are amended by striking ''an education individual retirement'' each place it appears and inserting ''a Coverdell education savings'':

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 4973(a).

(D) Subsections (c) and (e) of section 4975.

(2) The following provisions of such Code are amended by striking ''education individual retirement'' each place it appears in the text and inserting ''Coverdell education savings'':

(A) Section 26(b)(2)(E).

(B) Section 4973(e).

(C) Section 6693(a)(2)(D).

(3) The headings for the following provisions of such Code are amended by striking ''EDUCATION INDIVIDUAL RETIREMENT'' each place it appears and inserting ''COVERDELL EDUCATION SAVINGS''.

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 529(c)(3)(B)(vi).

(D) Section 4975(c)(5).

(4) The heading for section 4973(e) of such Code is amended by striking ''EDUCATION INDIVIDUAL RETIREMENT'' and inserting ''COVERDELL EDUCATION SAVINGS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. CLELAND (for himself, Ms. SNOWE, Mr. SCHUMER, and Mr. HOLLINGS):

S. 1192. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990; to the Committee on Finance.

Mr. CLELAND. Mr. President, in the summer of 1990, President George Bush signed the Americans with Disabilities Act, ADA, into law saying, ''Let the shameful wall of exclusion finally come tumbling down.'' With intercity buses playing an important role in transporting millions of passengers throughout the country, we must ensure the means are available for all Americans to access this transportation mode. That is why I am introducing, along with Senators SNOWE, HOLLINGS, and SCHUMER, a bill to provide tax credits to intercity bus companies which purchase coaches in compliance with the ADA. Our bill expands a current tax credit to give bus owners a 50 percent tax credit of the cost of purchasing and installing hydraulic wheelchair lifts and other devices to improve accessibility.

As my colleagues know, I have long been a proponent of ensuring accessibility. In fact, while I was a member of the Georgia State Senate in the early 1970s, I sponsored a bill to make public facilities accessible to the disabled, and this bill became law. Georgia was a national leader at that time, and I have been pleased to see the changes throughout the country with regard to accessibility over the past three decades. However, there is more that can and should be done.

With their reliability, safety and low cost, over the road buses are the preferred mode of transportation for millions of Americans, and with the 2012 deadline to have all over the road buses be wheelchair accessible approaching, it is time for Congress to aid in meeting this mandate. The Transportation Research Board estimates that the annual coast of upgrading and replacing the over the road bus fleet could average $25–$27 million, not to mention the extra training and maintenance costs. At the heart of the intercity bus industry are small businesses, on which this deadline would impose a significant toll. If these small businesses can not meet this deadline, the rural communities that have no other means of transportation will suffer, or large portions of the upgrade costs will be passed on to consumers in the form of higher fares, that is, unless Congress provides some assistance. Our legislation would do exactly that.

I believe that bus service is destined to play an ever important role in transportation planning. In my home State of Georgia, many of the metropolitan counties have been declared as out of attainment with the Clean Air Act. As a result, Georgia is re-evaluating its transportation priorities, which includes moving people between intercity destinations. Personally, I envision a Georgia, and a United States, where buses play an important role in transporting people to hub cities for work or to transfer to another mode of transportation.

The cost to us if we lose bus services is incalculable. All segments of the community will obviously be affected and not for the better. However, by working together, legislators, the disabled, the elderly, and the bus industry can and must strengthen bus service for all communities and the millions of Americans who use the service of over the road buses. I encourage my colleagues to join in support of this legislation.

By Mr. SPECTER (for himself, Ms. STABENOW, and Mr. WARNER):

S. 1194. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on environment and Public Works.

Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill that would allow States to pass laws limiting the import of waste from other States. Addressing the interstate shipment of solid waste is a top environmental priority for millions of Pennsylvanians and for me. As you are aware, Congress came very close to enacting legislation to address this issue in 1994, and the Senate passed interstate waste and flow control legislation in May, 1995 by an overwhelming 94–6 margin, only to see it die in the House of Representatives. I look forward to my new role as a member of the Senate Committee on Environment and Public Works and am confident that with the strong leadership of my colleagues Chairmen CHAFEE and SMITH, we can get quick action on a strong waste bill and put the necessary pressure on the other body to conclude this effort once and for all.

As you are aware, the Supreme Court has put us in the position of having to intervene in the issue of trash shipments. In recent years, the Court has struck down State laws restricting the importation of solid waste from other jurisdictions under the Interstate Commerce Clause of the U.S. Constitution.

The only solution is for Congress to enact legislation conferring such authority on the States, which would then be Constitutional.

It is time that the largest trash exporting States bite the bullet and take substantial steps towards self-sufficiency for waste disposal. The legislation passed by the Senate in the 103rd and 104th Congresses would have provided much-needed relief to Pennsylvania, which is by far the largest importer of out-of-State waste in the Nation. According to the Pennsylvania Department of Environmental Protection, 3.9 million tons of out-of-State municipal solid waste entered Pennsylvania in 1993, rising to 4.3 million tons in 1994, 5.2 million in 1995, 6.3 million tons from out-of-State in 1996 and 1997, and a record 7.2 million tons in 1998, which are the most recent statistics available. Most of this trash came from New York and New Jersey, with New York responsible for 44 percent and New Jersey responsible for 41 percent of the municipal solid waste imported into Pennsylvania in 1998.

This is not a problem limited to one small corner of my State. Millions of tons of trash generated in other States find their final resting place in more than 50 landfills throughout Pennsylvania.

Now, more than ever, we need legislation which will go a long way toward resolving the landfill problems facing Pennsylvania, Indiana, and similar waste importing States. I am particularly concerned by the developments in New York, where the closure of the city's one remaining landfill, Fresh Kills, has been announced this year. I am advised that 13,200 tons per day of New York City trash were sent there and that Pennsylvania is a likely destination of this trash.

I have met with county officials, environmental groups, and other Pennsylvanians to discuss the solid waste issue specifically, and it often comes up in the public open house town meetings I conduct in all of Pennsylvania's 67 counties. I came away from those meetings impressed by the deep concerns expressed by the residents of communities which host a landfill rapidly filling up with the refuse of millions of New Yorkers and New Jerseyans whose States have failed to adequately manage the waste they generate.

Recognizing the recurrent problem of landfill capacity in Pennsylvania, since 1989 I have pushed to resolve the interstate waste crisis. I have introduced legislation with my late colleague, Senator John Heinz, and then with former Senator Dan Coats along with cosponsors from both sides of the aisle which would have authorized States to restrict the disposal of out-of-State municipal waste in any landfill or incinerator within its jurisdiction. I was pleased when many of the concepts in our legislation were incorporated in the Environment and Public Works Committee's reported bills in the 103rd and 104th Congresses, and I supported these measures during floor consideration.

During the 103rd Congress, we encountered a new issue with respect to municipal solid waste, the issue of waste flow control authority. On May 16, 1994, the Supreme Court held (6–3) in Carbone versus Clarkstown that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the Commerce Clause of the United States Constitution. In striking down the Clarkstown ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits. As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional.

I have met with country commissioners who have made clear that this issue is vitally important to the local governments in Pennsylvania and my office has, over the past years received numerous phone calls and letters from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. Since 1988, flow control has been the primary tool used by Pennsylvania counties to enforce solid waste plans and meet waste reduction and recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resource recovery facilities, and co-composting facilities. In the absence of flow control authority, I am advised that many of these worthwhile projects could be jeopardized and that there has been a fiscal impact on some communities where there are debt service obligations.

In order to fix these problems, my legislation would provide a presumptive ban on all out-of-state municipal solid waste, including construction and demolition debris, unless a landfill obtains the agreement of the local government to allow for the importation of waste. It would provide a freeze authority to allow a State to place a limit on the amount of out-of-State waste received annually at each facility. It would also provide a ratchet authority to allow a State to gradually reduce the amount of out-of-state municipal waste that may be received at facilities. These provisions will provide a concrete incentive for the largest exporting states to get a handle on their solid waste management immediately. To address the problem of flow control my bill would provide authority to allow local governments to designate where privately collected waste must be disposed. This would be a narrow fix for only those localities that constructed facilities before the 1994 Supreme Court ruling and who relied on their ability to regulate the flow of garbage to pay for their municipal bonds.

This is an issue that affects numerous states, and I urge my colleagues to support this very important legislation.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. BOND, Mr. REID, Mr. SCHUMER, Mr. CORZINE, and Mr. DURBIN):

S. 1195. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, today Senator MIKULSKI, Senator BOND, and I, along with a number of our colleagues, are introducing, ''The Credit Watch Act of 2001,'' a bill that will authorize the Federal Housing Administration (FHA), to identify lenders who have excessively high early default and claim rates and consequently terminate their origination approval. This legislation is necessary to protect the FHA fund and take action against lenders who are contributing to the deterioration of our neighborhoods.

A rash of FHA loan defaults have led to foreclosures and vacant properties in cities around the country. In Baltimore, the effects of high foreclosure rates are acute. In some neighborhoods, there are many vacant foreclosed homes within just a few block of each other. This can often be the beginning of a neighborhood's decline. The high volume of vacant properties creates a perception that both the property and the neighborhood are not highly valued. In turn, these neighborhoods deteriorate physically and often attract criminal activity.

It's like a rotten apple in a barrel. The rundown appearance of one home spreads to the surrounding neighborhood. Stabilization and revitalization efforts are undermined by the presence of abandoned homes.

The Department of Housing and Urban Development, HUD, community activists, and local law makers have come together to examine the loans being made in neighborhoods with high foreclosure rates.

In Baltimore and other cities, these groups that careless lenders are offering the FHA insured loans to families who cannot afford to pay them back. This results in defaults and foreclosures. A foreclosed property can easily turn into an uninhabited home, which can either begin or continue a cycle of decline.

In an effort to reduce the number of loans that end in foreclosure, the FHA

developed several new oversight methods, one of which is ''Credit Watch.''

''Credit Watch'' is an automated system that keeps track of the number of early foreclosures and claims of lenders in a particular area. This legislation authorizes the FHA to revoke the origination approval of lenders who have significantly higher rates of early defaults and claims than other lenders in the same area. The FHA is currently targeting lenders with default rates of 300 percent of the area average.

Credit Watch has been an effective tool in tracking down bad lenders. Since HUD launched Credit Watch in May 1999, the Department has terminated the origination approval agreements of 77 lender branches. An additional 177 lender branches were placed on Credit Watch, warning, status.

The legislation accounts for differing regional by ensuring that lenders are only compared to other making loans in the same community. It also provides a manner by which terminated lenders may appeal the decision of the FHA, if they believe that mitigating factors may justify higher default rates.

When lenders make loans with no regard for the consumer or the health of the community, the FHA must be able to take action in a timely manner so that costly abuses of the FHA insurance fund can be stopped. Quick action not only protects the health of the Mutual Mortgage Insurance, MMI, fund, it protect neighborhoods from the detrimental effects of high vacancy rates and consumers from the pain of foreclosure and serious damage to their credit.

Lenders that offer loans to individuals who cannot afford them should not be able to continue making those loans. It is a bad deal for taxpayers. It is a bad deal for neighborhoods. It is a bad deal for the families who take out the loan.

Credit Watch is an useful and efficient way for the FHA to prevent these unfortunate foreclosures from happening. While we need to address the larger issue of predatory lending in our communities. ''Credit Watch'' is an obvious and immediate solution to one part of this problem.

By Mr. BOND (for himself and Mr. KERRY):

S. 1196. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. BOND. Mr. President, today I am introducing the Small Business Investment Company Amendments Act of 2001. This bill is important for one simple reason: once enacted it paves the way for more investment capital to be available for more small businesses that are seeking to grow and hire new employees.

In 1958, Congress created the SBIC program to assist small business owners in obtaining investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $500,000—$3 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nations best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, Federal Express received a needed infusion of capital from two SBA-licensed SBICs at a critical juncture in its development stage. The SBIC program also helped other well-known companies, when they were not so well-known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to Main Street America small businesses. These are companies we know from home towns all over the United States. Main Street companies provide both stability and growth in our local business communities. A good example of a Main Street company is Steelweld Equipment Company, founded in 1932, which designs and manufactures utility truck bodies in St. Clair, Missouri. The truck bodies are mounted on chassis made by Chrysler, Ford, and General Motors. Steelweld provides truck bodies for Southwestern Bell Telephone Co., Texas Utilities, Paragon Cable, GTE, and GE Capital Fleet.

Steelweld is a privately held, woman-owned corporation. The owner, Elaine Hunter, went to work for Steelweld in 1966 as a billing clerk right out of high school. She rose through the ranks of the company and was selected to serve on the board of directors. In December 1995, following the death of Steelweld's founder and owner, Ms. Hunter received financing from a Missouri-based SBIC, Capital for Business, CFB, Venture Fund II, to help her complete the acquisition of Steelweld. CFB provided $500,000 in subordinated debt. Senior bank debt and seller debt were also used in the acquisition.

Since Ms. Hunter acquired Steelweld, its manufacturing process was redesigned to make the company run more efficiently. By 1997, Steelweld's profitability had doubled, with annual sales of $10 million and 115 employees. SBIC program success stories like Ms. Hunter's experience at Steelweld occur regularly throughout the United States.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Consequently, in 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct deficiencies in the law in order to ensure the future of the program.

Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital. And it is important to focus on the significant role that is played by the SBIC program in support of growing small businesses. When Fortune Small Business compiled its list 100 fastest growing small companies in 2000, 6 of the top 12 businesses on the list received SBIC financing during their critical growth years.

The ''Small Business Investment Company Amendments Act of 2001'' would permit the annual interest fee paid by Participating Securities SBICs to increase from 1.0 percent to no more than 1.28 percent. In addition, the bill would make three technical changes to the Small Business Investment Act of 1958, '58 Act, that are intended to make improvements in the day-to-day operation of the SBIC program.

Projected demand for the Participating Securities SBIC program for FY 2002 is $3.5 billion, a significant increase over the FY 2001 program level of $2.5 billion. It is imperative that Congress approve this relatively small increase in the annual interest charge paid by the Participating Securities SBICs before the end of the fiscal year. This fee increase, when combined with an appropriation of $26.2 million for FY 2002, the same amount Congress approved for FY 2001, will support a program level of $3.5 million.

The ''Small Business Investment Company Amendments Act of 2001'' would also make some relatively technical changes the '58 Act that are drafted to improve the operations of the SBIC program. Section 3 would remove the requirement that the SBA take out local advertisements when it seeks to determine if a conflict of interest exists involving an SBIC. This section has been recommended by the SBA, that has informed me that is has never received a response to a local advertisement and believes the requirement is unnecessary.

The bill would amend Title 12 and Title 18 of the United States Code to insure that false statements made to the SBA under the SBIC program would have the same penalty as making false statements to an SBIC. This section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the '58 Act would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

Section 5 of the bill would amend Section 313 of the '58 Act to permit the

SBA to remove or suspend key management officials of an SBIC when they have willfully and knowingly committed a substantial violation of the '58 Act, any regulation issued by the SBA under the Act, a cease-and desist order that has become final, or committed or engaged in any act, omission or practice that constitutes a substantial breach of a fiduciary duty of that person as a management official.

The amendment expands the definition of persons covered by Section 313 to be ''management officials,'' which includes officers, directors, general partners, managers, employees, agents of other participants in the management or conduct of the SBIC. At the time Section 313 of the '58 Act was enacted in November 1966, an SBIC was organized as a corporation. Since that time, SBIC has been organized as partnerships and Limited Liability Companies (LLCs), and this amendment would take into account those organizations.

Mr. President, I ask unanimous consent that section-by-section summary be printed in the RECORD.

There being no objection, the summary ordered to be printed in the RECORD, as follows:

SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001—SECTION-BY-SECTION SUMMARY

Section 1. Short title

This Act will be called the ''Small Business Investment Company Amendments Act of 2001.''

Section 2. Subsidy fees

This section amends the Small Business Investment Act of 1958 to permit the SBA to collect an annual interest fee from SBICs in an amount not to exceed 1.28 percent of the outstanding Participating Security and Debenture balance. In no case will the SBA be permitted to charge an interest fee that would reduce the credit subsidy rate to less than 0 percent, when combined with other fees and congressional appropriations. This section would take effect on October 1, 2001.

Section 3. Conflicts of interest

This change would remove the requirement that SBA run local advertisements when it seeks to determine if a conflict of interest is present. SBA has informed me that it has never received a response to a local advertisement and believes the requirement is unnecessary. SBA would continue to publish these notices in the Federal Register. This section would not prohibit the SBA from running local advertisements should it believe it is necessary. It is supported by the SBA.

Section 4. Penalties for false statements

This section would amend Title 12 and Title 18 of the United States Code to insure that false statements made to SBA under the SBIC program would have the same penalty as making false statements to an SBIC. The section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the Small Business Investment Act of 1958 would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

Section 5. Removal or suspension of management officials

This section would amend Section 313 the Small Business Investment Act of 1958 to expand the list of persons who could be removed or suspended by the SBA from the management of an SBIC to include officers, directors, employees, agents, or other participants of an SBIC. The persons subject to this section are called ''Management Officials,'' a new term added by this amendment. The amendment does not change the legal or practical effect of the provisions of Section 313; however, it has been drafted to make its provisions easier to follow.

Sections 3, 4, and 5 would take effect on enactment of the Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 136—TO AUTHORIZE TESTIMONY DOCUMENT PRODUCTION AND LEGAL REPRESENTATION IN STATE OF CONNECTICUT V. KENNETH J. LAFONTAINE, JR.

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas, in the case of State of Connecticut v. Kenneth J. LaFountaine Jr., No. 01–29206, pending in Connecticut Superior Court in the City of Hartford, testimony and document production have been requested from James O'Connell, an employee in the office of Senator Lieberman;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That James O'Connell and any other employee of the Senate from whom testimony or document production may be required are authorized to testify and produce documents in the case of State of Connecticut v. Kenneth J. LaFountaine Jr., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent James O'Connell and any Member or employee of the Senate in connection with the testimony and document production authorize in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1010. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1011. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1012. Mr. SMITH, of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1013. Mr. BOND (for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN) proposed an amendment to the bill H.R. 2311, supra.

SA 1014. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1015. Mr. CRAIG (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1016. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1017. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1018. Mr. MURKOWSKI proposed an amendment to the bill H.R. 2311, supra.

TEXT OF AMENDMENTS

SA 1010. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 18, before the period, insert the following; '', of which not less than $500,000 shall be used to conduct a study of Port of Iberia, Louisiana''.

SA 1011. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

''The Corps of Engineers is urged to proceed with design of the Section 205 Mad Creek Flood control project in Iowa.''

SA 1012. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, line 15, strike ''For the purposes of appropriating funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration, up to $2,000,000,000 in borrowing authority is authorized to be appropriated, subject to the subsequent annual appropriations, to remain outstanding at any given time:'' and insert,

''For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the Administrator's authority pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, an additional $2,000,000,000 in borrowing authority is made available, under the Federal Columbia River Transmission System Act (16 U.S.C. 838) to remain outstanding at any given time:''

SA 1013. Mr. BOND (for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN) proposed an amendment to the bill (H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 11, at the end of line 16, add the following ''During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.''.

SA 1014. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 3, strike line 24 and insert the following: ''$2,500,000; and

''For completion of plans and specifications, environmental documentation, and design for, and initiation of construction of, the navigation mitigation project, Saco River and Camp Ellis Beach, Maine, $500,000:''.

SA 1015. Mr. CRAIG (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 12, line 19, strike ''$732,496,000'' and insert ''$722,496,000''.

On page 17, line 21, strike ''$736,139,000'' and insert ''$601,139,000''.

On page 19, line 7, strike ''$25,000,000'' and insert ''$170,000,000''.

SA 1016. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Title I, insert the following:

''SEC. . The non-Federal interest shall receive credit toward the non-Federal share of the project the cost of lands, easements, relocations, rights-of-way, and disposal areas required for the Portneuf River at Lava Hot Springs habitat restoration project in Idaho, and acquired by the non-Federal interest before execution of the project cooperation agreement: *Provided*, That the Secretary shall provide such credit only if the Secretary determines the work to be integral to the project.''

SA 1017. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place in Title II, insert the following:

''SEC. . The Secretary of Interior, in accepting payments for the reimbursable expenses incurred for the replacement, repair, and extraordinary maintenance with regard to the Valve Rehabilitation Project at the Arrowrock Dam on the Arrowrock Division of the Boise Project in Idaho, shall recover no more than $6,900,000 of such expenses according to the application of the current formula for charging users for reimbursable operation and maintenance expenses at Bureau of Reclamation facilities on the Boise Project, and shall recover this portion of such expenses over a period of not less than 15 years.''

SA 1018. Mr. MURKOWSKI proposed an amendment to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 12, line 19, strike ''$732,496,000'' and insert ''$722,496,000''.

On page 19, line 2, strike ''$3,268,816,000, to remain available until expended.'' and insert ''$3,278,816,000, to remain available until expended: *Provided*, That $10,000,000 shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technology industries by the Department of Energy, in consultation with the Department of Labor.''.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Monday, July 23, 2001, at 9 a.m., in room 2306 of the Richard B. Russell Federal Building and United States Courthouse, 75 Spring Street, NW., Atlanta, GA.

The purpose of this field hearing is to receive testimony on election reform issues. For further information, please contact Kennie Gill at the Rules Committee staff on 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs authorized to meet during the session of the Senate on July 18, 2001, to conduct a markup of the reauthorization of the U.S. Export-Import Bank; the reauthorization of the Iran and Libya Sanctions Act; the nomination of Mr. Mark B. McClellan, of California, to be a member of the Council of Economic Advisors; and the nomination of Ms. Sheila C. Bair, of Kansas, to be Assistant Secretary of the Treasury for Financial Institutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 18, 2001, at 9:30 a.m., on cross border truck and bus operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 18, at 9 a.m., to conduct a hearing. The committee will consider the nomination of Dan R. Brouillette to be an Assistant Secretary of Energy, Congressional and Intergovernmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Wednesday, July 18, 2001, at 2:30 p.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 10 a.m., to hold a hearing titled, ''The Putin Administration's Policies Toward the Non-Russian Federation''.

Witnesses: Dr. Marjorie M. Balzer, Research Professor and Coordinator, Social, Ethnic, and Regional Issues Center for Eurasian, Russian, and East European Studies (CERES), Georgetown University, Washington, DC; Dr. John B. Dunlop, Senior Fellow, Hoover Institution on War, Revolution, and Peace, Stanford University, Stanford, CA; Dr. Paul Goble, Director, Communications Department, Radio Free Europe/Radio Liberty, Inc., Washington, DC; Dr. Steven Solnick, Associate Professor of Political Science, Columbia University, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 18, 2001, at 9:30 a.m., for a hearing regarding S. 1008, the Climate Change Strategy and Technology Innovation Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on July 18, 2001, at 9:30 a.m., in room 485, Russell Senate Building to conduct a hearing on Indian tribal good governance practices as they relate to tribal economic development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 18, 2001, at 10 a.m., in Dirksen 226. The subject of the hearing will be ''Reforming FBI Management: The Views from Inside and Out.''

Panel I: The Honorable Raymond W. Kelly, Senior Managing Director, Bear Stearns, New York, NY; Robert Dies, Assistant Director, Federal Bureau of Investigation, Washington, DC; Kenneth Senser, Deputy Assistant Director, Federal Bureau of Investigation, Washington, DC.

Panel II: John E. Roberts, Unit Chief, Office of Professional Responsibility, Federal Bureau of Investigation, Washington, DC; John Werner, Blue Sky Enterprises of N.C., Inc., Cary, NC; Frank L. Perry, Supervisory Senior Resident Agent, Federal Bureau of Investigation, Washington, DC; Patrick J. Kiernan, Supervisory Senior Resident Agent, Federal Bureau of Investigation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 18, at 9:30 a.m., to conduct a hearing. The committee will receive testimony on legislative proposals related to energy and scientific research, development, technology deployment, education, and training, including sections 107, 114, 115, 607, title II, and subtitle B of title IV of S. 388, the National Energy Security Act of 2001; titles VIII, XI, and division E of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; sections 111, 121, 122, 123, 125, 127, 204, 205, title IV and title V of S. 472, the Nuclear Energy Electricity Supply Assurance Act of 2001; and S. 90, the Department of Energy Nanoscale Science and Engineering Research Act; S. 193, the Department of Energy Advanced Scientific Computing Act; S. 242, the Department of Energy University Nuclear Science and Engineering Act; S. 259, the National Laboratories Partnership Improvement Act of 2001; S. 636, to direct the Secretary of Energy to establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas; S. 1130, the Fusion Energy Sciences Act of 2001; and S. 1166, a bill to establish the Next Generation Lighting Initiative at the Department of Energy, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on protecting workers from ergonomic hazards during the session of the Senate on Wednesday, July 18, 2001, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 9:30 a.m., in open session to receive testimony on Active and Reserve military and civilian personnel programs, in review of the Defense authorization request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Wednesday, July 18, 2001, at 2 p.m., for a hearing entitled ''What Is The U.S. Position On Offshore Tax Havens?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, July 18, 2001, from 10 a.m.–12 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 2:30 p.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSFER OF SLOBODAN MILOSEVIC TO THE INTERNATIONAL CRIMINAL TRIBUNAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 82, S. Res. 122.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 122) relating to the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution, which was referred to the Committee on Foreign Relations with an amendment and an amendment to the preamble, as follows:

[Omit the parts in black brackets and insert the part printed in italic.]

S. RES. 122

Whereas Slobodan Milosevic has been transferred to the International Criminal Tribunal for Yugoslavia to face charges of crimes against humanity;

[Whereas the transfer of Slobodan Milosevic and other indicted war criminals is a triumph of international justice and the rule of law in Serbia;]

Whereas the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, thereby fostering both the rule of law in Yugoslavia and international justice;

Whereas corruption and warfare under the Milosevic regime caused Yugoslavia extensive economic damage, including an estimated $29,400,000,000 in lost output and a foreign debt that exceeds $12,200,000,000; and

Whereas democrats and reformers in the Federal Republic of Yugoslavia deserve the support and encouragement of the United States: Now, therefore, be it

Resolved, That (a) the Senate hereby—

(1) recognizes the courage of Serbian democrats, in particular, Serbian Prime Minister Zoran Djindjic, in facilitating the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia; [and

[(2) calls for the continued transfer of indicted war criminals to the International Criminal Tribunal for Yugoslavia and the release of all political prisoners held in Serbian prisons.]

(2) urges the Government of the Federal Republic of Yugoslavia, and other governments in the Balkans, to continue to cede jurisdiction over indicted war criminals to the International Criminal Tribunal for Yugoslavia; and

(3) calls for the release of all political prisoners held in Serbian prisons.

(b) It is the sense of the Senate that the United States should remain committed to providing foreign assistance to support the success of economic, political, and legal reforms in the Federal Republic of Yugoslavia.

Mr. CRAIG. Mr. President, I am not raising an objection to the Senate's approval of S. Res. 122 regarding the transfer of former Yugoslav President Slobodan Milosevic to the United Nations war crimes tribunal. It is clear

that the primary purpose of the resolution is to applaud the fact that someone credibly alleged to have been a primary instigator of heinous crimes be brought to justice. I applaud that sentiment. A number of similarly culpable persons from all the groups concerned should have to answer for what has occurred during the past ten years of war and strife in former Yugoslavia, and by all accounts Milosevic tops the list. His prosecution and, if he is found guilty after a fair and open judicial process, his severe punishment are very much in order.

However, despite my decision not to object to this resolution, I think it is important to point out that it contains several elements that do not serve United States interests. And some of what is stated in it is not even accurate. Indeed, when an effort was made to pass this resolution just prior to the July 4 recess, I asked that it be held up until some of these could be addressed. It was then sent to committee and some of the problematic portions were in fact made worse. I wish to address some of these briefly.

First, just as a factual matter—and this is new language added in committee—it is inaccurate to state, as the Resolution does in the second ''Whereas'' clause, that ''the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute'' Milosevic. Actually, as far as anyone knows, the federal Yugoslav government headed by President Vojislav Kostunica, an old-fashioned patriot, who, incidentally, was the translator of the U.S. Federalist Papers into Serbian, had nothing to do with the Milosevic handover and in fact strongly opposed it, but was circumvented by the Serbian republic government of Prime Minister Zoran Djindjic.

Second, one can hardly say that this was a ''free exercise of sovereignty.'' It is well known that the United States—mistakenly, in my view, continuing the policies of the Clinton administration—had threatened to boycott an international aid donors' conference unless Milosevic were surrendered. It should be understood that this is not just a matter of the U.S. withholding foreign aid. Rather, it amounts to continuing a policy of sanctions against an economically devastated country, and threatening to destabilize its weak democratic government, until it disregarded its own laws and complied with our demands. I could call this many things, but ''free exercise of sovereignty'' is not one of them. Moreover, Prime Minister Djindjic's compliance with this pressure is hardly an example of ''courage,'' as the resolution calls it, especially since it is well known the extent to which he has used the Milosevic handover to undermine his political rival, President Kostunica.

Third, the same clause says the handover fosters ''the rule of law in Yugoslavia.'' Again the opposite is true. When we have here, to give an American analogy, would be as if an American State Governor violated provisions of the U.S. constitution and policies set by the President in order to comply with the wishes of foreign countries. Instead of the rule of law, what has been fostered in Yugoslavia—and in its two remaining republics, Serbia and Montenegro—is the idea that laws, constitutional government, and national sovereignty are meaningless, and that the only real authorities are the demands of foreign powers and the ''jurisdiction'' of global United Nations ''justice,'' represented by the tribunal to which Milosevic has been delivered. For a country trying to emerge from decades of dictatorship, this is exactly the wrong message to send.

Fourth and finally, the same clause applauds the notion that the Milosevic handover has fostered ''international justice.'' That unfortunately is true, but I don't think it is reason for applause. As many of my colleagues know, I am strongly and unalterably opposed to the creation of a permanent International Criminal Court, of which the Yugoslavia tribunal and its Rwanda counterpart are precursors. In sending Milosevic to the U.N. tribunal—on charges arising in his own country, specifically Kosovo, which is a province of Serbia—we are helping to set a dangerous precedent for the ICC. We are saying to the world that when the will of a United Nations ''court'' clashes with a country's laws and constitution, the latter go into the trash can. I cannot speak for my colleagues, but I would object to sending any American citizen, no matter how evil the acts of which he was accused and however guilty he might be, to a United Nations court, especially if his alleged crimes took place in the United States. But we have successfully demanded that Serbia and Yugoslavia do exactly that, and similar demands are being made against the Bosnian Serb republic and against Croatia. Serious crimes deserve serious punishment, but the question is not one of whether justice will be done but before what court and under whose authority.

At a time when U.S. troops are facing danger every day in Bosnia and Kosovo—and may soon be sent, unwisely in my view, to Macedonia—the policy consequences of setting in motion political events that may destabilize non-democratic Yugoslavia and even help break up the federation are counterproductive to U.S. interests and a threat to the safety of our troops. For the reasons stated above, it has been a blow, not a benefit, to democracy and constitutionalism. But worst of all, it has lent credence to the principles supporting the ICC, which is a direct threat to the sovereignty of our own constitutional republic and our democratic institutions. I welcome the day that Milosevic and comparable persons face justice for their deeds. But he should have been allowed to face justice at home, in front of a court of his own people, under his own laws and constitution, as President Kostunica wanted. The fact that we have ensured that this will not occur is not something for us to be proud of.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid on the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 122), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 122

Whereas Slobodan Milosevic has been transferred to the International Criminal Tribunal for Yugoslavia to face charges of crimes against humanity;

Whereas the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, thereby fostering both the rule of law in Yugoslavia and international justice;

Whereas corruption and warfare under the Milosevic regime caused Yugoslavia extensive economic damage, including an estimated $29,400,000,000 in lost output and a foreign debt that exceeds $12,200,000,000; and

Whereas democrats and reformers in the Federal Republic of Yugoslavia deserve the support and encouragement of the United States: Now, therefore, be it

Resolved, That (a) the Senate hereby—

(1) recognizes the courage of Serbian democrats, in particular, Serbian Prime Minister Zoran Djindjic, in facilitating the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia;

(2) urges the Government of the Federal Republic of Yugoslavia, and other governments in the Balkans, to continue to cede jurisdiction over indicted war criminals to the International Criminal Tribunal for Yugoslavia; and

(3) calls for the release of all political prisoners held in Serbian prisons.

(b) It is the sense of the Senate that the United States should remain committed to providing foreign assistance to support the success of economic, political, and legal reforms in the Federal Republic of Yugoslavia.

CONGRATULATING THE BALTIC NATIONS OF ESTONIA, LATVIA, AND LITHUANIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 85, S. Con. Res. 34.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 34) congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

There being no objection, the Senate proceeded to consider the concurrent resolution, which was referred to the Committee on Foreign Relations with an amendment, an amendment to the preamble, and an amendment to the title, as follows:

[Omit the part in black brackets and insert the part printed in italic.]

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

Whereas their forcible and illegal incorporation into the Soviet Union was never recognized by the United States;

Whereas, from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas, despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas, during the period of ''glasnost'' and ''perestroika'' in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

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

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of [the restoration of their full independence] *the end of their illegal incorporation into the Soviet Union*; and

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

Amend the title so as to read: ''Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the end of their illegal incorporation into the Soviet Union.''.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the title amendment be agreed to, the title, as amended, be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Con. Res. 34), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

Whereas their forcible and illegal incorporation into the Soviet Union was never recognized by the United States;

Whereas, from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas, despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas, during the period of ''glasnost'' and ''perestroika'' in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

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

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of the end of their illegal incorporation into the Soviet Union; and

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

The title amendment was agreed to.

DEVELOPMENT OF STRATEGIES IN SUB-SAHARAN AFRICA

Mr. REID. Mr. President, I ask consent that the Senate proceed to the immediate consideration of Calendar No. 86, S. Con. Res. 53.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BIDEN. Mr. President, I am very pleased that the Senate will unanimously pass Senate Concurrent Resolution 53: Africa Hunger to Harvest. I became a cosponsor of the resolution because I strongly believe that it is an important first step towards a renewed commitment to acting in concert with our African partners to significantly reduce poverty and hunger on the subcontinent in the next ten years. I saw to it that the resolution moved out of the Foreign Relations Committee expeditiously because I wanted this legislation to pass with all due haste. As you know, the G-8 members are preparing for their meeting in Genoa. I hope that President Bush will interpret the passage of Africa: Hunger to Harvest as a signal of the Senate's support for development in Africa, and obtain commitments from other members of the G–8 to devise comprehensive plans to increase the ability of African nations to feed their people.

Sub-Saharan Africa is a region with vast human and economic potential. There is a preponderance of natural resources, and a large enough population to provide the labor necessary to fuel industry. Yet Africa, for the most part, has not prospered. It is the only region of the world where hunger is increasing. In the past thirty years the number of hungry people in Africa has more than doubled to the point where one of every three Africans is chronically undernourished. There are many reasons why: war, natural disaster, corruption, and poor governance, to name a few. And while African themselves must take ultimate responsibility for the success or failure of their countries, we have the resources and opportunity to help improve the lives of millions of people living there.

This resolution lays out a preliminary blueprint for doing so. It directs the Agency for International Development to devise solid, concrete five- and ten-year strategic plans to help Africans reverse the current state of affairs for many living in the region, and asks that the plans focus on such key areas as the establishment of democratic institutions, private sector and free market development, access to education, improved health, and debt relief. The blueprint itself acknowledges that hunger and poverty must be attached along these critical fronts to be eliminated.

A necessary component to achieving development is stability in the region, but stability alone will not result in economic growth and improved living conditions. The establishment of the rule of law and democratic institutions is also necessary. Africans must have a say in the structure of their societies. They must be able to find a remedy through courts, they must have rules and regulations in place that provide an atmosphere of accountability. They must be able to put leaders in place that are dedicated and capable of imposing sound fiscal and economic policies. Leaders that work for the African

people. That is why an emphasis on building democratic institutions is an essential building block in any plan to help improve conditions in African countries. Establishing institutions, accountability and rule of law helps establish favorable conditions for investment in the private sector.

Such investment is supported by increased opportunities for education, especially for women and girls. Education must be an integral part of this undertaking. While the illiteracy rate for women in the developing world stands at 32 percent, in Africa it is approaching 48 percent. In other words nearly half the women in Sub-Saharan Africa are completely illiterate, according to the World Bank. This has very serious and costly implications. Women with more education have fewer children, and start families later. Great education increase a mother's knowledge about child healthcare, which increases the chances that their offspring will grow to adulthood. Having fewer children frees more resources to educate the children families do have. The illiteracy rate for man and Africa is just as startling: 31.1. percent compared to 18 percent in the rest of the developing world. Economic growth is nearly impossible without investment in human capitol. We must work to change this state of affairs.

Health indicators are equally alarming. The infant mortality rate in Sub-Saharan Africa is higher than in any other region of the world. For every 1000 children born, 107 die in infancy. The under five mortality rate is 160 for every child born. This rate is significantly lower than it is in the rest of the developing world. Life expectancy for women fortunate enough to survive childhood is less than 48 years. Men who survive childhood live just shy of 46 years on average.

Seventy percent of those living with HIV/AIDS are in sub-Saharan Africa. The UN Human Development Report states that Rwanda, Botswana, Burundi, Namibia, Zambia, and Zimbabwe life expectancy has dropped more than seven years because of the disease. It knows no boundaries of income or education or occupation. Teacher and soldiers as well as mine workers and women who work in the house are equally at risk. While there are a few notable exceptions, it seems as through African heads of state are just now beginning to realize that they cannot hold their heads in the sand with respect to this issue. We must help and encourage them to not only devise credible plans to combat the spread of the disease, but to speak out about it.

All of the above emphasizes the fact that development in the health sector must be addressed as part of the USAID's strategic plans on humanitarian grounds and economic grounds. If we fail to do so, we risk losing a huge portion of the population of African countries, both in infancy due to childhood maladies and between the ages of 15 and 49, which is the bulk of the working population.

Finally, let me say that while we have made great strides on the issue of debt relief, we need to continue our efforts. Many countries will continue to have unsustainable levels of debt despite the advances that were made by the global ecumenical debt relief movement. Debt relief has positive results. In Uganda, for example, debt relief has meant that the government has increased spending on education so that children are able to attend primary school for free. New ways must be found to provide resources for countries where the poorest of the poor residents reside.

A reversal of fortune for the region is sorely needed. The rest of the world is leaving Africa behind in terms of economic development. It was the only region in the world to have experienced a shrinkage of Gross Domestic Product during the past 25 years. This trend must not continue. We have a lot of work ahead of us. The United States will never be able to help African nation feed their hungry populations without dedicating resources to implement plans which concentrate on the areas aforementioned. My colleagues have heard me say over and over again that we are not spending enough money on constructive foreign assistance programs such as the one set out in Senate Congressional Resolution 53. I repeat that admonition and add this: We can direct USAID to develop as many plans as we want to. At the end of the day, we must be willing to finance such plans. I stand ready to do so. I encourage my colleagues to do the same.

Mr. REID. I ask consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 53) was agreed to.

The concurrent resolution is as follows:

S. CON. RES. 53

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the ''Hunger to Harvest: Decade of Support for Sub-Saharan Africa Resolution''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Despite some progress in recent years, sub-Saharan Africa enters the new millennium with many of the world's poorest countries and is the one region of the world where hunger is both pervasive and increasing.

(2) Thirty-three of the world's 41 poorest debtor countries are in sub-Saharan Africa and an estimated 291,000,000 people, nearly one-half of sub-Saharan Africa's total population, currently live in extreme poverty on less than $1 a day.

(3) One in three people in sub-Saharan Africa is chronically undernourished, double the number of three decades ago. One child out of seven dies before the age of five, and one-half of these deaths are due to malnutrition.

(4) Sub-Saharan Africa is the region in the world most affected by infectious disease, accounting for one-half of the deaths worldwide from HIV/AIDS, tuberculosis, malaria, cholera, and several other diseases.

(5) Sub-Saharan Africa is home to 70 percent of adults, and 80 percent of children, living with the HIV virus, and 75 percent of the people worldwide who have died of AIDS lived in Africa.

(6) The HIV/AIDS pandemic has erased many of the development gains of the past generation in sub-Saharan Africa and now threatens to undermine economic and social progress for the next generation, with life expectancy in parts of sub-Saharan Africa having already decreased by 10–20 years as a result of AIDS.

(7) Despite these immense challenges, the number of sub-Saharan African countries that are moving toward open economies and more accountable governments has increased, and these countries are beginning to achieve local solutions to their common problems.

(8) To make lasting improvements in the lives of their people, sub-Saharan Africa governments need support as they act to solve conflicts, make critical investments in human capacity and infrastructure, combat corruption, reform their economies, stimulate trade and equitable economic growth, and build democracy.

(9) Despite sub-Saharan Africa's enormous development challenges, United States companies hold approximately $12,800,000,000 in investments in sub-Saharan Africa, greater than United States investments in either the Middle East or Eastern Europe, and total United States trade with sub-Saharan Africa currently exceeds that with all of the independent states of the former Soviet Union, including the Russian Federation. This economic relationship could be put at risk unless additional public and private resources are provided to combat poverty and promote equitable economic growth in sub-Saharan Africa.

(10) Bread for the World Institute calculates that the goal of reducing world hunger by one-half by 2015 is achievable through an increase of $4,000,000,000 in annual funding from all donors for poverty-focused development. If the United States were to shoulder one-fourth of this aid burden—approximately $1,000,000,000 a year—the cost to each United States citizen would be one penny per day.

(11) Failure to effectively address sub-Saharan Africa's development needs could result in greater conflict and increased poverty, heightening the prospect of humanitarian intervention and potentially threatening a wide range of United States interests in sub-Saharan Africa.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the years 2002 through 2012 should be declared ''A Decade of Support for Sub-Saharan Africa'';

(2) not later than 90 days after the date of adoption of this concurrent resolution, the President should submit a report to Congress setting forth a five-year strategy, and a ten-year strategy, to achieve a reversal of current levels of hunger and poverty in sub-Saharan Africa, including a commitment to contribute an appropriate United States share of increased bilateral and multilateral

poverty-focused resources for sub-Saharan Africa, with an emphasis on—

(A) health, including efforts to prevent, treat, and control HIV/AIDS, tuberculosis, malaria, and other diseases that contribute to malnutrition and hunger, and to promote maternal health and child survival;

(B) education, with an emphasis on equal access to learning for girls and women;

(C) agriculture, including strengthening subsistence agriculture as well as the ability to compete in global agricultural markets, and investment in infrastructure and rural development;

(D) private sector and free market development, to bring sub-Saharan Africa into the global ecomony, enable people to purchase food, and make health and education investments sustainable;

(E) democratic institutions and the rule of law, including strengthening civil society and independent judiciaries;

(F) micro-finance development; and

(G) debt relief that provides incentives for sub-Saharan African countries to invest in poverty-focused development, and to expand democratic participation, free markets, trade, and investment;

(3) the President should work with the heads of other donor countries and sub-Saharan African countries, and with United States and sub-Saharan African private and voluntary organizations and other civic organizations, including faith-based organizations, to implement the strategies described in paragraph (2);

(4) Congress should undertake a multi-year commitment to provide the resources to implement those strategies; and

(5) 120 days after the date of adoption of this concurrent resolution, and every year thereafter, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate Federal departments and agencies, should submit to Congress a report on the implementation of those strategies, including the action taken under paragraph (3), describing—

(A) the results of the implementation of those strategies as of the date of the report, including the progress made and any setbacks suffered;

(B) impediments to, and opportunities for, future progress;

(C) proposed changes to those strategies, if any; and

(D) the role and extent of cooperation of the governments of sub-Saharan countries and other donors, both public and private, in combating poverty and promoting equitable economic development.

MEASURE READ THE FIRST TIME—H.J. RES. 36

Mr. REID. Mr. President, on behalf of the Republican leadership, I understand the House Joint Resolution 36 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

Mr. REID. I now ask for its second reading and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The joint resolution will receive a second reading on the next day.

AUTHORIZATION OF TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 136 submitted earlier today by the majority and other Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 136) to authorize testimony, document production, and legal representation in the State of Connecticut versus Kenneth J. LaFontaine, Jr.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, this resolution concerns a request for testimony and document production in a criminal case in the Superior Court in Hartford, CT. A resident of Connecticut has been charged with inciting injury to a person, second-degree harassment, and threatening. The criminal charges arise out of threatening and abusive telephone messages left on an answering machine at Senator LIEBERMAN's Connecticut District office, located in Hartford, CT, threatening, among other things, to inflict bodily injury through an attack on a Federal building.

This resolution would authorize an employee on Senator LIEBERMAN's staff who heard the threatening messages to testify and to produce evidence of the calls, with representation by the Senate Legal Counsel.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under ''Resolutions Submitted.'')

FILING OF AMENDMENTS TO H.R. 2311

Mr. REID. Mr. President, because we have filed a cloture motion in the matter before the Senate, everyone who has an amendment to file will have to do so by 1 o'clock tomorrow.

PROGRAM

Mr. REID. Mr. President, on Thursday the Senate will convene at 10 a.m. and resume consideration of the Energy and Water Appropriations Act. We still have every belief that we can complete this bill in the morning. We may also consider several Executive Calendar nominations. We had about 10 we thought we were going to be able to do tonight, but for various reasons they were not done.

We hope to complete the debate on the Graham nomination which has an agreed-upon time. And, of course, we hope to begin consideration of the Transportation Appropriations Act.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent the Senate adjourn following the statement by the Senator from the State of Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Alabama.

NOMINATIONS

Mr. SESSIONS. Mr. President, I appreciate the opportunity just to say a few words. I thank Senator REID for his leadership and effort to move the legislation that has been moving forward pretty well so far. I think this side has certainly been cooperative. We have not had anything like the 100-plus amendments that we had when this side was trying to move bills last year. We have been very cooperative.

There is a real concern that this administration, as it gets itself into office facing all kinds of challenges, needs to get its people on board as soon as possible. We are now entering the seventh month of President Bush's administration. Maybe 15 percent of his term has been used up, and we now have 150 nominees who have not been confirmed. Maybe there will be some objections to some and they will need some scrutiny, but most of them are nominations which, if called up and are voted upon on the floor, are going to pass virtually unanimously.

These are good men and women who have left their jobs and careers. They are committed to public service for a period of time. We need to give them an up-or-down vote.

I think we need to set a higher standard than we have done before. I do not object to a Senator who has a concern over a nominee to raise that concern, to highlight the problem, to ask questions, even delay a nominee. But when we have a nominee nobody objects to—and this is true of the overwhelming majority of the 150 or so—we believe they ought to be moving forward promptly. That is why we are at loggerheads a little bit here. There are some strong feelings that we need a good, firm commitment we will move these nominations before we leave in August for a month away because then

we will come back with all kinds of things and it will be September with appropriations bills and there will be other issues and it will be harder than ever to get up nominations. Even more of them will be in the system by then, having been submitted by the President. It is going to be a big problem if we do not move promptly.

I think this is a reasonable request. I know Senator REID, Senator DASCHLE and others, have indicated they will make some progress, but we are not confident we have made a strong enough determination and commitment at this point in time to ensure those nominees move forward. I hope maybe this cloture motion can be vitiated and we will be able to reach accord and move forward, but I just want to say for the record that the matter is very serious. We have probably taken too long to move nominations as we go forward.

I think the ones that have little or no objection certainly ought to be moved forward.

Mr. REID. Mr. President, my friend from Alabama is right. There is no question that the process is very cumbersome. I hope in the future that we can maintain our record. We have a clear conscious. We cleared 54 last week. It was really the first week that we were in power because committees were just organized. With the leadership having changed, it slowed things down a little bit. But there wasn't much the Republicans could have done while they controlled the Senate because of the funnel that just doesn't allow these nominations to get here.

We have worked diligently today. Our staff worked. I told one of Senator LOTT's staff people just a minute ago that I spoke to Senator BIDEN earlier today, and we had told him that prior to the August recess we would clear all of those that already had hearings. We received a call back from Senator BIDEN's staff, and he told us that he spoke to Senator BIDEN and Senator BIDEN hopes to clear as many as 20 from the Foreign Relations Committee prior to the recess.

We recognize it is an embarrassment to this country—as powerful as the United States is—not having an Ambassador in a country. That is something that is good for the country. It is not because of Democrats or Republicans.

The Senator from Alabama is absolutely right. For the vast majority of these people, there is no problem at all. We just have to get them through the hearing process, which is sometimes cumbersome.

If there is somebody who has some objections, we can arrange something just like Graham. We are going to debate the Graham nomination when we finish the energy and water bill. There is time. I wanted to finish it tonight.

I wish right now that we could be doing this and Graham could look forward tomorrow morning to a very early vote and we could complete that matter. It is a contentious issue, but it is something we need to do. We can do that on others.

I have worked diligently. A lot of times people criticize me on my side because I work too closely with Senator LOTT on moving some of these bills. Last year, prior to the August recess, we did eight appropriations bills. Republicans controlled the Senate. But we moved eight appropriations bills. That was hard, hard work. But we did it. The Senator is right. A lot of times there were lots of amendments on those bills. But we worked our way through them.

I hope the Senator, who has a fine legal mind, is very concerned about what is happening. He wants his President to have all the help he needs. I hope the President gets all of his subcabinet people approved real soon.

I listened to an account on public radio just a short time ago. It is absolutely correct. It said what I already know—that President Bush will be lucky to have his subcabinet people approved by February. That is not because of partisan politics. It is because a system has developed in this country where we have vetting by the White House, by the Justice Department, by the agency in which the person is going to serve. It is too cumbersome and too burdensome.

Why do we need to have all this process for Dan Coats? Dan Coats served in the Senate up until a couple of years ago. He will be confirmed easily. Everybody likes him. It seems to me that the administration—Democratic and Republican administrations—should just have a little more courage, and say: We don't need Dan Coats to be vetted—that is just how I feel about it—by anyone. Let's just bring him down here, and he will stand or fall on how we feel about Dan Coats.

I hope in the morning that the Senator from Alabama and his colleagues who are concerned about this will look at our good-faith efforts. We are trying to do everything that we can. As I said, we were willing to clear 9 or 10 people tonight. For reasons that the Senator understands, we decided not to do that.

We haven't gotten much credit for the 54 we confirmed. We want to make sure that you feel good about what we are trying to do. There are a number of people as we proceed who may have some problems. We will identify those and set a special time for having some debate on the floor so we can have an up-or-down vote on them. We are not going to hold them up just to be holding them up.

Mr. SESSIONS. Mr. President, I thank the Senator for his comments. We have made some progress. There were some objections last week and some concerns about not moving. The Democratic leadership moved 50 or more. But we still have 150, and we are coming up on the August recess. That is all we are saying.

Mr. REID. One-hundred and sixty.

Mr. SESSIONS. If we don't get moving now, we are not going to be able to finish by August with many confirmed. That will get us even further behind. We are going to have a flood of nominations that haven't even come in yet. I am frustrated, as a former U.S. attorney, that no U.S. attorney nominees have even been made. I guess the President deserves blame for that. Maybe the FBI is working the other nominees and can't get the backgrounds on them, or whatever. The Senator from Nevada said perhaps they are terrified that they will nominate somebody who will have a black mark on their record and the administration will be embarrassed.

But I think all we are asking is let's give an intensity of interest to it. Let's give it our best shot before we recess in August to make sure that the backgrounds have been done on every one of these nominees so they are ready to go forward. The committees have to have some hearings. I know they are busy. We have been having hearings in the Judiciary on the FBI and DEA nominees, but we haven't had but three judges come out of Judiciary in 7 months, and none have been confirmed. We have to speed up a little bit. That is what we are asking.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 10 a.m. tomorrow, Thursday, July 19, 2001.

Thereupon, the Senate, at 8:17 p.m., adjourned until Thursday, July 19, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 18, 2001:

SECURITIES AND EXCHANGE COMMISSION

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2002, VICE PAUL R. CARY.

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2007. (REAPPOINTMENT)

MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL EDWIN J. ARNOLD, JR., UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 U.S.C. 642).

BRIGRADIER GENERAL CARL A. STROCK, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (22 U.S.C. 642).

DEPARTMENT OF STATE

THEODORE H. KATTOUF, 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 SYRIAN ARAB REPUBLIC.

MAUREEN QUINN, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND

PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

JOSEPH GERARD SULLIVAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

JOHNNY YOUNG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

DEPARTMENT OF THE INTERIOR

JEFFREY D. JARRETT, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE KATHLEEN M. KARPAN.

DEPARTMENT OF STATE

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

R. NICHOLAS BURNS, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, VICE ALEXANDER R. VERSHBOW.

DEPARTMENT OF JUSTICE

ROBERT S. MUELLER, III, OF CALIFORNIA, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR THE TERM OF TEN YEARS, VICE LOUIS J. FREEH, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY, ARMY CHAPLAIN (CH) AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be colonel

JOSE R. ARROYONIEVES, 0000

To be lieutenant colonel

JAMES R. WHITE JR., 0000 CH

To be major

BRIAN T. *MYERS, 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

MARIA L. BRITT, 0000
ANN D. DEMOLSKI, 0000
JADWIN V. MAYEAUX JR., 0000
MARK W. OLSON, 0000
LEONARD P. PARESA JR., 0000
ROBERT H. RHEN, 0000
RANDOLPH W. THOMAS, 0000
JOHN W. WILKINS II, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

DAVID M. BURCH, 0000
DAVID W. FLOYD, 0000

To be lieutenant commander

CURT D. ANDERSEN, 0000
MICHAEL G. MUELLER, 0000
MARCIA A. RIPLEY, 0000
BRENT W. SCOTT, 0000
MARCOS A. SEVILLA, 0000
MIL A. YI, 0000

DEPARTMENT OF STATE

EDMUND JAMES HULL, 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 YEMEN.

FRANKLIN L. LAVIN, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON JULY 18, 2001, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2005, WHICH WAS SENT TO THE SENATE ON JULY 10, 2001.

HOUSE OF REPRESENTATIVES—*Wednesday, July 18, 2001*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 18, 2001.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend H. Warren Casiday, Emanuel Reformed United Church of Christ, Thomasville, North Carolina, offered the following prayer:

May we join in prayer, please. O Lord, Our Lord, how majestic is Your Name in all the Earth. We pause at this moment to turn our hearts and minds toward You.

God, You have called each of these fine men and women to the respective positions in this great House to serve You, to serve their constituents, to serve each citizen of our great country. Bless each Representative as they respond to Your call.

Grant each of them wisdom as they seek to understand what is both right and necessary for America at this time. Grant that they may have the courage to reach the decisions that will be consistent with Your desires for our Nation. Grant each Representative the peace that comes with the knowledge that they have attempted to do Your will for our country. May You continue to bless this great Nation of ours through the faithful service of each Member of this distinguished House.

By Your grace, may each of these requests be granted. I offer this prayer in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. KUCINICH 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. Lundregan, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 333. An act to amend title 11, United States Code, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 333) ''An Act to amend title 11, United States Code, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. LEAHY, Mr. KENNEDY, Mr. BIDEN, Mr. KOHL, Mr. FEINGOLD, Mr. SCHUMER, Mr. DURBIN, Mr. HATCH, Mr. GRASSLEY, Mr. KYL, Mr. DEWINE, Mr. SESSIONS, and Mr. MCCONNELL, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be 10 1-minutes per side, beginning with the gentleman from North Carolina (Mr. COBLE), the sponsor of the guest chaplain today.

WELCOME TO GUEST CHAPLAIN, THE REVEREND H. WARREN CASIDAY

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

Mr. COBLE. Mr. Speaker, Thomasville, North Carolina, is known as the chair capital of the world. It is also the home of the Emanuel Reformed United Church of Christ, where our guest Chaplain today has served for the past 7 years. We are pleased to have Warren, his wife, Marie, and son, Jason, with us today.

Mr. Speaker, I visited the Emanuel Church many months ago for a dinner on the grounds, and on that day some of the parishioners expressed interest in having their pastor to serve as our guest Chaplain and here he is today.

Reverend Casiday received his divinity degree from the Duke University School of Divinity in Durham; and Warren presently serves, Mr. Speaker, as the president of the Thomasville Ministerial Association and the Chair City Toastmasters in Thomasville.

Warren said to me, Mr. Speaker, just a few moments ago, ''I am a follower of Christ and I am humbled and honored to be the guest Chaplain today.'' I say to him, Warren, we are honored and privileged to have you and your family and your congregation in Thomasville back home watching.

WE NEED TO UTILIZE NATURAL GAS RESOURCES

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

Mr. GIBBONS. Mr. Speaker, everybody here and everybody in America actually knows we are facing an energy shortage; but I ask today, what are we doing about it?

Our demand for oil and gas continually rises, and we seem to diminish our supply of these natural resources at the same time. In times of crisis we have actually drawn from our fuel reserves, but we always fail to replenish them. Right now the demand for gas is outstripping our demand for oil. By 2020, we will consume 62 percent more natural gas than we do today.

But while our demand grows, our production slows. We need to act now; but we cannot, because 40 percent of our natural gas sits under sagebrush protected by Federal regulations.

Mr. Speaker, Americans are paying 20 percent more for natural gas than

they did a year ago. What do we tell these people? We need to tell them that we can and will correct this energy problem responsibly and quickly by passing the Energy Security Act proposed by the chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN).

Mr. Speaker, I encourage my colleagues to support this important and necessary piece of legislation.

U.S. NEEDS POLICIES TO END NUCLEAR WEAPONS

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

Mr. KUCINICH. Mr. Speaker, the news from the administration yesterday is that there is an intention to weaponize space, to deploy space-based missile defenses, which would be a clear violation of the 1972 ABM Treaty.

In 1972, the Russians and the United States signed an agreement which provided for the cessation of the nuclear arms race and to take effective measures towards reductions in strategic arms, nuclear disarmament, and generally and complete disarmament. On May 26, 1972, the two great powers agreed we would get rid of nuclear weapons; yet in the last week we have had the administration have its first test of its missile shield, and now they are talking about the weaponization of space.

We began our session today with a prayer, and the prayer should continue to be, Thy will be done on earth as it is in heaven. And I do not think it is the will of the divine to end this world in a nuclear conflagration. We should work towards the elimination of all nuclear weapons, and we should work for an end to policies which cause this country to move towards the weaponization of space.

THE JERUSALEM PLEDGE

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

Ms. ROS-LEHTINEN. Mr. Speaker, Israel has sought a just and lasting peace for its people, who like people all around the world, only want to raise their families and go about their business in peace and harmony.

Last year, Israel offered the most comprehensive concessions to bring a permanent peace to the Middle East. Instead of acceptance, the Palestinian answer has been to set off a campaign of terror against Israel.

Sixty years ago, European Jews stood alone and the world pledged this would never happen again. I, along with many others, have taken The Jerusalem Pledge being spearheaded by the Simon Wiesenthal Center for a World Conference on Solidarity with Israel. This conference summons Jews and friends from all over the world to Jerusalem to stand together in a show of support.

I have already planned a trip to Israel to reaffirm my longstanding support during its time of need. Because terror will not succeed against solidarity.

ABOLISH THE IRS

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

Mr. TRAFICANT. The IRS said last year's 81 percent error rate dropped to only 73 percent this past year. Unbelievable. The Internal Rectal Service screws up 73 percent of the time and then brags about it.

If that is not enough to cause your 1040 to crepitate, IRS agents gave the wrong advice to taxpayers only 50 percent of the time last year, according to an investigation.

Beam me up. The IRS does not need more workers; the IRS does not need more money. These stumbling, fumbling, bumbling mistake-prone nincompoops have got to go.

I yield back the need to pass the Tauzin-Traficant 15 percent flat retail sales tax, abolish the income tax, and abolish these nincompoops at the IRS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings, or other audible conversation, is in violation of the rules of the House.

PRESIDENT BUSH'S BALANCED ENERGY PLAN

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, for 8 long years, America has ignored energy. There was no energy policy at all under a Democrat administration. So I applaud President Bush for his courage to put forth a balanced energy plan.

The White House plan conserves energy, protects the environment, and increases production. It is time to end our almost total dependence on foreign oil. As my colleagues know, almost over 50 percent of our oil comes from other countries. Not only is that a threat to our national security, but it affects our energy prices.

Just look at California. Since California's Gray Davis failed to enact a plan that encouraged production, they are facing blackouts, high prices, and an uncertain future. Support the President's energy plan. The time is now. It is right for America.

SEND ENERGY BILLS TO THE NAVY

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

Mr. FILNER. Well, now we do know what the administration's energy plan is, Mr. Speaker. When my constituents' bills doubled and tripled in the last year, we asked for Federal help to stop the price gouging and refund those criminal overcharges, but the administration turned a deaf ear. But yesterday, when the Vice President's bill was found to be doubled or almost tripled to $186,000, what did he do? He said the Navy is going to bail me out. I do not have to conserve. I do not have to worry about energy policy; the Navy will pay my $186,000.

So I am asking all my constituents and people all around the country to send their utility bills, which have doubled or tripled, to the Navy, care of the Vice President. That seems to be what the energy policy is of this Nation. Have the Navy pay our utility bills. That is better than any energy policy that can serve this Nation.

So send all electricity bills to the Navy, care of the Vice President; and maybe they will listen to what we are demanding for America.

STEM CELL RESEARCH

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

Mr. PITTS. Mr. Speaker, last week we said that we should fund adult stem cell research and we should fund it generously. For diseases like Alzheimer's, Parkinson's, diabetes, or serious illnesses that have no cures, at least not yet, stem cell research holds a lot of promise. But we should be doing ethical stem cell research, and that means not using stem cells from human embryos. Adult umbilical and placental stem cell research holds a great deal of promise, but killing human embryos is wrong.

Look at this picture of Mark and Luke Borden. These brothers were frozen human embryos soon after they were conceived. Some scientists may have liked to have taken them as embryos and destroyed them so they could harvest the stem cells, but the Borden family adopted them instead.

As human embryos, these little boys were implanted in the womb of their adopted mother where they matured into babies and were born just like any other children. Now they are happy and

healthy growing boys. Mark and Luke Borden have the same right to live as any other children. No one doubts that now. We should not have doubted it when they were human embryos either.

SUPPORT FOR PATIENTS' BILL OF RIGHTS

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

Mr. OSBORNE. Mr. Speaker, I rise today to voice my support for the patients' bill of rights sponsored by my colleague, the gentleman from Kentucky (Mr. FLETCHER).

In evaluating the two bills providing for patient protections before us, I had to ask myself which of these bills will improve health care without creating a crisis. According to the Census Bureau 2000 current population report, in my home State of Nebraska, 179,000 people are currently without health insurance.

□ 1015

Mr. Speaker, the last thing I want is for this body to pass legislation that will significantly inflate the number of uninsured. I have received many letters and phone calls from small business employers in my district asking for leave from the high cost of providing insurance to their employees. Many employers in my district are facing double-digit increases in health care costs this year. The number of phone calls and letters has tripled in the last several weeks from these same employers.

Mr. Speaker, the goal of a Patients' Bill of Rights legislation is to do two things: number one, reduce the ranks of the uninsured; and, number two, increase access to health care coverage. Unlimited lawsuits will accomplish precisely the opposite. They will drive up costs and increase the number of people without health care insurance.

Mr. Speaker, please join me in supporting this bill.

LONG-TERM SOLUTIONS NEEDED FOR KLAMATH BASIN

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

Mr. THOMPSON of California. Mr. Speaker, I rise today to talk briefly about a problem, a serious problem, affecting the Klamath Basin in California and Oregon. The Klamath River was once the third largest producer of commercially fished salmon and steelhead in the United States of America. Today, the river's coho salmon are listed under the Endangered Species Act, and other fish stocks are in terrible shape.

Since 1905, 80 percent of the Basin's wetlands have been lost to agriculture. While this has been good for agriculture, it has come at a tremendous cost. Since that time, we have seen massive decline in wildlife. The region's Native American tribes have suffered as a result and so have commercial and sport fishing industries and so have waterlife and waterfowl and those who rely on healthy stocks of the aforementioned.

The commercial fishing industry that relied on the region for livelihood have suffered tremendously all up and down the California and Oregon coast. The region is still an important wetland habitat for the world's largest concentration of bald eagles and migratory birds along and throughout the Pacific Flyway.

Mr. Speaker, we have to work together in a bipartisan manner using the best possible science.

The problems in the Klamath Basin are not about the Endangered Species Act.

The problems are not about farmers vs. wildlife.

We should not derivate the Endangered Species Act.

Instead we should work with the best available science to find a solution to protect our remaining wildlife and at the same time protect the economic viability of the region.

The bottom line is that we have over promised our water in that region.

We need to work together on a bipartisan basis, with the farmers, tribes, fishermen and local communities to form a long-term solution for the Klamath region.

NATIONAL ENERGY POLICY FOUNDED ON CONSERVATION AND RESEARCH

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

Mr. BALLENGER. Mr. Speaker, headlines earlier this month credited widespread consumer conservation with the recent drop in gasoline prices. Those headlines told all of us how much power we really had to reduce the energy demand through conservation.

The Republican energy package introduced next month will include incentives to encourage conservation wherever possible. Conservation is a cornerstone of our energy policy and will be a dominant part of our energy package. We are committed to helping this Nation meet its growing energy needs. We will implement a pragmatic and diverse energy policy that includes greater production of diverse energy supplies. But that package will place an equal reliance on bold and visionary conservation measures. It will include incentives that encourage research into energy efficiency no one has yet dreamed of.

Congress and the White House are committed to a national energy policy founded on conservation, research and the prudent increase in energy production. Together, these initiatives will help us meet our energy needs through the coming century.

TIME IS LONG OVERDUE TO PASS A PATIENTS' BILL OF RIGHTS

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

Ms. DELAURO. Mr. Speaker, the time is long overdue to pass a Patients' Bill of Rights that puts medical decisions back in the hands of doctors and patients. It is time to put the public's interest ahead of special interests.

We have a bipartisan piece of legislation. Ganske-Norwood-Dingell ensures that medical decisions come before business decisions. It gives every American the right to choose their own doctor, covers all Americans with employer-based health insurance, ensures that all external reviews of medical decisions are conducted by independent, qualified physicians and not HMO bureaucrats.

Mr. Speaker, it is a bipartisan bill which has broad public support endorsed by the American Medical Association and the American Nurses Association. It is in stark contrast to the bill that the House Republican leadership has offered. That bill is an industry-written bill that is designed to stall and kill a real Patients' Bill of Rights. It does not give Americans the right to choose their doctor. It allows the HMO to choose the independent reviewer. That is like asking the fox to guard the chicken coop.

Mr. Speaker, Congress needs to pass the Ganske-Norwood-Dingell bill now. It provides sound, responsible managed care reforms and meaningful patient procedures.

HELP NEEDED FOR PATIENTS, NOT TRIAL LAWYERS

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

Mr. HAYWORTH. Mr. Speaker, we will have a decision in the days to come. Do we opt for a genuine Patients' Bill of Rights, or do we instead follow the siren song of the trial lawyer's right to bill. Make no mistake, when Americans are sick, they do not want to deal with Washington bureaucrats or with insurance company bureaucrats. They want help from medical professionals.

Mr. Speaker, the choice is simple. Are we going to allow patients seeking relief to end up in court or to be treated in a clinic? By the way, do we want to destroy health insurance as we know it? That may be the very serious unintended consequence of people who mean well but seem to put their faith

in healing more in trial lawyers than they do in physicians.

Mr. Speaker, it is incumbent upon this House to pass a bill that is a help to patients, rather than a boom to the trial lawyer's lobby. Let us opt for the plan of the gentleman from Kentucky (Mr. FLETCHER) to truly help patients rather than trial lawyers.

AMERICAN FARMLAND STEWARDSHIP ACT

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

Mr. PUTNAM. Mr. Speaker, I rise today to introduce important legislation to assist American farmers and ranchers in achieving valuable conservation goals in the protection of our natural resources.

Today's farmers and ranchers are facing increasing challenges in protecting environmentally sensitive lands while ensuring an abundant, safe food supply. Greater access to conservation programs must be a part of our agricultural policy.

For this reason, Mr. Speaker, I am introducing the American Farmland Stewardship Act of 2001 which will help foster responsible care and stewardship of our natural resources by agricultural producers. The Act provides incentive-based initiatives aimed at assisting farmers in meeting environmental requirements and the protection of endangered habitat, wetlands, improved water quality and water access, treatment of discharge, deterrence of invasive species and other important environmental challenges.

The American Farmland Stewardship Act will ensure greater protection of natural resources by providing economic assistance to agricultural producers to improve and protect natural resources and assist farmers and ranchers in staying competitive in the world market.

Mr. Speaker, please join me in cosponsoring the American Farmland Stewardship Act.

ENERGY SECURITY ACT

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

Mr. REHBERG. Mr. Speaker, we are facing an energy shortage. While our demand is continually growing, our production is slowing. Take natural gas as an example. Our demand for natural gas is actually outstripping our demand for oil. By 2020, we will consume 62 percent more natural gas than we do today. We need to act responsibly, and we need to act quickly. We need to open some of our public lands to exploration for natural gas, and we need to build pipelines to deliver it.

Passing the legislation proposed by the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources, last night was a step forward in the right direction.

COMMUNITY SOLUTIONS ACT

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

Mr. PENCE. Mr. Speaker, I come to the well this morning in strong support of the Community Solutions Act that we will consider shortly today. As our President said just last week, we in Washington cannot make Americans love their neighbors, but we can make resources available to those who have a heart for service, but not a wallet. For too long official Washington has used strict legalism as their excuse for walking by on the other side of the road, denying recognition and assistance to the faith-based institutions who have been making a profound difference in the communities we serve for over 100 years.

Mr. Speaker, the Community Solutions Act will bring this era of discrimination to an end. It will empower Americans and institutions of faith by increasing charitable giving through tax deductions, expanding charitable choice to allow religious organizations funds on an equal footing with non-religious institutions and other reforms.

Mr. Speaker, I strongly urge my colleagues to vote for H.R. 7 and let a new era of cooperation between public and private organizations that battle poverty and social maladies to begin.

THE JOURNAL

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

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

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

Mr. MCNULTY. 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 372, nays 47, answered ''present'' 1, not voting 13, as follows:

[Roll No. 236]

YEAS—372

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce

Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—47

Aderholt
Borski
Brady (PA)
Capuano
Costello
DeFazio
English
Filner
Fossella
Gutierrez
Gutknecht
Hefley
Hilleary
Hilliard
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
LoBiondo
McDermott
McGovern
McNulty
Menendez
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Pombo
Ramstad
Sabo
Schaffer
Scott
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Udall (CO)
Udall (NM)
Visclosky
Wamp
Waters
Weller
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—13

Crane
Culberson
Gibbons
Goss
Hutchinson
Istook
Maloney (CT)
Murtha
Myrick
Oxley
Riley
Spence
Young (AK)

□ 1048

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

So the Journal was approved.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

Mr. BOEHNER. Mr. Speaker, pursuant to rule XXII, and by direction of the Committee on Education and the Workforce, I move to take from the Speaker's table the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio (Mr. BOEHNER) is recognized for 1 hour.

Mr. BOEHNER. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. GEORGE MILLER), for him to control under this debate.

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

Mr. Speaker, the Federal Government has been involved in education policy since 1965. Thirty-six years later we are finally getting serious about demanding results for our Nation's children.

As the Chicago Tribune noted recently, ''Congress has spent the last four decades appropriating massive amounts of money to try to even out the educational experiences that disadvantaged children receive compared to their more fortunate peers. And in return for that long-term multi-billion dollar investment, we have gotten more disappointment. Most states show continuing gaps in achievement between poor and middle-class kids, and between white and minority students. Meanwhile, our students have fallen behind those of other countries.''

Washington finally seems ready to put an end to this era of lost opportunity, thanks to President Bush and reform-minded legislators on both sides of the political aisle.

The No Child Left Behind Act, H.R. 1, passed this House on May 23 by a vote of 384 to 45, and reflects each of the four pillars of President Bush's education reform plan: accountability and testing, flexibility and local control, funding for what works, and expanded parental options.

H.R. 1 embodies President Bush's vision for education in America. That vision says a number of important things.

It says that when States use Federal education dollars, they should be accountable for getting results.

It says that parents should be empowered with data about the schools their children are attending, the qualifications of the teachers teaching their children, and their children's academic progress.

It says Federal education resources should be focused on helping students who are in the most need of help. We should increase for what works and ensure Federal education dollars are targeted to where they will make the biggest impact for our neediest children.

It says that to meet the tough new accountability standards, teachers and local school officials should have greater flexibility to decide how to address their students' unique needs.

And it says the parents want to choose the best education possible for their children, regardless of income level and/or their ethnic background.

The bills passed by the House and Senate have much in common, but there are some important differences that must be resolved.

We differ from our colleagues in the Senate on the issue of targeting resources to our most disadvantaged students, a goal that I think the House version embraces. We do believe that Federal education resources should be targeted to helping the most disadvantaged of our students and helping them to learn to read, to learn English, and to learn math skills. Accordingly, we passed a bill that focuses funds toward our poorest students, streamlines bureaucracy and refocuses Federal education dollars towards students who need help the most.

The Senate bill, by contrast, actually expands the overall number of programs significantly. It creates many more new programs than does the House bill, and the overall number of programs is significantly higher. According to the Congressional Research Service, there are 55 currently funded elementary and secondary education programs, and the Senate bill would increase that number to 89.

Many new programs added by the Senate may have merit. But the more programs we create, the harder it becomes to target Federal resources to the very students that we are trying to help. The more programs we add, the more we force disadvantaged students to compete for available funds.

The fact of the matter is that these students already have enough to compete against. Life's circumstances are competition enough for most of them. They should not have to compete for the opportunity to learn to read, to learn English, or to learn to add and subtract and multiply.

There are other areas where we are going to need to address issues as well:

We must assist on real accountability. Parents should be empowered with data, and States should be required to demonstrate that they are using Federal resources to close the achievement gaps that exist between disadvantaged students and their peers.

We must give States and local school districts the flexibility they need to address their students' unique needs and meet the higher expectations that we are placing on them.

And we must ensure that there is an escape route for students trapped in dangerous, failing schools that just do not change. The House bill provides for immediate public and charter school choice to parents with children in failing public schools. We hope our Senate colleagues will join us in embracing this new option for parents.

We look forward to taking the final step in what has been a very long process this year. We are looking forward to sending to the President an education bill that reflects his principles and begins making an immediate impact for students in schools all across America.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to go to conference. We have a historic opportunity to come out of this conference with an education reform bill that will benefit America's children. In May we passed an overwhelmingly bipartisan bill to ensure

that all schools are held accountable for producing real results for our children.

I want to particularly thank the members of our Committee on Education and Workforce, the gentleman from Ohio (Chairman BOEHNER), the gentleman from Michigan (Mr. KILDEE), the gentleman from Delaware (Mr. CASTLE), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from California (Mr. MCKEON), the gentleman from Indiana (Mr. ROEMER), the gentleman from Georgia (Mr. ISAKSON), and the gentleman from New York (Mr. OWENS), for all of their hard work in the negotiating sessions, and all of the other Members of the committee for their willingness to stick with these very difficult reforms in this effort to make a difference for education for our low-income children.

H.R. 1 requires that schools not only lift up the performance of all students, white, African American, Hispanic, rich, poor, limited English, proficient and disabled; but it also requires that we close the achievement gap between these students and others.

We have had some serious discussions about accountability provisions in conference. The President and the Congress, the House and the Senate, Democrats and Republicans are all on record in support of closing the achievement gaps between rich and poor and between minority and majority students.

□ 1100

I am optimistic that we can set high standards that drive our public school systems toward that goal. Make no mistake about it: There will be, and there already is, a great deal of pressure from those who resist change, those who want to maintain the status quo, those who want to make sure that nothing ever changes in this system, but those are the same people that have given us the results that Americans find so repugnant. We need to change the system, we must bring about that change, and we must understand that that is the intent of the bill.

There are those that say they cannot get students proficient in 12 years. All I can say is, thank God they were not in the room with President Jefferson when he launched Lewis and Clark, because they would have never gotten across the Mississippi. And thank God they were not in the room with John Kennedy when he launched the program to put a man on the moon, because they would have never left the Beltway.

Their response to this bill is that they are going to dumb down tests, that they are to teach to the tests. That is the response of the American education system in this country? I hope not. I hope they recognize the challenge and the intent that Congress has put in this legislation, to substantially and dramatically change and improve and hold accountable the American education system to the children it teaches and to the parents that send them there.

We have ignored the educational inequities in our country for far too long. This legislation will go a long ways toward addressing these pressing problems. To do the job right, we must fight to match the powerful new reforms in this bill with significant new resources. The House and the Senate bill make this commitment in different ways, but let me say this: In the end, it will not be enough to up the authorizations and congratulate ourselves. The critical step will be making good on these promises by following through with them in real dollars in the appropriations process.

No one believes that we can really do public education reform on the cheap and get the results that all Americans are demanding. If we are to truly achieve real education reform, we will have to do our share in providing the necessary resources to fully fund special education, to support and train teachers, to turn around failing schools, and to repair and to modernize classrooms.

I also hope the conference will embrace a new bipartisan local flexibility, rather than letting States dictate local prerogatives through unaccountable block grants. Provisions in the Senate legislation would block grant much of the funding in this legislation, while sacrificing the accountability and the targeting of resources to the disadvantaged schools.

This legislation also gives us an opportunity to ensure that all teachers, in all classrooms, in front of all students, are fully qualified. Nothing is more shameful than having America's children shortchanged by uncertified teachers or unqualified teachers to teach the subject matter for which they have been hired. Study after study continues to show the impact that unqualified teachers have on the education of our children. The final conference report needs to reverse this troubling trend by investing additional funding in professional development, in teacher training, while ensuring that Federal funds are only used to pay fully qualified teachers.

Mr. Speaker, we can do this. This legislation does this. The question will be whether or not the conference committee can proceed toward these goals or whether or not the forces of the status quo will be sufficient to hold us back. I hope they will not be. I intend that they will not be. I know that the chairman agrees with that notion.

Mr. Speaker, this is about real reform, real accountability and real results and real resources. That is the goal of this legislation. That is, I believe, the goal of the conference committee, and I look forward to joining our Senate colleagues.

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

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Speaker, I thank the chairman for yielding me this time. I also rise in support of the motion to go to conference on H.R. 1, the No Child Left Behind Act of 2001.

I would like to start by expressing my thanks to both the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, and the gentleman from California (Mr. MILLER), the ranking member, for their hard work on this bipartisan legislation. If my colleagues heard their speeches here today, they realize what a sincere and deep-seated effort they have put in to making sure this legislation comes to fruition. We should all appreciate it.

With this motion to go to conference, we take the next step in our journey to fundamentally change the way children are educated in this country. Both the House and Senate bills embrace accountability with annual testing for all students in grades 3 through 8, create new options for parents of low-income students in failing schools, and provide unprecedented flexibility in the use of Federal dollars, placing more control into the hands of local school administrators and teachers. This pressure from above for high standards and competition from below to provide parents and students with information and options will help us rededicate our schools and ourselves to the joint principles of equality and excellence.

While the House and Senate bills differ somewhat on the best way to achieve these goals, we are united in our effort to ensure that no child, regardless of his or her challenges or abilities, is beyond the reach of our public school system. In that, we share President Bush's strong desire to complete action on this legislation; and while negotiations will be lively, I believe no issue will be insurmountable.

Some of these key differences include funding, program consolidation, and the appropriate degree of program and spending flexibility, both at the State and local levels. Specifically, while both bills dramatically increase spending to carry out the reforms and visions of the President's No Child Left Behind plan, the Senate version authorizes a full $8.8 billion more than the House. While we should not be adverse to increasing funding for programs that have been proven to work, we should not support additional increases if they are not tied to high standards and real accountability. To do so would defend and perpetuate the status quo.

Both bills also provide new flexibility. The House version consolidates similar programs, reducing the total number by a third. It also provides new

freedom for school districts, 100 school districts nationwide, and allows all schools making adequate yearly progress to transfer funds between programs to meet their most pressing needs.

The Senate bill, on the other hand, actually creates many new programs; and it focuses its efforts on creating new flexibilities for States. In negotiating these issues, we should keep our children and their achievement firmly in mind and resist efforts to add unproven programs or approaches simply to score political points.

Mr. Speaker, the House passed the education reform bill by a margin of 384 to 45, and the Senate passed its by a vote of 91 to 8. Without a doubt, the time for reform is upon us. Now let us move ahead and support the motion to go to conference.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me this time. I join my colleagues in supporting the motion to go to conference on H.R. 1.

Mr. Speaker, H.R. 1 represents the opportunity to demand results and report the achievement of all students. The substantially increased resources provided in both bills, coupled with emphasis on accountability, is a hopeful recipe for improving our educational system. In addition to the critical focus on accountability, the conference report on H.R. 1 will give us the chance to significantly expand resources and focus on extended learning opportunities for children after school.

The 21st Century Community Learning Centers Program, a priority initiative retained by both the House and the Senate bills, will collectively be able to invest in after school enrichment opportunities for their children.

While our eventual conference points will have many successes, a resolution of some issues are daunting and will take the hard work of all conferees to finalize, and we are committed to do that. Some of our more difficult issues include balancing competing versions of flexibility at the State and local level, creating a usable and realistic definition of adequate yearly progress that does not mask failure, and ensuring that our most disadvantaged receive the targeted resources they need. While these issues will be fervently discussed, I believe we can produce a strong bipartisan conference.

Mr. Speaker, we have kept bipartisanship through this whole process so far, and I think we are committed to keeping that bipartisanship within the conference.

Mr. BOEHNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MCKEON), who chairs the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of this motion to go to conference on H.R. 1.

In January, when the President presented his No Child Left Behind education reform proposal, he said, ''Bipartisan education reform will be the cornerstone of my administration.'' He called on Congress to work together across party lines to craft legislation; and as a member of the House drafting team, I am proud of the work we have done so far under the leadership of the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MILLER) in getting us to this point. The gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, and the gentleman from California (Mr. MILLER), the ranking member, and all of the Members of the House are to be commended for their commitment to bipartisanship but, more importantly, for their commitment to our Nation's children.

The bill we are sending to conference is a good bill and reflects most of the President's proposals. This bill was a long time in coming. We started the reauthorization of the Elementary and Secondary Education Act in the last Congress under the previous administration. After 2 years of debate and several pieces of legislation, we were unable to put a package together. So today we will send H.R. 1 to conference to continue the process of instituting historic changes to our schools and new opportunities for our Nation's children.

Throughout the legislation, H.R. 1 maintains the four pillars of President Bush's education reform plan: accountability, flexibility and local control, research-based reform, and expanded parental options. Specifically, as chairman of the Subcommittee on 21st Century Competitiveness, I would like to talk about two issues which fall under my jurisdiction: teacher training and education technology.

First, the teacher title builds upon legislation that I, along with the gentleman from California (Mr. MILLER), the ranking member, authored in the last Congress, the Teacher Empowerment Act. It is based upon three principles: teacher excellence, smaller classes, and local choices. Mr. Speaker, H.R. 1 does this by consolidating and streamlining the Eisenhower Professional Development Program and the Class Size Reduction Program into a single program to provide States and local schools additional flexibility in the use of these funds in exchange for increased accountability and demonstrated student achievement. This will provide a major boost to schools in their efforts to establish and support a high quality teaching force.

Second, in regards to technology, the House bill consolidates a number of technology programs into a single performance-based grant program. According to the General Accounting Office, there are 35 Federal programs spread across eight Federal agencies that may be used as a source of support for telecommunications and information technology in schools and libraries. By eliminating duplicative programs under the Elementary and Secondary Act, the bill is a good first step to ensure that schools will not have to submit multiple grant applications that waste precious dollars on administrative expenses.

Additionally, under H.R. 1, technology funds will go to those areas where help is needed the most. According to the Department of Education's most recent study, schools in the highest poverty areas are still far less likely to have computers connected to the Internet in every classroom.

This targeting of funds is a departure from the current practices under the two major ESEA technology grant programs. A recent GAO study reported that of 20 current grants under the Technology Innovation Challenge grant program, none had been reported as being awarded to grantees with greater than 51 percent poverty. The Enhancing Education Through Technology initiative will ensure more funds get to the schools that are most in need of obtaining and using education technology.

Mr. Speaker, in closing, I would like to encourage all of the Members of the House to support this motion so that we can take the final step in this process and send the President an education bill that reflects his principles and begin making an immediate impact for students and schools and turn the promise of not leaving one child behind into reality.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from California for yielding me this time.

For years, the policy of this country has been that when we find schools that are filled with students who are underachieving, we do not do anything about it. Year after year, wasted generation after wasted generation, we just keep sending more money and doing the same old failed thing.

This bill promises to change that. How do we change it? We build schools where every child is in school well nourished, in a safe, clean classroom, being taught by a qualified, enthused teacher in front of a class that is a manageable size, with access to the right technology, with programs for significant parental involvement, for prekindergarten, for after school, for all of the things that we know work.

But we also know this: All of those things that work cost money.

□ 1115

The bill that I was proud to support that we are sending to this conference has a significant increase in the Federal investment in education. But that is only a target as it now stands. One of the goals of our conferees should be to work with the other body and make sure that that promise of greater investment in struggling schools becomes a reality.

It is not just about investment, it is about prekindergarten. It is about teacher training, smaller classes, safer schools, school breakfasts, parental involvement programs, and all the things that make a school work right.

We have laid the foundation to get that done. I hope that in the weeks and months ahead, the conferees will finish the job and bring back to this House a product that honors the promise of real change where it is most needed in American education.

Mr. BOEHNER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. ISAKSON), the vice-chairman of the Subcommittee on 21st Century Competitiveness.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

I want to acknowledge three people.

First would be the gentleman from Ohio (Mr. BOEHNER), the chairman, whose inspired leadership really allowed this bill to come to the floor in a bipartisan way, and the guidance he has given.

Second, I thank the gentleman from California (Mr. GEORGE MILLER), who has unalterably opposed the status quo and on this bill has very eloquently stood for the accountability to the American public for education needs of the American people.

Last but not least, I thank the President of the United States, who really believes that we should leave no child behind.

Mr. Speaker, Robert Browning was once asked, the great philosopher and writer, what his definition of education was and what it meant to a human being. His answer was very simple: education makes a people easy to lead, difficult to drive; easy to govern and impossible to enslave.

Mr. Speaker, the poor and most disadvantaged children in America's public schools are in fact enslaved today by ignorance. Title I was intended, at its beginning 33 years ago and subsequently with an investment of $125 billion, to break those shackles of ignorance and to break the slavery that, in fact, exists when people leave school or drop out without the equipment that they need.

President Bush, this committee, and, in the end, this conference will I am sure ensure that the three cornerstones that are essential to the education of a child become the measurable reality of American public education of our most disadvantaged students:

First, reading. This bill puts $600 million more into reading annually, and focuses on K through 2 in the Early Reading First initiative. It increases the resources to teachers, and it gives children in those most formative years of education the opportunity to learn to read and to comprehend.

Second, that comprehension, that ability, will be monitored and assessed annually from grades three through eight, so by the time that child reaches the ninth grade, where most of them drop out, instead of dropping out they will be dropping in on a high school education.

Lastly and most importantly, it gives flexibility to local school systems. In the school systems in California or Georgia, Indiana or Wisconsin, our students are different: different in ethnicity, different in race, different in economics. School systems deserve the right and the flexibility to choose what is best so as they educate children and are measured on their progress, they are able to make the determination that they believe is best, not what a bureaucrat or a politician in Washington thinks is best.

There are differences between the House and Senate. There are differences in the amount of money, and there is a little difference in the amount of flexibility. I believe we will work those differences out.

We have seen that no amount of money, even $125 billion over 33 years, has changed or lessened the achievement gap. Hopefully now the amount of money we ultimately invest, with accountability on public education and resources for our most poor and disadvantaged students, will not only close the achievement gap, but enlighten and enrich every child in the United States of America so that truly no one ever again in this country leaves a public school enslaved by lack of experience and a lack of education.

I look forward to the conference. I look forward to the House position. I look forward to maintaining the accountability in the reading levels of all our children.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend, the gentleman from California, for yielding time to me.

Mr. Speaker, I, too, rise in support of the motion to go to conference on H.R. 1.

I want to commend the leadership first of all on the committee, the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for working hard and trying to produce a good bipartisan product which we could report out of the Committee on Education and the Workforce and bring to the House floor and receive overwhelming bipartisan support.

I think this is a good bill. It is not a perfect bill. It calls for greater consolidation of a lot of Federal programs with increased flexibility back to local school districts on how best to utilize those resources that will be provided to them.

It calls for greater investment in professional development programs of our teachers, given a 2.2 million teacher retirement over the next 10 years, as well as an investment in the leadership of our school districts, with principals and superintendents.

It also calls for money to better integrate the use of technology in classroom curriculum, so our students graduating are going to be prepared to compete in the 21st century new economy.

It is a bill that calls for reform with results. It also holds school districts responsible with accountability, mandatory testing programs, so we can measure the students' progress.

I am hoping that in conference, attention will be paid to providing enough resources for the remediation of students who are being measured and who are falling behind at their skills level, so we can bring them back up to the rest of their classmates so they, too, can succeed.

There were some features of this bill I think that we missed the call on. I think it is time for this Congress to take action to provide some matching grant money back to local school districts to put in place pre-K schooling opportunities. Researchers at the University of Wisconsin just did the most long-term, 15-year comprehensive study of the pre-K program in the Chicago public school district and found that those students who are participating are less likely to commit juvenile offenses, more likely to stay in school, and perform better on tests than their classmates, and are more likely to graduate and go on to post-secondary education.

I also think that this Congress is not living up to our promise to fully fund special education opportunities for students with special needs. The promise was made 25 years ago that we would fund 40 percent of the expense of special education costs. Today we are slightly less than 15 percent.

If there is one piece of work that this Congress can do this year that will alleviate the pressures and the financial burdens that school districts throughout the country feel, it is to live up to our promise to fully fund special education. I hope that, too, is a source of conversation with the conferees.

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

Mr. Speaker, I appreciate the concern from the gentleman from Wisconsin over the issue of IDEA funding. I think most of our colleagues understand that the Individuals With Disabilities Act in education is not part of the Elementary and Secondary Education Act.

In fact, this Congress over the last 5 years has increased funding for IDEA some 50 percent over the last 5 years. I have no doubt there will be another increase again this year.

But that program is up for reauthorization next year. I would ask my colleagues to allow us to go through the reauthorization process on IDEA next year and debate any additional resources that might be devoted to that in the context of the reauthorization of that bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I also thank the gentleman from California (Mr. GEORGE MILLER) and the chairman, the gentleman from Ohio (Mr. BOEHNER), for their work in producing a bipartisan bill that really should make a difference in our schools.

Mr. Speaker, as we come to conference with the other body, there are some things that I think are in consideration here; and we must make sure they come out in the final version.

First of all, I want to make sure that some of the discussions that we have had in committee about authorized use of funds comes out. The gentlewoman from Illinois (Mrs. BIGGERT) and I in committee were able to see that of the money that is spent, that local schools have the option of spending it on training teachers, providing the professional development on math and science teaching in particular, which can be as much as 20 percent of the funding under title II. I hope that that will be preserved in conference.

I also hope that we can preserve the agreement that we had in committee that under the President's reading initiative in title I, an accepted use of funds is for books. If we are going to have a literacy program, it does make sense that books would be covered as an authorized use of funds. Similarly, in title IV, I would hope that we can see that instruments, musical instruments, are included as appropriate use of funds in music programs.

Overall, I hope we would see that we pay special attention to the professional development for math and science teachers. Furthermore, something that is coming from the other body that I hope will be preserved in conference is legislation, a part of the bill, that will ensure that parents have a right to know at least 72 hours in advance of the use of pesticides, dangerous chemicals, in their schools, in their children's schools.

Of course, as others before me have said, I hope out of conference we will come with a real dedication to give more than words to education for children with disabilities under the IDEA program.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

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

I would like to also compliment the bipartisan leadership in bringing this bill to this particular point, and in recognizing that it has traveled many miles. One particular mile left to go is as it pertains to special education.

I disagree with my colleague who says that this has to be put off for a year before we substantially will be able to go through a reauthorization period. I do not question the reauthorization time frame, but I do recognize that back at home, where we did increase funding, we started out at a very low level. So a 50 percent increase, while it sounds great and large, really in terms of property taxpayers and children and families with special needs and special education, really it has only gotten up a smaller percentage of where we made a commitment to the communities and school districts throughout this country when the Federal Government 25 years ago said we would cover 40 percent of the cost.

All we have done is shifted those costs onto the property taxpayers, because we have regulations that say they have to comply. So we have a substantially unfunded Federal mandate that needs to be corrected. We need to do it now, because we are not going to have the budget surplus, if we have a surplus at all, to be able to deal with this; and it is better to act now when there are so many others that are trying to attempt to get at that particular budget in the resources that are being made available. Then the real impact of special education is going to be borne by local property taxpayers.

In our State alone, the Federal Government should be contributing $100 million a year to cover 40 percent of the cost. They are only contributing $32 million a year, and $68 million more is being contributed on the backs of property taxpayers, the most regressive tax of all taxes.

If we want to provide property tax relief, tax relief, and we want to fund unfunded mandates, which are the pillars of the congressional leadership over the years, especially in the House, then we should fully fund special education.

I ask my colleagues to support the Harkin-Hagel amendment in the conference, which would provide for full funding over 6 years for this critical program. I would prefer it in a shorter period of time, but I think that is the bare minimum that we will accept.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I rise in support of the motion to go to conference. I, too, want to join in the chorus of accolades for our chairman, the gentleman from Ohio (Mr. BOEHNER), and for my ranking member, the gentleman from California (Mr. GEORGE MILLER), and for their talent and eloquence in getting a bill together with 384 votes to take us to conference.

The challenges ahead are indeed large and looming. John Adams, who wrote the Constitution for the State of Massachusetts, wrote in clause 2 a very unique section guaranteeing the right of education to every single citizen in the State of Massachusetts.

At no time is that right to a good education more important than today in America, and at no time is that right more threatened to the poorest in America than right here today.

What we do in conference is extremely important. With this bill, while we can all pat ourselves on the back and say we have accomplished a lot up to this point, there is a lot more work to do, particularly on the resources. As a fiscally conservative Democrat often coming to the floor saying money is not the answer to every problem, if we are going to test children and do it with diagnostic tests that we can turn around in real time remediation to help these children do better, we need the resources.

We also need a NAEP test. We need a NAEP test that can compare with the local government, the local schools and the State schools, when they devise their State tests, so we can then assess how good that test is in comparison to other tests.

□ 1130

We need to accede to the Senate language on the NAEP test. And on adequate yearly progress, we must hold students accountable. Whether 70 percent of students are passing in a school and 30 percent failing, we need to be able to find out what 30 percent are failing.

In conclusion, I would just say that we have the model for bipartisanship here today with this bill, but we do not yet have the model for bold school reform that works. That will be determined in this conference when we work out NAEP, resources, and other important issues, like adequate yearly progress.

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

Ms. WOOLSEY. Mr. Speaker, I stand in support of H.R. 1, and I compliment the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER). Good job. This was not easy to do.

But I want to talk about something we left out in the House that we cannot wait another year to cover, and that is fully funding special education and IDEA. I would ask that the conference committee include the Senate provisions regarding funding IDEA.

When I meet with parents in my district who have children with special needs, I hear how frantic they are about getting the services their children need in their schools. They think the schools are giving them the runaround. While, when I talk to the school administrators and the educators, they tell me they are worried sick about not having enough money to fully meet the needs of special education programs. And parents of students without special needs are fearful that their children will not receive enough resources so that they can get the education that they need.

This cannot continue. We need not wait another year. We must fully fund IDEA, because we are pitting one important education program against another. Students against students, parents against parents, and parents against schools. It is time for Congress to honor the commitment made to parents and educators over 26 years ago.

We can do that by adopting the Senate provision in the Leave No Child Behind Act and fully fund IDEA over 10 years. It is the right thing to do, and I urge my colleagues and the conferees to stand behind funding IDEA as we committed over 25 years ago.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), and while a new Member of Congress, the gentleman spent a career in the field of education.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me this time; and I thank him for his work, as others have, and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for his work, as well as other members of the committee, who did an outstanding job of working together.

I certainly support H.R. 1 as it goes to conference. I think there were some graphic reasons for the reform. It is my understanding that the Federal Government has spent $80 billion on education over the last 10 years; yet we saw absolutely no improvement in dropout rates, no improvement in test scores, less performance in general, and roughly 60 percent of our fourth graders are not able to read at an adequate level. So I think H.R. 1 really represents significant improvement in educational policy. It does provide better measurement of students, more accountability for schools, and certainly greater local control.

However, I would like to also underscore the idea that the best educational policy alone is not going to be the whole answer. And the reason I say this is that we can have the best teachers, the best curriculum, the best buildings, facilities; and still, if there is a high percentage of dysfunctional students from dysfunctional situations, we will have a very difficult time educating them because, number one, they will not get to school; and, number two, if they do get to school, they are not going to be in a very good frame of mind to learn anything.

So one of the components of H.R. 1 that I have been very interested in, which has not been talked about a whole lot, is the mentoring component. This is something that is very important to the President. Mentoring reduces absenteeism from school by over 50 percent, decreases drug abuse by more than 50 percent, teenage pregnancy by 30, 40 percent, violence, and gang-related activities by a significant margin as well. So mentoring does work, and it is an important part of the educational component.

So as we go to conference here on this bill, I hope that this will be preserved. I especially hope that the conferees will maintain the flexibility and the local control that we have written into the bill, particularly in regard to training the mentor.

So again I would like to compliment those who have drafted and crafted this bill, and I want to wish them well as they go to conference.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentlewoman for yielding me this time; and I want to thank the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking minority member, the gentleman from California (Mr. GEORGE MILLER). I give credit to both sides of the aisle on working really hard to get this bill through. Both sides gave up a lot, but we came out with an excellent bill; and I appreciate all the work everybody did on it.

When we talk about flexibility, when we talk about teacher preparation, when we talk about mentoring programs for our children, these are all going to be wonderful things for the future of education; but again I have to add my voice to those talking about IDEA. I know reauthorization is coming up, and I am looking forward to working with my chairman on reauthorization of IDEA next year.

As someone who grew up with learning disabilities, and as someone who has a child with learning disabilities, I know how important it is. I go into schools every single Monday and see that our schools, unfortunately, have to take funds away from important programs because the Government mandated these children be mainstreamed in our schools, yet have not followed through with the promised 40 percent to help them do this. We will fight to make sure that the monies are there.

It is not fair to our school systems, as it is today, to be paying out these monies when we made these mandatory deals with the schools to educate these children. I am looking forward to seeing what the conferees come out with. I know it will be a good bill. The House and the Senate bills are a little different, but in the end I think the people of America and the children of America are going to be proud of the work done here in Congress.

Decisions should be made on the local level, and I do believe in that; but the flexibility is probably going to be the most important thing. So I again thank the gentleman from California (Mr. GEORGE MILLER) and am looking forward to working with him again.

Ms. WOOLSEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I want to appeal to the conferees to please hold the course and not water down this bill any further.

There is an education state of emergency in many American communities. There is an education state of emergency in the African American community in inner cities and in other inner-city minority communities and in rural poor communities. We need all the help we can get as fast as we can get it.

The reading scores show there is a state of emergency, the SAT scores show it, the dropout statistics show it; but also there are other indicators that we ought to take a look at. The number of uncertified teachers are clustered and concentrated in these state of emergency communities. The number of unsafe, unhealthy buildings are concentrated in these communities. The lack of science laboratories and lack of physics teachers and chemistry teachers, they are all concentrated in these communities. Libraries with the oldest books are in these communities.

So we need to maintain the focus and the concentration of this bill and not let the bill that came from the other body water it down and make flexible the funding so that it does not have the same concentration as the President's bill.

The President is to be congratulated for focusing on where the greatest need is. The bill does do that. The focus on title I as a major component to be expanded in the authorization, the move towards an increase of title I funding to $17.2 billion in 5 years, that is very important. That authorization must be maintained.

We must unite with the other body to get higher authorizations in some other areas, and we must understand that the conference committee holding to these authorization levels is the first step in a larger strategy to guarantee that the appropriations will equal the authorizations.

We have a need for education reform everywhere in the country. I know that everybody is concerned about the fact that our children scored lower than youngsters in other nations, the best; but that need for concern should be understood in terms of there is a need for

emergency-targeted funds that go straight to the areas of greatest need. In other words, what I am saying is let us make certain that we do what we have to do and can do at the Federal level so that we will hold accountable the States and hold accountable the local education agencies to deal with the state of emergency and guarantee that the opportunities to learn create safe schools, guarantee certified trained teachers, guarantee science laboratories, science equipment, guarantee science and math teachers.

We must take the first step, and also we must act in a way which guarantees that the appropriation will match the authorization in this Congress.

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

Let me rise, Mr. Speaker, and congratulate my friend, the gentleman from New York (Mr. OWENS), and tell him that I could not agree with him more.

As we go to conference with the Senate on this bill, our eyes need to be focused on the major goals. And one of the major goals that I think many of us share is to make sure that the resources that are going to be dedicated to this bill, whatever that amount may be, go to the most needy students in our society.

On the House bill we reduced the number of programs that we were going to fund under the Elementary and Secondary Education Act in order to try to better target these resources to those children, especially minority children in inner city schools and in rural areas who are underserved and need our help. But if we look at the Senate bill, where they expanded the number of programs, a lot of well-intentioned, well-meaning programs, good ideas; but what it does is it tends then to take our eyes off of getting the resources where they, in fact, are most needed.

Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GRAHAM), a member of our committee.

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

Mr. Speaker, if anyone had asked me during the month preceding the last election if the House could have come together in this fashion to pass 384 to 45 a major reform initiative on education, I would not have taken the bet. Those were tough, dark times for the country. It was the longest election in history. Yet here we stand several months later talking about something long overdue.

The magic of this event to me is that the gentleman from California (Mr. GEORGE MILLER) and the chairman, the gentleman from Ohio (Mr. BOEHNER), have brought a committee that has been divisive at times together, along with the President, after many meetings at the White House, to take a new look at education.

There are so many debates going on in education right now about how best to fix the problem. Some people say we need more money. More money is in this bill, a lot more money. Some of us believe just throwing money at the problem alone will not work, and our voices were heard.

But the money is going to be spent in a new fashion. We are going to hold people accountable. Before we hold them accountable, we are going to provide them with the resources and the latitude and the flexibility to fix the problem, and we are going to monitor what happens. We are going to look at those children who have been left behind traditionally; and they are going to report to us, the school districts are that receive Federal money, as to how each group is doing. We are going to have a monitoring process for the first time in a long time, and we will actually find out where our money is going and if it is working.

For those school districts who have been helped and who have been monitored and they continue to fail, we are going to do something new. We are just not going to continue to throw money, giving it to the same group of people, expecting different results. I remember one thing that President Clinton said. He said insanity is doing the same thing and expecting different results. We are going to make sure the money is monitored; we are going to give people flexibility, the resources necessary to improve education; and if after 3 years things are not getting better we are going to take a new look at how to make them better.

We are going to allow parents to choose other public schools to go to. Charter schools. We are going to give parents some choices. This bill requires curriculum reporting. It will empower those parents who care. It will try to get people more involved in the education process.

□ 1145

There is some significant differences between the House and Senate bill, but I predict now that these differences will be quickly resolved and this Congress will go on record as being the first Congress in maybe 35 or 40 years to do something bold in the area of education.

The Federal level provides about 7 or 8 percent of education funding. No longer will that money be given blindly. We will expect results for our contribution, and we will try to create an atmosphere where school districts who want to experiment and try new things can do so with the Federal money.

All in all, if you asked me in October preceding the last election if this could have ever come about I would say no. If you asked me in December, I would say heck no. But here we are. It is a testament to the good hearts of the people on this committee and the leaders on this committee, along with the President.

We are about to do something new, long overdue; and the beneficiaries will not be politicians. It will be parents and children.

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

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in strong support of this measure. As a former teacher, I am proud to support this bill because it really starts to address the issue of leaving no child behind and closing that achievement gap. However, there is a piece that I would hope the conference committee would address and that is the funding for IDEA or Individuals With Disabilities Act.

Unfortunately, year in and year out Federal appropriations fall far short of the Federal government's commitment to help meet the needs and the cost of educating students with disabilities. The lack of funding places considerable strain on entire school budgets as schools are forced to choose between raising local taxes or cutting other critical programs in order to provide Federally mandated special education services.

To its credit, the Senate has recognized that students with disabilities and their families deserve more than an empty promise.

By passing the Hagel-Harkin IDEA full funding amendment with strong bipartisan support, the Senate has taken an important step toward meeting the Federal government's commitment.

Mr. Speaker, it will be a great day in this country when every child receives a first-rate education. I ask the conferees, I beg the conferees to address this issue of full funding for special education.

I thank both the Chair and the ranking member for the terrific job they have done on this bipartisan bill to help every child. If they would just please address full funding for special education, I think we would go a long way in making sure that every child is educated.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, it is a privilege for me to speak today on the floor on a bill that I helped craft in the Committee on Education and the Workforce, a committee that worked real hard a couple months ago, with bipartisan support, to pass on a bill to the floor and on to the Senate. A bill that puts President Bush's principles and education together with accountability and testing and flexibility and more local control and targeted funding and expanded parental options. A bill that consolidates programs. A bill that empowers parents with more information. A bill that included an amendment that the gentleman from

Delaware (Mr. CASTLE) and I crafted, a superflex amendment that provides for a hundred school districts to have more local control to consolidate Federal programs.

Yes, this bill differs from the Senate, but those differences can be resolved, and we can put together a bill that the President can sign that benefits America's schoolchildren.

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

Ms. SOLIS. Mr. Speaker, I am also here to support the motion to go to conference on the education bill. However, I have to tell you that today I am saddened because I am reading today in the Los Angeles Times that one of my feeder schools in East Los Angeles, Garfield High School, which was known for the movie ''Stand And Deliver,'' where Latino students able to excel and rise to the occasion, is now found to be failing. It is one of the schools that is failing in my district.

I would ask the conferees as they begin their discussions on education to remember those low income students, the new face of California and the country. Those students are in need of support because they come from different backgrounds or speak different languages, that we not forget those children.

We also need to do as much as we can to help provide prevention funding for dropouts. Because in the Latino community right now we are finding the average number of students that come into the system are leaving at a 50 percent rate. That is disgusting. We need to do more to make sure that our students stay in school, that we have better equipped and credentialed teachers in our school.

In my district alone we have an overabundance of teachers who do not have credentials. They do not have credentials because we do not have the funding and support to help provide them that incentive to go on and get those credentials.

I would ask the conferees to take a look at what it is we need to do to help provide so that no child is left behind, so that no parent or student feels that this public education systems leaves them woefully behind in this society.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, it is about time we did what this amendment or this instruction does.

I was in the State legislature in 1972 when we passed the Education for All Act in the State of Washington. Along came the Feds about four years later and said we are going to have education for all in this whole country, and we will give you 100 percent of the rules and regulation, and we will give you 5 percent of the money. They have been doing that to States like Washington since 1972.

This is 28 years of an unfunded mandate. It is about time for the guys who want to talk about unfunded mandates to get up here and put the money on the bar. I know, I was there. I saw what was done in the State legislature, and then I come up here. Now my colleagues are saying we want to wait until next year. We are going to be waiting until next year to the year 2050. Mr. Speaker, this ought to pass.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank all of the members of the committee on both sides of the aisle and thank all of the professional staff of the committee, which is the entire staff, who have spent an incredible amount of time working through all of the difficult matters that are of concern and controversy and where there were differences of opinion and helped the membership arrive at this bipartisan legislation.

Mr. Speaker, I look forward to going to conference under the leadership of the gentleman from Ohio (Mr. BOEHNER), the chairman, and believe that we can bring back to the House a bill that will continue to have bipartisan support that again will dramatically change the outcomes and the results in this education system, in the title I system, and that will dramatically improve our opportunities to have qualified teachers, accountability and have the resources necessary to carry out the educational mandates that are contained in this legislation.

Mr. Speaker, I thank my colleagues for all who joined in this discussion.

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

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

Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER), the ranking member on the Committee on Education and the Workforce, who has worked closely with myself and members on both sides of the aisle; and I have to say, as I said when we closed debate on the bill when it came through the House, I could not have had a more perfect gentleman and a more perfect partner to work with as we went through this process.

Mr. Speaker, I also thank our drafting team on both sides of the aisle, the gentleman from California (Mr. MCKEON), the gentleman from Delaware (Mr. CASTLE), the gentleman from Georgia (Mr. ISAKSON), the gentleman from Colorado (Mr. SCHAFFER), the gentleman from Indiana (Mr. ROEMER), and the gentlewoman from Hawaii (Mrs. MINK) who spent hours and hours trying to bridge the differences, always, though, with a view and a vision toward how do we help the neediest children in our society have a shot at a good education like our children get.

I think we achieved that when this House bill came through here. Is it the bill I would have written by myself? No. Is it the bill that the gentleman from California (Mr. GEORGE MILLER) would have written by himself? No. But it is a bill both parties worked together on, and we have built a solid piece of legislation that will change the way that we educate low income and minority students in our country.

My commitment to the gentleman from California (Mr. GEORGE MILLER) and my commitment to my colleagues on both sides of the aisle is that when we bring the conference report back to this House that we will in fact have a fundamental change in giving schools more flexibility, holding schools more accountable for real results and additional resources to help meet those new standards that we hope to put in place.

Mr. Speaker, when we brought our bill to the floor back in May, I asked all of my colleagues whether they would be able to stand up on that day and have the courage, the courage to vote with us and the courage to do the right thing even though not everyone was in full agreement. I think the House exercised its prerogative and did show the courage by a strong vote of 384–43 in support of our bill.

Mr. Speaker, as we go to conference, I feel confident that members on both sides of the aisle will continue to work together and to bring back to this House a bill that we can be proud of, a bill that the President can be proud of, and the most important goal, to make sure that we bring a bill back that helps the neediest of our society get the education they are going to need if they are going to have an opportunity at securing the American dream that every child deserves. And every parent of every child in America wants their child to have that opportunity.

Ms. KILPATRICK. Mr. Speaker, I rise today to express my support for the tabling of Mr. BALDACCI's motion to instruct the Conferees who will consider the Elementary and Secondary Education Authorization Act. This motion would direct the managers to accept an amendment that would give the Individuals with Disabilities Education Act Title I status, even though this amendment was not included in the bill passed by the House.

First, let me state that as a former school teacher, I am in full support of providing as much funding as is needed to insure that all of our children in this country receive a quality education that meets their intellectual and physical needs. I do not know of anyone in this House who is not in support of providing our children with what they need to grow and learn in an appropriate environment. This includes providing funds to assist students who are in need of special assistance due to a physical or mental disability. How could anyone not be in support of assisting these children? However, it does not make for ''good'' education policy if we single out just one program and instruct the Conferees to give it Title I status by making it an entitlement.

The ESEA bill is overflowing with good and valuable programs, all of which deserve to receive the funds that were authorized for them, if not more. Therefore, I cannot support singling out just one program for entitlement status. I would hope that not only would we fully fund the programs under the Individuals with Disabilities Education Act, but also the class size reduction programs, the Safe and Drug Free Schools and Communities Act, and the Homeless Education Assistance Improvement Act, as well as all of the other beneficial programs within ESEA. A program should not have to have entitlement status in order to receive full funding.

I trust in the ability of my colleagues who will serve as conferees on this bill to see the importance of the Individuals with Disabilities Education Act. The programs included in this Act will provide children who have a disability with a quality education that factors in their special needs, and is of no cost to the parents. The conferees do not need to be instructed to give Title I status to a program in order to fully fund it. If this was the case, I would be standing here before you arguing that entitlement status should be given to all of the programs included in the ESEA.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 5, not voting 4, as follows:

[Roll No. 237]

YEAS—424

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

NAYS—5

Goode
Hostettler
Sabo
Scarborough
Tiahrt

NOT VOTING—4

Gibbons
Myrick
Riley
Spence

□ 1223

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

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. BALDACCI

Mr. BALDACCI. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. BALDACCI of Maine moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to agree to provisions to fully fund part B of the Individuals with Disabilities Education Act for the purpose of providing every child with a disability a free appropriate public education to the extent that the provision of such full funding will not result in an on-budget surplus that is less than the surplus in the Federal Hospital Insurance Trust Fund.

MOTION TO TABLE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Speaker, I move to lay the motion to instruct conferees on the table.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion to table offered by the gentleman from Ohio (Mr. BOEHNER).

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

RECORDED VOTE

Mr. FRANK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 296, noes 126, not voting 11, as follows:

[Roll No. 238]

AYES—296

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Berkley
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello

Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (IL)
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Farr
Fattah
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kerns
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
Matsui
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Scarborough
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—126

Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berman
Bilirakis
Blumenauer
Bonior
Borski
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clayton
Conyers
Coyne
Crowley
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Doggett
Doyle
Engel
Etheridge
Evans
Ferguson
Filner
Ford
Frank
Gephardt
Gonzalez
Green (TX)
Greenwood
Hall (OH)
Harman
Hill
Hilliard
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Hooley
Inslee
Israel
Jackson-Lee (TX)
Jones (OH)
Kelly
Kennedy (MN)
Kildee
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Millender-McDonald
Miller, George
Mink
Moore
Moran (KS)
Nadler
Owens
Payne
Platts
Rahall
Ramstad
Rehberg
Rivers
Roemer
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Shows
Skelton
Slaughter
Snyder
Solis
Stark
Sununu
Tauscher
Taylor (MS)
Thompson (CA)
Thune
Thurman
Tierney
Udall (NM)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Brady (PA)
Davis, Jo Ann
Gibbons
Goode
Hinchey
Myrick
Oxley
Pitts
Riley
Spence
Walsh

□ 1246

Ms. McCARTHY of Missouri and Messrs. SUNUNU, DELAHUNT, KIRK, REHBERG, INSLEE, and FORD changed their vote from ''aye'' to ''no.''

Mr. SWEENEY, Mrs. NAPOLITANO, and Messrs. UPTON, SCOTT, SPRATT, TIAHRT, TOWNS and BARTLETT of Maryland changed their vote from ''no'' to ''aye.''

So the motion to table the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, on rollcall No. 236, on approving the Journal, and rollcall No. 238 on the motion to table the motion to instruct conferees, I was unavoidably detained while chairing a committee hearing to receive Chairman Greenspan's semi-annual testimony on the economy. Had I been present, I would have voted ''yes'' on both motions.

(Mr. BALDACCI asked and was given permisson to speak out of order for 1 minute.)

FUNDING FOR IDEA

Mr. BALDACCI. Mr. Speaker, this issue is a very important issue to almost every Member of this Chamber, if not every Member of this Chamber, regardless of party. This issue of special education funding is something that we have worked at bipartisanly and in special orders and after hours, and between myself and the gentleman from New Hampshire (Mr. BASS) and many other Members on the other side of the aisle, and it is something we all care deeply about.

Twenty-six years ago, we promised to fund 40 percent of the special education costs in our country, and we are now at 14 percent. We will never have an opportunity, I believe, to be able to address this issue, given the uncertain economics and budgetary constraints that have been placed before us and that will be before us in the future.

We have no better time to address this issue. This was an instruction to the conferees to go about fully funding special education costs. This is an issue which costs all of our States, regardless of party and location, billions of dollars in property tax payments by local citizens. This is something that would have benefited, if it was fully funded, not just the disabled but the nondisabled.

I was disappointed that we did not have the opportunity for a free and open discussion, but as most of the Members know, this issue is not going to go away. We will be bringing this issue back before us. We will be doing it in a bipartisan fashion, because we all know how important these issues are to local communities.

In our State alone, we are looking at trying to make up the difference of between $100 million of special education costs and the $32 million that is being provided, and that is $68 million in a small State like Maine, of a population of 1.2 million that are facing increased property taxes and burdens that they have to bear. We recognize sometimes there is competition for those dollars at the local level, and that places a lot of those disabled families at a disadvantage.

Mr. Speaker, I appreciate the courtesies that have been afforded, and look forward to working with the Members on both sides of the aisle and in the Congress on this very important issue.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. BOEHNER, Mr. PETRI, Mrs. ROUKEMA, Messrs. McKEON, CASTLE, GRAHAM, HILLEARY, ISAKSON, GEORGE MILLER of California, KILDEE, and OWENS, Mrs. MINK of Hawaii, Mr. ANDREWS, and Mr. ROEMER.

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

□ 1252

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and

State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. Hastings of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, July 17, 2001, the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) had been disposed of and the bill was open for amendment from page 39, line 18, through page 39, line 24.

Pursuant to the order of the House of that day, no further amendments to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and amendments printed in the CONGRESSIONAL RECORD on that day or before, each of which may be offered only by the Member who caused it to be printed or his designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments for the purposes of debate, and shall not be subject to a demand for a division of the question.

The Clerk will read.

The Clerk read as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Notwithstanding any other provision of law, $1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 109. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as amended, is further amended as follows:

(1) by striking in subsection (d) ''$6'', and inserting ''$7'';

(2) by amending subsection (e)(1), by replacing ''No'' with ''Except as provided in paragraph (3), no''; and

(3) by adding a new paragraph (e)(3) as follows:

''(3) The Attorney General is authorized to charge and collect $3 per individual for the immigration inspection or pre-inspection of each commercial vessel passenger whose journey originated in the United States or in any place set forth in paragraph (1): *Provided*, That this authorization shall not apply to immigration inspection at designated ports of entry of passengers arriving by the following vessels, when operating on a regular schedule: Great Lakes international ferries, or Great Lakes Vessels on the Great Lakes and connecting waterways.''.

This title may be cited as the ''Department of Justice Appropriations Act, 2002''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $30,097,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $51,440,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $347,654,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $66,919,000 shall be for Trade Development, $27,741,000 shall be for Market Access and Compliance, $43,346,000 shall be for the Import Administration, $196,791,000 shall be for the United States and Foreign Commercial Service, and $12,857,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $68,893,000, to remain available until expended, of which $7,250,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $335,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,557,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of

the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,381,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $62,515,000, to remain available until September 30, 2003.

Mr. SERRANO. Mr. Chairman, I move to strike the last word. Mr. Chairman, I rise for the purpose of an exchange with the chairman.

As the chairman knows, last night we had made an effort to make sure we had informed all Members to be here when their amendment came up. However, as the gentleman knows, we anticipated coming to the floor at sometime around 3 or 3:30, and we are ahead of schedule, which is the good news.

The bad news is that there are some Members whose amendments are coming up pretty soon who are on their way to the Chamber now, so we are trying to find out first of all how the gentleman is doing, how the chairman is feeling this morning, and at the same time give them an opportunity to come.

I am sure that the gentleman could join me in this repartee, and as soon as I find out what that means, I will use it more often.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, out of consideration, if somebody comes within the next 5 minutes, even if they miss it, I would not be so strict. I think if they come in 2 hours, it would be a little bit different.

Mr. SERRANO. I understand.

Mr. WOLF. Is this the gentleman from Florida (Mr. HASTINGS) that the gentleman from New York is speaking of?

Mr. SERRANO. The gentleman from Florida (Mr. HASTINGS) and the gentlewoman from New York (Mrs. MALONEY).

So it is my understanding that in these two cases, as soon as they come, we can go back and deal with those amendments, within reason?

Mr. WOLF. If the gentleman will yield further, that is right, yes. We are not trying to hurt anybody, obviously, and I would want to be protected, since we did get here earlier for certain reasons, maybe.

It would be helpful, though, if maybe anyone is listening, if they are listening to the House debate and they had an amendment that was up, it would be helpful if the gentleman found the Member and told them that we had moved a little faster. We are hoping to get home earlier than normally we would have been able to get home, so the longer we delay, the harder it will be.

We did accord two Members last night that opportunity.

Mr. SERRANO. Mr. Chairman, the gentleman should rest assured it is not our intent to hold up the process. As I said, it is just that we are 2 hours and 15 minutes ahead of schedule, which is the good news, but we are trying to get just two folks over here, so we appreciate the gentleman's understanding.

Mr. WOLF. Yes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $169,424,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2000 decennial census, $114,238,000 to remain available until expended: *Provided*, That, of the total amount available related to the 2000 decennial census ($114,238,000 in new appropriations and $25,000,000 in deobligated balances from prior years), $8,606,000 is for Program Development and Management; $68,330,000 is for Data Content and Products; $9,455,000 is for Field Data Collection and Support Systems; $24,462,000 is for Automated Data Processing and Telecommunications Support; $22,844,000 is for Testing and Evaluation; $3,105,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; and $2,436,000 is for Marketing, Communications and Partnership activities.

AMENDMENT NO. 27 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mrs. MALONEY of New York:

Page 47, line 22, after the dollar amount, insert the following: ''(reduced by $2,500,000)''.

Page 48, line 11, after the dollar amount, insert the following: ''(increased by $2,500,000)''.

□ 1300

Mrs. MALONEY of New York. Mr. Chairman, I rise today to offer an amendment for which there is strong bipartisan support with my colleague, the gentleman from Florida (Mr. MILLER), on the other side of the aisle.

This amendment would provide funding to begin planning to ensure that all Americans, including those living and working abroad are counted. Last year's census workers fanned out across the Nation to count every single American. Millions of Americans came together to complete their census forms and provide us with a snapshot of America. Unfortunately, during the 2000 census, we were unable to include a critical group of Americans: Americans, private citizens, living abroad.

Americans abroad make huge contributions to our economy each year. They encourage overseas expansion of American companies, improve exports, help us to expand our trade opportunities, and act as ambassadors to what we as Americans are all about, our American values. Unfortunately, although these hardworking Americans contribute so much to our Nation, although they vote, although they pay taxes, these Americans were not included in the 2000 census.

I strongly believe that these Americans deserve to be counted. I have met with them from around the world, from the Arabian peninsula, to France, to Latin America. I have gotten their e-mails, letters, and faxes. And what has impressed me the most is that, even though some have been living abroad for years, or even decades, they are still proud to be Americans living abroad. It is very important that they are part of the great civic experience of being part of our national census.

If we truly want to embrace the global economy, then we should keep better track of these critically important citizens. This legislation will provide $2.5 million for the Census Bureau to use to begin planning a census for Americans abroad by 2010. This is a necessary shift for this purpose. I believe this effort is long overdue and that these Americans who offer so much to our Nation deserve to be counted.

I want to remind all of the Members that while they may be living in France or Canada or Italy, they all come from Michigan, Texas, and California; and many do in fact vote and pay taxes in their home States, in all our districts.

Finally, I would like to compliment the patriotism that many Americans abroad have shown in their quest to be included in the census. Their love for our Nation has been an inspiration, and I am proud to offer this amendment on their behalf. I hope all of my colleagues will support this commonsense amendment which will begin the process to ensure that all Americans are included in the census.

Mr. Chairman, my colleague, the chairman of the Subcommittee on Census of the Committee on Government Reform, the gentleman from Florida (Mr. MILLER), conducted numerous very important hearings on the need to include Americans abroad. Last year, because of his efforts, there was report language that included a demand that the Census Bureau come forward with a plan. The problem is that the whole time that I have been in Congress we have been asking for this plan. Like Moses, we could be in the desert for 40 years if we do not have a plan.

They are supposed to come back with a plan in September. Yet I fear that it will be like the other plans, a statement, a dwindling of time, and not a concrete plan to go out and count these Americans abroad. This $2.5 million would allow them to have a trial run at counting them so that we could study the proper and best way to make sure that it is fairly and legally done.

I want to compliment the fine work of my colleague, the gentleman from Florida (Mr. MILLER), on this particular effort. We have worked together in a bipartisan way. And I hope that the distinguished Chair of this appropriations subcommittee, the gentleman from Virginia (Mr. WOLF), and the distinguished ranking member, the gentleman from New York (Mr. SERRANO), will accept this amendment.

We called the Census Bureau yesterday because the gentleman from Florida (Mr. MILLER) had mentioned to me that this report was coming; and just last month the acting director of the Census Bureau said that the September report on counting Americans abroad, and I quote, ''will raise serious concerns about the feasibility of counting them.'' It sounds to me like the Census Bureau is not asking how this can be done, but instead is once again looking at the negative.

This allocation will show that we are serious that 10 years from now we want these citizens counted and we want trial runs in between. We want this to happen for the American citizens. It is important to our country, it is important to our global economy, and it is the fair and right thing to do.

Mr. WOLF. Mr. Speaker, I rise in support of the amendment.

My colleague, the gentleman from Florida (Mr. MILLER), has done an outstanding job with regard to this issue. He probably knows more about the issue of the census than most Members will ever ever know.

There will be a report, the gentleman from Florida has been on top of it; but in the interest of time we will deal with this issue, and we will accept the amendment.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the last word.

My colleague from New York is correct, this has been a nonpartisan issue and we have been working together for the past several years to try to figure out how to include overseas Americans in the census.

In 1990, they included Federal employees, military, and people working for the State Department or Agriculture Department, because we had administrative records. The question is how do we count the others. And so we tried to do it in the 2000 census. Director Pruitt, who was the director under President Clinton, felt it was impossible at that late stage to include it. Our goal is to have them counted in the 2010 census.

Last year, in this appropriation bill, we included language to require a report by the end of September. I met with the bureau again this morning, and I am assured we are going to have a report how we come out doing it. It is not an easy job, and that is how Director Pruitt explained the problem to us. We are going to have a hearing again next week.

This gets to the question of who do we count. Just because someone has a U.S. passport, but has not been to the United States in 20 years and does not intend to, do they get counted? Those are the type of questions we will have to get resolved.

So we are raising a lot of questions. The goal is to having it done in 2010. I do not object to putting this amount in this particular appropriation bill. I do not know what the right amount is. I think the $2.5 million was an arbitrary number. The Bureau has given me assurances in September they will have a more accurate number, whether it is $500,000, $1.5 million, or $2 million; and so in conference we can get the right amount in there.

But I agree with the gentlewoman that we need to count them. I am glad we are actually putting something in the appropriation bill to specifically say we need to get them counted. And when we get the report in September, and I hope it is more accurate or more representative than the gentlewoman thinks, that we can move forward with it. This is something we are going to work together on, and I feel confident that in conference we will get the right dollar amount. However, as I say, I have no objection to including this amendment.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I would like to first of all thank the distinguished chairman for accepting this amendment; and to my distinguished colleague, the gentleman from Florida (Mr. MILLER), I wish to thank him for all of his hard work on this. And from the bottom of my heart, and sincerely, I sincerely wish he were not retiring at the end of the term. The gentleman has been a distinguished leader on many, many issues, particularly the census.

But I know that 10 years from now I will probably still be here, and they are going to be yelling their heads off at me saying, You and DAN MILLER said you would take care of it. So I am glad the gentleman is taking a continued leadership role to be sure that by 2010 we have a viable plan that will work, that will have strong standards that everyone understands, that are fair, and really represent the interests of our country and the interests of our citizens.

I thank the gentleman so much, and congratulations on accepting it.

Mr. MILLER of Florida. Mr. Chairman, reclaiming my time, as the gentlewoman knows, we have had our differences on other issues with regard to the census, but this is certainly one we have had agreement on.

It is a frustration that we share with the real professionals of the bureau who really have a challenge on their hands. But we are going to do it because we have to do it.

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from New York, Representative MALONEY, to allocate $2.5 million for the Census Bureau to begin planning the portion of the 2010 Decennial Census that will count Americans living abroad.

Private sector Americans abroad won the opportunity to vote by absentee ballot over two decades ago, but they are still battling for the right to participate in the Decennial Census.

Somewhere between three and ten million private sector Americans live overseas. Traditionally, they vote, they pay taxes, and own homes in the USA. It stands to reason, then, that they should be included in the Decennial Census. As one American abroad put it, ''by excluding us from Census 2000, the U.S. government is telling us that our taxes count and our votes count, but that we as U.S. citizens do not.''

Regrettably, the Census Bureau has maintained an ''out of sight, out of mind'' attitude. In an era of increasing globalization this perspective makes no sense. Americans abroad, as informal ''ambassadors'' of the U.S., play a vital role in exporting U.S. goods, services, expertise, and culture.

Americans abroad have begun to fight back at the polls and in Washington, and they are finding some very receptive ears. Led by the House Committee on the census, a strong bipartisan consensus has emerged on Capitol Hill to enumerate U.S. citizens overseas.

In fact, I have introduced legislation ensuring that all Americans living abroad are included in the Decennial Censuses. The U.S. government has done U.S. citizens overseas a great disservice by treating them as ''invisible,'' and it's high time that we recognize that Americans abroad do count.

Accordingly, I look forward to working with Congresswoman MALONEY on this important issue throughout this Congress, and I urge all of our colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mrs. MALONEY of New York:

Page 48, line 1, after the dollar amount, insert the following ''(increased by $500,000)''.

Page 48, line 14, after the dollar amount, insert the following: ''(reduced by $500,000)''.

Mrs. MALONEY of New York. Mr. Chairman, I rise to amend the fiscal

year 2002 appropriations of the U.S. Census Bureau.

On Monday night, I appeared before the Committee on Rules on behalf of myself and the gentleman from Ohio (Mr. KUCINICH) to ask that this amendment be protected from a point of order. That committee did not grant my request.

My intent, Mr. Chairman, was to make sure that the Census Bureau have adequate funds to produce a special report on the data from the service-based enumeration from the 2000 census. While those data are included in the tables that are currently being released, they are not in a form that is easily accessible so that local governments can access this information.

In the 2000 census, the Census Bureau made a major effort to count people with no usual residence. They counted people at shelters, they counted people at food kitchens, they counted people at mobile food vans, and they counted people on the streets. This effort is similar to past censuses. What was different in 2000 was the Census Bureau's very important partnership program, which the chairman and I worked very hard to implement.

As a result of the emphasis in 2000 on partnering with local governments and community groups, the service-based enumeration was qualitatively different than in the past. Local communities devoted considerable time and resources to assisting the Census Bureau in this count. In some cities the local government provided blankets as inducements to get people to cooperate with the census. In other cities, local citizens who knew the city were sworn in and went with the census takers to facilitate the interviews. In nearly all cities, local governments were active partners in this operation. And, in fact, one night the chairman and I went out to count the homeless together with the bureau.

Consequently, those local governments are interested in seeing the results of their efforts. The data provided in the first census data released do not allow governments that opportunity. Instead, it is nearly impossible to sort out the results of this operation from the current data. At one point I was told that the Census Bureau had decided not to release these data because of the poor quality of the data. I am pleased to report that these data will be released in a special report this fall. This amendment is to ensure that sufficient funds are available to produce that report.

I would like to make two other comments about these data: first, there has been some confusion about what these data represent. It is often convenient to call these data ''the data on the homeless.'' Those who advocate on behalf of those who find themselves without adequate shelter bristle at this suggestion, and they are correct in doing so. In the 2000 census, the Census Bureau counted a little more than 280,000 people in shelters and at soup kitchens and on the streets. No one should delude themselves that this is an accurate count of the homeless.

In fact, it was the release of these data in 1990 at the track level that showed just how clearly the count did not represent reality. Here in Washington, D.C., the track that includes the White House and the Capitol, and the stretch of Constitution Avenue and Pennsylvania Avenue in between, showed a street population of 41. The track adjacent to the White House, which includes McPherson Square, showed a street population of zero. One only has to walk through these areas to understand the inadequacies of these counts.

This is not a good reason to suppress these data. I am pleased that the Census Bureau is issuing a special report on the service-based enumeration. That report can clearly describe just what these data do and do not represent.

Our country is founded on the principle of free and open access to information. We have a long history of struggling against totalitarian regimes that would rather keep their citizens in the dark. It would be a tragic turn of events if our census, which is at the constitutional center of our Federal information system, were not open to the public. Suppressing information should never be a substitute for educating the public.

Mr. Chairman, my amendment reduces the appropriations for other periodic censuses and programs by $500,000 and increases the appropriations for data content and products by the same amount. I urge my colleagues to support this amendment.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment.

Let me read a letter signed by the National Alliance to End Homelessness, the National Coalition for the Homeless, and the National Law Center on Homelessness and Poverty. They say: ''We write to expression support for the U.S. Census Bureau's decision not to release a separate homeless count in this 2000 census.''

□ 1315

National advocates worked closely with the Census Bureau during the planning and implementation of the 2000 Census to help ensure that people without housing would be counted.

We believe that people without housing should be counted by the Census for the same reason that people with housing should be counted.

They also go on to say, however, advocates also urge the Census not to release a separate count. They go on to say, in addition, a separate homeless count would be highly misleading because in most cases homelessness is not a permanent condition but a state of extreme poverty marked by temporary lack of housing. People move in and out of homelessness throughout time such that more people will experience homelessness over the course of time than any other point of time.

So for that reason, the people who know more about this than anybody else, the National Alliance to End Homelessness, the National Coalition for the Homelessness and the National Law Center on Homelessness, oppose it. We urge the rejection of the Maloney amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the Maloney-Kucinich amendment to ensure that the Census Bureau has sufficient funds to produce a special report on the data collected for the 2000 Census from the service because of the enumeration and targeted nonshelter outdoor location programs.

As the gentlewoman from New York (Mrs. MALONEY) explained, for the 2000 census local governments and homeless advocacy groups across the country in a unique partnership with the Census Bureau invested resources in counting Americans sleeping in shelters, eating at soup kitchens and living on the street. The Census Bureau has decided not to show the count of people living in shelters and people living on the streets separately. People counted on the street will be lumped in with people living in other noninstitutional group quarters, which are dormitories or other places that people live that are not operated by the government.

Local governments and community groups expected to learn the results of this collection. However, the data currently provided by the Census Bureau is not in a format useful to local governments. It is encouraging to learn that the Census Bureau would be releasing a special report this fall showing some data collected through the serviced-based enumeration.

Our amendment will provide adequate funding for the production of the report. I strongly urge the Census Bureau to include in the report all tracked level data collected by the Census Bureau through the targeted nonshelter outdoor locations and other service-based enumeration programs. Only data provided at the local geographic level will enable communities to determine what services are needed by residents of their community.

I would like to clarify that the data gathered on people staying in shelters and living on streets is not intended to be interpreted as an official government count of the homeless. I can understand the concern of some of the national groups who would believe that it would be interpreted as an official count of the homeless. But due to the great difficulty in locating people living on the street, under bridges and in

cars, we understand that these figures will not be an accurate count of the homeless. But I think it is important to get some sense of what the Census Bureau was able to find in their surveys.

We owe it to local government and community groups which spent days assisting census takers in this effort to make the information public.

I have been contacted by local homeless advocacy groups in my congressional district in Cleveland, Ohio, urging the release of this data. One group, the Northeast Ohio Coalition for the Homeless, assisted the Census Bureau by holding a service fair to increase the number of homeless people counted. As a publisher of a street newspaper, they support the release of the information collected by the government. They also believe that the staff hours that went into this count would be an utter waste of time and resources if the results were not published in a forum useful to local communities.

I urge my colleagues to support this amendment and provide your local governments access to the information collected on people living in shelters and on the street.

Homelessness is a serious problem in this country. All of us know that it has many manifestations: people living on the street, people living in cars, people living under bridges, people assigned to homeless shelters, people living in government-sponsored shelter. But for all of the work that the Census Bureau did in its last enumeration, I think it is important and essential that this Congress and the people of the United States have the ability to have the exact data that was gathered by the Census Bureau, to have that information made public.

We actually paid for it. There ought to be freedom of information for the public. Then it is up to us to determine how to interpret that information. But to withhold the information or to say it might be misinterpreted really is to lose an opportunity to get a broader assessment of the picture of homelessness in this country.

Mr. Chairman, I appreciate the opportunity to work with the gentlewoman from New York (Mrs. MALONEY) on this.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding, and I place in the RECORD statements by local homeless advocates who want to see the numbers. I could read it, but I will place it in the RECORD.

CENSUS: LOCAL HOMELESS ADVOCATES WHO WANT TO SEE THE NUMBERS

''Who are they safeguarding?'' asked Ron Reinhart, director of the Salvation Army's PASS Program in Cleveland. ''They don't want people to know what a poor job they did.'' (Census Keeps Lid on Homeless Numbers, Cleveland, the Plain Dealer, 6–21–01.)

Brian Davis, head of the Northeast Ohio Coalition for the Homeless, helped count the homeless in 1990, when Census officials tried to do it all in one day. He said the 2000 count was much improved, but not without major problems. ''It's important to have these numbers,'' Davis said. ''There are 1,600 [shelter] beds in Cleveland. And all the beds are usually full. You should get at least 1,600 homeless people.'' (Census Keeps Lid on Homeless Numbers, Cleveland, the Plain Dealer, 6–21–01.)

''It really doesn't make any difference to us when the census numbers come out. But it does strike me as being extremely weird,'' said John Suggs, executive director of the Presbyterian Night Shelter of Tarrant County, near downtown Fort Worth. ''They had a lot of people here counting the homeless people inside and outside the shelter. Why do all of that work and not share it with the public?'' (After Costly Count, Census Skips Homeless; Report to Reflect Only People in Shelters, News Section, page 1 Fort Worth Star-Telegram, 6–23–01.)

Tillie Burgin, director of Mission Arlington, also questioned the decision to withhold the numbers. ''We don't depend on stats,'' she said. ''However, the folks are expecting whole truths from the census.'' (After Costly Count, Census Skips Homeless; Report to Reflect Only People in Shelters, News Section, page 1 Fort Worth Star-Telegram, 6–23–01.)

''I'd rather have [the numbers] now. It's almost been a year since we've done it,'' said Candis Brady, communications director for the 700-bed Shelter for the Homeless in Midway City, Calif. ''It could help in getting funding for programs.'' (Census Policy on Homeless Draws Criticism, Midway City, CA, Associated Press, 6–27–01.)

Leslie Leitch, director of Baltimore's Office of Homeless Services, said she also thought the census was going to release more detailed figures. Now, she said, her city may have to go out and do their own survey of people in soup kitchens and living on the streets. (Census Policy on Homeless Draws Criticism, Baltimore, Associated Press, 6–27–01.)

''Here in Seattle, we worked hard to get people to cooperate with the census, and we would support releasing more information,'' said D'Anne Mount, spokeswoman for the Seattle strategic planning office. (Numbering the Homeless, Associated Press, 6–29–01.)

Still Tavares [Columbus City Councilwoman] says there has to be a better way. ''By not having the numbers, we're missing out on dollars that would come back . . . for homeless programs, child care, funding for education, emergency food services, transportation and many more,'' Tavares said. ''These are living, breathing citizens in our community.'' (City Won't Get True Homeless Count: Census Numbers to Include Only Those at Shelters, Dispatch.com, 7–17–01.)

Mr. KUCINICH. Reclaiming my time, the gentlewoman is correct. I have a letter here from the Northeast Ohio Coalition for the Homeless which supports the release and the number of people counted during the census as stated in the Maloney-Kucinich amendment to H.R. 2500.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Maloney-Kucinich amendment to provide the funds necessary for a special report on the counts from a Census 2000 program called the Service Based Enumeration.

One of the significant improvements in the 2000 census was the way the Census Bureau reached out to local governments to improve the census count. This was good for the census and good for the communities.

Nowhere was that partnership more evident than in the effort to count people who during the census had no usual place to live. Some of those people were sleeping in shelters. Some were sleeping on the street. Some were sleeping in cars or in buildings that the Census Bureau considered vacant, and the census counted those people at soup kitchens and mobile food vans.

To make this count of a special population happen, local governments and community groups donated time, energy and money to the census. In some communities, counting this special population was a major undertaking. In others, it was a modest effort. Most communities worked with the Census Bureau to make this count happen.

In 1990, Congress worked with the Census Bureau to assure that any time the street and shelter counts were published they were accompanied with the appropriate caution that these numbers should not be taken as a count of the homeless. That was a successful cooperative effort, and to my knowledge those numbers have not been misused.

Nonetheless, some of the groups who advocate on behalf of the homeless worry that the publication of the 2000 census numbers from the street and shelter count will be misused. Consequently, the Census Bureau included those counts with other categories in a way so they could not be separated out.

The acting director of the Census Bureau told me that these numbers would be published in a separate report this fall. This amendment will provide the resources necessary for that special report, and I applaud the Census Bureau for taking this approach. I am sure that this report will contain the same cautions as 1990. These data should not be used as a count of the homeless.

At the same time, the special report will give local governments and community groups a way of evaluating their efforts. We all realize that the 2000 census count is seriously flawed, but the only way to improve on that count is to make it public and to enlist the efforts of all involved in improving those data in the next census.

Mr. Chairman, I ask my colleagues to support this amendment so we can continue to improve uncounted persons with no usual place to live. We cannot bury our heads in the sand and pretend this problem does not exist.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

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

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for his support of

the Maloney-Kucinich amendment and to point out that all across the Nation we have had homeless advocates who have stated concern about this issue that we have raised.

A Columbus city councilwoman stated, ''By not having the numbers, we are missing out on dollars that would come back for homeless programs, child care, funding for education, emergency food services, transportation and many more. These are living, breathing citizens in our community.'' That was reported on the Columbus Dispatch.com.

Mr. Chairman, D'Anne Mount, spokeswoman for the Seattle Strategic Planning Office, said, ''Here in Seattle, we worked hard to get people to cooperate with the census, and we would support releasing more information.''

In Baltimore, from the Associated Press, Leslie Leitch, director of Baltimore's Office of Homeless Services, said that she thought that the census was going to release more detailed figures. Now she says her city may have to go out and do their own survey of people in soup kitchens and living on the street.

Mr. Chairman, there is a need for this, and I appreciate the assistance of the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Reclaiming my time, that is what the census is about, how we actually count those in the different communities. As the gentleman said, local governments and community groups want to know how many people actually exist in their communities.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

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

Mr. KUCINICH. Mr. Chairman, in Midway City, California, a communications director for a 700-bed shelter for the homeless said it could help in getting funding for the programs. She stated, ''I would rather have the numbers now. It has been a year since we have done it.''

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I commend the gentleman from Ohio for his concern on this issue, because we are concerned about getting the most accurate count on the homeless.

Mr. Chairman, the 2000 census is the most accurate census in the history of this country. We counted almost 99 percent. It is very successful.

On this particular issue, the professionals at the Bureau and the leading advocates on homeless in Washington here are opposed to this amendment. I find it ironic in a way that during the past years of debate with the gentlewoman from New York (Mrs. MALONEY) on issues with respect to the census, she said trust the professionals of the Bureau. Well, let us trust the professionals of the Bureau.

This is not accurate information to release, and that is why the Bureau is opposed to it. Our experience with the 1990 census was that when the numbers are presented in the way that the amendment would require, the homeless population and their service providers are hurt more than they are helped. The people counted during these operations are already included in the population counts for all areas, but it would be misleading to say this is an accurate representation of the homeless population.

In fact, Mr. Chairman, contrary to popular belief, the Census Bureau did not intend to have a, quote, ''homeless'' count in 1990. However, because of the way the numbers were released in 1990, people thought that the Bureau was releasing a homeless count. Homeless groups were up in arms over the release of this information in 1990. That is why three of the most prominent homeless organizations in the Nation agree with the Census Bureau professionals and would like to see this amendment defeated.

These homeless advocates do not want to see the mistake of 1990 repeated again, a mistake that they believe hurt the homeless cause in our Nation. These groups, the National Coalition for the Homeless, the National Alliance to End Homelessness and the National Law Center for the Homeless, have written a letter which is available on their website pleading that this information not be released.

They note that we cannot take a snapshot of the homeless population and report it as an accurate number, as is the way that the census enumeration works. That is not to say that these people were widely missed, rather than enumerated in categories that may not lead themselves to be identified as homeless.

In 1990, the Census Bureau released these numbers in the manner described in this amendment. The result was a storm of concerns over the decades from homeless advocates that saw their funding disappear because of what they felt, and the Bureau agreed, was a low estimate of the population making use of these their services.

□ 1330

The Bureau decided to revise their reporting for the 2000 census during the final days of the Clinton administration. They did this in consultation with homeless advocates; and, in fact, the Commerce Secretary's 2000 Census Advisory Committee reported in 1999 that the homeless numbers should not be released in the same manner as 1990 for the reasons mentioned above.

The Bureau currently plans to produce a more informative report on the results of the service-based enumeration and release that report in the fall.

This report will be ready by the fall of 2001 and will provide data on this population at the national level and at a subnational level. This report will also note the limitations of the census in measuring this highly transient population.

We should respect the judgment of the professionals at the Census Bureau and the homeless advocates and not mandate the release of unreliable, inaccurate numbers.

We should defeat this amendment and support the National Alliance to End Homelessness, the National Coalition for the Homeless, and the National Law Census on Homelessness and Poverty. We need to support the homeless. That is the reason this amendment is not appropriate and we should defeat it.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I do rely on the Census Bureau to give us the information. I know that last year as the chairman of the Subcommittee on Census, the gentleman from Florida was very concerned about political manipulation of the census data. I wonder if he would comment on whether or not this situation is an example of political manipulation. The Census Bureau consulted with a special interest group and then decided not to publish the numbers. This is one homeless group. The gentleman from Ohio (Mr. KUCINICH) and I have a list of other groups that would like this information. What if it had been the NRA? What if it had been NOW? What is the difference?

Mr. MILLER of Florida. Reclaiming my time, since January 20, the election, there is no political appointees at the Census Bureau. They are all professionals. The acting director of the Census Bureau is a career person with the Federal Government. There are no political people at the Census Bureau. This is not a political issue. These are the professionals at the Bureau that say, ''Don't release these numbers because they are not accurate numbers.'' And the professionals say, ''We don't have a homeless count.''

And so the homeless people do not want to have numbers misinterpreted. They are inaccurate. I trust the professionals in this case. The gentlewoman has always been a big supporter of the professionals. In this case I think we should accept what the professionals are saying. It is not political because there are no political people at the Bureau.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MALONEY of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. HASTINGS of Florida:

Page 45, line 21, after the dollar amount, insert the following: ''(reduced by $250,000)''.

Page 46, line 16, after the dollar amount, insert the following: ''(increased by $250,000, for a grant to the City of Pahokee, Florida to assist in the dredging on the City Marina)''.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

Mr. HASTINGS of Florida. Mr. Chairman, I am willing to concede the point of order and withdraw my amendment, but first I would like to engage in a colloquy with the distinguished chairman of the committee, the gentleman from Virginia; and the distinguished ranking member the gentleman, from New York; and my good friend, the gentleman from Florida (Mr. FOLEY). I thank particularly the chairman and the ranking member for their consideration, mindful of the time constraints that are involved.

For the past year, the entire South Florida community has fallen victim to an ongoing drought. While larger, wealthier communities have been able to survive, smaller, poorer cities and towns have merely scraped by on savings that no longer exist. Without the immediate assistance of the Federal Government, these communities will find themselves facing extinction. Small towns located on the shores of Lake Okeechobee, that my good friend the gentleman from Florida (Mr. FOLEY) and I represent, such as the city of Pahokee, depend on a tourist industry that attracts thousands of recreational boaters, who travel inland from the coasts to enjoy the lake as well as the local restaurants and shops.

In addition, the city's growing commercial fishing industry has come to a standstill. In fact, fishermen's boats are unable to even make it to the water which has evaporated so much that its nearest point of entry is 1½ miles inland. Both recreational and fishing boats docked at Pahokee's city marina now lie on their sides against what used to be the floor of the city's marina.

The City of Pahokee is in dire need of $250,000 in Federal assistance to dredge the city marina. This project will provide immediate assistance to the businesses that depend on the marina as a deeper marina will be able to recover from the drought at a quicker pace than a shallower one. The State of Florida has agreed to pay for half of the project, but Pahokee is unable to recover the remainder of the costs.

Just this morning, I received a copy of a letter from Florida Governor Jeb Bush urging the Small Business Administration to declare the counties surrounding the gentleman's from Florida (Mr. FOLEY) and my district's area a disaster area. I am confident with the leadership of the gentleman from Virginia and the gentleman from New York I can go home and tell the people of Pahokee that help is on the way.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman bringing this issue to our attention. We would want to work with both of the gentlemen from Florida to find the most appropriate way to assist this community.

Mr. HASTINGS of Florida. Reclaiming my time, I thank the gentleman for his kindness and look forward to working with him.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I also appreciate and applaud the good work that the gentleman from Florida has been doing to assist the small communities in his district. I assure him that I want to help him find the appropriate way to assist this community. I will join the gentleman from Virginia and him in accomplishing this.

Mr. HASTINGS of Florida. Mr. Chairman, reclaiming my time, I thank the gentleman. This issue is a bipartisan issue. It is one that affects the lives of thousands in South Florida.

Mr. Chairman, I yield to my good friend and neighbor, the gentleman from Florida (Mr. FOLEY), who has worked so hard with me to restore the livelihood of those living in the communities around Lake Okeechobee.

Mr. FOLEY. Mr. Chairman, I thank the gentleman from Florida (Mr. HASTINGS) and, of course, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for their participation today. When people think of Palm Beach County, they immediately think of polo fields in Palm Beach and Worth Avenue; but the gentleman from Florida (Mr. HASTINGS) and I well know that the people living in the Glades area are struggling. Lake Okeechobee, the largest lake on the Eastern Seaboard, is in fact experiencing its worst drought in memory.

We are not just talking about Pahokee. We are talking about Okeechobee, Buckhead Ridge, Canal Point, Clewiston, Moore Haven, Harlem, Lakeport, Belle Glade, all people who derive the livelihood and the ability to feed their families from this precious resource, Lake Okeechobee and its tributaries. I salute the gentleman from Florida (Mr. HASTINGS) for coming to the floor today and making this dramatic point of how much we need help. Governor Jeb Bush, as he mentioned, has sent a letter urging our colleagues to join with us in this very important pledge to help these small communities around the lake.

Again I thank both the gentleman from New York (Mr. SERRANO) and the gentleman from Virginia (Mr. WOLF) for their attention to this. And, of course, I commend the gentleman from Florida (Mr. HASTINGS) for bringing this to Congress' immediate attention.

Mr. HASTINGS of Florida. Mr. Chairman, reclaiming my time, I would just like to once again thank the distinguished chairman, the gentleman from Virginia, and the distinguished ranking member, the gentleman from New York, for all their help on this important issue to the people of South Florida. I would also like to thank the gentleman from Florida (Mr. FOLEY) for joining me on the floor today in support of this project. I look forward to working with the gentleman in the coming weeks on this and many other issues affecting the people of South Florida and this Nation.

Finally, I would like to say to the people of Pahokee, help is on the way.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 28 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mrs. MALONEY of New York:

Page 48, line 3, after the dollar amount, insert the following: ''(increased by $2,000,000)''.

Page 48, line 14, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

Mrs. MALONEY of New York. Mr. Chairman, I rise on behalf of myself and the gentleman from New York (Mr. RANGEL) to amend the fiscal year 2002 appropriations for the U.S. Census Bureau.

The Census Bureau changed the question on Hispanic origin in the 2000 census; and as a result, our ability to measure changes in subgroups of Hispanics has been severely hindered. This amendment is to provide the funds necessary for the Census Bureau to create accurate counts of subgroups of Hispanics from the 2000 census.

In the 2000 census, the question on Hispanic origin had a subtle change

from 1990 that produced a profound result. In 1990, the category ''other Hispanic'' was followed by a line that said, ''Print one group, for example, Argentinian, Colombian, Dominican, Nicaraguan, Salvadorian, Spaniard, and so on.'' In 2000, these groups were given only the instruction, ''Print group.'' As a result, the number of persons who marked ''other'' and did not write in a particular group went up and the counts for these other Hispanic groups do not reflect the actual increase in population that occurred between 1990 and 2000.

Let me give my colleagues a few examples of the confusion this change caused. The Census Bureau has reported that the population of Hispanics grew by 58 percent between 1990 and 2000. That may be, but the number of Nicaraguans declined almost 15 percent. The number of Panamanians declined from 92,000 in 1990 to 91,000 in 2000. At the same time these groups supposedly declined, the number of ''other'' Hispanics of which Panamanians and Nicaraguans are a subgroup, grew threefold from 2 million to 6 million.

In short, there are problems with comparing the 1990 and 2000 census data on Hispanics. This problem can be taken care of, to a large extent, by using data on the long form to revise the counts of Hispanic subgroups. This was done in 1990 and could be done again in 2000. The long form collects data on place of birth and ancestry which can be used to augment the Hispanic origin data to provide a more accurate count of Hispanic subgroups. The funds transferred in this amendment should provide ample resources for correcting these data.

Some have suggested that this is an issue that is of interest only to New York. That is in part because New York's data has been released, and detailed data for other States with large Hispanic population have not yet been released. California, for instance, contains a third of the U.S. Hispanic population and is itself almost a third Hispanic. It is quite likely that when the data for California is released, we will see similar problems there. The data for Texas, which contains almost 7 million Hispanics, have not yet been released. And so we have not yet seen the detail on Hispanic subgroups.

Mr. Chairman, we owe it to the Hispanic groups that worked so hard to make sure that the 2000 census was a good census to provide the best possible data on Hispanic subgroups. I hope that my colleagues will join me in making sure that this happens by supporting the amendment that the gentleman from New York (Mr. RANGEL) and I are putting forward.

Mr. RANGEL. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, what we are trying to do is to get support of not having a recount but in having a more specific classification of the communities that have just been lumped together. As we all know, the Hispanic community is showing the greatest population growth than any other group. A part of our responsibility is not just to count people by a label, no more than we would be comfortable in counting Europeans, not taking into consideration whether they are French or German or Irish; but the most important thing, it would seem to me, is that we should be trying to find some way to get the information that we can more properly allow this group to assimilate into our community, into our country, and to be as productive as they can be.

As we all know, the census data is used not only to designate the type of programs that we want but are used to define what type of school districts we should have, what political subdivisions there should be for those who want to run for city office or State office or indeed the reapportionment for the United States Congress, and should take into consideration the background, culture, and languages of the people that come from that community. So what we are asking is to rearrange it so the resources will be there for the Census Bureau to give us a clearer understanding of who we call Hispanic.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. It is also, I can tell Members, a flawed amendment because it does not do anything. It just kind of moves money around without having any kind of stream of thought to it. The amendment would again move funding from various census appropriation accounts to other accounts in a very, very confusing way.

I understand what the gentlewoman and the gentleman are trying to do, but the professionals have made a decision and many believe that this would be the camel's nose under the tent, the slippery slope. Although the 2000 census is considered to be the most accurate in history, it is understandable that some have had some concern. But the professionals would be opposed to this. We really cannot go back. It does not really do anything other than flip money around and back and forth in a very, very confusing way.

□ 1345

So we would urge a strong ''no'' vote on this amendment.

Mr. RANGEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would yield to the chairman to respond to the question as to whether or not he can see his way clear to at least have in a conference report language as to how beneficial it could be to a community to be identified by who they are, rather than by just some Spanish-speaking Hispanic label.

It just seems to me that the professionals would think that that could be a great addition as we attempt to use the data we have in the best way we can.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of Florida. Mr. Chairman, what we have at issue is the short-form versus the long-form data. The short form, as has been pointed out, was changed slightly from 1990; and when they gave examples, they did not mention Dominican. So it may possibly have affected the number.

There is a question on the long form that asks ''place of birth.'' That data will not be available until 2003. So the problem on the short form is when they filled out the form, if they did not put Dominican, they do not get counted as Dominican. On the long form, if they put Dominican, they will get counted. 2003 will have a new report, but we cannot go back and change what people put down on the short form now.

Mr. RANGEL. Mr. Chairman, reclaiming my time, they never really got an opportunity to ask newcomers into the country, that if you are not of Mexican extraction, if you are not Cuban, and if you are not Puerto Rican, then you just have to be considered as ''other.''

We have a half a million Dominicans in the United States, almost half in my congressional district, and this is one of the most exciting, vibrant communities that we have. The question has to be, that as proud as they are of being Hispanic, they are more proud of being Dominican.

This is the way we have to conduct the Federal Government. They cannot send out a Spanish-speaking hand. They have to take advantage of their culture, their background, their experiences, and to bring them into society and bring them into politics. If one thinks that makes some sense and has to be worked out, I would appreciate it if the gentleman would consider putting that into some type of report that does not go into conflict with the decision that has been made.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I applaud the gentleman for his statements and would like to point out that the long-form information is available in 2002, not 2003, but 2002; and the professionals in this case made a mistake. They changed the question. They changed the question, and they did not know the effect it would have. Now that we know the effect and the

problem that it has caused, we have a chance to go and correct it. That is what this amendment seeks to do.

Let us correct this data so it more properly reflects, in the case that my colleague so eloquently made, the Dominican population in New York and other places in the country.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I understand the goal that we want to make sure we have all the subgroups counted; but let us first of all remember we have the most accurate census in history, and for the Hispanic population, we had a very, very successful census.

I think the Hispanic population deserves a lot of credit for actively participating in working out the census for 2000. The total increase in Hispanic population is 58 percent. We should be very pleased at the success of that. That was the primary goal of the Census Bureau, is to get the best, most accurate number of the Hispanic population, and we did that.

When it gets down to subgroups within that, you are right, there were three groups, Mexican, Puerto Rican or Cuban, listed. But then there was a blank to fill in if one wanted to identify as somebody else. Ninety-five percent of the people filled in something.

The problem is, we cannot retroactively go back and change what 95 percent of the people wrote in. What we will be able to do when this number comes out, whether it is late 2002, or I was told early 2003, there will be a report from the Census Bureau reporting on the long-form data, which only went to one out of every six people. On the long-form data there is a question of birthplace. So we will have a more accurate number for the long-form data.

So this amendment may be well intended, but it sets a dangerous precedent. That is the reason, again, the professionals at the bureau, let us trust the professionals. Do not manipulate the numbers. It would force the Census Bureau to rewrite people's answers in a way that they self-identify themselves on the short form. This would be unprecedented and change a basic Census Bureau policy.

The overall count on Hispanics is not in question. In fact, it is the best count in history, with a 58 percent increase. The 2000 census is considered the most accurate there is, and especially the Hispanic count. In New York City, the number of Dominicans and other Hispanic subgroups may have been changed as a result of the change in the wording, where ''Dominican'' was not used as an example, because they wanted to simplify the questionnaire to get the best response for Hispanics overall, so there were no examples shown.

There was a lot of research put into this questionnaire. They did focus groups, they did sample testing of the questionnaire, and the bottom line goal was the best total count for Hispanics.

Now, when we get to the subgroups, that is where this 2002–2003 report will be based on the long form, and that is where I think the most informative information can come on the Dominicans. But we cannot retroactively try to change what people said. Ninety-five percent of the people filled in something there, and you cannot say just because they wrote ''Hispanic,'' they are Dominican. We need to wait for the 2002–2003 report and trust the professionals at the bureau on this issue.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. CLAY. Mr. Chairman, I stand in support of the Maloney-Rangel amendment to improve the count of Hispanics in the 2000 census. This issue is a very simple one: the Census Bureau changed the question on Hispanic origin from the 1990 questionnaire to a different format on the 2000 questionnaire. As a result, it is difficult to compare the count from some of the subgroups of Hispanics.

The Census Bureau can go a long way towards fixing this problem using data from the long form. This amendment makes sure the money to fix this problem is in the right place.

I am a bit puzzled by those who oppose this amendment. I am, frankly, a bit puzzled about why the Census Bureau has not come up with a plan to fix this problem. Do these people not care about an accurate count on Hispanic groups?

Mr. Chairman, the Census Bureau director, Ken Pruitt, went around the country talking to the American people about how the census was an American celebration. He called it a celebration of our country and our democracy. The census, he told us, is what makes our democracy uniquely American. The American people listened to the director and responded in an unprecedented fashion.

I do not know of a single person in this House or professional census taker or statistician who predicted that the 2000 census would have the kind of response we witnessed.

Now it is the Government's turn to respond to the people. The numbers for some of the Hispanic groups do not make sense because the Census Bureau changed the question, and the new question changed the way people answered. What is more, the problem can be fixed.

Now is the time for the Census Bureau to show its thanks to the American people for their part in making this one of the best censuses ever by producing the best data ever. The Census Bureau can do the work, and we here in this House can provide the funds to make that happen, or we can turn our backs on the American people and take their cooperation for granted.

If we defeat this amendment, we will be telling the American people that they were taken, once again, by their government and this House of Representatives, for granted.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for his excellent statement, and I would like to just underscore what the change in the question meant. In 1990, 1.9 million Hispanics were classified as ''other.'' In 2000, 6 million Hispanics were classified as ''other.'' That is 17 percent. Why? Because, as my colleague has pointed out and as we well know, the bureau changed the question.

In 2000, according to the Census Bureau, Hispanic population, 17.6 percent of the Hispanic population was classified as ''other.'' That makes ''other'' the second largest group of Hispanics. Now, only the bureau can tell us how much of this change is a result of changing the question. And why will my colleagues on the other side of the aisle not support our efforts to answer this question? We are merely asking to be able to get this question answered and to direct the resources to make that happen.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us me first open my comments by saying that I do not have to repeat, the record will show I have been totally supportive of full funding the Census Bureau for the last few years; that I have gotten as the ranking member up on this floor and supported not only full funding, but supported the professionals who work at the Census Bureau. So I am clear on that, that this amendment and this conversation and this debate should in no way be seen as an attack. There is no need to defend the professionals at the bureau, because we all respect the work that they do.

However, the point here is that in trying to do the best job possible and in taking into consideration what they had to do, there were a couple of mistakes made this year. One of them is this issue that the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. RANGEL) so aptly bring up in this amendment that I support, and that is the whole issue that in areas throughout the country, but you take especially an area like New York City, of not giving an opportunity for a Hispanic subgroup to identify themselves, is in fact not gathering the proper information.

I want to make that point clear. This is not about who is pleased with this information. This is not about who we make happy by providing this information. This is about the fact that we

funded the census, full force, in the hope that they would get out the best accurate information.

Well, you cannot get the best accurate information if people who would like to identify themselves, again, if you will, a second time, do not get an opportunity to do so. There is the discussion in New York City that there might be up to 150,000 missing Dominican Americans. They are not missing from the Hispanic count as much, although there is an undercount, we know. They are not missing from the New York City or New York State or the national count; but they are missing for purposes of identifying who they are.

While it is true that on this House floor there are many Members who always speak about we are one Nation and should not divide ourselves along certain lines, and we can all agree on that, the census happens to be the one constitutional institution that is supposed to do exactly what some people may not like, which is to go identify you at the national level, at the block level, ethnically, racially, to try to find out who it is living in this country and how we provide services and how we celebrate who we are as a country.

So I support this amendment, in the hope that the Census Bureau, within their large massive funding operation, within the support that they receive from us, they can understand that there was a slight error made here and that they have to be able to deal with that.

I will give you an example: when the first numbers came in, some of the articles in New York said ''Puerto Rican community losing ground as other Hispanic community grows in leaps and bounds.'' I looked at it and said, who is this ''other'' that is growing so much? Then it dawned on me that ''other'' was everybody else, and perhaps it may be that those articles were not accurate, because when you break the ''others'' up, none of them reach the amount that the Puerto Ricans have in New York City. Yet the information given out is that ''others'' has become this incredible new number that, one, we do not know how to service; two, we do not know where they come from; and, three, we do not know how best to deal with all of their needs.

So if you look at this, you are really not asking for anything that should not have been put forth in the first instance. I would hope that we would realize that in supporting the Maloney-Rangel amendment, we in fact get to the full truth, and that is what the census was supposed to give us in the first place.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Florida.

□ 1400

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding.

Let us clarify what the situation is.

On the short form, the question is, is the person Spanish, Hispanic, Latino, and they check. In 1990, most people either checked Mexican, Puerto Rican or Cuban. Seventy percent of the people filled out the other category. But of that, only 5 percent left are blank. In the ''other'' category, only 5 percent said ''other.'' Others wrote in, 7 percent of the people wrote in Hispanic. Well, maybe they meant Dominican, but it was not a mistake, by the way, when they removed Dominican, because there are so many different subgroups within the Hispanic population. We have Costa Rican. We have Guatemalan. We have Honduran. We have Nicaraguan, Panamanian, Salvadoran, Ecuadorian, Colombian, Chilean, Bolivian. So we cannot list them all or the form gets too long and then we affect the total response.

We really wanted to get the best response we could. So the Bureau took the three largest subgroups, which are Mexican, Cuban, and Puerto Rican, and then left a blank space: fill it in. But we cannot go back and change what someone put in. If someone wrote in the word ''Hispanic,'' we cannot go back and figure out what the intent is. That is the reason why the long form data, which will be forthcoming in the next year or so, will have more details; and we look forward to that detail, which will have a breakdown for Dominican.

But we cannot change short form data. We cannot read the intent. If someone wrote the word ''Spanish'' in there, did they mean to say Dominican? Did they mean to say Peruvian? Did they mean to say Chilean? How do we interpret that? We cannot. So the Bureau very intentionally felt that the number one goal was to get the best Hispanic count possible.

I see my colleague from Texas. We had a very successful Hispanic count, and the differential was tremendously improved. So we should rejoice at the success of the census. Part of the reason I think is we kept the simpler form. They pretested this form. They pretested it. They focus-grouped it. They came up with the best form they can to get the best response rate.

So I think right now we should be commending them and await this report in another year, a year-and-a-half and see what the information is. We should not try to tell the professionals and micromanage here on the floor of the House what they should be doing.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Rangel-Maloney amendment. I think, as someone who represents a community which has a substantial Hispanic population, I can say that I understand the concerns that have been expressed here by my colleagues.

It is a matter of record that in both 1990 and 2000 those who marked that category ''other'' were asked to write in a particular group; and in 1990, after ''other,'' the questionnaire listed, print one group, for example, Argentinian, Colombian, Dominican, Nicaraguan, El Salvadoran, Spaniard and so on. In 2000, those who marked ''other'' were only given the instruction: ''print group.'' So, as a result, there were far fewer people who marked that category ''other'' and, as a result, there were groups that were understated in the 2000 Census.

I think it is really important that we remember that, in addition to the enumerative aspects of this census, there is a matter of pride which is involved. Any time any of us have ever gone to a citizenship ceremony, we see people so proud to be Americans, but at the same time they reserve something deep in terms of an expression of where they came from. We are all Americans. We take pride in that. But we have a right to be able to keep those deeper connections, those cultural connections which also express who we are.

So when the census is designed in such a way that it stops that expression from happening, it really is an offense to so many of the groups that are now part of this wonderful cultural mosaic which is the United States of America. So I think that we need to ask the census to have greater sensitivity in making sure that we have an opportunity to correct this miscounting of Hispanic Americans in the 2000 Census.

So I wanted to express my support for this, but also I think we need to reflect on the underlying cause which animates the concern of all of us expressing our positions here on this amendment. That is, people are celebrating that they are part of this great country, but they deserve to be identified as to the various lands that they have come from.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as chairman of the Hispanic Caucus's Task Force on the Census and Civil Rights, I rise in favor and in support of the Maloney-Rangel amendment. Let me explain why, because I believe that I actually bring the truth of all perspectives, in light of the responsibility and duties that the Caucus has to the Hispanic community in the United States.

The first thing to recognize is that the Hispanic community, in and of itself, reflects tremendous diversity. We are unlike any other community. Therein lies our strength but also some problems, and this is what we are attempting to address.

Let me explain why. It is important to identify the different groups within the Latino and Hispanic communities. Did the census succeed in doing so? The answer is no. Was it intentional? Was it negligence? It does not matter. The result is that we do not have an accurate result.

When we do not have an accurate result, we do not have usable information. The gentleman from Florida (Mr. MILLER) knows exactly what I am talking about because I think we see eye to eye on 90 percent of the issues when it comes to the census. One of the issues is accuracy, but the other was the utilitarian part of it, and that is how we use this information.

It is not just the United States Government and every level of government under the Federal Government that uses it, but it is the private sector, trying to identify the needs of certain communities within the big, all-encompassing Hispanic community in the United States. Therefore, it is important to make sure that the subcategories, the subgroups are identified, because the needs are truly different.

No one understands that, when I try to tell individuals, we are not just Latinos. If you take someone of Mexican dissent, it is totally different than someone from Puerto Rico or the Dominican Republic or from Colombia. That is just the way it is. But this is America today, and that is the reality.

So what does this amendment really seek to do? I do not believe, as has been characterized in the debate today, that it attempts to change any of the information. What we are asking is to take existing information and, from that, glean and analyze and come up with a better result. This is not a major overhaul, a wholesale overhaul of information, and no one should misinterpret it that way.

The amendment requires the Bureau of the Census to report to Congress on possible adjustments to the data and a diagnosis of how many people may have been misclassified by the rewriting of the census form. With these reports, we can determine how best to use the data we have and how we can avoid such confusion in the future.

What I am afraid of, and it has been mischaracterized and, again, I do not think intentionally, I think everyone questions everybody's motives when we come up and want to do something with this information. We are looking at accuracy. We are looking at the usefulness of the information. Otherwise, we may have the numbers, we may have succeeded in identifying more people and having more people respond to the census, but it will be of no use. We will not be able to use that information. We must identify those contributions that certain individuals can make within the Hispanic community but, more importantly, what are the needs of these individuals that reside in this great Nation of ours.

Mr. REYES. Mr. Chairman, I rise today in support of the Maloney-Rangel amendment to improve the accuracy of the Hispanic census count.

Compared to the 1990 census, the 2000 census changed the way it asked Hispanics to identify their country of origin. In both censuses, individuals were asked to identify their Hispanic origin as Mexican, Puerto Rican, Cuban, or other. The way the "other" category was treated is what changed. In both 1990 and 2000, those who marked other were asked to write in a particular group. In 1990, after "other," the questionnaire listed "Print one group, for example: Argentinian, Colombian, Dominican, Nicaraguan, Salvadorian, Spaniard, and so on." In 2000, those who marked other were only given the instruction "Print group." The result of this was that far fewer people who marked "other" wrote in a group, and the count of groups like Colombians and Dominicans is understated in the 2000 census.

The Maloney-Rangel amendment will enable the Census Bureau to conduct a report on what the census results would have likely been, had the question been phrased the same way it was in 1990. This will provide us with useful, supplemental information about the Hispanic population.

The Hispanic community is becoming increasingly diverse. Having accurate information about the diversity of the Hispanic population will enable us to better target resources that are culturally sensitive to these communities. It is important to remember that the Hispanic community is not homogeneous. For example, the best way to communicate and reach out to Mexican-Americans is not the same as the best, most effective way to reach out to Dominican-Americans. This is why we should enable the Census Bureau to conduct a study and provide the public with information that gives us a better understanding of the true diversity within the Hispanic community.

Hispanics deserve to be accurately counted. As Chairman of the Congressional Hispanic Caucus, I therefore support the Maloney-Rangel amendment and urge all my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MALONEY of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) will be postponed.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MILLER of Florida) having assumed the Chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

FURTHER LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2500 in the Committee of the Whole, pursuant to House Resolution 192 and the order of the House of July 17, 2001, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); and amendments numbered 1, 8, 19, 36, 34, 5, 33, 38, 17, 20, 22, 24, 25, 35, 10, 11, and 40 shall be debatable only for 10 minutes, equally divided and controlled by the proponent and an opponent.

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

Mr. SERRANO. Mr. Speaker, reserving my right to object, and I will not object; we certainly worked this out and I am fine with it, this side is fine with it. I just wanted to clarify one point.

This covers, obviously, these amendments; and all other amendments then are still under the 5-minute rule, under the original rule?

Mr. WOLF. Mr. Speaker, if the gentleman will yield, that is correct.

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

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

□ 1411

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and

State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on Amendment No. 28 by the gentlewoman from New York (Mrs. MALONEY) had been postponed and the bill was open for amendment from page 47, line 20 through page 48, line 9.

Pursuant to the order of the House of today, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); and amendments numbered 1, 8, 19, 36, 34, 5, 33, 38, 17, 20, 22, 24, 25, 35, 10, 11, and 40 shall be debatable only for 10 minutes, equally divided and controlled by a proponent and an opponent.

The Clerk will read.

The Clerk read as follows:

In addition, for expenses related to planning, testing, and implementing the long-form transitional database for the 2010 decennial census, $65,000,000.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $171,138,000, to remain available until expended: *Provided*, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this Act or any other Act under the heading ''Bureau of the Census, Periodic Censuses and Programs'' shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $13,048,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $2,358,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $846,701,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2002, should the total amount of offsetting fee collections be less than $846,701,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: *Provided further*, That an additional amount not to exceed $282,300,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2002.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,094,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $348,589,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,522,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $12,992,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $20,893,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, $2,197,298,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That, in addition, $68,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further*, That, of the $2,220,298,000 provided for in direct obligations under this heading (of which $2,197,298,000 is appropriated from the General Fund, $71,000,000 is provided by transfer, and $17,000,000 is derived from deobligations from prior years), $375,609,000 shall be for the National Ocean Service, $542,121,000 shall be for the National Marine Fisheries Service, $317,483,000 shall be for Oceanic and Atmospheric Research, $659,349,000 shall be for the National Weather Service, $149,624,000 shall

be for the National Environmental Satellite, Data, and Information Service, and $176,112,000 shall be for Program Support: *Provided further*, That, hereafter, ocean assessment, coastal ocean, protected resources, and habitat conservation activities under this heading shall be considered to be within the ''Coastal Assistance sub-category'' in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That, of the amount provided under this heading, $304,000,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity so that total National Oceanic and Atmospheric Administration administrative expenses shall not exceed $257,200,000: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That, in addition, not to exceed $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management''.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $749,000,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: *Provided further*, That, of the amount provided under this heading, $26,000,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That none of the funds provided in this Act or any other Act under the heading ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $110,000,000, subject to express authorization: *Provided*, That this amount shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for implementation of the 1999 Pacific Salmon Treaty Agreement, $25,000,000, of which $10,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which $10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which $5,000,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $37,843,000.

□ 1415

AMENDMENT NO. 39 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Ms. VELÁZQUEZ:

Page 59, line 13, after the dollar amount insert the following: ''(reduced by $2,000,000)''.

Page 71, line 4, after the dollar amount insert the following: ''(reduced by $8,000,000)''.

Page 73, line 3, after the dollar amount insert the following: ''(reduced by $7,000,000)''.

Page 95, line 3, after the dollar amount insert the following: ''(increased by $7,000,000)''.

Page 95, line 19, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Ms. VELÁZQUEZ. Mr. Chairman, our country is coming off of one of the greatest economic growth periods in our Nation's history. This phenomenal expansion has been driven by our small businesses, which are the engine of our economy. The contribution of American entrepreneurs cannot be underestimated. Small businesses employ half our workers, create new jobs 75 percent faster than large companies, and make up half of our GDP.

The SBA fuels this powerful engine through its loan and technical assistance programs. SBA maintains a loan portfolio of $45 billion to nearly a half million businesses, accounts for nearly half of all venture capital financing, and helped secure financing for eight of Fortune Magazine's 100 fastest-growing firms in 1999. The SBA has even helped launch household brand names like Fed-Ex, Intel, and Apple.

Unfortunately, this bill's funding levels leave the agency short by $130 billion. It zeros out ten programs and underfunds another half-dozen. This leaves our small businesses close to running on empty.

This amendment, offered by my colleague, the gentlewoman from New York (Mrs. KELLY), and myself, will restore $17 million to the agency, allowing us to adequately fund SBA's 7(a) loan program and maintain for PRIME and BusinessLinc, two critical small business development programs.

Mr. Chairman, access to capital means access to opportunity for small business owners. The 7(a) loan program, which helps small businesses obtain long-term capital they need for growth and expansion, directly translates into jobs and a net return on our investment. Last year alone, 7(a) made 43,000 loan guarantees worth over $10.5 billion. The 7(a) program accounts for 30 percent of all long-term small business loans. The current 7(a) funding is almost $40 million below last year, threatening 20,000 small business loans.

This amendment will restore $10 million to the 7(a) program, bringing the level up to $88 million, still far below the $117 million we provided last year for the program. With more and more reports coming to light every day that capital is becoming increasingly difficult for small businesses to obtain, having an adequately funded 7(a) program will be critical to our Nation's small business success.

Oftentimes even before an enterprise gets their first loan, the dice have already been cast on whether they will succeed. The PRIME initiative gives entrepreneurs the understanding about potential business opportunities, pitfalls, and the necessary steps to success. Studies consistently show that entrepreneurs who receive counseling and technical assistance are twice as likely to succeed. This program ensures those mistakes do not happen. Our amendment funds the program at a modest $5 to $10 million less than what was funded last year.

Finally, while many areas of this country have prospered, there are pockets of communities that have not

benefited from the economic boom of the last 10 years. BusinessLinc helps entrepreneurs in these communities to penetrate otherwise inaccessible national markets through a mentoring program linking small firms with large corporate mentors. Our amendment provides a modest level of $2 million to sustain BusinessLinc, still well below last year's level of $7 million.

Our amendment is paid for through minor cuts to the administrative accounts of the Department of Commerce, Justice, and State. I do not anticipate these cuts will cause any hardship, because the levels are well above last year's. It will be a very small price to pay for programs that deliver such strong returns.

Mr. Chairman, our amendment is a commitment to America's small businesses, which helped to spur and sustain our historic ''long boom.'' The foundation of American prosperity is built by entrepreneurs; and in these less certain times, we must provide the incentives, knowledge, and guarantees to continue their mission of success.

I encourage my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the amendment of the gentlewoman from New York.

Mr. Chairman, we recognize the importance of many of the small business programs in this bill, particularly the 7(a) business loan. However, I think everyone should understand that we have already funded the Small Business Administration very generously in this bill.

We are over the President's request by $186 million. Let me go back again: this bill is over the President's request by $186 million. For the 7(a) program, we have provided $77 million in new budget authority. This amount, along with anticipated carryover funding, will support $10 billion in loans for fiscal year 2002, which is an increase of over $1 billion above the current level. So we are going to be over $1 billion above the current level.

So even without this amendment, the 7(a) program for fiscal year 2002 will represent a significant increase above the current level.

The other two programs the gentlewoman seeks to fund, PRIME and BusinessLinc, were not included in the President's budget. These programs were judged by the administration to be duplications of existing programs to assist entrepreneurs, including microloan technical assistance, new markets technical assistance, small business development centers, women's business centers, business information centers, all of which are funded for fiscal year 2002. The increases proposed by this amendment are unnecessary.

We also would oppose the gentlewoman's proposal to further increase SBA programs at the expense of the State Department. Both sides of the aisle for the last several years have talked about giving the Secretary of State the necessary resources. This amendment will cut $15 million from Secretary Powell's initiatives to make urgently needed improvements to diplomatic readiness and to the Department's optimally automated system. So we would be taking this from the Defense Department at the very time both sides want to meet Secretary Powell's concerns.

In addition, the amendment includes a cut which, though small, would have a serious impact on the Department of Commerce, a 5 percent cut to the Department's management accounts, which is overwhelmingly where we get the real dollars and salaries, which may very well result in reductions in force.

So we are over, we are well over, we are beyond with the carryover. We are well over last year. Potential risks really create a difficult time for Secretary Powell, so I strongly urge opposition to the amendment.

Mr. SERRANO. Mr. Chairman, I rise in full support of the amendment offered by the gentlewomen from New York, Ms. VELÁZQUEZ and Mrs. KELLY.

Mr. Chairman, I have said on many occasions and will continue to say throughout further debate on this bill that my chairman, the gentleman from Virginia (Mr. WOLF), has done a wonderful job on this bill. That is why I say we will support this bill, and I will be asking both sides to vote for it in large numbers, if not unanimously.

However, I also said, and the gentleman from Virginia (Mr. WOLF) knows that, that if there is a weakness in this bill, it is what was not done for the SBA, and in fact what was the harm we did to SBA.

So while I myself am not crazy about cuts to the Department of Commerce or the Department of State, I realize the importance, one, of trying to pass this amendment here today, and at the minimum, to try to bring forth the understanding that this is an issue that we are not finished with; that in conference and as we move this bill on, we have to try to do something about the Small Business Administration.

So I think that what should be noted here is that we have people on this side who support this bill, but who feel that something should be done to remedy that one part of the bill that is very weak. I am a prime example of that.

So I would hope that the chairman does not see this in any way as an attack on the bill, but certainly an understanding that there is work yet that needs to be done.

In addition, I think it would be proper at this point to accept this amendment and then, as we go to conference, we can make the changes necessary in that State and Commerce situation.

Now, we have been very good to the Commerce Department in this bill. We are very good to the State Department. There is no reason why we cannot be good to SBA, and then find a way to take care of these two cuts that we would be making, or this shifting of dollars that we would be making by this amendment.

So I would hope, again, that the chairman would take this amendment in the spirit that it is intended, and that is to remedy that one part of the bill that is week and one that I know he wants to strengthen.

Secondly, I would hope that we use it, again, as a unifying situation to bring us together even further on the bill as we move along.

Mrs. KELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of the Velázquez-Kelly amendment to increase the funding for the three crucial programs of the U.S. Small Business Administration, the 7(a) loan program, the PRIME program, and the BusinessLinc program. Together, these programs help our Nation's smallest businesses prosper and survive.

Our amendment provides for an additional $10 million for the 7(a) loan program. This lending program supports over $10 billion in new business loans annually. It brings money back into the Federal Treasury. It is a very good program.

Last year, the SBA 7(a) loans accounted for over 30 percent of all long-term loans made to U.S. small businesses. In my district, the 7(a) program was responsible for 93 loans totalling over $22 million last year. Without appropriate funding this year, the program will not be as far-reaching as in past years.

I commend the gentleman from Virginia (Chairman WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO) for the bill they have brought before us, and for acting to fund the 7(a) program at $77 million, but I urge that we go one step further and give this worthwhile program the funds needed to ensure its viability.

In the midst of economic uncertainty, that is not the time to impose fees on lenders and reduce access to loans for small businesses.

The Kelly-Velázquez amendment also includes $5 million for the Program for Investment in Microenterprises, known as the PRIME program, which is designed to increase investment and technical assistance in traditionally underserved areas. These much-needed funds will help PRIME provide training, technical assistance, and access to credit to entrepreneurs.

Long-term studies charting the effects of microenterprise investment have found that low-income individuals engaged in microenterprise development increase their personal incomes, build assets, and decrease their reliance on government benefits.

When we are telling people that it is time that they go from welfare to work, we are teaching them skills and training them to do jobs, and what we also must do then is provide them with the ability to go on to reach the American dream, and that is to begin and to succeed in businesses, tiny little businesses, with microloan programs, so that they, too, can experience the ability to be part of the American dream.

Who knows who and where the next Steve Jobs or Bill Gates is going to come from. It may come from one of these programs. It is a very important program that we do with BusinessLinc, with the PRIME program, and with the 7(a) loan programs. I have people in my own district who have moved from welfare into now very successful businesses.

Mr. Chairman, I urge my colleagues to support the Nation's small businesses and small business access to financial and technical assistance and adopt this amendment.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very clear, we are not adding one dime to a $39 million-plus appropriation, not one dime. What we are doing is adjusting close to $17 million of that $39 billion in three programs that have already been funded a 100 percent increase.

What are we doing here? The SBA has had bipartisan support helping small businesses throughout America.

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We forget that small business accounts for 99.7 percent of America's employers and employs are 52 percent of the private work force. Small companies account for 47 percent of the Nation's sales.

Indeed, over the last decade, America has experienced a period of growth unprecedented in our history. But the economic boom is slowing down, financial losses for many companies are mounting, and job cuts are affecting every industry in America. The current CJS appropriations bill has called for a $129.7 million cut to the Small Business Administration. At a time when we can least afford to do that for the Nation's small businesses, we are doing that. And we come up with the excuses that we cannot find the money here, we cannot find the money there, and we cannot wreck the President's budget. We have already done that. We have done that in a bipartisan way as well.

Not one dime, Mr. Chairman, is being added to this appropriation, simply taking from specific programs that have already been budgeted a 100 percent increase. I do not know. That is crazy, it sounds to me. That does not sound like good budgeting. Not at all.

These cuts affect the very guts of small business. The New Markets Venture Capital Companies, the BusinessLINC, the HUBZone program, the Small Business Investment Company Program, and these are the programs that serve a lot of low-income areas, areas that need our help. I think we can agree that slashing funding for these key SBA programs pushes aside the collective futures of women-owned and minority-owned small businesses while at the same time assuring that other small businesses lose access to vital capital resources offered by the agency.

I want to salute the ranking member of the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ), and my good friend and colleague, the gentlewoman from New York (Mrs. KELLY). This change that they have offered is on target, is real, and is realistic. To begin with, the 7(a) loan program has a history of success in ensuring that capital is available when small businesses need it. Since 1992, the 7(a) program has helped with over $76 billion in loans to entrepreneurs. Last year alone, the 7(a) program provided for 43,000 loans throughout the United States of America into practically every district in this country.

The current CJS bill calls for the 7(a) program to be slashed from $114 million to $77 million for 2002. This would result in approximately 20,000 fewer loans. Twenty thousand. How can we tell the American small businessperson that help is not on the way in this business-friendly administration? This amendment would begin by restoring $10 million to the 7(a) program, bringing the fiscal year 2002 funding level up to $87 million in the appropriations, still well below the 2001 appropriation.

Likewise, the Velázquez-Kelly amendment would add $2 million for the BusinessLINC program. The offsets for these funding increases will come from three of the biggest agencies in the Federal Government. The Congressional Budget Office has scored the Velázquez-Kelly amendment budget-neutral. Now, how many amendments do we see on this floor that can say that? Budget-neutral.

So let us stand for the American worker for a change and help restore the fuel that drives the American economy.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Velázquez-Kelly amendment.

Mr. Chairman, I join with those individuals who recognize that small businesses are in fact the economic engine that drives the economy of this country. It is amazing to me that we can understand how important, how relevant, how impactful small businesses are to the economic viability and well-being of our Nation and then cut those programs that are designed to enhance and promote the same.

This amendment is not a difficult amendment. It is not one that is difficult to understand. It is not even one that costs a great deal of money. But it is one that would generate in the hearts and minds of small business people all over the Nation that this Congress, that this administration does in fact understand what small businesses mean to America.

So I want to commend both my colleagues, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Ms. VELÁZQUEZ). It seems as though New York has some understanding of small business when we get two people, one from each side of the aisle, recognizing that without the resources there is no way that we can keep our small businesses alive, well, healthy, vibrant, and generating what is needed to keep our economy growing.

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

Mr. DAVIS of Illinois. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his very fine words, and I want to add my support for the amendment of both gentlewomen from New York and add just a special aspect.

As my colleague well knows, we have suffered in Houston an enormous impact from Tropical Storm Allison. Part of the FEMA recovery is the Small Business Administration that is on the ground helping businesses, small businesses that are the backbone of our community, recoupment. This is an important amendment not only for those that have been damaged severely by the storm, over $4 billion in damages, but for all of the small businesses around the country, and particularly those regional offices that have been so outstanding in helping to restore those businesses.

So I thank the gentleman for yielding. This is an excellent amendment, and might I conclude by simply saying budget-neutral. I think that is a key element to the need for passing this amendment and providing opportunity for our small businesses.

Mr. DAVIS of Illinois. Mr. Chairman, reclaiming my time, I want to thank the gentlewoman from Texas for her remarks, and I associate myself with them.

Mr. UDALL of New Mexico. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking minority member of the Committee on Small Business, and the gentlewoman from New York (Mrs. KELLY) for their hard work on this amendment, which I rise in support of.

Mr. Chairman, I rise to encourage my colleagues to support the Velázquez-Kelly Amendment that attempts to restore funding to the 7(a) Loan Program, BusinessLINC and PRIME programs.

As a member of the Small Business Committee I fear that a reduction in those programs that assist numerous small businesses especially in rural and low-income areas—will greatly hinder their success.

Key programs such as PRIME, the 7(a) Loan Program, and Business Link which are critical to business growth have been inadequately funded or zeroed out completely in this bill.

In an economy with more questions than answers, we should be increasing opportunities to access capital and technical assistance—not eliminating them when they are most needed.

Point out—many of these programs were designed to assist small businesses in low income areas and in minority communities. My district is one which needs this assistance.

I urge my colleagues to support this amendment which will restore funding to these vital programs used by small businessmen and women.

Mrs. NAPOLITANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in support of the amendment. There have been many calls from small businesses throughout my State that are looking at the reinstatement of some of the funding, so I am very happy to support both the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY) in their effort to be able to do that.

The current Commerce, Justice, State Appropriations (CJS) Bill, particularly the SBA program funding levels, is perhaps the worst bill in this nation's history for small businesses.

The current CJS appropriations bill called for several loan and technical assistance programs to be zeroed out in fiscal year 2002.

The total cut from $860 million down to $728 million in SBA's overall budget. This would cause over 10 critical programs to be zeroed out, including New Markets Venture Capital Companies, BusinessLINC, the HUBZone program and the Small Business Investment Company Program.

Cutting access to capital and technical assistance resources in a time of serious economic uncertainty creates a dangerous scenario where small businesses and the jobs they create will suffer in the long-term.

That scenario begins with the nearly $40 million dollar cut in the 7(a) Loan Program and the zeroing out of the ''Program for Investments and Microentrepreneurs'' or PRIME.

The Velázquez-Kelly Amendment is a bipartisan proposal that looks to restore a measure of that funding to the 7(a), BusinessLINC and PRIME programs.

THE 7(A) LOAN PROGRAM ADJUSTMENTS

The 7(a) Program history of success is founded in over $76 billion in loans to entrepreneurs since 1992. Last year alone, the 7(a) Program provided for 43,000 loans totaling $10.5 billion for small businesses.

Unfortunately, the current bill calls for the 7(a) Program to be slashed from $114 million in fiscal year 2001 to $77 million in fiscal year 2002. This would result in approximately 20,000 fewer loans being made.

The amendment would begin by restoring $10 million to the 7(a) Program bringing the fiscal year 2002 funding level up to $87 million appropriations—this is still well below fiscal year 2001 appropriations.

THE BUSINESSLINC PROGRAM ADJUSTMENTS

The BusinessLINC Program would promote mentor-protégé relationships between small businesses in low-income and high unemployment areas and large companies.

While the fiscal year 2001 appropriation called for $7 million, the current legislation would eliminate the program by zeroing out appropriations for fiscal year 2002.

The Velázquez Amendment would add $2 million to the CJS appropriations bill—unfortunately this still represents more than a 60 percent cut in the program.

THE PRIME PROGRAM ADJUSTMENTS

PRIME establishes a technical assistance program for disadvantaged Microloan participants located in low-income communities.

But more importantly, PRIME creates a system where before the loan process even begins, entrepreneurs are brought to discuss every detail of the process—and in doing so are able to better determine whether a loan is or is not necessary.

The fiscal year 2001 appropriation was at $15 million for PRIME—H.R. 2500 as reported out of Committee would zero out the program in fiscal year 2002.

While the amendment would add $5 million back to the program, it still means the program will be operating at a 66 percent cut from the previous year.

The offsets for these funding increases will come from three of the biggest agencies in the federal government. The Congressional Budget Office has scored the Velázquez-Kelly Amendment ''budget neutral.''

While these offsets come at a price to other agency budgets, we believe these requests are not excessive.

The Department of Commerce General Administration budget would be reduced by a total of $2 million—which keeps it at the current funding level. There is also off budget funds, such as working capital funds, that can also help offset this reduction.

The State Department would be reduced by $8 million in their Diplomatic and Consular programs. This account received $400 million in increase in their overall budget.

Finally, the State Department's Capital Investment Fund would be cut by $7 million. This Fund was increased by $113 million over the current funding level—which represents a 100 percent increase.

The cuts in the program represent a cut at the heart of SBA's ability to deliver key financial and technical assistance to small businesses.

This is especially important as the economy slows and mainstream capital sources begin to tighten credit standards—particularly in the high-risk pool of small business lending.

In addition, it will retain the services these programs provide to businesses in low-income areas—companies that are frequently well-removed or simply ignored by conventional lending sources.

While the amendment would add only a small portion, approximately $17 million, back to these programs, it would allow them to remain an important part of the public policy of the SBA well into the future.

Mr. LANGEVIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the bipartisan Velázquez-Kelly amendment which would restore a portion of the funding that was cut from the Small Business Administration's 7(a) loan and other crucial programs in the FY 2002 Commerce, Justice, State spending bill. By providing loan guarantees to eligible small businesses that would otherwise be unable to secure financing, 7(a) loans fill the gap left by traditional private lenders and supplies the necessary capital for America's small businesses to expand and create jobs.

Last year, this crucial program backed more than 43,000 loans worth over $10.5 billion to small firms nationwide. In the first 6 months of this year, 24 different financial institutions in Rhode Island approved over 540 7(a) loans for a total of over $61 million to Rhode Island's small business community. In fact, 7(a) loans make up nearly one-third of all long-term loans made to U.S. small businesses.

Mr. Chairman, this program is important to every small business in America, and it deserves the continued support of the Congress. At a time when an economic downturn threatens businesses, jobs, and families across the country, cuts to SBA programs pose more danger than ever. Therefore, I strongly urge my colleagues to vote in favor of the Velázquez-Kelly amendment, and I strongly and admirably commend the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY) on their efforts.

Mr. Chairman, I rise today to address the severe funding cuts in Small Business Administration programs that were reported in the FY 2002 Commerce-Justice-State spending bill.

While I understand the appropriators' difficult task for maintaining fiscal responsibility while adequately funding the wide variety of programs contained in this bill, I am extremely disappointed in the subcommittee's decision to slash SBA funding by $132 million, a 15 percent decrease from FY 2001.

In particular, I am very concerned about the $30 million in cuts to the 7(a) guaranteed loan program. By providing loan guarantees to eligible small businesses that would otherwise be unable to secure private financing, this crucial loan program fills the gap left by traditional private lenders and supplies the necessary capital for America's small businesses to expand and create jobs. The committee's funding level amounts to a 32 percent cut and would eliminate an estimated 14,000 critical loan guarantees.

Just last year, the 7(a) program backed more than 43,000 loans worth over $10.5 billion to small firms nationwide. Since 1992, the program has provided almost $76 billion in capital to America's small entrepreneurs. In

fact, 7(a) loans make up nearly 30 percent of all long-term loans made to U.S. small businesses. This program is important to every small business in America, and it deserves the continued support of Congress.

Another element of the 15 percent cut to SBA would end the New Market Venture Capital initiative, and the PRIME and BusinessLinc programs. The New Market Venture Capital Program, which was designed to spur investment in low-and moderate-income communities and passed with overwhelming bipartisan support last year, has been zeroed out in this year's bill. The funding for the PRIME program, which allows the SBA to award grants to non-profit micro-enterprise development organizations, has also been eliminated. Finally, BusinessLinc, which grants funding to local non-profit economic development organizations to assist them in bringing local businesses to the attention of large corporations, has been underfunded to the point that the program will effectively no longer exist. Discontinuing these vital programs will undoubtedly negatively affect economic development initiatives targeted to assist low-income and minority business communities. At a time when an economic downturn is threatening businesses, jobs and families across the country, these kinds of cuts pose more danger than ever.

Small businesses are the backbone of Rhode Island's economy and account for more than 95 percent of the jobs in the state. They bring new and innovative services and products to the marketplace and provide business ownership opportunities to diverse and traditionally underrepresented groups. Many of these small businesses rely on the valuable loan assistance, technical training and grant programs offered by the SBA. These harsh budget cuts would severely impact Rhode Island's small business community, just when we need their contributions the most.

In closing, Mr. Chairman, these unwarranted cuts to SBA's budget will seriously undermine the agency's ability to deliver services to small businesses. The small business community supplies over half of the nation's workforce, and in the last decade has shown the greatest growth in our economy. In order to continue this successful entrepreneurial trend, small businesses need the access to capital that SBA provides. I would strongly urge the appropriators to reconsider their decision to cut SBA's funding. The small business community deserves our full-fledged support and nothing less.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the requisite number of words.

I want to be heard and go on the record in support of my colleagues, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY), with regard to this amendment.

Particularly of importance to my community is the BusinessLINC program that would allow businesses and the community to work together in improving small business.

Mr. Chairman, when Congress passed legislation to establish the New Markets Initiative last December, it did so in a spirit of bipartisanship, to ensure that all of our nation's communities have the opportunity to realize the American dream.

BusinessLinc is an innovative partnership between the Small Business Administration, the Treasury Department, and the business community. The program encourages large businesses to work with small business owners and entrepreneurs to provide technical assistance and mentoring. This program will improve the economic competitiveness of smaller firms located in distressed areas, both urban and rural.

In speaking with many small businesses in my community, the Eleventh District of Ohio, it is clear that business success is predicated on a number of factors, such as the quality of the product or service, its price, marketing, the financial stability of the business, and the owner's experience. But one factor which has been largely overlooked in legislation is a business person's contacts within the community. Some call this the effect of the ''old boy's club.''

My constituents have conveyed their frustration at being left out of informal networks that form the basis for later business dealings. These informal networks have a decided effect on an owner's ability to plan and a small business' ability to grow. Simply stated—information and skills are key to success.

BusinessLinc will provide much-needed access to mentoring and support for disadvantaged businesses. In developing the BusinessLinc program, local coalitions have taken creative approaches to assist small businesses to employ strategies that best respond to the needs of the community.

My colleague, NYDIA VELÁZQUEZ, the Ranking Member of the Small Business Committee will offer an amendment to restore funding to this program. I urge my colleagues to support the amendment and demonstrate their support for business growth by funding BusinessLinc.

Mr. RUSH. Mr. Chairman, I rise in support of the Velázquez-Kelly amendment to add $10 million to the Business Loans program account. In particular, I support $5 million for the ''Program for Investments in Microentrepreneurs'' or PRIME.

PRIME, a bill that I sponsored in 1999, was authorized with broad bipartisan support as part of the Financial Services Modernization Act.

Under PRIME, the Small Business Administration is authorized to award grants to nonprofit microenterprise development organizations. These loans are vital to the initial success of start-up small businesses. Many of the minority or disadvantaged entrepreneurs in low income communities who depend on these funds have no other access to capital.

However, PRIME no only provides desperately needed capital, it also provides the technical assistance necessary to ensure the ongoing viability of a new business. Thus, new small business developers will be able to access the expertise they need to operate their fledgling businesses.

With the slowing economy and ever greater numbers of unemployed, it is critical that we continue to provide opportunities for self-sufficiency through self-employment. There are approximately 400 microenterprise providers in the US moving about $2 billion dollars in capital. The $10 million requested for the Business Loans program and PRIME in particular, will help expand these efforts and strengthen the overall economy.

Congress appropriated $15 million in the Fiscal Year 2001 Commerce-Justice-State Appropriations for PRIME Act implementation. The offsets necessary to pay for this amendment will have no impact on the ability of the agencies concerned to operate or fulfill their responsibilities.

I urge my colleagues on both sides of the aisle to vote in favor of this amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in support of the Velázquez-Kelly amendment. First I would like to commend Ranking Member VELÁZQUEZ and Congresswoman KELLY for their leadership in bringing this amendment to the floor.

Mr. Chairman, the current Commerce, Justice, State Appropriations (CJS) Bill, particularly the SBA program funding levels, is perhaps the worst bill in this nation's history for small businesses. The CJS appropriations bill calls for several loan and technical assistance programs to be zeroed out in FY 2002. The total cuts from $860 million down to $728 million in SBA's overall budget would eliminate over 10 critical programs, including the New Markets Venture Capital Companies, BusinessLINC, the HUBZone Program and the Small Business Investment Company Program. This bill, as it is currently written, essentially wipes out the small business programs that we fought for last Congress.

The Velázquez-Kelly amendment is a bipartisan proposal that looks to restore a measure of funding to the 7(a), BusinessLINC and PRIME Programs. The 7(a) Program history of success is founded in over $76 billion in loans to entrepreneurs since 1992. Last year alone, the 7(a) Program provided for 43,000 loans totaling $10.5 billion for small businesses. Unfortunately, the current bill calls the 7(a) Program to be slashed from $114 million in FY 2001 to $77 million in FY 2002. This would result in approximately 20,000 fewer loans being made. The BusinessLINC Program would promote mentor-protégé relationships between small businesses in low-income and high unemployment areas and large companies. The CJS bill would eliminate the program by zeroing out appropriation for FY 2002. This amendment would add $2 million to the CJS appropriations bill. PRIME establishes a technical assistance program for disadvantaged Microloan participants. While the amendment would add $5 million back to the program, the program will be operating at a 66% cut from the previous year. However, some funding is better than no funding.

Mr. Chairman, the offsets for these funding increases will come from three of the biggest agencies in the federal government. While these offsets come at the expense of other agency budgets, we believe these requests are not excessive. We are just attempting to obtain a fair distribution of funding. It is unfair that some agencies receive 100% increases, while programs that deliver key financial and technical assistance to small businesses—the engine for growth in our economy—are zeroed out. We cannot afford to cut funding for small business development and assistance as the economy slows and mainstream capital

sources begin to tighten credit standards. We must continue to retain the services that the 7(a), BusinessLINC, and PRIME provide to businesses in low-income areas—companies that are too often frequently well removed or simply ignored by conventional lending sources.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment, and I ask unanimous consent to reach ahead in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. DELAY:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used to negotiate or pay any request or claim by the Government of the People's Republic of China for reimbursement of the costs associated with the detention of the crewmembers of the United States Navy EP–3 aircraft that was forced to land on Hainan Island, China, on April 1, 2001, or for reimbursement of any of the costs associated with the return of the aircraft to the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. DELAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume, and I rise to offer an amendment that will stop any payment from being sent from the United States Government to the Communist Chinese Government that is related to the downing of our Navy EP–3 aircraft and the detention of our crew members.

I take this amendment, quite frankly, from a bill authored by the gentleman from California (Mr. LANTOS), a more extensive bill than this amendment; but I appreciate the fight that the gentleman from California (Mr. LANTOS) is putting up, and I appreciate him in this regard.

I must say that in offering this amendment it must never be American policy to pay tribute to aggressive regimes. Such a payment would not only violate a hard-won tradition of confronting international aggression, it would force America to abdicate a role as the leading defender of free movement through the world's international skies and waters. And it is not a duty we are willing to duck.

The brazen audacity of some demands can almost take on a kind of a comic grandeur. At first glimpse, the preposterous suggestion that the United States is somehow indebted to the Communist Chinese Government for the costs associated with downing our plane and detaining our air crew appears to fall into that camp. And for that reason, we are tempted to dismiss the Communist Chinese Government's demand for compensation as the deluded daydreams of a despotic regime.

But as illogical and unbelievable as it may sound, today Communist leaders in Beijing are soberly demanding that the people of the United States pay them $1 million in compensation. The idea that American taxpayers should start rewarding Communist piracy is as contemptible as it is unlikely to happen. This Congress will never allow a single dollar to be used to compensate the perpetrators of an international aggression.

This is simply the latest example of the reckless, ruthless, and irrational mindset of China's Communist Government. President Bush is standing firm for freedom. We need to support the administration by staking out a very clear position because, if history has taught us anything, it teaches that appeasement is nothing more than a downpayment on further trials and added hardships. To export our American values, we must always be prepared to defend our interests.

□ 1445

We must remain engaged with China. We owe it to the billion Chinese people who are victimized by an oppressive and abusive Communist government. We know that once the Chinese people begin to sense the opportunities and blessings of self-government they will soon shake off the shackles of communism. We look forward to that day.

But until the Chinese people are liberated to determine their own destiny, we must stand firm in defense of our commitment to freedom. This amendment does just that. It will send a clear signal to the Communist rulers in China: If you thought intimidation would persuade the United States to abdicate the defense of freedom, it failed.

We support open ties with all peoples, especially Chinese families struggling beneath communism. We seek the free exchange of goods, services and democratic ideals with men and women around the world. We wish to cultivate stronger ties between the Chinese people and the United States. But Jiang Zemin and his circle of apparatchiks will never deter America from flying patrols to the frontier of freedom.

Mr. Chairman, I ask support for this amendment.

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

Mr. LANTOS. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent that I may control the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

First, I want to commend my friend, the gentleman from Texas (Mr. DELAY), the distinguished Republican Whip, for bringing this matter to my attention, thereby expediting the process that several of us began some time ago.

I introduced the free-standing bill, Mr. Chairman, on behalf of the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, and the distinguished chairman and ranking member of the Committee on Armed Services which seeks to achieve what the DeLay amendment seeks to achieve.

On April 1, 2001, a Chinese F–8 fighter flew dangerously close to a United States Navy EP–3 aircraft which was on a routine reconnaissance mission in international air space off the coast of China; and it collided with it, resulting in structural damage to our aircraft.

The crew of our aircraft transmitted a series of Mayday distress calls, and they were able to successfully land at the nearest air field due to the heroic actions of our pilot and of our crew to keep the plane in the air until it could land safely.

The 24 crew members of the EP–3 aircraft were detained against their will, and I underscore this, Mr. Chairman. The 24 crew members of our aircraft were detained against their will for 11 days before being released, in clear violation of international rules governing the treatment of such personnel and despite repeated requests for their release by the United States government at the highest levels.

The Chinese military authorities boarded the aircraft, removed equipment from our aircraft, notwithstanding its status under international law as the property of the United States of America. The Chinese government, Mr. Chairman, refused to allow the United States to repair the downed aircraft in Hainan. It refused to allow it to be flown back to the United States. It instead demanded that the United States cut the plane into pieces and return it to the United States on a leased transport aircraft.

Now the Chinese government has presented us with a $1 million invoice which allegedly covers the expenses of the 24 crew members while held in captivity and related expenses.

This, Mr. Chairman, is the ultimate arrogance on the part of this Communist regime. The accident was caused by reckless action by a Chinese

pilot with a long and documented history of taking overly aggressive actions in intercepting United States reconnaissance aircraft operating in international air space.

The Chinese government failed to comply with its international obligations immediately to return our crew members.

The United States government, Mr. Chairman, has already incurred significant costs associated with the recovery of our aircraft, including the dispatching of our personnel and other employees of our government to the Chinese island of Hainan to cut the aircraft into pieces and pack it aboard a cargo plane and leasing the cargo plane itself.

We are currently evaluating, Mr. Chairman, whether this aircraft can be repaired to make it airworthy again or whether a new EP–3 aircraft must be purchased to replace it. The cost of that would be $80 million.

Mr. Chairman, our resolution and the amendment of the gentleman from Texas (Mr. DELAY) makes it clear that it is the sense of the Congress of the United States that we have to make a full accounting of all of the costs associated with this outrage, clearly precipitated by the action of the Chinese pilot, and that no payment, not one dime, may be paid to the Chinese government until the Chinese government reimburses us for the whole cost of this disgraceful episode. That may run well over $80 million.

Mr. Chairman, I strongly urge all of my colleagues to support the amendment of the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I rise in strong support of the amendment and want to commend the gentleman from Texas (Mr. DELAY) for offering the amendment.

The gentleman from California (Mr. LANTOS) can almost argue that we should be sending the Chinese government a bill if we look at the precedent that was set with regards to Serbia and the destruction of their embassy. But I think it is a great amendment, and I hope that it is passed by unanimous vote and that this sends a message to the Chinese government.

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I support the gentleman's amendment. I am very strong on dealing with China and trading with China, but I think this particular incident was very unfortunate. It is pretty much an arrogant statement to try to charge us and to create more out of what clearly was a mistake on their part. I support the gentleman's amendment, and I hope there is bipartisan support for the amendment.

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the support of the gentleman from New York (Mr. SERRANO), and I want to make it clear that this amendment does not go against the people of China. We all support the people of China. This is a statement against the Communist government of China and some of their outrageous actions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $21,176,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2002''.

AMENDMENT NO. 1 OFFERED BY MR. HERGER

Mr. HERGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HERGER:

Page 63, after line 9, insert the following:

TITLE IIA—DEPARTMENT OF JUSTICE

KLAMATH PROJECT WATER RIGHTS COMPENSATION

For just compensation for private property taken for public use, as required by the 5th Amendment to the Constitution of the United States, for payment by the Attorney General to the water users of the Klamath Project for the Federal taking of water rights pursuant to the Klamath Reclamation Project 2001 Annual Operations Plan, which provides for the delivery of no water to most of the lands served by the Klamath Reclamation Project, and instead implements an alternative plan developed pursuant to the Endangered Species Act of 1973; and the amount otherwise provided in this Act for ''National Oceanic And Atmospheric Administration—Operations, Research, and Facilities'' (and the amounts specified under such heading for direct obligations, appropriation from the General Fund, and the National Marine Fisheries Service) are hereby reduced by; $200,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. HERGER) and a Member opposed each will control 5 minutes.

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

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program; therefore, it violates clause 2 of rule XXI.

The CHAIRMAN. The gentleman from Virginia makes a point of order.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the hard work that the gentleman from Virginia (Mr. WOLF) and the members of the Committee on Appropriations have put into this bill.

Mr. Chairman, I offer this important amendment today on an issue that is receiving national attention. Approximately 1,500 family farmers and scores of agriculture-dependent businesses and families along the northern California and southern Oregon border have had their livelihood stripped from them by the Federal Government. A community of 70,000 could go bankrupt.

On April 6 of this year, the Bureau of Reclamation announced that there will be no water, zero water for farming this year because, in the opinion of a select group of biologists and based on what many feel is flawed science, every drop of water was needed for the preservation of two species of fish. Based only on a best guess about these species and what is needed to sustain them, the National Marine Fishery Service and the U.S. Fish and Wildlife Service have deprived these communities of the use of their water rights and their land.

Mr. Chairman, this is the poster child for the injustices that are occurring under the current implementation of the Endangered Species Act. Under this well-intentioned law, communities throughout the West are going broke, and in some cases human lives are being placed in jeopardy.

Mr. Chairman, this need not happen. As a country that put a man on the moon three decades ago, I am convinced we can both protect fish and provide economic stability for our rural communities. Regrettably, under the current implementation of the ESA, it is an either/or proposition.

My amendment explicitly recognizes that the Endangered Species Act also continues to come into direct conflict with fundamental U.S. constitutional rights and protections. It seeks simply to ensure that the government satisfies its mandate under the Fifth Amendment of the Constitution to provide just compensation for the taking of private property for a public use.

We have a responsibility to uphold constitutional protections when they are compromised by the implementation of Federal laws. It is also a first step toward rectifying the financial harm that the government has caused in this area.

As the agency partly responsible for this decision, NMFS, which is funded at more than $540 million in this bill, will be forced under my amendment to cover the cost of compensation. That is simple accountability. No amount of money can fully rectify the harm that has been done to these communities. A way of life is at risk. Ultimately, the Endangered Species Act must be updated and balance must be restored if we are to preserve this way of life and prevent future injustices here and in other parts of the country.

□ 1500

But as we speak, a select few individuals are bearing severe economic and social burdens. Fundamental principles of fairness and justice demand that they be compensated. These are public burdens which should rightfully be borne by the public as a whole.

Moreover, Federal agencies that are responsible for harming Americans through their regulatory actions will be held accountable. Perhaps if we force them to share some of the pain, they will stop to consider the real consequences of reckless actions.

That is also why I have introduced H.R. 2389. It recognizes that what has happened in the Klamath Basin is a government-caused disaster. As such, it requires the Federal Government to pay for the economic losses that have been sustained. I ask for the support and consideration of my colleagues on this bill. I also ask my colleagues to realize what is currently happening under the Endangered Species Act and join me in demanding that it be modernized because, Mr. Chairman, Americans are being needlessly hurt.

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

Mr. YOUNG of Florida. Mr. Chairman, I continue to reserve the point of order.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I rise reluctantly in opposition to this amendment. As I understand the gentleman's amendment, it would take $200 million out of the National Marine Fisheries Service's budget. I think that would be devastating to their budget. The whole problem we have got in the Northwest is difficult, but we have got to work with the National Marine Fisheries Service because Congress gave them the responsibility of administering the Endangered Species Act. They are doing their best. In fact, I think we should be giving them additional support so that they can get the job done and deal with these regulatory problems.

Also in these situations like this, the way to approach the problem is to do a habitat conservation plan, work with the regulators, and come up with a plan under which you can go forward. I know this is a tough problem, and if you want to deal with it, you have got to change the Endangered Species Act, which I do not favor, but to come here and to take $200 million out of the National Marine Fisheries Service would be a disaster.

Mr. DICKS. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time; and I agree with what he is saying in terms of the danger were this approach to be taken to penalize other areas throughout the Pacific Northwest that are dealing with problems with salmon recovery. But I fundamentally disagree with my friend from California's primary premise.

If there were no Endangered Species Act, the people in the Klamath Basin would be in desperate straits. It is because the Federal Government has overcommitted over the course of the last century the water in the Klamath Basin. What we should be doing, rather than penalize people who are trying to deal with species recovery, is to go back and help the people in need.

We should not have a series of temporary payments that they have to go

through legal hoops to obtain. It is very unlikely that it would occur. It is far better that we step up and provide money for a permanent solution which is to reduce the conflicting water demands in the Klamath Basin. We can do that by making generous payments to willing sellers who will sell their land. We can buy back at fair value conservation easements and water rights. If we do this, we will make these people whole, we will not penalize Native Americans and other people up and down the West Coast, and we will not be back here time after time after time.

The gentleman from California is right, the Federal Government has made a mess, but it is not the Endangered Species Act, it is the fact that there are more demands on water in the Klamath Basin, for waterfowl, for agriculture, for endangered species. We need a comprehensive solution. I strongly urge rejecting this amendment and approaching it in a way that we can put in place a permanent solution which is to give them compensation and reduce the demands on water that the Federal Government has messed up.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I rise in opposition to this amendment. However, I agree with my colleague from California that there is a serious problem in the Klamath Basin. This year a severe drought has further exacerbated the pressure on the fishing industry, tribal interests, the economic well-being of the farmers, and the waterfowl that use this very critical part of the Pacific Flyway.

However, the underlying issue is an overcommitment of water in the Klamath Basin. The farmers in this region do need our assistance, and the Senate has already taken steps to provide immediate assistance to those farmers hurt by the drought this year. But we need to recognize that there is simply not enough water to meet all the current demand in the Klamath Basin. The answer to this problem is to work together across both State and party lines to using the best available science to come up with a solution that includes reducing water demands and at the same time helps farmers and tribes and conserves the region's fish and waterfowl habitat.

These solutions would include enhancing the CRP, the WRP, and the WHIP programs in a way that promotes farming on a majority of the 200,000 acres in that region that are currently being farmed. There is growing support for this type of solution. In fact, there are nearly 100 farmers in the area that have already come forward and are willing to put up some 30,000 acres of their privately owned land to be able to achieve the success that we need to reach in that area.

Mr. Chairman, let us turn to real, positive solutions in the Klamath and not decimate the National Marine Fisheries Service budget or the Endangered Species Act.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I continue to reserve the point of order, and I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I want to start my brief comments with a quote by Patrick Henry:

> The Constitution is not an instrument for the government to restrain the people. It is an instrument for the people to restrain the government, lest it come to dominate our lives and interests.

Mr. Chairman, the reason I am speaking in behalf of the gentleman from California's amendment is that I visited his district in June and I had a chance to meet these people. I can honestly tell Members that there is something wrong with the Federal Government when the Federal Government is trying to put people out of business who are trying to make a living and paying their taxes.

Down in my district of North Carolina, we have an issue with the piping plover. The piping plover is a bird that the Federal Government is going to make a decision that will have a tremendous economic impact in a negative way on many States in the southeastern part of the United States.

I wanted to say and the reason I want to be a small part of this debate is it is a shame when a suckerfish has more influence on the Federal Government than the people who have been promised land and promised water years and years ago.

I want to say to my friends on the other side who are in opposition to the gentleman from California's amendment, I certainly understand their position and respect that. Again, this is your part of the United States of America, but when it comes to the Endangered Species Act, the ESA is having a very negative impact across this Nation. What we need to do is to reform the Endangered Species Act and find a balance so that nature and people can move forward.

Mr. WOLF. Mr. Chairman, I continue to reserve the point of order.

Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. I thank the gentleman from Virginia for yielding.

Mr. Chairman, I rise today to offer a few remarks about the situation along the Klamath River. It is interesting sitting here considering what we are talking about.

In the 1960s, the Bureau of Reclamation made an effort to actually poison the suckerfish in the Klamath. They thought it was a pest, and they attempted to remove it. Now 40 years later, we are here arguing about what to do to protect the suckerfish. The sad part of it, the sucker policy, if you will, here, is that there is a study by Oregon State University that shows the preferred action that Fish and Wildlife Service or NMFS is putting forward, that is, raising the lake level, will actually hurt the coho salmon which is also a listed species.

The fact is this really is a sucker policy. Thankfully, one of our friends to the north, Senator SMITH of Oregon, is no sucker. He has thoughtfully proposed that we follow the facts outlined in a plan from 1993, much of which is still awaiting implementation. This comprehensive plan balances the needs of wildlife while providing sufficient water to our farms and communities.

The plan basically says, if the government truly wants to save these suckerfish, why do they not improve the habitat in the current lake? Why have they not created suckerfish hatcheries or worked to restrict the growth of suckerfish predators as set forth in the plan? It is a real dilemma to me that this sucker punch policy on suckerfish is being jammed down our throat.

Mr. Chairman, I hope that this body will follow the leadership of Senator SMITH and the other Senator from Oregon, Senator WYDEN, and my colleagues in the House, the gentleman from California (Mr. HERGER), the gentleman from North Carolina (Mr. JONES), and the gentleman from Oregon (Mr. WALDEN) when we consider how many people in California and Oregon will be punished because the Federal Government ignored its own 1993 recommendations and is now acting on bad science to change the balanced policy that has existed but not been implemented for the past 8 years.

If we do not correct this egregious policy error, then our constituents will know us for the suckers we are.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia insist on his point of order?

Mr. WOLF. I do, Mr. Chairman.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. HERGER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from California is recognized.

Mr. HERGER. Mr. Chairman, this is a critically important amendment on an issue that has national implications. The bankrupting of family farmers and rural communities in the Klamath Basin of northern California and southern Oregon under a Federal regulatory decision is being discussed across the country. It is being written about nationally in publications such as The

New York Times, The Washington Post and The Washington Times. It has been covered on the national Fox News Network. That is because it sets a tragic precedent which must be addressed before more communities are lost.

Again, I appreciate the hard work that the gentleman from Virginia and the members of the committee have put into this bill. This amendment is not in any way to take away from that good work. But an entire community of 70,000 people could go bankrupt. A way of life is at stake. And the Federal regulatory agency, the National Marine Fisheries Service, that is in part responsible for that decision is funded in this bill to the tune of approximately $540 million. Through the issuance of severely flawed biological opinions, NMFS, along with the U.S. Fish and Wildlife Service, have taken the water rights of these communities for a public use. The fifth amendment to the U.S. Constitution not just authorizes but requires just compensation. And the Justice Department, as the final arbiter of such claims against the Federal Government, would be amply suited, I believe, to determine and make payment on the underlying takings that have occurred.

Mr. THOMPSON of California. Mr. Chairman, I rise on a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. THOMPSON of California. Mr. Chairman, I believe that my colleague was recognized to speak on the point of order, not the merits of the amendment.

□ 1515

The CHAIRMAN. The gentleman is correct. The Chair has given a bit of leeway, but the gentleman from California needs to speak on the point of order, and not on the underlying issue.

Mr. BLUMENAUER. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. HERGER) have 2 additional minutes to finish his thoughts, even if he is not speaking on the point of order.

The CHAIRMAN. The Chair would advise the gentleman from Oregon that that request cannot be entertained while a point of order is pending.

The Chair would ask the gentleman from California (Mr. HERGER) to confine his remarks to the point of order. Otherwise, the Chair is prepared to rule.

Mr. HERGER. Mr. Chairman, again, I understand that the gentleman has concerns that this bill is not a perfect fit, but I wish to underscore that this was caused at least in part by the National Marine Fisheries Service. It is a government-caused disaster.

Mr. Chairman, fairness and justice demand that the Federal Government be accountable for the harm that it has caused. Perhaps this amendment is precedent-setting, but the bankrupting of entire farming communities at the stroke of a biologist's pen, to say the least, is a much more tragic precedent for the rural communities of this Nation.

I urge that the Chair rule that this amendment is in order and allow for its debate and full consideration.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Virginia makes a point of order that the amendment offered by the gentleman from California proposes to appropriate funds for an expenditure not previously authorized by law in violation of clause 2 of rule XXI.

The amendment offered by the gentleman from California proposes to provide an appropriation for certain water users of the Klamath Project ''as required by the fifth amendment to the Constitution of the United States.'' The constitutional provisions cited provides, ''nor shall private property be taken for public use without just compensation.''

The Chair finds that this provision does not support the specific appropriation for fiscal year 2002 proposed in the gentleman's amendment.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 70, line 7, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 63, line 10, through page 70, line 7, is as follows:

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $42,066,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $70,000,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $19,287,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $13,073,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $3,631,940,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,692,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $500,671,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $48,131,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective

guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $224,433,000, of which not to exceed $10,000,000 shall remain available until expended for security systems or contract costs for court security officers, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $60,029,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $20,235,000; of which $1,800,000 shall remain available through September 30, 2003, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $26,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $11,575,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Of the unexpended balances transferred to the Commission on Structural Alternatives in Federal Appellate Courts, up to $400,000 may be expended on court operations under the ''Courts of Appeals, District Courts, and other Judicial Services, Salaries and Expenses''.

AMENDMENT NO. 8 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. ROEMER:

Page 70, after line 7, insert the following:

SEC. 305. (a) The Federal building located at 10th Street and Constitution Avenue, NW, in Washington, DC, and known as the Department of Justice Building, shall be designated and known as the ''Robert F. Kennedy Department of Justice Building''.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the ''Robert F. Kennedy Department of Justice Building''.

Mr. WOLF. Mr. Chairman, I reserve a point of order against the amendment and claim the time in opposition.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Indiana (Mr. ROEMER) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I am going to concede the point of order. I realize and recognize that this would be authorizing on an appropriations bill. While I concede the point of order, I am even more determined on the merits of the amendment to continue to pursue the naming of the Justice Department building after Robert F. Kennedy.

Mr. Chairman, we have 100 cosponsors of this legislation, Democrats and Republicans. We have very, very helpful and influential Members on the other side of the aisle, including the gentleman from Virginia (Mr. WOLF); and I thank the gentleman for his cosponsorship of this bill. We have the gentleman from New York (Mr. QUINN) and the gentleman from Florida (Mr. SCARBOROUGH). We have the gentleman from Virginia (Mr. TOM DAVIS) and many other Republicans.

I also have engaged in conversation and negotiation with the administration and the White House, and we are hopeful that the White House will also be supportive and enthusiastic of this effort to get this Justice Department building named after an Attorney General who served with honor and integrity and dignity in that office from 1961 to 1964.

Mr. Chairman, one of my favorite quotes of Robert Kennedy was as follows: ''We will never be able to completely eliminate children being tortured in the world, but we can reduce the number of those children being tortured.''

In fact, what he is saying is that we can work, and we have an obligation to work, especially for the most vulnerable people in society, our children, to in noble and civil ways have government effectively help them. And, as Attorney General, he worked in a plethora of ways to achieve these noble and virtuous objectives.

Convictions against organized crime figures rose 800 percent while he was Attorney General. He enforced Federal Court orders to integrate schools and universities across our country, particularly in 1962, when he fought and sent troops down to the University of Mississippi to help James Meredith enter that school.

He and Lyndon Johnson, the President at that time, fought for the 1964 Civil Rights Act, and there are some scholars that say that that Civil Rights Act, that is one of the glories of this country, may not have come along for another 10 years without those two individuals working hard to pass it.

He was particularly helpful and informative and insightful on the foreign policy realm for President Kennedy, helping negotiate the strategy on the Cuban missile crisis. He also traveled the world on human rights.

So here we have an Attorney General on fighting organized crime, on fighting for civil rights, on promoting human rights across the world, on fighting to make sure that racketeering and RICO charges were brought forward, enforcing the laws of this country. We have a very talented and skillful and honorable Attorney General. It is time, it is time, Mr. Chairman, that we name this building after Robert F. Kennedy.

Now, yesterday in this House of Representatives we passed legislation to name the Peace Corps building after Paul Coverdell, and this body authorized $10 million to pursue some objectives along those lines. We have named trade buildings, airports, CIA centers and aircraft carriers. It is time in fairness, it is time in justice, it is time in a bipartisan way, to name this building after Robert F. Kennedy.

I would hope that we could do this soon, although maybe not on this piece of legislation today, but soon. So let us do justice and reward nobility and hard

work, and let us name this Justice Department building downtown after Mr. Kennedy.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I continue to reserve the point of order; but let me just say that I am a cosponsor of the gentleman's amendment, and I think it makes a lot of sense. I am reminded of the quote by Bobby Kennedy that says: ''Some men see things as they are and ask why; I dream things that never were and ask why not.''

I am also reminded one of the famous quotes that he gave to a group of students in South Africa in 1966, which I use many times when I speak to high school kids. He said: ''A third danger,'' and this is a great recommendation to this body and to anyone, ''a third danger is timidity. Few men or women are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality of those who seek to change a world which yields most painfully to change. Aristotle tells us that 'at the Olympic games it is not the finest and the strongest men who are crowned, but they who enter the lists.' So too in the life of the honorable and the good it is they who act rightly who win the prize.''

He goes on to say, ''I believe that in this generation,'' and hopeful in the generation that we are in, particularly when we think of China and Sudan and the persecution of believers around the world, ''that in this generation those with the courage to enter the moral conflict will find themselves with companions in every corner of the world.''

So I think the gentleman's amendment is a great idea. The gentleman understands why we are objecting. But as he knows, I am a cosponsor and have been very appreciative of the work the gentleman has done, and that also his family has done in the area of human rights in China and around the world.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for his support of the amendment. I look forward to working with the distinguished gentleman, who has also worked so hard around the world for human rights, for justice, for honorable public service. I would hope that the gentleman from Virginia (Mr. WOLF) would continue to work, as he already has, with me and with others. As I mentioned, we have 100 cosponsors on this legislation to send forth, as the gentleman mentioned Bobby Kennedy's quote from South Africa, this type of ripple of hope that helps sweep down the mightiest walls of oppression and resistance.

There should be no resistance to this idea, and I do not think there is much; and I would hope, working with the administration and the White House and the gentleman from Virginia and the 100 cosponsors of this bill, that we can soon see this happen. I look forward to working with the gentleman, and I appreciate his strong support for this legislation.

Mr. WOLF. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his sponsorship and efforts with regard to a memorial here in this city for the Adams family; not only John Adams, but John Quincy Adams, who, when he left the Presidency, served in this body, in the House of Representatives, for 17 years, and died just 50 or 60 yards down the hallway. So I appreciate his efforts, and hopefully we can be part of doing both of them.

Mr. Chairman, with that, I insist on my point of order.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be very brief. I just wanted to rise in support of the gentleman's idea. On my wall here in my Washington office I have two pictures in one special section. There is a picture of Dr. Martin Luther King and another one, a photograph of Bobby Kennedy.

It was those two individuals that invited my generation into public service and into activism at the community level; Dr. King obviously through his work on the civil rights movement and bringing us all together, and it was Bobby Kennedy who taught my generation that politics and government service were in fact an honorable profession.

I remember the time he came to the South Bronx and campaigned there when he was running for Senator of New York, how excited everybody was at his excitement about public service, to a generation of Americans, many from the minority community, who were turned off to the system and turned off to politics.

Bobby Kennedy continues to be that figure in my life that I look to as one who paid the ultimate price for asking all of us to come together to stand up for what we believed in. So I think at a minimum the gentleman's idea is one that we should fulfill.

I would hope as we move along we pay attention to this idea and that we do rename the Justice Department building in honor of Bobby Kennedy. So I support the gentleman, and I commend the gentleman for the work he does on this.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 30 seconds.

Mr. ROEMER. Mr. Chairman, let me say there are scores of pictures throughout Capitol Hill of Bobby Kennedy and in homes everywhere in America about Bobby Kennedy, his quotes, his dedication to public service, and with these two statements from these two distinguished Members, I will continue to pursue this. I am hopeful and optimistic that we will do the same.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the ''Judiciary Appropriations Act, 2002''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, as amended; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,166,000,000: *Provided*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $270,259,000 shall be available only for public diplomacy international information programs: *Provided further*, That, notwithstanding any other provision of law, not to exceed $323,000,000 of offsetting collections derived from fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) during fiscal year 2002 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of $323,000,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

AMENDMENT NO. 19 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. JACKSON-LEE of Texas:

Page 72, line 5, immediately before the period insert the following:

: *Provided further*, That, notwithstanding any other provision of law, of the amount made available under this heading, $7,800,000 shall be available to provide funds for legal representation for parents who are seeking the return of children abducted to or from the United States under the Hague Convention on the Civil Aspects of International Child Abduction

Mr. WOLF. Mr. Chairman, I reserve a point of order against the amendment and claim the time in opposition.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1530

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

I thank the gentleman from Virginia (Mr. WOLF) very much for his kindness, and I appreciate the fact that this is a very difficult issue.

I rise today to address how we in Congress can help in a small way to ease the suffering of families whose children have been abducted to other countries, usually by a parent of the very child taken. That creates a very large wall that would keep these parents, American citizens on American soil, from helping their children.

International parental kidnapping is a complex crime and takes an enormous toll, both emotionally and financially, on the searching parents left behind. The Hague Convention on the civil aspects of international child abduction is the primary legal tool to remedy international child abductions.

Currently, at least 480 Americans are seeking access to a return of their children abducted in foreign countries who are signatories to The Hague Convention. At any given time, an estimated 300 families are searching for their children abducted from the United States. Often, these families must incur thousands of dollars in legal fees to try to obtain the return of their children.

Legal representation is frequently beyond the financial reach of most families seeking the return of their children, sometimes costing between $20,000 and $40,000 per case in this country. Mr. Chairman, 75 percent of the families who seek return of their children from the United States qualify for pro bono or reduced legal assistance.

Mr. Chairman, this is an important legislative initiative because of the reason of being a parent, loving one's child, being able to see one's child and, many times, these children are abducted to lifestyles and conditions that do damage to them and prevent them from seeing another loving parent.

Mr. Chairman, let me, first of all, thank the gentleman from New York (Mr. SERRANO) for his kindness on this amendment and also the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee. The chairman's history in fighting human rights abuses is world renowned.

I come to this floor not wanting to concede the point of order, but asking for the point of order to be waived, because I have seen in my office the pain of parents who cannot find their children, as I chair the Congressional Children's Caucus.

Mr. Chairman, I rise today to address how we in Congress can help in a small way to help ease the suffering of families whose children have been abducted to other countries, usually by a parent of the very child taken.

International parental kidnapping is a complex crime, and takes an enormous toll, both emotionally and financially, on the searching parents left behind. The Hague Convention on the Civil Aspects of International Child Abduction is the primary legal tool to remedy international child abductions. Currently, at least 480 Americans are seeking access to or return of their children abducted to foreign countries who are signatories to the Hague Convention. At any given time, an estimated three hundred families are searching for their children abducted to the United States.

Often these families must incur thousands of dollars in legal fees to try to obtain the return of their children. Legal representation is frequently beyond the financial reach of most families seeking their return of their children, sometimes costing between $20,000 and $40,000 per case in this country. Seventy-five percent of families who seek return of their children from the United States qualify for pro bono or reduced fee legal assistance.

Because the United States, through the concurrent jurisdiction of federal district courts and state courts provided for in our implementing legislation, has thousands of judges who may hear a given case, our system is even more dependent than others on the knowledge of the attorneys and their ability to educate the court on the issues involved.

The cost of bringing a Hague Convention case in court varies from state to state, but we typically private attorneys charge a retainer between $5,000 and $10,000. The hourly rate, of course, depends upon the attorney involved, but $150 or $200/hour is typical. Applicant parents also pay court filing fees and other expenses associated with the case.

Nearly every country signatory to the Hague Convention provides free legal assistance to parents seeking the return of internationally abducted children. The Convention requires that if a country takes an exception to the specific provision of legal aid in these cases, as does the United States, then they must provide the same legal aid services to the foreign applicant parents that are available to citizen parents. The U.S. is not currently meeting even this obligation to parents who seek legal aid for children abducted to this country and, coupled with residency requirements and other restrictions, the existing options for legal aid in this country are unreachable even for those foreign citizens who might qualify financially.

The U.S. Department of Justice has a list of attorneys willing to handle cases on a pro bono basis, often as a learning experience. And while some do very well, it can be difficult to find experienced help in every case. We must do more for these searching parents, and aid them in obtaining the proper legal representation to facilitate the return of their children.

In countries where legal aid is unavailable, a resource bank of low-fee or pro bono attorneys should be developed. Furthermore, all countries should take steps to establish a travel fund and a counseling and psychological treatment center for victim families. The work of Central Authorities and non-governmental organizations with regard to helping and supporting victim families needs to be recognized and funded.

We in Congress have expressed a keen interest in requiring the Department of State to report on the shortcomings of treaty-partner countries. Although the United States' leadership in this field is appropriate, we must make sure that we address our own shortcomings as we point out those of others.

This amendment will provide a source of funds to help pay for the legal representation that parents of abducted children desperately need when seeking the return of their children from countries who are signatories to the Hague Convention. Although the $7.8 million will not fully fund all legal fees for those who seek, it will help those who have the most need.

Please join me and Congressman LAMPSON in supporting this budget neutral amendment to the Commerce, Justice, State Appropriations bill to assist these families as they search for their children—and help them to resolve their cases more quickly with the best legal representation they require and deserve. This bill earmarks the money from the State Department's funds for Administration of Foreign Affairs, Diplomatic and Consular programs and would be funds well spent.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON), who chairs the Missing and Exploited Children's Caucus. We both serve in each other's caucus. The gentleman from Texas (Mr. LAMPSON) has been to The Hague on this very important issue.

Mr. LAMPSON. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I strongly urge my colleagues to support the Jackson-Lee-Lampson amendment that would appropriate $7.8 million to the Department of State to provide funds for legal representation for parents who are seeking the return of children abducted to or from the United States under The Hague Convention on the Civil Aspects of International Child Abduction. I am chairman and founder of the Congressional Caucus on Missing and Exploited Children, and I have been active on this issue for over 3 years.

Last year, this body passed H. Con. Res. 293, a resolution that called on

signatories to The Hague Convention on Civil Aspects of International Child Abduction to abide by the provisions of The Hague and also recognized some weaknesses in certain provisions.

What I hear over and over again from both American parents and non-American parents is that the financial burden of legal expenses is overwhelming. One father with whom I have spoken has spent over several million dollars in travel expenses, attorneys' fees and court fees in Italy, and I have heard from numerous parents who have spent over $200,000 in their fights for the return of their children or just the opportunity to see their children. Nearly every country signatory to The Hague Convention provides free legal assistance to parents seeking the return of internationally abducted children. The United States does not.

Mr. Chairman, we must do more for these searching parents and aid them in obtaining the proper legal representation to facilitate the return of their children. In countries where legal aid is unavailable, a resource bank of low-fee, pro bono attorney's fees should be developed, and that is what this amendment does.

Again, I urge my colleagues to support the Jackson-Lee-Lampson amendment to appropriate $7.8 million for our Nation's searching parents.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, a list of pro bono attorneys at the Department of Justice is a nice idea, but those attorneys are just learning; and they cannot provide the legal expertise for these terrible fights that these parents have, $20,000, $40,000, $60,000 to psychologically break the bond between parent and child. I would hope that we would have the opportunity to pursue this amendment and work with the very distinguished chairman and ranking member.

Mr. WOLF. Mr. Chairman, I reluctantly rise in opposition, and I reserve a point of order on the amendment. I yield myself such time as I may consume.

Let me say I do think the gentlewoman is onto something that is very important. I have worked on a couple of these cases, one dealing with two young children in Serbia. My administrative assistant, Charlie White, who has since died, and myself met with Milosevic on this issue. The mother was from California, was very articulate and was very able to get CBS and ABC to do news stories, but what about someone who really cannot?

Perhaps we could put some report language in also asking Legal Services to also look at something like this. There may be somewhere in Legal Services that someone could become an expert, could give some guidance to a mom or dad that is faced with this.

I also did not see the story, but my kids did, of the Sally Fields movie, ''Not Without My Daughter.'' I think is the name of that movie.

So I think the gentlewoman is onto something very important. We will work with the gentlewoman to do some language or do something to see if we can push the ball a little farther forward so that if a mom or a dad is in some situation that there is some place to go or some help or some guidance. So we will be glad to work with the gentlewoman.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) insist on his point of order?

Mr. WOLF. Mr. Chairman, I insist on a point of order and make a point of order against the amendment because it proposes to change existing law and constitutes legislation in the appropriations bill and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Would the gentlewoman from Texas (Ms. JACKSON-LEE) like to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Yes, Mr. Chairman.

First of all, let me say that, because of the nature of this issue, I had hoped that we could waive the point of order and allow some help for these desperate families. But I must say to the gentleman from Virginia, I want to thank him, and I think the ultimate goal is to work this through. Let me thank the gentleman for his offer, and let me say that I would like to work with him on this matter.

Mr. LAMPSON. Mr. Chairman, I concur; and I look forward to working with both of my colleagues on this.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment explicitly supersedes existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to at this time offer out of order my ''Buy American'' amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT NO. 38 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. TRAFICANT:

Page 108, after line 7, insert the following new section:

SEC. ____. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues know, I had two amendments at the desk. At the request of both the gentleman from Virginia (Mr. WOLF), the fine chairman in his first term of this subcommittee, and the gentleman from New York (Mr. SERRANO), our outstanding ranking member, I will not offer the second amendment that deals with overcrowding of Federal prisons, except to say when there were great headlines of one murder and killing in a private prison, that same year there were nine murders, killings in Federal prisons. I am advising both of these Members to take a look at the conditions of overcrowding, rape and serious problems in the Federal Prison System that have been swept under the rug.

Mr. Chairman, back to my specific amendment here that is being offered, and I would like the chairman's attention.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I am confused as to which amendment we are discussing. Is this the Buy American?

Mr. TRAFICANT. Yes, it is, Mr. Chairman. I will not offer the other amendment. I have advised both the chairman and ranking member to look seriously at overcrowding and rape and serious problems in the Federal Bureau of Prisons.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, that is why we opposed the Hinchey amendment last night that proposed to take $73 million out of the Bureau of Prisons for that very reason. I think the gentleman is right.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I want to reflect briefly on my amendment on the floor.

Over the July 4 holiday when Americans celebrate Independence Day, the National Symphony Orchestra on the mall was performing, Mr. Chairman, and vendors were passing out on the mall to all those who came from throughout the United States to be a part of the Washington celebration of our freedom, they were passing out small plastic flags that were made in China. It may not seem like much, but I think we are giving away the farm. I think our trade policy sucks more than the suckerfish, and I think it is time we get a grip on this.

The amendment simply says, anybody who has a prior conviction of having violated the Buy American law in this country is not eligible for any monies in this bill. It has been attached to every other bill, and it should be approved without great debate.

But I am saying to Congress, we have a massive $300 billion-plus trade deficit in America; 20,000 American jobs lost per billion of trade deficit. Now, one does not have to be a rocket scientist to figure out what is happening in this country.

So, with that, I would hope for his approval of this amendment; and I yield to the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee.

Mr. WOLF. Mr. Chairman, we accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished ranking member, the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, we are in support of the gentleman's amendment; and we congratulate him on his work.

Mr. TRAFICANT. Mr. Chairman, I ask for an ''aye'' vote. I thank both the chairman and ranking member for allowing me to go out of order under the circumstances.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 83, line 22, be considered as read, printed in the RECORD and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 72, line 6, through page 83, line 22 is as follows:

In addition, not to exceed $1,343,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $487,735,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $210,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $29,264,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $237,000,000, to remain available until expended: *Provided*, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $6,485,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,400,000, to remain available until September 30, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $470,000,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $815,960,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $10,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $17,044,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $135,629,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $850,000,000: *Provided*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That, of the funds appropriated in this paragraph, $100,000,000 may be made available only pursuant to a certification by the Secretary of State that the United Nations has taken no action in calendar year 2001 prior to the date of enactment of this Act to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000–2001 of $2,535,700,000: *Provided further*, That if the Secretary of State is unable to make the aforementioned certification, the $100,000,000 is to be applied to paying the current year assessment for other international organizations for which the assessment has not been paid in full or to paying the assessment due in the next fiscal year for such organizations, subject to the reprogramming procedures contained in Section 605 of this Act: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $844,139,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest to be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein

followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $24,705,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,520,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $10,311,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $19,780,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), as amended, $9,250,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2002, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2002, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $9,400,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $33,500,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities for radio and television transmission and reception to Cuba, $453,106,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $25,900,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

The SPEAKER pro tempore. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2002''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $89,054,000, of which $13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $10,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $30,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2002, commitments to subsidize loans authorized under this heading shall not exceed $1,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,978,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and

make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior Appropriations Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $489,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,499,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $500,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $30,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $310,406,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $238,597,000, of which not to exceed $300,000 shall remain available until September 30, 2003, for research and policy studies: *Provided*, That $218,757,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at $19,840,000: *Provided further*, That any offsetting collections received in excess of $218,757,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $15,466,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $155,982,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $155,982,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0, to remain available until expended: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $329,300,000, of which $310,000,000 is for basic field programs and required independent audits; $2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,400,000 is for management and administration; and $4,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

Section 504(a)(16) of Public Law 104–134 is hereafter amended by striking ''if such relief does not involve'' and all that follows through ''representation''.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,732,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, $4,000,000.

PACIFIC CHARTER COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Pacific Charter Commission, as authorized by the Pacific Charter Commission Act of 2000 (Public Law 106–570), $2,500,000, to remain available until expended.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $109,500,000 from fees collected in fiscal year 2002 to remain available until expended, and from fees collected in previous fiscal years, $328,400,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the

Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: *Provided further*, That fees collected as authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for sales transacted on, and with respect to securities registered solely on, an exchange that is initially granted registration as a national securities exchange after February 24, 2000 shall be credited to this account as offsetting collections: *Provided further*, That for purposes of collections under section 31, a security shall not be deemed registered on a national securities exchange solely because that national securities exchange continues or extends unlisted trading privileges to that security.

□ 1545

AMENDMENT NO. 34 OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. OXLEY:

Page 94, beginning on line 9, strike ": *Provided further*, That fees" and all that follows through line 20 and insert a period.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. OXLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment to the Commerce-Justice-State appropriations bill to strike language that would amend the Federal securities laws with respect to the treatment of certain SEC fees.

The provisions that my amendment would strike pertain to an issue that has already been addressed in much more comprehensive form in the form of H.R. 1088, the Investor and Capital Markets Fee Relief Act.

That bill, which was approved in the House with a resounding bipartisan vote of 404 to 22, reduces the excess fees that investors are currently paying in connection with securities transactions, IPOs, and other securities activities.

My amendment strikes language that would change the treatment of certain exchange-traded transactions for purposes of allocating fees charged under section 31 of the Securities and Exchange Act for budgetary purposes.

Rather than addressing this issue in a piecemeal fashion and outside the consideration of the committee of jurisdiction, and that would be the Committee on Financial Services, it should be addressed, as it already has been, in H.R. 1088.

I want to thank my good friend, the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee, for his cooperation on this matter, as well as for his support of H.R. 1088, and urge all Members of the body to support my amendment to reduce SEC fees in a comprehensive manner, rather than in the appropriations process. I urge support for the amendment.

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

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we will accept the amendment. We have spoken with the gentleman from the class of 1980, and we have no objection to the amendment.

We want to assure the gentleman that these provisions were not intended to infringe upon the gentleman's jurisdiction in any way.

Lastly, if there are any unforeseen circumstances, as we mentioned to the gentleman, in which the gentleman's legislation is not enacted, the committee will need to reconsider the inclusion of this language in the conference report.

But it is a good amendment, and we strongly accept it.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be very brief. I just want to reiterate what the chairman just said. We, of course, support the gentleman's amendment; but if we run into this problem that the gentleman's bill is not passed, we would hope that he will join us in making sure that this language is put back in. He is shaking his head.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $303,581,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $11,927,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,500,000, to be available until expended; and for the cost of guaranteed loans, $77,000,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2003: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2002 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $3,750,000,000: *Provided further*, That during fiscal year 2002 commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2002 guarantee commitments under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed $4,100,000,000.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MANZULLO:

Page 96, line 10, strike "$4,100,000,000" and insert the following:

the levels established by section 20(h)(1)(C) of the Small Business Act (15 U.S.C. 631 note)

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I bring this amendment, along with my colleague, the ranking minority member on the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ), and thank her for her help.

This amendment is very simple. It increases the guaranteed commitment levels for the Small Business Administration's two Small Business Investment Company programs to reflect the levels established by Congress in the SBA Reauthorization Act. It does not call for any increased spending.

Mr. Chairman, I understand that the gentleman from Virginia (Mr. WOLF) is going to accept the amendment.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we accept the amendment. The gentleman has worked with us in developing this amendment. We have no objection to it.

However, I would note that we have assumed a zero subsidy rate for the SBIC programs based on anticipated authorization changes.

I am sure the gentleman is aware that in the event those changes are not enacted, that both the SBIC programs do not operate with a zero subsidy rate, we will certainly not be in a position to maintain such a generous program level limitation.

With that, we accept the amendment and congratulate the gentleman.

Mr. MANZULLO. The gentleman is correct in his assumption.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 107, line 20, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 96, line 11, through page 107, line 20, is as follows:

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $84,510,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $120,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $110,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572; 106 Stat. 4515–4516), $6,835,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2002.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings ''Operations, Research, and Facilities'' and ''Procurement, Acquisition and Construction'' may be used to implement sections 603, 604, and 605 of Public Law 102–567: *Provided*, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 617. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) Subsection (a)(1) of section 616 of that Act, as amended, is further amended—

(1) by striking ''Claudy Myrthil,''.

(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2002.

SEC. 618. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 619. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $575,000,000 shall not be available for obligation until the following fiscal year.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 621. None of the funds appropriated in this Act shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 622. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

The CHAIRMAN. Are there any amendments to this section of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 623. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

AMENDMENT NO. 33 OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. OLVER:

Page 107, beginning on line 21, strike section 623 (relating to Kyoto Protocol).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I have is a simple one. It detracts nothing from the respect that I have for the chairman, who has done such a good job with this bill, nor of the ranking member, the gentleman from New York (Mr. SERRANO), who has joined him in presenting what I think is, in whole, an excellent bill.

But I rise to strike section 623 from this legislation, which, as indicated, would be a provision on any funding used for anything, really, related to global warming. I hope that this amendment would be accepted.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we accept the amendment.

Mr. OLVER. Mr. Chairman, I thank the gentleman.

Mr. Chairman, for the most part, this bill is an excellent bill, and I greatly respect the outstanding work of the chairman of the subcommittee, the gentleman from Virginia, and of the ranking member on the subcommittee, the gentleman from New York.

I rise to strike section 623, an anti-environmental rider, which is meant to prevent any and all action to address the climate change caused by global warming.

Last week, the gentleman from Maryland (Mr. GILCHREST) and I offered this same amendment on the Agriculture appropriations bill which was graciously accepted by the Chair and adopted by voice vote. Less than 2 months ago, this House adopted a sense of the Congress relating to global warming, in the Foreign Relations Authorization Act, and that sense of Congress pointed out that global climate change poses a significant threat to national security. And just this morning, the Chairman of the VA–HUD Appropriations Subcommittee, the gentleman from New York, removed this egregious language from that bill. I am extremely pleased to see that the debate on global warming, in the House of Representatives, is moving in the right direction.

Regardless of the fate of the Kyoto Protocol, there is overwhelming, peer reviewed, sound scientific evidence that global warming is occurring, and substantially due to human influence—the National Academy of Science has very recently reaffirmed that fact. Placing a gag order on federal agencies can only stifle our ability to address this critical environmental issue—at a time when carefully considered, but comprehensive action is needed.

As I explained last week, this rider is not new. It dates back to the Clinton Administration, when the majority believed with good reason that President Clinton would have acted to implement Kyoto.

But President Bush has made it clear that he has no intention of implementing the Kyoto Protocol. He has even declared the Kyoto protocol "dead."

So, if this Administration isn't even remotely thinking about implementing the Kyoto Protocol, what is the language that this amendment would strike really about?

It is really about preventing any serious progress at all on global warming—our most serious environmental issue for the 21st century. The rider is used to badger federal agencies and to demand repeated explanations for their environmental activities. The Inspector General was recently forced to investigate alleged violations of the rider by the EPA, Department of Energy, and the State Department and found no instances of violation.

This rider jeopardizes executive agency work on any and every issue related to climate change—which the U.S. is obligated to address as part of the United Nations framework Convention on climate change. Remember that the UN Framework Convention on climate change was proposed for ratification by then President George Herbert Walker Bush in September 1992, ratified by the Senate in October 1992, and took force in 1994.

Mr. Chairman, the United States has an obligation to be an international leader on global warming. We owe it to our children who deserve to inherit a healthy planet. The consequences of global warming will not be mild and we must being to act soon.

The American public wants this Congress and this Administration to find a way to address global warming. How we do that, is NOT the subject of today's debate. This vote has nothing to do with implementing or even liking the Kyoto Protocol.

I urge this body to pass this and all remaining Appropriation bills, free of this ill-conceived and unneeded rider. Allow our agencies to search for ways and measures authorized by the already ratified UN Framework to begin addressing greenhouse gases.

I urge a yes vote on the Gilchrest/Olver amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VII—RESCISSIONS

DEPARTMENT OF COMMERCE

DEPARTMENTAL MANAGEMENT

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $115,000,000 are rescinded.

EMERGENCY STEEL GUARANTEED LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $10,000,000 are rescinded.

AMENDMENT NO. 25 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Ms. JACKSON-LEE of Texas:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Of the amounts made available under the heading ''Immigration and Naturalization Service, Enforcement and Border Affairs'', $20,000,000 may be used for a program of alternatives to detention for aliens who are not a danger to the community and are not likely to abscond.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I have a point of order against the amendment.

The CHAIRMAN. The gentleman from Virginia will state his point of order.

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it provides for an appropriation for an unauthorized program, and it therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I serve on the Committee on the Judiciary, the authorizing subcommittee, the Subcommittee on Immigration and Claims. In that capacity, I am seeing on a regular basis the impact that this amendment tries to address.

This amendment would earmark a relatively small amount of INS detention funds, $20 million, for the implementation of alternatives to detention for those persons who are not a danger to society and are not in danger of absconding.

The financial and human costs of detaining foreign nationals in the United States has increased exponentially in recent years. INS detention costs now total more than $1 billion a year. More than 22,000 aliens are currently detained by the INS, and the number is growing.

Sixty percent of detained aliens are held in local and county jails. The rest are detained in INS-owned and operated facilities. Many of these detained are neither a danger to themselves or their communities, and they are not in danger of absconding. Detaining these people wastes valuable Federal resources that could be put to better use.

Detention is not only costly in dollars, it is costly, as well, in terms of human suffering, as people are needlessly separated from loved ones. Often the person in the detention is the breadwinner.

Asylum seekers, children, and other people with strong community ties should not be detained. The INS should support alternatives to detention nationwide. Faith-based and other organizations are willing to work with the INS to make such projects work.

I urge the committee to adopt this amendment that will be allowed to utilize alternative detention, particularly for those who are not prepared to abscond, are not dangerous to society, and are simply seeking the opportunity to be free in this country, away from persecution.

I believe this is a right direction and a response to those who are not in any way endangering the lives and conditions of Americans, like children, like families, and like those who simply want to be free.

Mr. WOLF. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman insists on his point of order.

Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment proposes to earmark certain funds in the bill under Clause 2(a) of rule XXI. Such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the proponent of the amendment.

Finding that this burden has not been carried, the point of order is sustained and the amendment is not in order.

AMENDMENT NO. 21 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to remove, deport, or exclude any alien from the United States under the Immigration and Nationality Act for conviction of a crime if the alien—

(1) before April 1, 1997, entered into a plea agreement under which the alien pled guilty to the crime that renders the alien inadmissible or deportable; and

(2) after June 25, 2001—

(A) requests discretionary relief under section 212(c) of the Immigration and Nationality Act (as in effect at the time of the alien's plea agreement) on the ground that the opinion of the Supreme Court of the

United States rendered in Immigration and Naturalization Service v. St. Cyr, 533 U.S. ____ (2001) renders the alien eligible to seek such relief; and

(B) has not received a final order of removal, deportation, or exclusion upon denial of such request.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia will be recognized in opposition to the amendment.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman, and I hope that by the time I conclude we will have an opportunity to agree on this amendment because it seeks to comply with a recent decision by the United States Supreme Court that aliens who came to a plea agreement prior to the enactment of the 1996 Anti-terrorism and Effective Death Penalty Act and Illegal Immigration Reform and Responsibility Act be afforded their due process rights by enabling them to seek relief from removal under the same circumstances that existed prior to the effective date of these 1996 acts.

In essence, this is simply to allow due process, which certainly is, I believe, an important remedy on the floor of this House. Specifically, my amendment would amend H.R. 2500 to specify that none of the funds in the bill may be used to remove, deport, or exclude an alien for a conviction of a crime if the alien entered into a plea agreement before April 1, 1997, or who, after June 25, 2001, requested 212(c) relief, which gives the Attorney General discretion to waive deportation of resident aliens under the Immigration and Naturalization Act, pursuant to the recent Supreme Court decision in INS v. St. Cyr, or who has not received a final deportation removal order.

On June 25, 2001, the United States Supreme Court issued a decision in the case of INS v. St. Cyr that people who had pleaded guilty to a deportable offense at a time when they may have been eligible for relief from removal under then section 212(c) of the Immigration and Nationality Act remain eligible for the 212(c) waiver. Under the Supreme Court ruling, so long as an immigrant was eligible for 212(c) waiver at the time of his or her guilty plea under the law as it existed at that time, they remain eligible for the waiver regardless of when the INS started deportation or removal proceedings.

There have been reports by some attorneys who represent clients who have become eligible for relief pursuant to the Supreme Court's St. Cyr decision that the INS is moving to remove them from the United States, despite their possible eligibility for a waiver and to be able to apply due process under the Supreme Court case.

I would suggest that if aliens who are represented by attorneys are being removed despite the decision of the Supreme Court, it is almost certain there are some individuals who are not represented who are also eligible for relief. Because there is no procedure to allow a person who has been removed from the United States to pursue 212(c) relief from outside the country, an individual who is removed from the United States would therefore be ineligible for the very relief which the Supreme Court has said they are now entitled to.

My amendment would not provide relief legislatively to any individuals. The decision on whether to grant relief would be up to the immigration judges. I do not interfere with that process. Those judges will be required to weigh the individual circumstances with the requirements of the law as the law existed prior to the enactment of AEDPA and the IIRIRA. Removal of these individuals prior to ascertaining the eligibility for 212(c) relief would constitute an unconscionable violation of their due process rights, in contravention of the decision of the U.S. Supreme Court.

I urge my colleagues to consider this correction, which is without a request for funding. It is, in essence, budget-neutral. It is simply to reinforce the due process that is necessary to provide anyone with their right to access justice.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we really should not be going here. We should not be doing this. We are not the authorizers. This is so complex. It is my understanding that the INS is still trying to interpret this case and its subsequent impact on the INS.

We understand the gentlewoman is seeking to ensure that aliens qualified under the St. Cyr decision benefit from the decision, but I am not sure if the amendment does that or goes farther. The Committee on the Judiciary has concerns. We have been trying to reach the gentleman from Pennsylvania (Mr. GEKAS), who is chairman of the Subcommittee on Immigration and Claims; but he is not available.

This is a very complicated case. There are legions of lawyers at the INS still trying to figure this out, and I would not want, nor do I think the Congress would want, to impose another layer that would only complicate this issue. So this is just not a place we should go, and I strongly urge that we oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Ms. JACKSON-LEE of Texas:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in title I of this Act may be used to prohibit states from participating in voluntary child safety gun lock programs.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I thank my colleagues for their indulgence.

We have found over the course of this debate dealing with safety and guns, and I want to remove this from being a divisive debate, that we have a lot that we can agree upon. In fact, the President of the United States himself, while the Governor of the State of Texas, supported voluntary trigger lock programs. This particular amendment is a limitation and does not have a budget impact. It simply asks that we not allow any funds to be utilized to prohibit the utilization or the implementation of voluntary safety lock programs in the States throughout the Nation.

Each year, teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die. In addition, every year 1,300 children use firearms to commit suicide. In 1998, the year for which the most recent total statistics are available, there were 1,971 juvenile deaths attributable to firearms. Of the juvenile total, 1,062 were homicides or due to legal interventions; 648 were suicides; 207 were unintentional; and 54 were of unknown causes. From 1993 to 1998, firearm-related deaths for juveniles have decreased by an average rate of 10 percent annually, for an overall decrease of 40 percent.

However, even one child who dies from a gun death is one too many. And I am sure that we all can come to an agreement that we have had a meeting of the minds on the value of voluntary trigger lock programs, safety programs that, one, can be taught in the school; and, two, can engage parents and communities to be able to assist us in working together. I also have had hearings on the issue of bullying in the

schools, so I recognize that there are many elements to violence among children. But if we can do anything that would ensure that we have a common agreement, it is to be able to support safety locks and the technology behind them.

I would also just say to my colleagues that safety locks have been tested. The committee has reported that no funds shall be obligated for the purchase and distribution of gun safety locks until the National Institute of Standards and Technology develops national standards for the locks, but we are also asking that they not prevent individual jurisdictions from participating in a gun safety lock program.

With that, Mr. Chairman, I ask my colleagues to join in supporting this amendment, which has no statement on a Member's support or nonsupport on guns. It only says we want to make sure that our children are safe.

Mr. Chairman, this amendment to Title I of the appropriations bill, which provides spending for the Department of Justice, states that no federal funds can be used to prohibit states from participating in voluntary gun child safety-lock programs.

As a parent and chair of the Congressional Children's Caucus, the safety of children is of utmost concern to me. For example, this year I have introduced H.R. 70, a bill which would prohibit keeping a loaded firearm or an unloaded firearm and ammunition within any premises knowingly or recklessly disregarding the risk that a child is capable of gaining access to it and will use the firearm to cause death or serious bodily injury.

Even more alarming, is the fact that the number of homicides committed annually with a firearm by persons in the 14- to 24-year-old age group increased sharply from 1985 to 1993; they have declined since then, but not to the 1985 level. According to the Bureau of Justice Statistics, from 1985 to 1993, the number of firearm-related homicides committed by 14- to 17-year-olds increased by 294%, from 855 to 3,371. From 1993 to 1999, the number of firearm-related homicides committed by persons in this age group decreased by 65%, from 3,371 to 1,165. A Department of Justice survey indicated that 12.7% of students age 12 to 19 reported knowing a student who brought a firearm to school. We have made valuable strides in protecting our youth from gun violence, but we have not done enough.

This Congress and the Administration have taken an important step in this bill by requesting $75 million for Program ChildSafe. According the majority Committee's report on this program, it will help make sure that gun safety locks are available for every handgun in America. Although this legislation does not require gun safety locks, as should be done, its intent is commendable.

However, by offering this amendment, I want to make sure that there is no other "back door" legislation that will act to discourage states from participating in this or any other federally funded program that provides gun safety locks.

Gun safety locks will not save all our children from death from a gun. However, they do play an important role in protecting children who get access to a gun. It is important that at both the state and federal levels our government supports these efforts, not hampers them.

I urge my colleagues to join me in supporting this amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume, and I rise to simply say that we accept the gentlewoman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 29 offered by the gentlewoman from New York (Mrs. MALONEY), amendment No. 28 offered by the gentlewoman from New York (Mrs. MALONEY), amendment No. 17 offered by the gentleman from Texas (Mr. DELAY), and amendment No. 21 offered by the gentlewoman from Texas (Ms. JACKSON-LEE of Texas).

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

AMENDMENT NO. 29 OFFERED BY MRS. MALONEY OF NEW YORK

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 29 offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 217, not voting 7, as follows:

[Roll No. 239]

AYES—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
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
Fletcher
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
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
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—217

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
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
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood

Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Gilman
Hutchinson
Jefferson
Paul
Riley
Spence
Weldon (FL)

□ 1634

Mr. TERRY changed his vote from ''aye'' to ''no.''

Messrs. RANGEL, TOWNS, TURNER, BOSWELL, and FLETCHER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GILMAN. Mr. Chairman, on rollcall No. 239 I was inadvertently detained. Had I been present, I would have voted "no".

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, let me begin by appreciating the members of the committee, the floor managers, and the Members with amendments for their cooperative work today. We are making fine progress on this bill. There is every reason for us to understand that we can complete our work on this bill this evening. So after this series of votes, I am going to ask the committee to go back to this bill. We would expect to complete our work on this bill this evening. We would then probably find it late in the evening, too late, to pick up H.R. 7 tonight, so we would turn our attention to H.R. 7 in the morning as the first order of business following the rule.

I want to again thank everybody for their cooperation and say, let us go back to work and get this bill done.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. OBEY. Let me simply say, I agree with the gentleman that the committee is making good progress. There are still a number of hurdles that we are going to have to get over tonight if we are going to be finished. It will require the cooperation of every Member in terms of limiting time on amendments which we will try to get done. We are not there yet, but I hope that we can get there if we have a reasonable sense of flexibility on Members' part.

Mr. ARMEY. Mr. Chairman, I may just remind all the Members, unless you had a particular fire burning in your heart, you would always find it an attractive option to put it in the RECORD.

AMENDMENT NO. 28 OFFERED BY MRS. MALONEY OF NEW YORK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—ayes 215, noes 215, not voting 3, as follows:

[Roll No. 240]

AYES—215

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
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)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Woolsey
Wu
Wynn

NOES—215

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
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
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
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
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
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
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw

Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Hutchinson
Riley
Spence

□ 1646

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. DELAY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 424, noes 6, not voting 3, as follows:

[Roll No. 241]

AYES—424

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

NOES—6

Ackerman
Clay
Hastings (FL)
McDermott
Mink
Stark

NOT VOTING—3

Riley
Shows
Spence

□ 1654

Mr. STARK changed his vote from ''aye'' to ''no.''

Mr. MORAN of Virginia changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 242, not voting 2, as follows:

[Roll No. 242]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Grucci
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan

Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Stark
Stenholm
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—242

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

NOT VOTING—2

Riley
Spence

□ 1704

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MARKEY. Mr. Chairman, during rollcall vote No. 242 on H.R. 2500 I mistakenly recorded my vote as a "no" when I should have voted "yes."

Mr. OBEY. Mr. Chairman, as the designee of the gentleman from New York (Mr. SERRANO), I move to strike the last word.

Mr. Chairman, it has been my intent to offer today an amendment to this bill that would have been a straight limitation on the Federal Communications Commission prohibiting the Commission from implementing any change in the current rules related to media cross-ownership and concentration of media ownership issues.

I am concerned with the current level of concentration in media markets. I think there are too few media outlets in many markets across the country. A concentration of media power into the hands of a few media companies is an issue I think every one of us in this body ought to be concerned about, and I think we need to take a closer look at this issue. That was the purpose of my amendment.

I am concerned that the current group of commissioners on the FCC, particularly the chairman, does not share this concern and may even be laying the groundwork for relaxing or even eliminating some of the media ownership limitations on the books at the FCC.

My amendment would not have tied the agency's hands in considering proposed changes. I just wanted to make sure that the Congress had an opportunity to review the proposals in the appropriate forum before the FCC could implement any changes to those rules. My amendment, therefore, would have delayed until the end of the year the implementation of any proposed changes to the rules addressed in media cross-ownership and concentration.

I know the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce, shares many of my concerns; and I know he also had concerns about the amendment I was considering because he feared it would tie the hands of the Commission to respond to any court order challenging the current rules, if there is such a court order, during the fiscal year.

So I would like to engage in a colloquy with the gentleman. Knowing of the gentleman's concerns regarding the issue of diversity in the media and maintaining the voice of local broadcasting, I would urge him to keep this issue at the front of the debate on the Committee on Energy and Commerce, and I would ask the gentleman one question: Can he tell us if the authorizing committee intends to hold hearings on the issue of media ownership?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, first of all, I want to commend the gentleman for his position.

Second of all, I want to thank him for yielding.

Third of all, I want to tell the gentleman that I strongly agree with him. I assure the gentleman that I share his concerns about excessive concentration of ownership in media markets. In fact, I think there is too much concentration at this time. In fact, I just recently wrote the chairman of the FCC, as the gentleman knows, and expressed my strong belief that the current broadcast ownership cap should be retained and that the public interest requires that that be done. However, I also believe that the amendment originally proposed by my friend might have had some unintended consequences; and I want to thank him for deciding not to offer it today.

I will assure the gentleman from Wisconsin (Mr. OBEY) that I will work with him in all kinds of ways and on all occasions to try and see to it that his view and my view prevail on the matter of increasing concentration in the media.

There are several court cases pending that many believe will remand certain media ownership rules back to the FCC for further consideration and revision. Unless and until the FCC acts pursuant to a court order, there would be no ownership limitations in place if the amendment carried. That is an outcome that I believe neither of us would like to see.

I will assure the gentleman from Wisconsin that I will continue to work within the legislative committee. It will be my intent to work with my good friend from Wisconsin to assure that existing constraints on excessive media concentration are maintained. To that end, I am going to be requesting the chairman of the Committee on Energy and Commerce to hold hearings on that topic so that we can make better informed judgment as to how we might best protect the American public from the very real dangers that media concentration and media ownership concentration issues present.

Mr. Chairman, I want to thank the gentleman for yielding to me, and I want to commend him for what he has

had to say today, and I wish to say to him again, I agree with him.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman. Let me simply say that I think that is a very helpful comment from him.

I think Members need to understand that we are in danger of seeing news outlets in this country virtually homogenized. We are in danger of seeing many local voices stilled by these constant mergers and mega-mergers between media corporations. We need a diversity of media expression in this country, and I hope that the FCC does not contribute to the exact opposite, as I fear they may be planning, and I thank the gentleman.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REYNOLDS) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

FURTHER LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2500 in the Committee of the Whole, pursuant to House Resolution 192 and the order of the House of July 17, 2001, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); amendments numbered 14, 26 shall be debatable only for 10 minutes equally divided and controlled by the proponent and an opponent; amendments numbered 3, 30, 6, 7, shall be debatable only for 20 minutes equally divided and controlled by the proponent and an opponent; and, lastly, amendment numbered 12 shall be debatable only for 60 minutes equally divided and controlled by the proponent and an opponent.

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

Mr. SERRANO. Mr. Speaker, reserving my right to object, and I will not object, but I just wanted to know, does our agreement now leave, to the gentleman's understanding, any amendments that are not covered by time limits?

Mr. WOLF. Mr. Speaker, if the gentleman will yield, there are just a couple that are not.

Mr. SERRANO. Mr. Speaker, do we know exactly how many?

Mr. WOLF. Mr. Speaker, I do not know. We will try to find out.

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

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

□ 1712

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the bill was open for amendment from page 108, line 17, through page 108, line 22.

Pursuant to the further order of the House, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, may offer one pro forma amendment for the purpose of further debate on any pending amendment); amendments numbered 14, 26 shall be debatable only for 10 minutes equally divided and controlled by a proponent and an opponent; amendments numbered 3, 30, 6 and 7 shall be debatable only for 20 minutes equally divided and controlled by a proponent and an opponent; and amendment numbered 12 shall be debatable only for 60 minutes equally divided and controlled by a proponent and an opponent.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD) for the purpose of a colloquy with myself, the gentleman from Virginia (Mr. WOLF), and several other Members.

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentleman for yielding.

I greatly appreciate the past support of the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies for programs that assist communities and industries adversely impacted by foreign trade, communities such as those in my own district where the textile and apparel industry has taken a significant hit from foreign competition over the last decade.

□ 1715

This has resulted in the loss of thousands of jobs to Mexico, China, and other countries.

The National Textile Center, administered by the Department of Commerce, helps to counter the negative impact of foreign competition through research that supports state-of-the-art manufacturing in our domestic textile and apparel industry.

Incredibly, the University of California, with an internationally recognized textile science program, is not a member of the National Textile Center consortium. As a result, it has been unable to obtain grants from the National Textile Center for its important research.

What makes the exclusion of the University of California even more surprising is the fact that California is the second largest textile- and apparel-producing State in the Nation, the leading manufacturer of apparel in the United States, having produced $13 billion worth of goods last year alone. And nationally, California is the largest employer in the apparel and textile trade, employing over 144,000 Californians.

If the National Textile Center is to be truly national, its membership should not be limited to eastern and southeastern institutions alone. Textile manufacturing in California is very different, and the emphasis of the University of California's research programs differs from that of these institutions.

As one of the leading manufacturing States in the country and a significant contributor to our Nation's economy, California's institutions are more than worthy of membership in the National Textile Center consortium.

I look forward to working with the gentleman from Virginia (Chairman WOLF) to implement a true national program that supports the textile and apparel industry throughout the United States.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

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

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to continue the discussion. For the last 9 years, the member colleges and universities of the National Textile Center have been doing research and outreach and support of the textile industry. Its

research goals have been to discover, design, and develop new materials and innovative and improved manufacturing and integrated systems essential to the success of modern United States textile enterprises.

While the National Textile Center has been doing good work, they have neglected the research programs of two of the Nation's top textile-producing States, New York and California. Both Cornell University and the University of California at Davis, New York's and California's respective land grant universities, should be a part of this important research consortium.

New York is the number two State in apparel manufacturing based on annual gross State product. Apparel manufacturing is the largest manufacturing sector in New York City, and constitutes about one-third of all of New York City's manufacturing.

New York State employs the second-highest number of people in apparel manufacturing, after California. The apparel industry contributed $4.47 billion in value-added manufacturing and $9.64 billion in shipments to the 1997 New York State annual gross product.

At Cornell University, the Department of Textiles and Apparel is nationally recognized for its research and outreach that focus on apparel design, apparel technology, and fiber science. Beyond that, there are some extraordinarily innovative research and design programs that are going on at these institutions.

The research involved not only will impact what we traditionally recognize as apparel and textiles, but also has implications for public health, public safety, and even public works.

For example, Cornell researcher Anil Netravali has evaluated the use of epoxy lining for gas service pipes. Many of the service pipes that connect homes and businesses with the main gas lines are old and corroded, and are expensive to replace because of the extensive digging and disruption that is required.

I urge that these two schools be taken into consideration in this program. It is essential for the future of the textile industry in America.

Mr. Chairman, Professor C.C. Chu is working on biodegradable hydrogels that can be used in the medical sciences. The potential products from hydrogel textiles can be used in tissue engineering and could include skin, cartilage and even blood vessel replacement options. The availability of these tissue-engineered products could have significant implications for our health-care needs.

The National Textile Center is the primary federal funding source for university-based textile and apparel research. Cornell University and the University of California at Davis should be able to compete for the funds that are made available through this important Department of Commerce program. There is no justifiable reason for excluding these two esteemed institutions from participating in this research consortium.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just share the gentlewoman's interest in supporting our domestic textile and apparel industry. I understand the importance of up-to-date research for the manufacturers in her district and many other districts in the country. As a matter of fact, my congressional district has lost several textile facilities.

As the gentlewoman knows, we had to restore $13 million from the President's request for this very program. To add additional centers without providing additional funding would be inappropriate, but I would be pleased to work with the gentlewoman as we move to conference to try to ensure that California's and New York's concerns relating to the National Textile Center are given proper consideration.

AMENDMENT NO. 35 OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. ROHRABACHER:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) reserves a point of order.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an amendment in support of former American prisoners of war who were used by slave labor by Japanese corporations during the Second World War. These heroes survived the Bataan Death March, only to be transported to Japan and elsewhere in infamous death ships and then forced to work for Japanese companies under the most horrendous circumstances and conditions.

Private employees in these corporations tortured and physically abused these American POWs while the corporations withheld essential medical care and even the most minimal amount of food.

My amendment to H.R. 2500 would prohibit any funds in the act from being used by the United States government to prevent the former POWs from seeking a fair hearing against the Japanese companies who used them as slave labor in civil court.

This amendment is supportive of H.R. 1198, which is a bill that I have authored and put into the hopper which has over 160 cosponsors which calls for the United States government not to interfere with the efforts of former World War II POWs to have their day in court. This provision now, as I say, has over 160 bipartisan cosponsors.

After the war, approximately 16,000 POWs returned all battered and nearly starved from their terrible ordeal, many permanently disabled; their lives changed forever. Many of them had died during the war; 11,000 POWs died at the hand of the Japanese corporate controllers. The Japanese, by the way, had the worst record of physical abuse for POWs in recorded history.

Some 4,500 of the former POWs are still alive. Now, like many other victims of World War II and the atrocities of that war, the remaining survivors, our POWs, our most heroic defenders, are looking to try to seek justice and recognition for the ordeal they suffered.

They do not seek action or retaliation against the current Japanese Government or the current Japanese people, nor do they seek to portray Asian-Americans or the Japanese people in a negative light. Rather, our former POWs, these brave heroes, seek the opportunity to bring their case against Japanese corporations who used them as slave labor, to bring their case to civil court.

Japan has extended favorable reparation terms to many other victims of other countries, and they continue to settle war claims by other nationals of other countries. Unfortunately, to date our own State Department has asserted that our American POWs who were held by the Japanese have no claim against the Japanese corporations who worked them as slave labor.

Our State Department has stood in the way of these American heroes, these POWs, in their struggle to obtain justice by restricting their ability to go to court. They have a very restrictive reading of the peace treaty between the United States and Japan, and are thus betraying our own POWs in order to protect Japanese corporations from our POWs seeking legal redress against them.

It is, therefore, up to this Congress to pass this bill and to force our State Department to get out of the way and let our POWs have their day in court.

This is a balanced and fair response to the situation. Many of the companies, the Japanese companies in question, are household names in the

United States. As an ethical and moral matter, they should have voluntarily sought to close the book on this injustice a long time ago.

I would hope that we can put this type of restriction into this bill that would prevent the State Department from using any funds that we authorize and appropriate today in order to prevent our POWs from suing the Japanese corporations that used them as slave labor in the Second World War.

Mr. WOLF. Mr. Chairman, I continue to reserve a point of order, and I move to strike the last word.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want to say to my dear friend, the gentleman from California (Mr. ROHRABACHER), I am entirely sympathetic with what he is seeking to do. I just think it is inartfully done in the gentleman's amendment.

He seeks to inhibit the government from filing any motion. There are lots of other pleadings and litigation besides a motion. There is an answer, there are interrogatories. There are all sorts of documents that could circumvent what the gentleman is attempting to do. It is too narrow.

Second, fraud, it is an open door to fraud. If the gentleman stops the government from denying that some plaintiff was not a POW, is a phony, that can happen easily. All kinds of people claim war records. The gentleman opened the door for that.

I think what the gentleman wants to do is meritorious, but it is going to require a lot more attention. I would prefer the gentleman to have a bill, and we have some hearings and have some scholarship look at this and do it right.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, does the gentleman not believe it would be better to have those very objections that he mentioned settled by a judge rather than settled in the bureaucracy, with all the political pulls that are on our bureaucracy?

Mr. HYDE. Access to the courts is a legal element. Sometimes there is standing, sometimes there is not. I think that there is an issue here to be looked at.

There is some law here, law of treaties, but I have no problem with the court adjudicating these, because I want the people who are going into court to be there under proper pleadings, not just inhibit the motion by the government. That does nothing. I do not want to invite fraud, which I think the gentleman's amendment does.

Mr. ROHRABACHER. If the gentleman will continue to yield, I would say to the gentleman from Illinois, we obviously have a disagreement.

Mr. HYDE. Surely. Mr. Chairman, if the gentleman will yield further, I admire what the gentleman from California is trying to do. I just do not think it is done properly in the gentleman's amendment.

Mr. WOLF. Reclaiming my time, Mr. Chairman, perhaps we can work with the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. ROHRABACHER) as we get to the point. But I think the gentleman makes a valid point.

If the gentleman could sit down with them, maybe we could work something out by the time we finish up the bill.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law, which constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ROHRABACHER. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear any argument on the point of order. The gentleman from California is recognized.

Mr. ROHRABACHER. Let me just note, Mr. Chairman, that many of the objections that my good friend and the chairman have made I believe frankly could be taken care of easily by simply letting the POWs that we are referring to take their case to court, because then the court would determine whether or not there had been fraud, whether or not the people have a just claim, whether or not the records were sufficient in order to prove their case.

All of the objections that the good chairman just made can easily be determined by a judge, and that is my intent. That is the intent of this legislation.

Instead, by letting our State Department use our money, the taxpayers' money, to block our POWs, the survivors of the Bataan Death March, from going to court, what we are doing is we are getting in the way of having a judicial decision on those very issues.

□ 1730

No, what we should be doing now is not abandoning the Bataan Death March survivors again.

Let us remind ourselves that in World War II these men, and a few women, yes, were abandoned by the United States Government on the Bataan Peninsula. And when it was determined that they could not go back to save them without risking further American lives in a defeat, we abandoned them. And then after the war, when they were finally freed from Japanese captivity, our State Department abandoned them again.

They need their day in court. That is where those determinations should be made.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Illinois.

The CHAIRMAN. The gentleman cannot yield under a point of order.

Mr. HYDE. May I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman if he wishes to speak on the point of order.

Mr. HYDE. I wish to speak, if I may.

I agree with everything my friend said, except he wants them to have a day in court, but he also does not want the Government to be permitted to participate. The gentleman's amendment says no motion denying this or that; an open door to fraud. But the gentleman cannot have a court hearing unless there are two parties.

Mr. ROHRABACHER. The parties are the corporations that worked them as slave laborers and our POWs. The United States Government should not be getting in the way.

The CHAIRMAN. The gentleman will suspend. The Chair will endeavor to hear arguments on both sides and not a colloquy between Members.

Mr. ROHRABACHER. Yes, sir.

Mr. HYDE. The Chair is right.

The CHAIRMAN. Does any further Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The gentleman from Virginia makes a point of order that the amendment offered by the gentleman from California proposes to change existing law, in violation of clause 2(c) of rule XXI.

The amendment is in the form of a limitation. The limitation is properly confined to the funds in the pending bill and to the fiscal year covered by the pending bill. The limitation proposes a negative restriction on those funds by objectively identifying a purpose to which they may not be put.

The Chair finds that the amendment refrains from imposing new duties or requiring new determinations. It only requires an interventor to take cognizance of the action, all of which would already be a matter of public record in the courts, in which he would intervene. By simply denying funds for a specified object, the amendment refrains from legislative prescription. The Chair therefore holds that the amendment proposes a proper limitation. The point of order is overruled.

The gentleman from California (Mr. ROHRABACHER) is recognized for 30 seconds on his amendment.

Mr. ROHRABACHER. Mr. Chairman, I would hope that my colleagues support my amendment, and I am very grateful to the Chair for ruling it in order.

All we are suggesting is that the money that we are appropriating here not be used to thwart the right of some of the greatest heroes in American history who were betrayed by their own

government during World War II. This will prevent our State Department from continuing their policy of thwarting the legal suits by American POWs, the Bataan Death March survivors, against the Japanese corporations that worked them as slave laborers.

I would ask all of my colleagues to support my amendment.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of my colleague's amendment, prohibiting the use of government funds to oppose civil actions brought by U.S. veterans who were victims of Japanese forced or slave labor during World War II. It is our responsibility to ensure that these veterans who served in the Pacific Theater and then were victimized as prisoners of war in Japan can pursue justice.

Many of these soldiers survived the Bataan Death March which required them to march over 60 miles with little or no food or water. Hundreds of U.S. soldiers died of dehydration, starvation, and worse on this march. When they arrived in Japan, the American prisoners of war were turned over to private Japanese companies to serve as slave laborers. Thousands of soldiers perished laboring for these private companies.

These American prisoners of war have been seeking an apology and adequate compensation from the Japanese companies for the hard labor and atrocities they were forced to endure during their time in the slave labor camps. I was appalled to learn that the U.S. Government has opposed the veterans' efforts to recover compensation from the Japanese companies, instead of helping them resolve their claims.

This is especially tragic given the U.S.-German agreement signed on July 17, 2000, that established the German Foundation, ''Remembrance, Responsibility and the Future,'' which is charged with resolving similar claims by civilian slave laborers against German companies. Last month, these long-awaited compensation payments went out to some 10,000 Holocaust survivors who performed slave and forced labor.

Our veterans should not be denied their day in court. It would be unconscionable for our veterans, who fought for their country and performed slave labor under the most brutal of conditions, to be further denied their right to pursue the apology and compensation they have long deserved. I urge my colleagues to join me in supporting this amendment calling attention to this egregious situation.

Mr. COX. Mr. Chairman, I oppose the amendment. The effect of this amendment is to abrogate our post-World War II agreement with Japan on reparations to U.S. citizens injured by Japan during World War II. It would bar the Justice Department and the State Department from using appropriated funds ''to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II he or she was used as slave or forced labor.''

Although U.S. POWs used as slave laborers deserve redress, this amendment may raise serious constitutional concerns. During the Reagan Administration, the Department of Justice regularly advised Congress of its constitutional concerns over the so-called Rudman Amendment, a funding bar annually added by Congress that purported to bar the President from spending appropriated funds to advocate in court the view that the antitrust laws did not bar vertical non-price restraints. The Justice Department believed that the Rudman Amendment represented an attempt to accomplish indirectly through the appropriations power that Congress could not, consistent with the Constitution, accomplish directly through legislation—namely, to tell the President how to ''take Care that the laws [in this case, the antitrust laws] be faithfully executed.'' The Justice Department took this view even though the legal question was simply one of statutory construction, i.e., the proper interpretation of a law wholly within Congress's legislative domain, because it also implicated the Take Care Clause—a grant of power to the President directly under the Constitution, and not a grant of delegated legislative authority. If accordingly represented an unconstitutional condition.

This amendment appears to raise a still more serious constitutional question, because in addition to attempting to use the appropriations power indirectly to control the executive branch's interpretation of statutes pursuant to the Take Care Clause, it also attempts indirectly to use the appropriations power to control the President's exercise of the Foreign Affairs Power—a power he also enjoys directly under the Constitution, and not by grant of delegated legislative authority. This is so because the executive branch's position in such litigation could rest directly on the President's foreign affairs power.

As a result, it would be better to pursue any appropriate redress through direct executive-branch negotiations with the Government of Japan.

Mr. Chairman, the Bush administration opposes this amendment. Moreover, Mr. Chairman, there are several additional reasons to oppose this amendment, despite its noble purpose of assisting former prisoners of war. These reasons are eloquently set forth in the following correspondence from the Honorable George P. Schultz, former U.S. Secretary of State:

JUNE 1, 2001.

DEAR MR. CHAIRMAN: I am writing to you to express my deep reservations about H.R. 1198—The Justice for the U.S. Prisoners of War Act of 2001. I believe the passage of this act would be a direct challenge to the ability of the United States to make and execute treaties.

I express my opposition to the bill against the background of tremendous sympathy for the problems of the United States' citizens who have in one way or another been harmed, many severely, in the course of war and its sometimes dehumanizing impact.

But the bill in question would have the effect of voiding the bargain made and explicitly set out in the Treaty of Peace between Japan, the United States and forty-seven other countries. President Truman with the advice and consent of the Senate ratified the Treaty and it became effective April 28, 1952. The Treaty has served us well in providing the fundamental underpinning for the peace and prosperity we have seen, for the most part, in the Asia Pacific region over the past half-century.

The treaty addresses squarely the issue of compensation for damages suffered at the hands of the Japanese. Article 14 in the Treaty sets out the terms of Japanese payment ''for the damage and suffering caused by it during the war.'' The agreement provides:

1. a grant of authority to Allied powers to seize Japanese property within their jurisdiction at the time of the Treaty's effective date;

2. an obligation of Japan to assist in the rebuilding of territory occupied by Japanese forces during the war; and

3. waiver of all ''other claims of the Allied Powers and their nationals arising out of any action taken by Japan and its nationals of the war.''

The interests of Allied prisoners of war are addressed in Article 16, which provides for transfer of Japanese assets in neutral or enemy jurisdictions to the International Red Cross for distribution to former prisoners and their families.

H.R. 1198 challenges these undertakings head on, as it says, ''In any action in a Federal court, ... the court . . . . shall not construe section 14 (b) of the Treaty of Peace with Japan as constituting a waiver by the United States of claims by nationals of the United States, including claims by members of the United States Armed Forces, so as to preclude the pending action.''

I have read carefully an opinion of Judge Vaughn R. Walker of the U.S. District Court in California rendered on September 21, 2000, dealing with claims, many of a heart-rending nature. His reasoning and his citations are incisive and persuasive to me. He writes, ''The cases implicate the uniquely federal interests of the United States to make peace and enter treaties with foreign nations. As the United States has argued as amicus curiae, there cases carry potential to unsettle half a century of diplomacy.'' Just as Judge Walker ruled against claims not compatible with the Treaty, I urge that Congress should take no action that would, in effect, abrogate the Treaty.

The chief negotiator of the Treaty on behalf of President Truman was the clear-eyed and tough-minded John Foster Dulles, who later became Secretary of State for President Eisenhower. He and other giants from the post World War II period saw the folly of what happened after World War I, when a vindictive peace treaty, that called upon the defeated states to pay huge reparations, helped lead to World War II. They chose otherwise: to do everything possible to cause Germany and Japan to become democratic partners and, as the Cold War with the Soviet Union emerged, allies in that struggle.

As Judge Walker notes in his opinion, ''the importance of a stable, democratic Japan as a bulwark to communism in the region increased.'' He says, ''that this policy was embodied in the Treaty is clear not only from the negotiations history, but also from the Senate Foreign Relations Committee report recommending approval of the Treaty by the Senate . . . and history has vindicated the wisdom of that bargain.''

I served during World War II as a Marine in the Pacific. I took part in combat operations. I had friends—friends close to me—friendships derived from the closeness that comes from taking part in combat together, killed practically beside me. I do not exaggerate at all in saying that the people who suffered the most are the ones who did not make it at all. I have always supported the best of treatment for our veterans, especially those who were involved in combat. If they are not being adequately taken care of, we should always be ready to do more.

If you have fought in combat, you know the horrors of war and the destructive impact it can have on decent people. You also know how fragile your own life is. I recall being the senior Marine on a ship full of Marines on our way back from the Pacific Theatre after three years overseas. We all knew that we would reassemble into assorted forces for the invasion of the Japanese home islands. As Marines, we knew all about the bloody invasions of Tarawa, the Palaus, Okinawa, Iwo Jima, and many other islands. So we knew what the invasion of the Japanese home islands would be like.

Not long after we left port, an atomic bomb was dropped on Japan. None of us knew what that was, but we sensed it must be important since the event was newsworthy enough to get to our ships at sea. Then we heard of a second one. Before our ship reached the States, the war was over.

I have visited Japan a number of times and I have been exposed to Hiroshima and Nagasaki. Civilians there were caught up in the war. I am sympathetic towards them. I have heard a lot of criticism of President Truman for dropping those bombs, but everyone on that ship was convinced that President Truman saved our lives. Yes, war is terrible, but the Treaty brought it to an end.

The Bill would fundamentally abrogate a central provision of a fifty-year-old treaty, reversing a long-standing foreign policy stance. The Treaty signed in San Francisco nearly fifty years ago and involving forty-nine nations could unravel. A dangerous legal precedent would be set.

Once again I would say to you, where we have veterans, especially veterans of combat who are not being adequately supported, we must step up to their problems without hesitation. But let us not unravel confidence in the commitment of the United States to a Treaty properly negotiated and solemnly ratified with the advice and consent of the U.S. Senate.

I submit this letter to you and other members of the House of Representatives with my deep respect for the wisdom of the congressional process, and for the vision embodied in the past World War II policies that have served our country and the world so well.

Sincerely yours,

GEORGE P. SHULTZ.

The CHAIRMAN. The time of the gentleman from California has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

Mr. COX. Mr. Chairman, I was seeking to be recognized on the amendment.

The CHAIRMAN. There is no time on either side. Under the order of the House, there is prescribed time on both sides, and that time has expired.

Mr. COX. I thank the Chairman.

The CHAIRMAN. The Chair will put the question again.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ROHRABACHER) will be postponed.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. MCGOVERN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. I thank the chairman for yielding to me, and I rise to enter into a colloquy with the chairman as well as with the gentlewoman from Maryland (Mrs. MORELLA) with regard to funding for the Small Business Administration's Women's Business Centers program.

Mr. Chairman, the SBA's Women's Business Centers provide valuable education, training, consulting and access to capital services to women entrepreneurs. There are 93 Women's Business Centers in 46 States serving tens of thousands of entrepreneurs each year. A large percentage of Women's Business Centers clients are women from low-income or disadvantaged backgrounds who would be unable to start their own businesses without the assistance of a women's business center. These centers strengthen our economy by creating businesses and jobs and by reaching out to new markets and new entrepreneurs.

Last year, the House approved a bipartisan amendment that I offered to this bill, along with several other representatives, to increase funding for this program from $9 million to $13 million. Earlier this year, I sent the chairman a letter signed by six of our colleagues requesting the fully authorized $13.7 million for the SBA's Women's Business Centers program.

In large part, the gentleman has been responsive to our request by level-funding the Women's Business Centers program at $12 million. Funding for the Women's Business Centers program in the FY 2002 House Commerce, Justice, State bill is $3 million more than it was at this point in our discussions in the FY 2001 bill, and I thank the gentleman very much for that. Nevertheless, I feel passionately about this program, and I would like to work with the chairman through conference to further increase fiscal year 2002 funding to the authorized level of $13.7 million.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I rise in support of the remarks of the gentleman from Massachusetts regarding the invaluable service of Women's Business Centers and the need to fund the program at the authorized levels of $13.7 million.

As of 1999, there were 9.1 million women-owned businesses in the United States, generating sales in excess of $3.6 trillion and employing 27.5 million workers. Furthermore, one in eight of these businesses is owned by a woman of color, making women of color the fastest-growing segment of women-owned businesses.

In Maryland alone, there are now over 193,000 women-owned businesses, accounting for 40 percent of all the firms in the State of Maryland. In fact, my district, Montgomery County, Maryland, is actually ranked the top county for women business ownership in Maryland.

Unfortunately, even with this tremendous growth, women entrepreneurs still face barriers in the marketplace. With the current rate of government contract procurement for women-owned businesses at a mere 2.4 percent, there is an ever-growing need for women-owned business assistance in every congressional district.

It was a great victory for women when the House was able to approve the bipartisan amendment that the gentleman from Massachusetts (Mr. MCGOVERN) offered and that we cosponsored to increase funding for the Women's Business Centers last year. It is an even greater victory, however, that the Committee on Appropriations today was able to recognize the need for the $3 million increase and fund it at that fiscal year 2001 level.

But even still, I share the concern of the gentleman from Massachusetts that without increased funding this program may begin to stagnate. I would like to work through conference with the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from Virginia (Mr. WOLF), and many of our colleagues on both sides of the aisle to search for additional funding for the Women's Business Centers.

Mr. WOLF. Mr. Chairman, reclaiming my time, I just wish to say that I agree with the gentlewoman that the Women's Business Center Program is valuable, and I appreciate the gentlewoman's acknowledgment that we were able to, in large part, respond to her funding request.

We would be happy to work with the gentlewoman and the gentleman from Massachusetts (Mr. MCGOVERN) and others to see if we can identify additional resources for the program.

Mrs. MORELLA. We appreciate that very much, Mr. Chairman.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF) for yielding to me, and I would like to engage in a short dialogue with the subcommittee chairman.

First, let me thank the subcommittee chairman and ranking member, the gentleman from New York (Mr. SERRANO), as well as the entire subcommittee and the full committee, for their work on this bill. It is a good bill.

However, I would like to talk about the Maritime Administration funding for the six State maritime training academies. The funding for all six schools in this year's bill is roughly the same as last year. Great Lakes Maritime Academy in Traverse City, Michigan, is the only one of the six State schools that trains marine pilots as well as deck and engine officers.

As the gentleman from the coastal State of Virginia is well aware, our Nation is dependent upon waterborne commerce. Great Lakes shipping is vital to our country's industrial economy. I believe that each of these State academies should receive a minimum of $500,000 for their base funding. I would like to know whether the chairman will support conference language that would direct a minimum allocation of at least $500,000 to each State maritime academy.

I appreciate the chairman's interest in this matter, and I look forward to working together to ensure that all the State maritime academies receive the support they deserve to fulfill their critical mission.

Mr. WOLF. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest in this important maritime education program.

The recommended funding level in the bill assumes equal direct payments of $200,000 to each of the six State academies. The remaining funds in the program are allocated based on enrollment in the Student Incentive Program, and on scheduled school ship maintenance and repair.

We look forward to working with the gentleman to ensure that this additional funding is allocated in an equitable fashion.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, I would like to express my concerns about the Organization for Economic Cooperation and Development. This group has recently begun promoting tax harmonization among nations. The OECD believes developing nations, like Liberia or Grenada, should not be allowed to set their own tax rates to attract needed capital to their economies. Instead, the OECD says that nations should adopt all higher tax rates more among the lines of those in Europe. This is unfair to the nations who need foreign capital to promote economic growth, and it also goes against the free market concept that tax competition keeps taxes lower worldwide.

As the chairman knows, the United States contributions to the OECD, which are distributed through the State Department, constitutes roughly 25 percent of its budget. I do not think that our tax dollars should be used to promote an idea so contrary to the kinds of policies that have historically made our economy so strong. I think we should be ready to reconsider future funding of the OECD if they continue with their support of tax harmonization.

Mr. WOLF. Mr. Chairman, reclaiming my time, I thank the gentleman for sharing his concerns about the OECD and its policies on tax harmonization. I can assure the gentleman that we will keep an eye on the situation and will be happy to work further with the gentleman as our process moves forward.

I just might say, though, that any hope of dealing with a country like Liberia is almost hopeless. Charles Taylor is abandoned. They are cutting off the arms of individuals. It is the conflict diamond. We were there with the gentleman from Ohio (Mr. HALL) a year ago December.

So, frankly, until Charles Taylor is removed from that government, I am not hopeful that anything good will happen. But with that, I will be glad to work with the gentleman.

Mr. RYAN of Wisconsin. Mr. Chairman, if the gentleman will continue to yield, I think Liberia is probably a poor example. But, nevertheless, to promote an institution that promotes higher taxes worldwide rather than lower taxes worldwide is an institution that is probably not worthy of our support. And I thank the chairman for engaging in this dialogue.

AMENDMENT NO. 30 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. MORAN of Virginia:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to destroy any record of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act, within 90 days after the date the record is created.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

This is an amendment which incorporates what the gentlewoman from New York (Mrs. MCCARTHY) has previously offered in freestanding legislation. For the last 3 years, the FBI has kept records of the National Instant Criminal Background Check System for 6 months. Last month, the FBI reduced this retention period to 90 days.

What this amendment would do is to simply keep that 90-day retention period in place for the length of this appropriations period.

□ 1745

Last year the NRA sued the Justice Department to destroy the records immediately. The Justice Department of Attorney General Ashcroft argued before the Appeals Court and the Supreme Court that it was necessary to retain these records for a reasonable period of time to ensure that the information provided by the system is accurate and that people are not providing false information in order to evade the law.

Based on that argument, the Supreme Court upheld the lower court decision that the retention by the Department of Justice represented a permissible construction of the requirement to establish a system for preventing disqualified persons from purchasing firearms.

Now, the reason for this amendment is that 3 days after the Supreme Court decision said this was the appropriate thing to do, Attorney General Ashcroft decided that they should be destroyed within 1 day. That seems to run counter to the Justice Department's own argument.

In fact, the Criminal Background Check Systems Operation Report, which was issued in April of this year, shows that over 5,000 people were able to slip through the NICS system last year alone. They received an approval which allowed them to purchase a gun that they legally should not have had. So the system is not perfect. To lower the time frame now seems at best unnecessary and, at worst, represents an attempt to frustrate the purpose of the act.

Even more troubling is that this year the Department of Justice published a rule in which they cited the fact that their own criminal justice advisory panel recommended increasing the retention period to 1 year. This amendment would only allow the 90 days.

The amendment seeks to prohibit the FBI from destroying records that they say are necessary to be kept. So we do not think that this is any kind of radical amendment. It allows for quality control audits. It makes sure that the straw buyers, the bad apple dealers, are identified. Potential handgun purchasers or gun dealers who have stolen an identity in order evade the background check system can be caught. In other words, purchases for unauthorized purposes would be denied through this audit. That is why we think it is important.

Mr. Chairman, I will retain the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) claim the time in opposition?

Mr. WOLF. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment by the gentleman from Virginia (Mr. MORAN).

After the gentleman from Virginia raised concerns last week at the committee level about the FBI system for gun purchase background check information, I set up a meeting for him and the FBI to discuss the issue.

The FBI acting director, a career civil servant, not a political appointee, a career civil servant and a career FBI employee who works with the NICS program from the FBI call center in West Virginia travelled to answer questions. In fact, we specifically had the people that work on this program drive in from West Virginia to sit down and we said, give us all of the answers.

I believe that all the answers were met and the concerns were put to rest. I want my colleagues to know that the Office of the Attorney General was not at the meeting. No political appointees were at the meeting. This was a meeting, as I promised, to look at the NICS system and hear from the professionals about its ability to ensure quality control within a 24-hour period for background checks.

I understand that the career staffer who has extensive experience with the system indicated that the FBI can perform the quality control within 24 hours. That is a fact. In fact, they say it is better to do the quality assurance immediately rather than wait a few days or weeks or up to 90 days because if the system is not working right, then you want to know immediately as the sale of the gun is approved.

It is important to note that the records that are kept now for 90 days are on approved gun sales. However, what the NICS system does not tell us is if the gun was sold. This information resides with the gun dealer, not the FBI.

The FBI keeps records indefinitely on people who were denied the ability to buy the gun because of a felony record, mental deficiencies or spousal abuse.

We want to strike the right balance between protecting the privacy of people and ensuring that law enforcement has adequate time to review and audit the information collected to make sure the system is working properly.

The Moran amendment is unnecessary. It is not needed, it is clear, after talking and listening to the career professionals at the FBI. Also, the amendment is highly controversial and not an issue that, quite frankly, we should be dealing with on the appropriations bill.

Mr. Chairman, I urge Members on all sides to defeat this unneeded amendment.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to myself to respond to the gentleman.

Mr. Chairman, it was career civil servants in the Justice Department that argued successfully before the Supreme Court that this retention period was necessary to be retained. When we asked with regard to the 90 days, they found that it would do no harm whatsoever. In fact, when we looked at the information that was prepared for the notice of proposed rulemaking, they said the only reason not to have 180 days was basically that gun-interest groups would object politically. The Justice Department's Criminal Justice Advisory Board in fact recommended one full year's retention of these records.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, I am concerned that the gentleman from Virginia (Mr. MORAN) is getting into an area that has always caused a controversy in the Congress. I thought we spoke clearly a few years ago when we said 24 hours is what the check should be. I get very nervous when the FBI retains weapons and/or other material. I understand they lost 100 computers. They mislaid a number of weapons, and one of those weapons was used in a murder. The longer they retain records, the more chance there is for abuse.

Most of the people, the majority of the people, a vast majority of the people that work for the Department of Justice and the FBI are qualified, highly competent people. But the longer we retain any kind of records about any of these things, the more mischief it can cause.

Mr. Chairman, I am an advocate of privacy; and the government has enough records. I would urge Members to vote against the Moran amendment because I believe it does not improve the privacy system. As a matter of fact, it is detrimental to the privacy system. I appreciate what the gentleman is trying to do, but I am very nervous when the government maintains records for any period of time.

Mr. Chairman, I think we ought to wait and see how it is working. If it is not working, maybe we ought to make a change. But I feel very strongly about it, and I urge Members to vote against the Moran amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, in response to the gentleman from Pennsylvania, number one, there are no names on the retentions. Only where the person buys the gun are the records maintained. When it goes into the NICS system, that is the backup for making sure that people are not using the system wrongly.

So, again, we come up to this debate, and this is not what the debate should be about. The debate should be that we have to make sure that criminals, which certainly we know can use an instant and positive check, can use false identification and buy guns throughout this country.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, earlier this week and last week I spent a little bit of time at the United Nations in New York. They are involved in a conference on arms control, not global arms control, not military arm controls, but arms control of the variety that the gentleman from Virginia (Mr. MORAN) is referring to; that is, the control of lawful firearms in this country.

Mr. Chairman, the fact of the matter is that U.S. law prohibits this by its explicit terms, as well as the intent of at least two acts of Congress signed by at least two Presidents. The Congress and the people of this country have spoken out that we do not want and we will not allow the Federal Government to retain and maintain, manipulate and utilize a system of keeping track of law-abiding citizens who possess, purchase or transfer a lawful firearm in this country.

As a matter of fact, one of the first acts that he engaged in as attorney general, Mr. Ashcroft said we need to look at this. We have had abuses in the past. He has done the right thing. He has come forward and said to the American people and to this Congress, and the FBI has backed him up, there is no need to retain records on citizens who are not disabled from or otherwise prohibited from purchasing or possessing a firearm. There is no need for the government, once the government has determined through the instant, I repeat, instant, background check that that person is a legitimate person to possess a firearm or purchase a firearm, there is no reason whatsoever for the government to retain those records. It is prohibited by existing law, and the gentleman is trying to reopen this wound even though there was testimony before his committee and his subcommittee by the FBI that this is not necessary.

The gentleman ought to take his concern to the United Nations. They are very concerned and are moving in this direction, but we ought not to in the United States of America.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY), who has fought this issue for

many years and has personal experience that we should all listen to.

Mrs. MCCARTHY of New York. Mr. Chairman, I thank the chairman and distinguished ranking member for including language in this bill for a child safety lock measure that also recognizes that we need standards on these locks. I think it is extremely important that Congress start to listen to the American people.

However, while this body takes a positive step in reducing senseless acts of gun violence, the Department of Justice takes two steps back by proposing regulations that tie the hands of law enforcement officials. That is why I express my strong support for this amendment.

While the Brady Act passed, its intent was to keep guns out of the hands of criminals. It has done an outstanding job with that.

Congress relied on the Department of Justice and the FBI to operate a national instant check system which screens buyers for criminal activity before they are allowed to obtain a firearm. As part of this system, the Department of Justice has retained the gun purchase records for 120 days in order to perform audits and identify potential violations of the national gun laws. This retention period has recently been reduced to 90 days. Eventually, it should be reduced to 40 days. Eventually, we will see the day when we can get rid of all of these checks but not until the States have the full records that they need to get the information out there.

Mr. Chairman, we know that short-term retention of gun purchase records enables law enforcement to identify multiple cases of unauthorized or illegal use of the NICS system. We also know that 1 percent of bad dealers are the source of 50 percent of the Nation's gun traces.

When ATF conducted a specific audit of the NICS system by dealers in New Orleans, it found 12 of 17 of those dealers either abused or misused the NICS system. Some guns were sold to felons, while another dealer permitted a background check to be run on a family member not involved in the gun purchase.

Yes, the Justice Department has recently proposed to reduce the current period allowed to retain gun purchase records for 24 hours. I find this completely illogical. In January of this year, the FBI advisory board actually recommended increasing the temporary retention of these records from 6 months to 1 year. Yet 6 months later the Department of Justice is proposing to reduce the time period to 24 hours. What is equally disturbing is that the courts have sided with the Department of Justice's need to retain these records.

□ 1800

The NRA sued the Federal Government in a case that was recently denied by the Supreme Court, arguing that Federal law enforcement officers had no right to detain purchase records in the NICS system. The Justice Department argued against the NRA in this lawsuit and they won. In their legal briefs, they actually argued that keeping records for a reasonable time after purchase helps in numerous ways.

This is not a gun debate. This is a safety debate again, so felons and criminals cannot get their guns.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the gentleman from Virginia's amendment because it undermines one of the most important principles underlying and underpinning Brady, and that is the protection of gun purchasers' privacy rights.

Mr. Chairman, everyone supports the purpose of the Brady Act, instant check. But the act itself did not contemplate and specifically prohibit retention of records.

May I read from it. It says that no officer of the United States Government could require, and I quote, ''that any record or portion thereof generated by the system established under this section be recorded at or transferred to a facility owned, managed or controlled by the United States.''

We specifically talked to the principle of protecting gun owners' privacy rights. Legitimate purchasers, instant check, get their guns, should not be on a list kept by the United States Government. Criminal purchasers, they are already on a list because they are prosecuted. This is about the privacy rights of honest, law-abiding citizens.

Oppose the Moran amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 10 seconds just to remind my very good friend from West Virginia that these records do not retain any names, and so privacy is scrupulously maintained.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman very much for yielding me this time.

Mr. Chairman, it is important to have the background check system function efficiently, and to do that we need to preserve records so that law enforcement officials can investigate corrupt dealers who traffic guns illegally and sell firearms off the books. It also assists authorities to track down straw purchasers who buy guns illegally for felons, fugitives, children and others. Preserving these records also helps in the fight against criminals who buy guns with fake IDs. The General Accounting Office went undercover in five States and they demonstrated how easy it is to use fake IDs to obtain firearms. The conclusion was that although there are few ways to detect fake IDs, one option is for police to monitor criminal background check records. The Attorney General now wants to eliminate even this limited but valuable tool.

The Attorney General's proposal I think is a horrible mistake for public safety. It will seriously jeopardize legitimate law enforcement activities. It does not make law enforcement easier. It does not help cops on the street. It does not increase deterrence. And it does not provide police any additional resources in their fight. It seems to be nothing more than an outright gift to the gun lobby. That is why I support the Moran-McCarthy-Waxman amendment to this bill. I think it is an important one if we are going to have the integrity preserved of the original Brady Act.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. KERNS).

Mr. KERNS. I thank the gentleman for yielding me this time.

Mr. Chairman, the Moran amendment would keep records of law-abiding citizens for 90 days. I understand that records of felons and others that are not allowed to buy guns are kept indefinitely. While I believe that we should enforce existing gun laws and prosecute criminals who violate these laws, we also must protect the rights of law-abiding gun owners. I believe that once a firearm purchase is approved, the Federal Government should destroy personal identification records that have been collected in connection with background checks.

While I was prepared to offer two amendments today, I will not do so at this time, but I urge my colleagues to vote against the Moran amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Each side has 1 minute remaining, and the gentleman from Virginia (Mr. WOLF) has the right to close.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, we would not entertain in this body for 5 seconds the idea of suspending any other constitutionally protected right in this country. Yet we seem to advise ourselves constantly that the second amendment does not deserve the same protection from this body as freedom of speech or freedom of assembly or freedom to practice whatever religion we would.

Why do we not take and spend some time, spend our limited talents, our limited resources and our constitutional mandate to protect the peaceful citizens of this country and to punish the bad ones instead of the other way around?

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time.

In the first place, the Court has clarified time and again the interpretation of the second amendment, and it is for the purpose of a well-regulated militia. Chief Justice Warren Burger is a good person to consult on that. He was a gun collector himself, and he made that unquestionably clear.

We are not talking about compromising in any way the Constitution. What we are talking about is the ability of law enforcement to carry out its responsibilities. Currently a 90-day retention period is maintained so that you can audit the system, so that you can weed out those who are using straw purchases, so that you can identify people that are not supposed to be getting a gun, and to determine whether, in fact, the system is working. The FBI will tell you that privacy is scrupulously maintained. They are not keeping the names. There is no way that people's privacy is going to be violated. But if we do not have a reasonable retention period, this system is not going to work and we will go back to a waiting period. Maybe that is for the best.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I rise in opposition to the Moran amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I hope it will be the pleasure of this body to overwhelmingly reject the Moran amendment. I heartily disagree with his assessment that law enforcement personnel need a 90-day rule to carry out their responsibilities. We are talking about law-abiding gun owners whose purchase was approved. Those records should be destroyed immediately.

Please vote against the Moran amendment.

Mr. BUYER. Mr. Chairman, I rise in opposition to the Moran amendment.

I support an instant check system for the purchase of a firearm. But instant should mean instant. Legal purchasers of firearms should not have their names and addresses floating around in some government computer.

The Attorney General has underway efforts to make improvements in the National Instant Check System. The check system is only as good as the records it contains. The Attorney General is seeking to make the records in the system more complete and to increase the response level of the system. The Attorney General is directing the Justice Department to conduct a comprehensive, state-by-state review of missing or incomplete criminal history records, including adjudication records of cases of mental illness and domestic violence. This is appropriate.

The Attorney General has also pledged to increase the enforcement of the law for those who falsify information in order to obtain a firearm. From 1994 through June 5th of this year, the FBI referred 217,000 attempted illegal gun purchases for investigation. Of these only 294 people have been convicted. I applaud the Attorney General's pledge to enforce our gun laws aggressively.

But law abiding firearms purchasers should also be convinced of the background check system's integrity. Once a legal purchaser has cleared the instant check system, that should be the end of it. The Attorney General seeks improvements in the system so that the records of lawful approved gun purchases will be kept until the next business day after the transfer is approved to allow for real-time audits to ensure the accuracy and integrity of the results, a standard recommended by the computer industry.

The Moran amendment seeks to reverse the improvements the Attorney General is seeking to make. Oppose the Moran amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

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

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. MORAN) will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PAUL:
Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used for any United States contribution to the United Nations or any affiliated agency of the United Nations.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and the gentleman from Virginia (Mr. WOLF) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Let me just read the amendment because it is just three lines. It says, ''None of the funds appropriated in this act may be used for any United States contribution to the United Nations or any affiliated agency of the United Nations.'' It would defund the United Nations. It would take away the dues that we pay the United Nations as well as the amount of money that we are paying to pay our back dues.

I think this is an appropriate time to discuss the reasonableness for our support for the United Nations. The government of the United States has continued to grow as our state sovereignty has gotten much smaller, but now we are losing a lot of sovereignty to an international government which is the United Nations. Just recently, the United States was humiliated by being voted off by secret ballot from the U.N. Human Rights Commission and Sudan was appointed in our place. How could anything be more humiliating. So democracy ruled, our vote counted as one, the same value as the vote of Red China or Sudan. But the whole notion that we would be put off the Human Rights Commission and Sudan, where there is a practice of slavery, is put on the Human Rights Commission should be an insult to all of us.

In committee, we dealt with this problem and we said, ''Well, if the U.N. straightens up, then we'll pay our dues this year; but maybe we'll withhold our dues next year.'' That is very, very weak; and it does not show any intent or show any rejection of what is going on in the United Nations.

It was mentioned earlier in debate on the gun issue that the U.N. is currently meeting up in New York dealing with the gun issue. There have been explicit proposals made at the United Nations to have worldwide gun control. No, they are not taking guns away from the government. They are taking guns away from civilians.

If anybody understands our history, they will know that taking guns from civilians is exactly opposite of what the Founders intended. In a nation like Afghanistan, they were able to defend the invasion of the Soviet Union because individuals had guns. Likewise, when the Nazis were murdering the Jews, the Jews had been denied the right to own guns. Now we are talking about the United Nations having international gun laws. There have been proposals made for an international tax on all financial transactions. Yes, it is true, it has not been passed, but these are the plans that have been laid and they are continued to be discussed and they are moving in that direction.

Today we have international government that manages trade through the WTO. We have international government that manages all international financial transactions through the IMF. We have an international government that manages welfare through the World Bank. Do these institutions really help the poor people of the world? Hardly. They help the people who control the hands of power in these international institutions and generally they help the very wealthy, the bankers, and the international corporations.

It was said the United Nations may have been set up to help preserve peace and help poor people, but it just does not happen. The poor pay the taxes and the international corporations gain the benefit.

The U.S. has taken a very strong position against endorsing the International Criminal Court. The argument is legitimate. It says that, oh, someday the International Criminal Court may

arrest Americans because it just may be that Americans may pursue illegal acts of war, like bombing other countries and killing innocent people.

No, we do not want the international court to apply to us, but it is okay with our money, our prestige and our pressure to endorse the International Criminal Tribunal for Yugoslavia, so that we can go in there and arrest the leaders that we have decided were the bad guys and leave the good guys alone, as if there were not bad guys on both sides in Yugoslavia.

But this presumption on our part that we can control the United Nations and arrest only those individuals that we do not like and allow the other ones to go free and that this will never apply to us, I think we are missing the point and it is a dangerous trend. Because you say, well, yes, we are powerful, we have the money and we have the weapons and we can dictate to the United Nations. They will not arrest us or play havoc with us. Yet at the same time we have already recognized that the U.N. Human Rights Commission which was voted on by a democratic vote kicked us in the face and kicked us off.

I think this is a time to think very seriously about whether this is wise to continue the funding of the United Nations. I think that a statement ought to be made. We should say, and the American people, I think, agree overwhelmingly that it is about time that we quit policing the world and paying the bills at the United Nations way out of proportion to our representation and at the same time being humiliated by being kicked off these commissions by majority vote.

□ 1815

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

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment. I was in Kosovo and in Albania during this case; and I will tell you, Mladic is a war criminal, and Karadzic, he is a war criminal, and Milosevic is a war criminal. So, without this, there would be no way to deal with it.

Secondly, I have been in Sudan and Southern Sudan four times, the last time in January of this year. Whether you like it or not, the World Food Program is feeding the people of Sudan. As many people know, there have been 2.2 million Christians who have been killed in Sudan by the Khartoum Government, and if the World Food Program was not sending food in there, and Andrew Natsios and Roger Winter from the State Department are in Sudan as we now speak, this would just devastate that whole operation.

I understand what the gentleman said with regard to the vote. We have language on page 112 of the report that says, ''The committee is deeply concerned by the secret ballot of the U.N. Member nations to keep the United States off the U.N. Human Rights Commission. The exit of the United States and the election at the same time of the government of Sudan,'' the barbaric government of Sudan, which is sponsoring state-sponsored terrorism, slavery and has been responsible for the death of 2.2 million people, ''effectively cancels the ability of the United Nations to speak out or act with credibility on this issue.''

We have been very, very forthright with regard to that. But the U.N. has been responsible for calls with regard to getting its financial house in order.

In the Book of Luke, in the New Testament, it says to whom much is given, much is required. The King James version says ''required.'' For us not to be helping the starving people of Sudan through the U.N., the World Food Program, I think it would not be good for this country.

This country has been blessed. We have been blessed because the American people are good and decent and honest and caring; and for us not to be participating to help to feed those in the South, particularly those who are Christian and Animists, who are being persecuted by the Khartoum Government, frankly would just have us walking away.

So I think this is a bad, bad amendment. I understand what the gentleman is trying to get to. It is a bad, bad amendment; and I urge a no vote by Members on both sides of the aisle.

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

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to point out that the case of Milosevic is a case that will come back to haunt us for two reasons: one, we are setting a precedent. This has never happened before. He was democratically elected in a country and democratically disposed. The country there was willing to prosecute him.

The second part is that this stirs up tremendous anti-American sentiment. This is the reason why we are the greatest target in the world for terrorism, because of our intrusion into these areas, pretending that we always know best and that we will trample the law because it serves our self-interests. But I believe our national security and our interests are not best served in this manner. This policy is very dangerous.

Likewise, we have had many examples of U.N. intervention. Rwanda, can we be proud of that? Can we be proud of what the U.N. and what our troops had to go through with the humiliation in Mogadishu in Somalia? I mean, this was horrible, what happened there. So good intentions will not suffice. Just because there are good intentions, it does not mean that good will come of it.

There is an alternative to a single world government, and that is individual governments willing to get along; open and free trade as much as possible, free travel, people having a unified free market currency where we do not have currency devaluations and poverty throughout the world. There is a lot that can be done with freedom, rather than always depending, whether it is here in the United States or at the international level, on more government.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Paul amendment to prohibit funding for U.S. contributions. In my opinion, this would be not in the national interests of our country. With the support of the U.S., the U.N. and its agencies contribute dramatically in promoting international peace and security, nonproliferation, nuclear safety guards, human rights, reduction of health problems, humanitarian assistance, cooperation against international crime and sustainable development. In addition, the U.N. is leading the fight against HIV–AIDS.

The U.S. contribution to the U.N. and its affiliated agencies allows the United States to support these many important efforts without bearing the burden ourselves. The U.N. and its affiliated agencies have been responsive to our calls to incorporate financial and other reforms into their overall management practices, and we are continuing to press for even further improvements.

At the urging of the U.S., the U.N. has streamlined its bureaucracy and cut waste from its budget. The Secretary General has been leading the fight and the U.N. has chartered a path of reform which has included the reduction of over 1,000 positions and maintenance of a no-growth budget, not even to keep up with inflation for 8 years.

The U.S. should recognize these achievements by paying our full share. The administration has been working hard to achieve the benchmarks contained in the Helms-Biden arrears authorization. It would be a tremendous setback to incur new arrears, just as we are working effectively with various U.S. organizations to allow us to pay those we already owe.

Now, I recognize, Mr. Chairman, that on this House floor on many occasions people rise up with great anger towards the U.N. and what they perceive to be this fear of creating a separate world government that will somehow rule the whole world.

The U.N. is far from that. But it is a group that works together to bring peace and to try to bring harmony throughout the world. There is a lot that needs to be done throughout this world, and the U.N. plays a major role; and therefore we should play a major role.

So, to pull out, which is basically what this does, would be a terrible mistake; and I would hope that we defeat this amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am just going to end, I will not take the whole time, but there is so much going on in my mind. I kind of want to just say, America is a different country. We value the fundamental values that were in the Declaration of Independence: ''We hold these truths to be self-evident, all men are created equal.'' Those words are known around the world.

The fact that America has been involved, when Ronald Reagan gave the speech in Orlando, where he called the Soviet Union the Evil Empire, it was one of the finest days, because he stood up for our fundamental values. And because of Ronald Reagan and the Pope and other people who spoke out for our values, we saw the Berlin Wall fall.

We cannot remove ourselves. I believe that God has blessed this country, a blessing on this country, for the goodness of what we have done; for the fact that we are trying to feed the poor and the hungry and the naked. In Matthew 25, Jesus talks about going in and feeding the poor and the hungry and the naked. And America is always there. It is mandate that Jesus talks about in the Bible. So for us to just pull out and say, the hunger, the starvation, the HIV, the sickness, the sleeping sickness in Sudan, we are not going to be involved in, I think would be a mistake.

I think this is a bad amendment. I understand what the gentleman says, and I know the U.N. has some serious problems. I have been very, very critical the U.N., and we will continue to watch over them, but we cannot adopt this amendment.

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

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. PAUL) has 2 minutes remaining.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just go ahead and close and respond to the gentleman that just spoke about the values. I agree entirely that our values deserve to be spread. The disagreement here is whether you do that through volunteerism or through force; through taxation and government guns and war; or whether you do this through demonstration by setting examples, setting the right tone in trade, setting the right tone in sound currencies, and sending our missionaries abroad.

But it has not worked in the past, it will not work in the future, and, besides, all the good intentions backfire and it turns hostility towards us, even with the goal of trying to spread our values across the world. It cannot be done by force. It has to be done by other means.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PAUL:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used for any United States contribution for United Nations peacekeeping operations.

The CHAIRMAN pro tempore. Pursuant to the order of the House today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 10 minutes.

Mr. WOLF. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will control 10 minutes in opposition.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, quite possibly we will not have to take a long time on this. In many ways this is a similar amendment, but different with respect to as how the money would be spent after we send it to the United Nations.

The amendment says, ''None of the funds appropriated in this Act may be used for any United States contribution for the United Nations peacekeeping operations.''

This is getting more specifically into the militarization of the United Nations and the unfairness of our bill that we get sent every year. We pay 31.7 percent of the peacekeeping missions. A lot of times we pay up front and pay in advance, and we do not get reimbursed. Then we hear a lot of complaints when we do not pay our dues.

But back to what I said earlier, I just think the approach of using a United Nations standing army, which is what we are getting closer to, to go around and police the world in areas that we do not have justification based only on our national security, I see this money as being dangerously used and it invites trouble for us.

It is not beyond comprehension that one day in the not-too-distant future that we may be in a much hotter war in the Yugoslovia area. Things are not very peaceful in Macedonia, and they are actually demonstrating against Americans in Macedonia. The same people that we supported in Kosovo, the KLA, now they have changed their name and they are the radical Albanians playing havoc in Macedonia. And it is with our money.

And what do we do? We ask the American people to cough up. We tax them. We go over, and for 78 days, with the claim that we are bringing peace to the area, for 78 days we bombed that area, and now we are asking the American people to rebuild it. So first we tax them to bomb and destroy then we insist we rebuild the area.

We did not bring peace by 78 days of bombing. As matter of fact, most of the death and destruction and hostility toward America was developed during those 78 days. It did not occur prior to that. There were few deaths in comparison. And who were the people killed with our bombs dropping from 30,000 feet? Were they military people? No. Innocent people, as they are in Iraq as well.

It is out of control. It is out of our hands. We have lost control of our destiny when it comes to military operations. We now go to war under U.N. resolutions, rather than this Congress declaring war and fighting wars to win.

We have given up a tremendous amount, and I believe it is time we stood up for the American people and the American taxpayer and say we ought to defend America, but we can deal with the problems of the world in a much different manner; not by militarizing and controlling it the best we can, the military operations of the United Nations, but pursuing the spreading of our values and our beliefs and the free market in a much different manner than by further taxation of the American people.

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

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am not going to take long. The U.N. is not in Macedonia; it is NATO in Macedonia. Quite frankly, if NATO had not been involved in Kosovo and Macedonia, Eastern Europe and the Balkans would have been inflamed. We know where World War II started and other wars which started there.

□ 1830

So, therefore, I think that has been in the best interests, by keeping peace, if you will.

Besides that, we could continue to debate, but in the interest of time, I would just say that the Bush Administration would be strongly opposed to this, as is Secretary Powell and the State Department.

Mr. Chairman, I urge a ''no'' vote.

Mr. SERRANO. Mr. Chairman, I move to strike the last word, and I rise in strong opposition to the gentleman's amendment.

In recognition of the importance that is placed on peacekeeping operations, the Bush administration requested and this subcommittee approved $844 million for the U.S. share of the U.N. peacekeeping budget.

U.S. participation in U.N. peacekeeping missions means that the U.S. does not have to bear the human, financial, or political burden of keeping the peace on its own. Of over 34,000 U.N. peacekeepers, observers, and military police serving in missions as of July 1, only 661, or less than 2 percent, of these individuals are Americans.

The U.N. recently lowered the U.S. assessment rate for U.N. peacekeeping from 31 percent to 27 percent. The U.S. has a responsibility to U.N. peacekeeping as a permanent member of the U.S. Security Council, through which it can veto any mission.

U.N. peacekeeping missions are helping to maintain peace and stability in regions that are vital to U.S. interests such as the Middle East, Africa, and the Balkans. U.N. peacekeepers help to build peace in war-torn, unstable regions by providing humanitarian assistance, clearing mine fields, monitoring human rights and elections, and disarming the parties and allowing them to return to civilian society.

Again, as in the previous amendment, this is one that is misguided. I have stood, as many have on this floor throughout the years, and spoken against military intervention on our part. I, however, believe that the best way for us to participate throughout the world in these situations is in a peacekeeping effort, and that is why I support them. I support what the subcommittee has done with this appropriation, and I would hope that we defeat this amendment.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Let me just close by saying that I urge a ''yes'' vote to stop the funding for the peacekeeping missions of the United Nations, believing very sincerely that they do not do much good and they do harm and potentially a great deal of harm in the future. They do not serve our national self-interests. We have the United Nations now involved in the Middle East, Sierra Leone, East Timor, Cambodia, West Sahara, and Yugoslavia. It requires a lot of money. The most likely thing to come of all of this will be more hostility toward America and more likelihood that we will be attacked by terrorists.

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

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate having expired, the question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT NO. 10 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. WATERS: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading ''OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE–SALARIES AND EXPENSES'' may be used to initiate a proceeding in the World Trade Organization (WTO) challenging any law or policy of a developing country that promotes access to HIV/AIDS pharmaceuticals or medical technologies to the population of the country.

(b) In this section, the term ''developing country'' means a country that has a per capita income which does not exceed that of an upper middle income country, as defined in the World Development Report published by the International Bank for Reconstruction and Development.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I claim the time in opposition; and I reserve a point of order on the amendment.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

The purpose of this amendment is to prohibit the use of funds to initiate proceedings in the World Trade Organization challenging policies in developing countries that promote access to HIV/AIDS.

The Waters-Kucinich-Crowley-Lee amendment would restore the ability of developing countries to pass laws for the purpose of making HIV/AIDS drugs available to their citizens. The amendment would prevent WTO challenges to HIV/AIDS drugs laws by the United States.

Passage of the amendment would reduce a substantial obstacle imposed by the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, also known as the TRIPS Agreement.

The threat of WTO sanctions against a country for its policies on HIV/AIDS drugs and the uncertainty of the scope of the WTO rules significantly reduces the flexibility of countries to address the HIV/AIDS epidemic. Developing countries cannot afford the expensive, brand-name, anti-retroviral drugs that sell for over $10,000 per patient per year in industrialized countries.

Zambia, for example, has an AIDS infection rate of almost 10 percent and a per capita income of only $330. Nevertheless, the WTO has been used to prevent developing countries from making HIV/AIDS drugs available to their populations at affordable prices.

Brazil has developed an HIV/AIDS program that is a model for developing countries. The World Bank and the United Nations cite Brazil's program as one of the best in the world.

In 1998, the government of Brazil began manufacturing and distributing generic anti-retroviral drugs for the treatment of HIV/AIDS; and the prices of these drugs fell by an average of 79 percent. Brazil now distributes free anti-retroviral drugs to 90,000 Brazilians, ensuring that all citizens who need HIV/AIDS drugs have access to them.

The Brazilian Health Ministry spent $444 million on AIDS drugs in 2000, a total of 4 percent of its budget. Yet Brazil's program most certainly pays for itself. The decline in hospitalizations from opportunistic infections between 1997 and 1999 saved the health ministry $422 million. The program has also increased the productivity of infected individuals who can now lead active lives and family members who no longer need to care for the sick.

Despite the success of Brazil's program, the United States Trade Representative challenged Brazil for violating WTO intellectual property laws; and the WTO agreed to establish a panel to rule on the case.

If the United States had won the case, the WTO would have authorized the United States to impose punitive economic sanctions on Brazil. Fortunately, the United States withdrew its case against Brazil on June 25, 2001, in response to tremendous public pressure.

The Waters-Kucinich-Crowley-Lee amendment would enable developing countries to provide cost-effective treatment for people with HIV/AIDS through the production and distribution of generic HIV/AIDS drugs. If this amendment had been long, the United States would not have initiated a WTO case against Brazil to overturn its award-winning and effective HIV/AIDS policies.

The Waters-Kucinich-Crowley-Lee amendment has been endorsed by OXFAM America, the AFL–CIO, Jubilee USA Network, the Global AIDS Alliance, the Washington Alliance on Africa, Result and Health Gap. I urge my colleagues to support our amendment.

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

The CHAIRMAN. Does the gentleman from Virginia insist on his point of order?

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because the amendment proposes to change the existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of Rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. WATERS. Mr. Chairman, I would like to ask my colleagues to examine the opposition to our ability to take up this important amendment. It is not driven by any conflict. It is not driven by any letter of the law that would not allow this amendment to be taken up. I know the tremendous pressures that are being presented, but I do not think that anybody on either side of the aisle can look the world in the face and support policies that would allow our United States Trade Representative to create a case in the WTO against countries that are literally dying, with its citizens dying in record numbers day in and day out.

Mr. Chairman, I would ask the gentleman from Virginia not to proceed with this parliamentary maneuver in order to stop this amendment. The world is watching.

Mr. WOLF. Mr. Chairman, reclaiming my time under my point of order, I would like to comment before the Chair rules, if I may.

This is not a parliamentary maneuver. The gentlewoman is not the only person who is interested in these issues.

I was in the Congo in January. We were in Rwanda and Burundi and up in the Sudan. The gentlewoman is not the only person interested in this. The fact that we asked for a point of order does not mean it is a parliamentary maneuver.

Also, if the gentlewoman takes the time to go to page 100, we asked for the Africa policy. The committee is concerned about their lack of sufficient attention to foreign policy issues regarding Africa and supports the Department's efforts to improve the effectiveness, and we go on and on. We also say this amendment goes far beyond what is necessary.

In February, the Bush administration, and I want to put this on the record, because it sounds like the gentlewoman from California is the only one that cares about this, the Bush administration affirmed that it would not object to developing countries using the proficiencies of WTO to improve access to HIV/AIDS pharmaceuticals. In June, the administration decided to terminate its WTO patent dispute with Brazil, in part because some people believe that this dispute interferes with Brazil's effective AIDS program. The FDA office is committed to ensuring that the WTO members are able to use the flexibility built into the WTO to address the emergency and health care needs.

It goes beyond that. So it is not a maneuver. It is just a point of order, and it is subject to a decision.

The CHAIRMAN. Does the gentlewoman wish to be heard further?

Ms. WATERS. I do, Mr. Chairman.

This is not about I am the only one who cares about this issue. I am the only one offering this amendment today.

I am pleased that the gentleman has gone to the Congo and Rwanda. I am pleased that the gentleman knows something about Africa. Let me ask the gentleman if he knows that 36 million people are currently living with HIV/AIDS and 95 percent of them are living in developing countries. In sub-Saharan Africa alone, over 25 million people are living with HIV/AIDS, and 6,000 people die of AIDS-related diseases every day.

This has nothing to do with whether or not I care or I am the only one that cares. It is time to put our public policy and our money where our mouths are. People are dying in unprecedented and shameful numbers. I would say to the gentleman, it is not about whether or not the gentleman challenges whether I care more than he. It is not about whether or not we have traveled to Africa. It is whether or not we saw what was happening in Africa, that we feel it in our hearts, and we are ready to do the right thing by people who need our help.

This is simply about public policy. This is not even about money. This is about whether or not the gentleman is going to allow our United States Trade Representative to represent all of us and comply with rules that have been described by some on this floor as rules that are developed outside of government to protect the interests of the pharmaceuticals or other private companies who do not have it in their hearts to make sure that people are able to afford drugs that will save their lives. Are we going to sit here in the United States of America and watch people die day in and day out and not have it in our hearts to simply say, WTO, back off? That is what this is all about, Mr. Chairman.

I would ask that the gentleman from Virginia (Mr. WOLF) not use this parliamentary maneuver and back off from trying to use this as a way to oppose what I think is excellent public policy that we can all be proud of.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The amendment offered by the gentlewoman from California proposes to limit funding for certain proceedings in the World Trade Organization by the United States Trade Representative to challenge laws if those laws bear a certain relationship to HIV/AIDS pharmaceuticals. By requiring the United States Trade Representative to discover the effect of foreign laws, the amendment imposes new duties in violation of clause 2 of Rule XXI.

The point of order is sustained.

□ 1845

AMENDMENT NO. 11 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

THE CHAIRMAN pro tempore (Mr. LATOURETTE). Does the gentleman from Ohio (Mr. KUCINICH) offer the amendment as the designee of the gentlewoman from California (Ms. WATERS)?

Mr. KUCINICH. Yes, I rise as the designee of the gentlewoman from California, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. KUCINICH:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading ''OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE–SALARIES AND EXPENSES'' may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))) challenging any law of a country that is not a member of the Organization for Economic Cooperation and Development (OECD) relating to HIV/AIDS pharmaceuticals.

The CHAIRMAN pro tempore. Pursuant to the order of the House today, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from Virginia reserves a point of order against the amendment.

Mr. WOLF. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will be recognized to claim the time in opposition.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 5 minutes.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since 1998, every AIDS patient in Brazil for whom it is medically indicated gets for free the AIDS triple cocktail drug treatment. This is extraordinary because, according to U.N.-AID, in developing countries less than 10 percent of people with HIV/AIDS have access to the anti-retroviral therapy.

The high price of many AIDS drugs, especially anti-retroviral drugs, is one

of the main barriers to their availability in developing countries. Brazil can afford to treat AIDS because it does not pay market prices for antiretroviral drugs.

In 1998, the Brazilian government began making copies of brand name drugs, and the price of those medicines has fallen by an average of 79 percent.

The U.N. and the World Bank have praised Brazil's AIDS drug program, but what did the U.S. do? The U.S. lodged a complaint with the WTO alleging that Brazil's program violated the agreement on intellectual property.

Mr. Chairman, the people of America know that our country is a country with a big heart, but where is the heart here? USTR was wrong and offensive when it brought a WTO challenge against Brazil.

There are those who say that pharmaceutical companies can voluntarily and effectively take care of the shortage of HIV/AIDS drugs. In only one developing country, Brazil, do 100 percent of the people with HIV/AIDS get antiretroviral drugs. No other developing country could say the same thing, even though a couple have concluded charity agreements with pharmaceutical companies.

In other words, this is the most effective way to address the AIDS epidemic in developing countries, the way Brazil did it. Yet the U.S. brought a WTO case against Brazil.

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

Mr. WOLF. Mr. Chairman, I reserve the point of order on the amendment, and I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I rise in opposition to the Waters amendment. There are many of us who share her concerns for the need to provide access to affordable HIV/AIDS drugs in developing nations. I myself have traveled to nations in Africa three times in the last year and a half, and have obviously witnessed firsthand the devastating effects of this disease on individuals.

For many developing countries in Africa, the problem is not access to drugs, but it is lack of an infrastructure in place to distribute drugs to those who are in need, and it is cultural differences that continue to stigmatize those who have HIV/AIDS.

But the Waters amendment goes beyond providing affordable drugs in developing countries. It will have a negative effect in other industries like software, music, literature, movies. In essence, it prevents the United States Trade Representative from protecting American innovation from counterfeits or piracy against countries most likely to be involved in violations.

Piracy continues to be a problem in many countries, such as China. Once China enters the WTO, it must comply with international intellectual property rights standards. It simply does not make sense for us to negotiate China's WTO membership while simultaneously hindering our United States Trade Representative from ensuring that China comply with all the standards.

International intellectual property rights standards are important, and they are essential in preventing theft and piracy of American products. We should do more, not less, to ensure compliance and enforcement of these standards.

Mr. Chairman, I come from the area of the United States where the largest private foundation contributes the largest amount of money to the solution of HIV/AIDS. It is the Gates Foundation. But I also come from the area of the country where we know how important it is to protect our intellectual property on all levels from piracy.

That is what I stand behind, sensitivity to solve a problem, but good, rational thinking in terms of what we allow our U.S. representative to negotiate on behalf of American business. This amendment is a step in the wrong direction, and I ask my colleagues to oppose this amendment.

Mr. KUCINICH. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to say that the testimony that was just given by the gentlewoman spoke to another amendment, certainly not to the one that is on the floor. This amendment is tailored specifically to HIV/AIDS. It has nothing to do with intellectual property and any of the other areas that she described.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the assertion that the amendment will lead to slowing new discoveries and discourage more pharmaceutical innovation has to be answered.

The argument is basically, I believe, a defense of high profits. Developing countries are so poor, however, that no pharmaceutical company can logically depend on profits earned in Africa to fund research.

It has been also mentioned that the WTO agreement on trade aspects of intellectual property already contains a humanitarian exception for health and other emergencies, so therefore, this amendment would not be needed. However, the United States brought a WTO case against Brazil, nonetheless. The TRIPS agreement was agreed to by the U.S. in 1995, while the U.S. case against Brazil was launched in June, 2000. Clearly, the exception is not enough, and congressional action is needed.

I know the gentleman from Virginia is a caring person, and we are all caring people here. We just hope that through bringing this debate forward today, we can have an opportunity to heighten the concern of this Congress about this issue, because it really is repugnant to morality to have people dying all over the world because of some trade squabble when the truth is that all trade agreements should exist to facilitate the human condition, and not to erode it through trying to engage in arguments about intellectual property when the fact of the matter is that people are suffering and they need help.

I know that the gentleman from Virginia is one of the champions on making sure that the concerns of people who are suffering and who need help are heard. So I want to appeal to all Members of Congress that soon we must come to grips with this issue to help the suffering people of the world and those who are dealing with AIDS, and the United States should be the last country in the world to object to a nation's trying to find a way to deal with their own AIDS problems. We should be in support of Brazil, not trying to undermine Brazil's efforts to treat the people of their country who have AIDS.

I want to express my appreciation to the gentlewoman from California (Ms. WATERS) for giving me the opportunity to present this amendment.

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

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to congratulate the gentleman from Ohio for bringing this amendment and for bringing the issue to the floor. There will be, I believe, 40 million orphans in the year 2015 in Africa, and hopefully by putting pressure and raising these issues, I know Secretary Powell is very, very concerned. One of the first meetings I had when I got back is we met with Secretary Powell. We raised the issue of Sudan and AIDS. I will send the gentleman my report.

So I think it is good and healthy that it is out so people are forced to address it.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I insist on the point of order.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will state his point of order.

Mr. WOLF. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI imposing additional duties.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

Ms. WATERS. Mr. Chairman, I wish to be heard.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. On the point of order, Mr. Chairman, again, I make the same appeal. I see this as a parliamentary maneuver to avoid taking a vote on this legislation that I think a lot of Members on both sides of the aisle would support.

I do not think that the gentleman on the opposite side of the aisle could stand up and cite that there are 40 million orphans and talk about the devastation without knowing that he has it within his power, as he stands here today, to allow this amendment to be before this House. One does not have that kind of power and not use it when one absolutely cares about something.

The gentleman again, as with the gentlewoman, talked about their trips to Africa. What good does it do to keep going to Africa on these CODELs if one does not see the suffering of the people there, if one does not understand the dying that is going on in Africa?

What good is it to go there if one cannot come back and put that into public policy that will save lives?

Now is the time to demonstrate what one cares about with regard to Africa, and what we have seen in Africa.

Again, this is not about an allocation of dollars, this is about allowing countries to take care of themselves. This is about saying to WTO, do not challenge these countries on their ability to produce generic drugs. Allow them to do what Brazil has done. They have done it and it has been cost-effective, and they are saving lives.

If a Member cares about Africa, if one has internalized what they have seen when they have traveled there on these CODELs, watching people die, watching the orphans, watching these countries falling apart, then now is the time to use the gentleman's power to do something about it.

If the power is in the hands of the gentleman on the other side of the aisle to remove his objection, his challenge to this amendment, then I would respectfully plead with him to please do that today, and demonstrate that he understands that devastation, he understands those 40 million children that he has identified, all without parents. Children are running around. They are going to die, too. There is nobody to care for them.

Mr. Chairman, I would say that this attempt to challenge the legality of this amendment to be on the floor is without merit, and I would ask the gentleman to withdraw it.

The CHAIRMAN pro tempore. Does anyone further wish to be heard on the point of order?

If not, the Chair is ready to rule. The amendment offered by the gentleman from Ohio (Mr. KUCINICH) proposes to limit funding for certain proceedings in the World Trade Organization by the United States Trade Representative to challenge laws if those laws bear a certain relationship to HIV/AIDS pharmaceuticals.

By requiring the United States Trade Representative to discover the effect of foreign laws, and based on the Chair's prior ruling, the amendment imposes new duties in violation of clause 2 of rule XXI, and the point of order is sustained.

AMENDMENT NO. 12 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. WATERS: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading ''OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE–SALARIES AND EXPENSES'' may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))) challenging any law of a country that is not a member of the Organization for Economic Cooperation and Development (OECD).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that we just saw the attempts to try and pass a very reasonable amendment. Both I and the gentleman from Ohio attempted to do that. We saw the parliamentary maneuver.

Mr. Chairman, this particular amendment does not face that challenge. However, I know that it is going to be opposed by the same forces.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise tonight to express my strong support as a cosponsor of the Waters-Kucinich-Crowley-Lee amendment. I want to thank the gentlewoman from California (Ms. WATERS) for her consistent leadership on each and every issue that affects the human family that we deal with here in this House.

This important amendment would restore the ability of developing countries to pass laws that make HIV and AIDS pharmaceuticals and medical technologies accessible to people living with HIV and AIDS.

The global AIDS crisis is the greatest humanitarian pandemic of our time. There are 36 million people worldwide living with AIDS. In sub-Saharan Africa alone, 6,000 people die each and every day from HIV and AIDS.

□ 1900

The United Nations estimates that without a comprehensive response to this crisis, by 2005, there will be 100 million people infected with HIV and AIDS. That is over 100 million people. That is mind-boggling.

This amendment will allow African nations and those in developing countries to close the gap in access to HIV and AIDS therapies for people living with AIDS. Existing World Trade Organization policies unduly restrict the flexibility of countries to address the HIV and AIDS pandemic. This results in lives being lost.

By supporting the Waters-Kucinich-Crowley-Lee amendment, we will reinforce our support for countries to address their own crisis. Of the 36 million people living with HIV and AIDS, 95 percent of them, that is 95 percent, live in developing countries and really cannot afford any medication. They really do face a death sentence.

This is a moral outrage. We must not tolerate the current policy which dictates that life with a manageable illness is possible only, only if one has money, only if one is wealthy. However, death from AIDS is certain if one is poor.

For example, the continent of Africa accounts for only 1.3 percent of the global pharmaceutical market. That is because the average person lives on less than $300 a year while the average AIDS treatment may cost as much as $15,000 per year. Africans, poor people, people living in poverty, simply cannot afford drugs at the current price.

We have only just begun our battle with this global killer. So I strongly urge all my colleagues to do the right thing and vote for this amendment. We must not only talk about our moral concerns about this horrendous pandemic, but we must support public policies to solve it.

Finally, as Members of Congress in the most powerful country in the world, we must remember ''to whom much is given, much is expected.''

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman for yielding me this time and giving me an opportunity to work with her on this.

The amendment which is proposed by myself and the gentlewoman from California (Ms. WATERS) states that none of the funds appropriated in this act under the heading of the Office of the United States Trade Representative Salaries and Expenses may be used to initiate a proceeding in the World Trade Organization pursuant to any provision of the agreement on trade-related aspects of intellectual property rights.

It is really important for us to establish the context of why we are here. People are dying from AIDS all over

the world; and we know that there are drugs, anti-retroviral drugs, which can be used to treat the people that can help save them. All over America, the people of America support the idea of helping others in need. The very thought that we can have these drugs in existence and have suffering people and them not being able to connect with suffering people has to cause everyone to be ashamed. Yet our own country has used the World Trade Organization as a vehicle to defeat the work of a nation that is trying to treat its own AIDS patients, saying it interferes with the intellectual property rights of pharmaceutical companies.

Since when do intellectual property rights become more important than human life? Since when? We need to get this in perspective. And the perspective is that we have a moral obligation to help those people who are suffering; that we have a moral obligation to challenge the WTO and not to ask the WTO to impress on the backs of the sick people of the world a yoke of intellectual dishonesty in the name of protecting intellectual agreements.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise today in strong support for the amendment offered by my colleagues, the gentlewoman from California (Ms. WATERS) and the gentleman from Ohio (Mr. KUCINICH).

I would also like to thank my colleagues for having the foresight to offer this amendment at a time when so many developing and undeveloped countries are seeing their societies, their very social infrastructures, decimated by the HIV/AIDS pandemic.

Mr. Chairman, last year I visited sub-Saharan Africa and saw firsthand what most Americans only read about. I saw a generation of kids growing up without parents, without teachers, and without health care providers because of HIV/AIDS. The decimation of these countries must stop.

HIV/AIDS drugs are not the only solution, but they are part of the solution. Our opponents in the multinational pharmaceutical companies point to their generosity in providing HIV/AIDS drugs to the developing world. While their philanthropy is certainly appreciated, there are other ways to solve this problem than to depend on multinational corporations for handouts. UNAIDS has stated that even with all the donation programs in place, only 10 percent of those infected by HIV/AIDS in the developing world will have access to these drugs.

The Waters-Kucinich-Lee amendment would restore the ability of developing countries to pass laws and produce HIV/AIDS drugs for their citizens. The amendment would prevent World Trade Organization challenges to HIV/AIDS drug laws by the United States related to HIV/AIDS drugs. In effect, this amendment would codify current administration policy supported by President Bush which has suspended any international copyright laws in the United States against countries in the developing world for producing HIV/AIDS drugs.

This amendment allows countries to institute policies and laws to facilitate provisions of sorely-needed pharmaceuticals to those suffering with HIV and AIDS. It is not, I repeat not, designed to undermine the World Trade Organization's intellectual property rights provisions.

Some have stated that pharmaceuticals used to treat and control HIV/AIDS are too toxic to be used by those in developing countries; that the infrastructure required to correctly use these drugs is lacking in these countries. Mr. Chairman, the people in these developing countries do have watches, they can tell time, and they do know that time is running out. This amendment needs to be passed.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong support of this amendment. Frankly, I am disappointed that this amendment is even necessary. It should be obvious that the United States would support all efforts to provide affordable medicine to the people of developing nations who are suffering with AIDS. It should be a given that when a nation like Brazil develops an effective program to address the AIDS crisis threatening its people that the United States would stand up and salute its good work.

The developing world in particular has been devastated by the AIDS epidemic, with millions of people affected and millions of people dying and a generation of orphaned children left behind. The manufacturing of affordable generic drugs is a crucial element in finally getting control of this terrible disease. We should be encouraging more nations to do that, rather than threatening them with lawsuits at the World Trade Organization to protect the bottom line of multibillion dollar drug companies. It is unconscionable that we would put money over lives.

It was only because of the public pressure, led in large part by the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE), and so many others in this body, that the United States finally dropped its lawsuit. But there is no assurance that the big drug companies will not pour their money into lobbying the United States Government to bring another lawsuit like it.

That is why we need this amendment today. With this amendment we would prevent the United States from shamefully pursuing commercial interests before the health and well-being of millions of people affected with this terrible disease. It would encourage developing nations to responsibly address the AIDS crisis and bring lifesaving treatment to their citizens.

The role of this Nation for several years in preventing people in southern Africa from having access to lifesaving drugs is shameful. I thank God that we are no longer doing that. This amendment will ensure that we will not even think about doing it again in the future. It is a very important amendment, and I urge its adoption.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding me this time and for her leadership on this issue.

Mr. Chairman, the crisis of AIDS in Africa and in developing countries around the globe demands our attention. We read of these devastating painful accounts of men and women and children dying without access to drugs that will sustain their lives. Last year, the number of children who died from AIDS reached a staggering half a million. We hear of orphans, a generation of orphans, who are entering our world in some of the worst imaginable conditions. Right now, in Africa, 10 million young orphans are struggling to survive.

We know there are governments throughout the world, developing countries, I should say, straining to deal with this crisis. But instead of helping, our government is pursuing a path that could make the AIDS crisis even worse. Under a perverse rule within the World Trade Organization, the United States, as we have heard already on this floor, brought a suit, a case against Brazil and its AIDS policy. Brazil found a way to get HIV/AIDS drugs into the hands of anyone who needed them by manufacturing generic versions of these vital medicines and distributing them free of charge.

This policy has received praise from agencies and individuals who are intimately involved in this issue from around the world: the United Nations, the World Bank, and many other organizations. But our trade officials apparently thought that corporate intellectual property rights are more important than the lives of the people being saved by these drugs. After heavy public pressure from many of my colleagues here, the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. LEE), many of my colleagues in this body, after heavy pressure, the U.S. finally withdrew its case. But the next time, Mr. Chairman, it could be different.

Today, I join my colleagues, the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. LEE), the gentleman from Ohio (Mr. KUCINICH), the gentleman

from New York (Mr. CROWLEY), and all the others, in offering an amendment to ensure this will never, ever happen again.

The United States should be supportive of efforts to help alleviate the tremendous suffering throughout the world from the AIDS epidemic. We should not be using international trade organizations like the WTO to undermine a developing country's ability to get HIV/AIDS medication into the hands of their own citizens who cannot live without them.

I urge my colleagues to support this amendment, and I thank my colleague from California and the others for their leadership in presenting it to us this evening.

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

The CHAIRMAN. The gentleman from Florida (Mr. MILLER) claims the time in opposition, and yields such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding me this time; and, Mr. Chairman, I rise in the strongest possible opposition to this amendment.

We all are very concerned about the scourge of HIV/AIDS around the world. We just, upstairs in the Committee on Rules, reported out the very important rule on foreign operations, which we will be considering in this House. In it there is nearly a doubling, a doubling, of the level of funding for HIV/AIDS. We all are very concerned about it. We all want to do everything that we possibly can to bring this very, very serious problem to an end; and that is why we have doubled the level of funding.

But to proceed with language which undermines one of the most basic principles on which this country was founded, that being property rights, is something that I find extremely troubling. We know that intellectual property is important to our State of California. I see my colleague here, the author of this amendment, the gentlewoman from California (Ms. WATERS), who knows very well that in California we have a very important biotechnology industry. In California, we have the extremely important entertainment industry. We know that that property which our California constituents have must be recognized, and this amendment clearly undermines the opportunity that our U.S. Trade Representative has in dealing with so-called TRIPS challenges, the intellectual property challenges that exist.

□ 1915

Because there are people around the world who are stealing our property. It is wrong. The prospect of eliminating those methods that we have for recourse to those who are stealing our property should not take place.

When I look at the tremendous innovation that is taking place in the area of medical research, we are right now in the midst of the debate of embryonic stem cell research. Very compelling evidence has come forward about the prospect in looking at ways in which we can deal with the very serious ailments out there such as, Alzheimer's, Parkinson's, hemophilia, AIDS, asthma, cancer, on and on and on.

Guess what? This innovation is being done right here in the United States, the idea of saying to those who are looking at new and innovative ways to deal with these diseases and others who are potentially going to have their private property stolen if we eliminate this very important power that exists with the U.S. Trade Representative.

We obviously all share very serious concerns about the spread of HIV and AIDS. I believe that we again have demonstrated our concern when we in this House vote out the foreign operations appropriations bill which will double the level of funding for dealing with that.

This is a very bad amendment. It seriously undermines the right to protect the important property rights that we as Americans cherish so.

Mr. Chairman, I urge my colleagues to vote against it.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding and for her leadership on this important issue.

Before I speak in support of the Waters-Kucinich-Crowley amendment I want to commend the distinguished chairman of the subcommittee for his unsurpassed leadership on helping to meet the needs of people throughout the world, people who are suffering.

I know that many of us travel as CODELs and visit countries and do not really see the real suffering, as my colleague so correctly pointed out. But the gentleman from Virginia (Mr. WOLF) is not in that category. In fact, he is known to visit very quietly by himself, whether it is those who are hungry in the Sudan or wherever suffering exists in our country. I want to recognize the compassion and leadership he has always demonstrated.

Mr. Chairman, I reluctantly rise. I do not know if you are supporting this amendment. I assume not from your comments. I do rise in support of the amendment to prevent our government from challenging the ability of developing countries to pass laws that make HIV/AIDS drugs available to their citizens.

Some have expressed concerns about the extent to which this bill goes. We all know what the heart of matter is, what we are trying to achieve.

International trade law allows countries to take action during a public health emergency. It would be absurd to claim that the AIDS crisis in the developed world is not a public health crisis. We have heard the staggering statistics: 36 million people infected with HIV, 22 million deaths from AIDS, and nearly 14 million children orphaned, over 95 percent of these cases found in the developing world. AIDS is the number one cause of death in Africa.

Not only is this a public health emergency, it is the worst public health crisis since the Middle Ages. As the world's wealthiest, most powerful country, the United States must be a leader in this fight, not a barrier to progress.

Archbishop Desmond Tutu has said, ''AIDS in Africa is a plague of biblical proportions. It is holy war we must win.''

It is indeed, and the battles in this war occur on many fronts.

Brazil is waging one of those battles, and it is winning. Despite prices that are well out of reach for most of its citizens, nearly every AIDS patient in Brazil in need of AIDS drugs receives treatment. This unprecedented access to therapy has been achieved through a government program that makes copies of brand name drugs. Compulsory licensing provisions in international trade law allow this practice, and the result for Brazil has been a 50 percent reduction in the AIDS death rate, fewer HIV transmissions, the prevention of hundreds of thousands of hospital admissions, and significant savings to its healthcare system.

This amazing success was threatened when the U.S. brought a WTO case against Brazil for its HIV/AIDS policies. Earlier this year, this case was withdrawn in response to public pressure. If this effort had been successful, Brazil would have faced punitive economic sanctions, countless lives would have been lost unnecessarily and other poor nations would have been deterred from replicating Brazil's success.

AIDS can be treated in the developing world. U.S. Trade Representatives should not be standing in the way.

I know we will be hearing from the distinguished gentleman from California (Mr. BERMAN), who is an expert on copyright and international property laws, as to how we can all meet our goals and in a very, very productive way.

Mr. Chairman, I urge my colleagues in the meantime to support the Waters-Kucinich-Crowley amendment.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I appreciate the gentlewoman from California (Ms. WATERS) yielding me the time. I also appreciate very much the parliamentary predicament that she has been in.

The gentlewoman from California is trying to deal with a critical emergency affecting millions and millions

of people. She is trying to ensure that HIV/AIDS pharmaceutical are available to the people in third world countries. Forced by the parliamentary maneuvering up to now, she has been required to present an amendment which goes far beyond HIV/AIDS pharmaceuticals. It goes far beyond pharmaceuticals. It covers all copyrighted material, patented material and creates this compulsory license mechanism. So she has been forced to present an amendment which I think a lot of people, certainly me, think is overbroad.

Mr. Chairman, I ask the gentlewoman in the time she has yielded to me whether she would consider a unanimous consent request to bring this language back to the whole purpose of her Herculean efforts here to make these pharmaceuticals accessible to people who desperately need them?

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I appreciate the gentleman from California (Mr. BERMAN) giving support to us on this issue. I know, too, how hard he has worked not only on this issue but other related issues.

As the gentleman knows, I was attempting simply to deal with the HIV/AIDS issue and not have this in a broader context. I know that the pharmaceuticals do not like this. But I also know that the world pressure that was brought on them in the case of Brazil backed them down.

We do not want to have to continue to go that route. I would say to the gentleman that I would be happy to have a unanimous consent request to amend this amendment so that it would conform.

The CHAIRMAN. The gentlewoman's time has expired.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I object, because it goes back to what we were faced with before. I commend the gentlewoman for trying to do what she wants to do.

POINT OF ORDER

Mr. BERMAN. Mr. Chairman, point of order.

Mr. WOLF. Mr. Chairman, I object.

Mr. BERMAN. Mr. Chairman, I do not believe that the unanimous consent request has been made.

The CHAIRMAN. The gentleman will suspend.

The gentleman from Virginia (Mr. WOLF) was recognized by the Chair, and he was stating his position for the gentleman's edification. There has been no request. He was stating his position.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very sorry that we are being prevented from amending this bill in such a way that it will do what we started out to do, and relates specifically to HIV/AIDS. I think that the gentleman from California (Mr. BERMAN) made the case, and the case is one that we recognize.

MODIFICATION OF AMENDMENT NO. 12 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I ask unanimous consent to amend the bill to comply with keeping this in line with dealing with HIV/AIDS in the WTO.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 12 offered by Ms. WATERS:

Add at the end the following: ''that promotes access to HIV/AIDS, pharmaceuticals and essential medicines to the population of the country.''

The CHAIRMAN. Is there objection to the modification offered by the gentlewoman from California?

Mr. WOLF. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have been through this debate and we have had objections from the opposite side of the aisle now on three occasions. Again, I thought we were able to make the case and to point out that it is within our power to move this amendment and to do something about the devastation of Africa, the dying that is going on.

I ask my colleagues to disregard all of the comments they hear about the culture does not know how to accommodate using medications.

Mr. Chairman, I ask my colleagues to disregard comments about the infrastructure is such that it is better that we do not try to do something about presenting the people of Africa with this opportunity.

This is another parliamentary maneuver to block us from having an amendment that would deal directly with getting the WTO out of the business of making a case out of countries simply taking care of their AIDS patients who need medicine.

Mr. Chairman, I do not wish to talk a lot about the pharmaceuticals here this evening. We know how powerful they are, and we know that they are in opposition to this amendment. We know that the pharmaceuticals will hold out as long as we allow them to and watch people die, thousands of them by the day, to protect their intellectual property rights, to protect their patents, to protect their whatever.

Again, public policymakers should not allow any special interest to have that much power. It is within the power of the Members of this House to do something about it. We can simply move this amendment this evening and not allow our trade representative to take this case to the World Trade Organization. The people of Africa are watching. We know that it works when a country decides to provide generic drugs to its people because we have seen it work already, not only in Brazil but in India also. We know that it works. The pharmaceuticals know that it works.

But we are going to sit here and say somehow that this is improper, that this does not comport with the way that we do business. Those are simply flimsy obstacles that everybody can see through.

Mr. Chairman, I ask my colleague on the opposite side of the aisle who is leading the opposition to remove himself and to take the moral position of saving lives. It is within the gentleman's power by simply saying one or two words here this evening on the floor that he will support my amendment to amend this legislation so that it deals specifically with HIV/AIDS.

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

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose the amendment. It is not a maneuver. There are rules in the House. The amendment goes far beyond what is necessary to addressing the countries' AIDS crisis.

The gentlewoman ought to take her energy and meet with Secretary Powell. The gentlewoman ought to take her energy and meet with the trade rep. The gentlewoman ought to take her energy and meet with President Bush at the White House. The gentlewoman ought to take her energy and advocate this up and down the country. We have rules. We have procedures.

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It is interesting. I find myself in agreement with much of what she says, but I do not find agreement in the approach that she has taken. And because I do not find myself in agreement with the approach that she has taken, we are going to oppose the amendment.

Why does she not take her energy and meet with the Secretary of State. Has she made a request to meet with Secretary Powell? Why does she not take her energy and make a request to meet with the Trade Rep? Has she asked to meet with the Trade Rep? Why does she not do that and then by bringing people together, trying to resolve it with people, good people of faith, there may be a greater opportunity.

Mr. Chairman, I oppose the amendment.

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

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

I resent the gentleman lecturing me about how I ought to use my time. I was elected by the people of my district to make public policy. They did not necessarily elect me to go and do any of the things he is instructing me to do. They elected me to come here, to identify the issues, to debate the

issues, to work on the issues. I know how to use my time. And I use it effectively.

I would say to the gentleman, he should be more concerned about how he uses his time and his power rather than trying to instruct me on how I should use my time. I think that this amendment and the work that I am doing is the right thing to do. I think that it is the moral thing to do. I think that it is the spiritual thing to do. I think it is the religious thing to do. I do not know how anybody who has got the power in their hands, who work in this body, standing before the world, can oppose an amendment that would save the lives of millions of people. I do not know how anybody who can know intimately the devastation that is going on in Africa, who admits they have traveled there, who can talk eloquently about having gone to the Congo and other places, I do not know how they can take that information and somehow shape it into a result that says despite the fact I know all of this, I have seen all of this, I understand all of this and I am a faithful and upstanding person, but yet when it comes to the bottom line, I cannot do it.

I cannot do it because of what? I cannot do it because the pharmaceuticals do not want me to do it? I cannot do it because my caucus does not want me to do it? I cannot do it because of what?

I cannot do it because it is not important enough. It does not occupy priority on his agenda. He cannot do it because he does not have the will to do it.

I have listened to Members come to the floor and commend him for being a generous man, for being a caring man, for being someone who has traveled to Africa, but there is a contradiction in all of this. The contradiction is quite clear. Mr. Chairman, you cannot know this story, you cannot have watched these babies die, you cannot watch these families where mother and father both are dead and children living without resources, in shacks and tents, you cannot say that you have seen all of that and somehow you cannot be moved to do whatever is necessary, to put your mark on making sure the people get the drugs that they need in order to live. Our United States Trade Representative was not elected by the people. It is an appointed position. We should be telling the United States Trade Representative what to do and how to represent us. We should be telling her, you are not to go to the World Trade Organization and take up this issue against the people. But since we are not willing to do that, we take an amendment like this and say, ''You can't use our resources to do it.''

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

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise in reluctant opposition to this amendment. I began my work against HIV in 1986. The first HIV test was produced in Deerfield, Illinois, in my district. It cost hundreds of millions of dollars to produce and alerted us to a crisis of AIDS in Africa. But if this amendment had become law in 1987, just when we realized the magnitude of the problem, all major AIDS drugs would have been shelved and there would have been no money for the production of those drugs.

AZT was developed, and it offers chronic care of HIV. Kaletra is now on the market, and it drives viral loads to zero. Both drugs were discovered without U.S. taxpayer funds, and these drugs are saving lives. Now over 50 new drugs are under development. But this amendment would stop the development of those drugs in their tracks. If these new drugs come to patients, we can cure AIDS, and we can develop a new vaccine that will stop anyone else from getting AIDS. But our solution is not to destroy the intellectual property law of the United States, a law which is founded in our own Constitution and produced a country that won more Nobel Prizes than any other country. The answer is funding for programs like UNAIDS. I helped found the UNAIDS program in 1986 as a staffer for John Porter. And funding for that program went from $25 million to over $1 billion. Hope, research, and funding for UNAIDS is the answer, not throwing scientists out of work upon whom our hope depends.

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

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentlewoman from California for yielding me this time. I am proud to support the Waters-Kucinich amendment and urge its passage.

Just imagine for a minute if the United States Government decided it could provide generic anti-retroviral drugs for the treatment of HIV/AIDS to all those who are infected at minimal or no cost, and as a result we saw AIDS deaths plummet in the United States. Now imagine if another nation challenged the United States on the grounds that we were violating the intellectual property rights of a pharmaceutical company and that that other government went hand in hand with the pharmaceutical company to the WTO and challenged the right of the United States to take care of its citizens. I am sure that if that happened, that Members would be flocking to the House floor protesting the action and calling on the United States to simply ignore the WTO and continue this lifesaving program.

It was 1999 when I found out that, in fact, it was the United States, hand in hand with the pharmaceutical companies, going to the WTO and telling South Africa it could not save its own citizens, that it continued to do that in Thailand, and that it continued to do that in Brazil. How shocking it would be for us if the tables were turned. Intellectual property rights here, the rights of human beings to live down here. I brought this to the attention of the President of the United States along with many of my colleagues here. He created an executive order that said we are not going to do that anymore. And this President, to his credit, is continuing that executive order.

So what is the problem? Let us put that into the law for all Americans to see, that we say that we will not use the rights, the intellectual rights of the pharmaceutical companies to deprive human beings of their right to live and to receive the drugs when their country makes the effort to provide them.

I think it is stunning to me that anyone, as a previous speaker did, would come to this floor in defense of the practice of the pharmaceutical companies to say, we want to make our profit off of those people who could not possibly afford the $10,000 for those drugs. We are going to protect our profits and allow people in developing nations to die. This country is so much more compassionate than that. They want us, in the face of this crisis, which supersedes all of the plagues in history and combined deaths of all the wars, to take action to do everything we can to save lives around the globe. That is the only intention of this amendment. I urge its support.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Let me just say as I sit here listening to this debate, I am very troubled by how it has degenerated into a debate about intellectual property rights as compared to saving lives. It is really an unfair debate, because there is no comparison in terms of what we are talking about. Intellectual property rights, our trade policies, many of them were developed and set into stone way before people were dying from HIV and AIDS. So we should not even be making that comparison tonight. We are talking about the basic values of our country, of people in our country who care about people who are dying. We are not really talking about property rights.

I think after tonight's debate, this House needs to go back to the drawing board and really reassess our trade policies and how we instruct our trade representatives. And, yes, I have talked with Secretary of State Colin Powell twice. I have talked with our Trade Representative. I was a delegate to the United Nations at the U.N. special session on AIDS. The whole world is looking at this House of Representatives to

stop what we are doing in terms of our trade policies and to say, yes, we want these countries to begin to be developing their own generic drugs so that they can save the lives of millions and millions of their citizens.

Ms. WATERS. Mr. Chairman, I yield myself the balance of my time.

Obviously the debate has been held, and we know where people stand. Of course I am shattered by what is happening on this floor. It is inconceivable that we could have the opportunity here this evening in our public policymaking to literally direct our United States Trade Representative in the way that they handle this issue and not allow them to take it before the WTO to prevent countries from producing generic drugs to save lives.

It is a contradiction because we are debating faith-based initiatives. We are debating whether or not we are going to allow the religious community and the church community to help save lives and to help poor people, all of that. It is a contradiction, Mr. Chairman. As I listen to this debate this evening, I am shattered because for even the best of us, we allow ourselves to be undermined and to be mismanaged by outside interests. May God have mercy on all of our souls. This is a tragedy.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentlewoman from California has got the most noble of intent in this particular legislation. I have no doubt. But I do not think, not that I do not think, I know, that in this particular case, it is not just about intellectual property rights. It is not just about the pharmaceuticals. Our point is, is that pharmaceuticals in almost every one of our districts. They go out and they try to survive producing new medicines.

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FDA goes through and takes sometimes years to get the okay, and many of these companies actually go out of business; they do not survive. But a few of them have been fortunate enough to get through. And then our own laws, many times the patent runs out just about the time that they get their new drug, new wonder drug okayed; and they have just a short time to recoup any loss, or even make a profit, or even keep from going out of business.

If we just give these medicines away, if we violate those intellectual property rights, we force them to stop producing new medicines for the future. It is not about profit. It is about the fact that those new medicines, which the previous gentleman spoke very eloquently about, would not be produced, not only now, but in the future.

We stand on the edge. This is going to be the decade, I really believe, and I am on the Subcommittee on Labor, Health and Human Services and Education, from stem cell research to the genome program to new research, we stand on the edge of biomedical research and new medicines. If we shut down the companies that are discovering these very medicines, then not just the people that are infected with HIV, and I think it is terrible about the number of people, and the gentlewoman is exactly right, there are entire civilizations that are dying, and there are children that do not have homes because their parents are dying of HIV, or even it has been transmitted to them at birth. So it is not a question about not caring; it is a question of caring not only now, but for the future.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we were just in a debate back here about how we license so many products and the power that we have, and we were just discussing that in relationship to this amendment and what tremendous accomplishments could be made with this simple step that we take here this evening.

Mr. Chairman, let me say something: we sit back and we watch young people protest against the WTO. When they were up in Seattle, many people were just appalled at the fact that they staged the kind of protests that they did; and many people did not understand it, because they did not understand the WTO and the powers of the WTO. They did not understand that we have created this monstrous organization that is very much influenced by the multinational corporations of the world, many times overriding the will of elected bodies, legislatures, parliaments, and congresses.

The young people get it. They understand something is not right. And that something is demonstrated here tonight. That something that they rally and they protest about is the fact that there is an organization that has the power to rule in favor of multinational corporations, to protect their patents, even when, even when these countries, who need the medicines, could produce their own. But the rules of this game say that, no, you cannot do it, because the multinational corporations do not like it. You are going to interfere with their ability to make a profit. They do not want to give the power to a country to be able to take care of its own with cheap drugs.

The young people are demonstrating, because they know that these policies are influenced, developed, in the back room. We do not even know who is sitting on these panels at the WTO. Most of the Members of Congress do not pay a lot of attention to the World Trade Organization. Most of the Members of Congress are not in the business of directing our United States Trade Representative.

But I want to say what we do here this evening helps to define all of that. It helps the world to understand where we stand when it gets down to the people versus the multinationals, and whether or not we are going to use our power on behalf of people, just little people, just poor people, just dying people, or whether, in the final analysis, we do not have the will or the guts to stand up to multinational corporations who say ''protect us.''

Mr. BLUMENAUER. Mr. Chairman, I come to the House Floor tonight in strong support for more action by developed countries and more leadership from the United States in fighting the AIDS epidemic, especially in developing countries. It is important that in addition to increased U.S. investment, we encourage creativity and investment from NGOs and the private sector to combat the AIDS crisis. While I support the positive intent of this amendment, the language included is much too broad. I fear this amendment could have unintended consequences and will vote against it.

Mr. CONYERS. Mr. Chairman, I rise today in support of the Waters-Kucinich amendment to the Commerce-Justice-State Appropriations for fiscal year 2002. The Waters-Kucinich amendment would restore the ability of developing countries to pass laws for the purpose of making HIV/AIDS drugs available to their citizens. The Waters-Kucinich amendment would prohibit future WTO complaints, thereby giving developing countries the flexibility to provide cost effective treatment for people with HIV/AIDS. In the 35 years that I have worked in this wonderful House, I must say this is one of the most important amendments ever offered on the floor of this House!

Mr. Chairman, Dr. Peter Piot, Director of UNAIDS, has stated time and time again that 95% of the African people who are infected with HIV/AIDS can not afford AIDS anti-retroviral drugs. This means that if current WTO policies are not changed, then the 25 million people in Africa who are now infected with HIV/AIDS will receive an ''unnecessary death sentence'' due to the sole fact that African countries simply cannot afford the price of anti-retroviral drugs. Death by AIDS is not, and should not be a partisan issue; this is about something much deeper, more profound, and more spiritual than the current debate we are having tonight. This is about whether or not there will be 40 million orphans in Africa in the year 2015 because the African people can not afford the obscene prices of pharmaceutical AIDS drugs.

African countries should be allowed to take care of their own health problems. In Brazil, government labs have manufactured five generic AIDS medications since the mid 1990's under the national emergency provisions of the compulsory licensing system of the WTO. They distribute these medicines without charge. Should not Africa also be able to create their own generic AIDS drugs?

6,000 people die in sub-Saharan Africa each day of HIV/AIDS. How many more African children, mothers, and fathers must die from this deadly disease before we open up our eyes and our hearts to the pain and suffering of our brothers and sisters in Africa. I

believe, as do my colleagues who support this amendment, that intellectual property rights can not, and must not, be placed above the right for all human beings, to live a full and productive life.

I urge my colleagues on both sides of the aisle to support the Waters-Kucinich Amendment.

Mr. RUSH. Mr. Chairman, I rise in support of Representative WATERS' and Representative KUCINICH's amendment to restore the ability of developing countries to make HIV/AIDS drugs available to their citizens. While I understand the importance of the intellectual property rights of the companies that create these vital drugs, my conscience compels me to support this amendment. I must support this amendment out of a sense of morality and concern for my fellow mankind in Africa and other developing countries.

HIV/AIDS is ravaging developing countries and wiping out a whole generation of men and women. More than 25 million Africans are now living with HIV and last year alone, 2.4 million Africans died from the disease. Sub-Saharan African women are now the fastest-growing HIV-positive population.

The loss of mothers and fathers in Sub-Saharan Africa has resulted in a new social epidemic: parentless children. Two-thirds of 500,000 orphaned children in South Africa lost parents to HIV/AIDS, and over 30% of the children born to HIV+women will develop pediatric AIDS. I have witnessed the orphanages overflowing with children who have lost parents to this disease and it is astonishing.

I commend the pharmaceutical companies who have made efforts to provide HIV/AIDS medications available to Sub-Saharan Africa. Also, I thank the 39 pharmaceutical companies for placing humanitarian concerns over profits by dropping their suit against the South African HIV/AIDS law earlier this year.

However, if we do not act now whole cultures may perish before our very eyes. If we do nothing, our tacit acceptance of the HIV/AIDS crisis in Africa and other developing countries is unforgivable. We must pass this amendment and allow developing countries the flexibility they need to provide cost-effective treatment for people with HIV/AIDS. If for no other reason, we should pass this amendment for the children whose parents these drugs can keep alive.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Waters Amendment.

We are all concerned about the AIDS epidemic in Africa and we should do more. President Bush and Secretary Powell have proposed a broad new initiative to help African countries address this horrible epidemic and Chairman HYDE is working on that $1 billion initiative. And as a Member of the Appropriations Committee, we just completed work on a Foreign Operations bill that doubles the U.S. contribution to fight global AIDS.

But in our efforts to help the world community address the spread of HIV and AIDS, we should not sacrifice the rightful ownership and control of American innovations and products that help keep men, women and children healthy both at home and overseas.

In point of fact, because we do protect intellectual property rights, our country's scientists and companies have led the way in developing the very AIDS treatments that we are trying to get to the people of Africa. It is also the very same system of intellectual property protection that will lead to the next generation of much needed AIDS treatments.

Without protecting new innovations and products, where will the next and better treatments for AIDS and so may other diseases come from?

We should do more to help fight AIDS around the globe. We will do more to help fight AIDS around the globe. This amendment is simply not the remedy for addressing the very real needs of people suffering from AIDS around the globe.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

AMENDMENT NO. 40 OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 40 offered by Mr. WU:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to process an application under the Immigration and Nationality Act, or any other immigration law, submitted by or on behalf of an alien who has been directly or indirectly involved in the harvesting of organs from executed prisoners who did not consent to such harvesting.

Mr. WOLF. Mr. Chairman, I reserve a point of order, and I claim the time in opposition.

The CHAIRMAN. The gentleman from Oregon (Mr. WU) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to recognize the chairman for his leadership in human rights issues around the world and particularly in China. I believe that my amendment addresses a human rights issue of profound importance. The practice of the illegal harvesting and sale of human organs from executed prisoners is a gross, gross violation of human rights. Under even Chinese law, this practice is illegal. Under our laws, we have very strong protections about what prisoners can do with their donated organs.

Mr. Chairman, the gentleman from Virginia (Chairman WOLF) and I both share concerns about the Chinese Government's poor human rights practices. That illegal organ harvesting from prisoners is not just profoundly objectionable, it strikes at the very heart of what it means to be a human being.

I hope that this House will stand with me. We need to do everything we can to stop this practice. At a minimum, at a minimum, we need to bar the entry of people who have participated in this practice from entering into the United States.

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

Mr. WOLF. Mr. Chairman, I continue to reserve my point of order.

Mr. Chairman, I want to commend the gentleman from Oregon (Mr. WU) for this amendment. We have been trying to be faithful on amendments that were out of order to object, just like we did on the last one. However, I will do everything I can to see that this is in the final bill.

Here is a statement that was presented at a hearing before the Subcommittee on International Relations and Human Rights on June 27 by Wang Guoqi, a physician from the People's Republic of China. Mr. Wang was a skin and burn specialist at the Paramilitary Police General Brigade Hospital. He writes that his work ''required me to remove skin and corneas from the corpses of over 100 executed prisoners, and, on a couple of occasions, victims of intentionally botched executions.'' In very graphic examples, Mr. Wang describes how he has harvested the skin off of a man who was still living and breathing.

This is one of the reasons why I am opposed to granting MFN or PNTR to the Chinese Government. The gentleman is exactly right, and we will do everything we can to see that his amendment in any way we possibly can is carried in the bill.

The reason we are objecting on a point of order is in fairness to the others, the gentlewoman from California, the gentleman from Indiana and others, to maintain the consistency. But we will do everything we can. I think it is a good amendment, what the gentleman is trying to do.

I would also like to have an opportunity to have INS and Justice and State maybe come up, or we can meet in the gentleman's office, whereby we can sit down to see how we can fashion something to see that the gentleman's purposes and goals of what he wants to do are accomplished.

I thank the gentleman for offering the amendment.

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

Mr. WU. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me time,

and I thank him for bringing this very important issue to the attention of the Congress.

I appreciate the work that is behind the gentleman's effort to stop the unlawful organ transplant without consent in China. I say ''unlawful,'' because even under Chinese law, as the gentleman pointed out, this practice is not allowed.

I thank the distinguished chairman for his very thoughtful remarks as well, and I have every confidence that he will be effective in what he is trying to do here.

I just want to read from the Year 2000 State Department Human Rights Report: ''In recent years, credible reports have alleged that organs from some executed prisoners were removed, sold, and transplanted. Officials have confirmed that executed prisoners are among the sources of organs for transplants but maintain the consent is required from prisoners or their relatives before the organs are removed.'' Indeed, that would be under the law of China, if the prisoners' body is not claimed, with the consent of the prisoner, or with the prior consent of the prisoner's family.

But the fact is, as our own Deputy Secretary for Democracy, Secretary Parmly, has stated before Congress, ''Bodies are also routinely cremated immediately after a sentence is carried out, making it impossible even for those families who are able to claim a family member's remains to determine whether or not the body has been used for medical purposes.''

Then further to that point, execution is often not announced in advance until within hours of the execution. With China's vast geography, such short notices often make it impossible for families to travel to claim the body on such short notice.

This is a very smart amendment. This is a very smart amendment because so many of the people doing these organ transplants get their training under good intentions in the United States, but then go use it in China for a bad reason. This is a very targeted way to address the problem. I commend the gentleman for his very smart, targeted, focused amendment, and hope the distinguished chairman will make it part of the bill.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment. The Subcommittee on International Operations and Human Rights, which I chair, held a hearing a few weeks ago on the China's terrible practice of harvesting organs of executed prisoners. The horrific stories relayed by our witnesses motivated me to file several pieces of legislation co-sponsored by the gentleman from Virginia (Mr. WOLF) and which does precisely this.

It seeks to ensure the U.S. does not become an accomplice to the promulgation of such a deplorable practice.

One of these bills has as one of its provisions the prohibition of visas to be awarded to those who engage in the harvesting, transplantation, and trafficking in harvested organs from executed prisoners.

China's Communist regime has a lucrative industry in the field of organ transplantation, which not only yields great financial rewards, but it provides the regime with a very powerful tool to coerce and intimidate the population into submission. It executes more prisoners each year than all of the other countries combined, with experts such as Amnesty International estimating that the numbers could reach 1,000 executions per year in each city.

Evidence further indicates that 90 percent of all transplants performed in China use organs taken from executed prisoners. The payment for these organs and transplants are in the tens of thousands, and increasing as the demand continues to grow. Government sanctioning of organ harvesting from prisoners began in 1979, but the evil nature of this practice does not stop there.

I ask my colleagues to support this amendment. Congress must not allow this horrific situation to go unchallenged.

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Mr. WU. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, first and foremost, I would like to congratulate the gentleman from Oregon (Mr. WU), my colleague.

What we are doing here today and, hopefully, what we will be permitted to do is to send a message to those people who are committing criminal acts against the people of China, saying they will be held accountable. Doctors who are participating in crimes against humanity, which the harvesting of organs is all about, they will be held accountable. They will not be treated like any other individual or any other doctor from around the world who wants to come to the United States.

Tomorrow, we will debate and discuss permanent Normal Trade Relations with China. China is a criminal country as well at this time. Their government should not be treated as we treat any other friendly and democratic government. They should be held accountable. That is a government that is run by gangsters and criminals. They should be held accountable. We should not give them that trade status. Individuals in China who are part of that regime and take part in these criminal acts also should be held accountable.

Mr. Chairman, my hat is off to the gentleman from Oregon (Mr. WU) for making sure we stand up for this moral position.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentleman from Oregon asked me earlier in the day if I would support this, and I said yes. I do not think everybody in China is evil, but I do think there are evil people in the government, and I think there are atrocities going on which the gentleman is trying to get to, all the way from Germany with the experiments that went on there to the even alleged nonprisoners being executed and killed for international marketing.

Mr. Chairman, I rise in strong support of the gentleman's amendment, and I thank him for offering it.

Mr. WU. Mr. Chairman, I yield myself the remaining time.

I just want to close by saying that it is absolutely imperative that we set universal standards for human conduct. What we are seeking to reach through this amendment is illegal under Chinese law. It is illegal under American law. It is already prohibited to permit individuals like this from entering the United States by current exclusion standards under U.S. immigration law. But at core what this amendment strikes at is a practice which strikes at what it means to be a human being.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume to submit the testimony that was given before the subcommittee under the jurisdiction of the gentlewoman from Florida (Ms. ROS-LEHTINEN), which verifies everything that the gentleman said.

TESTIMONY OF WANG GUOQI, FORMER DOCTOR AT A CHINESE PEOPLE'S LIBERATION ARMY HOSPITAL

My name is Wang Guoqi and I am a 38-year-old physician from the People's Republic of China. In 1981, after standard childhood schooling and graduation, I joined the People's Liberation Army. By 1984, I was studying medicine at the Paramilitary Police Paramedical School. I received advanced degrees in Surgery and Human Tissue Studies, and consequently became a specialist in the burn victims unit at the Paramilitary Police Tianjin General Brigade Hospital in Tianjin. My work required me to remove skin and corneas from the corpses of over one hundred executed prisoners, and, on a couple of occasions, victims of intentionally botched executions. It is with deep regret and remorse for my actions that I stand here today testifying against the practices of organ and tissue sales from death row prisoners.

My involvement in harvesting the skin from prisoners began while performing research on cadavers at the Beijing People's Liberation Army Surgeons Advanced Studies School, in Beijing's 304th Hospital. This hospital is directly subordinate to the PLA, and so connections between doctors and officers were very close. In order to secure a corpse from the execution grounds, security officers

and court units were given ''red envelopes'' with cash amounting to anywhere between 200–500 RMB per corpse. Then, after execution, the body would be rushed to the autopsy room rather than the crematorium, and we would extract skin, kidneys, livers, bones, and corneas for research and experimental purposes. I learned the process of preserving human skin and tissue for burn victims, and skin was subsequently sold to needy burn victims for 10 RMB per square centimeter.

After completing my studies in Beijing, and returning to Tianjin's Paramilitary Police General Brigade Hospital, I assisted hospital directors Liu Lingfeng and Song Heping in acquiring the necessary equipment to build China's first skin and tissue storehouse. Soon afterward, I established close ties with Section Chief Xing, a criminal investigator of the Tianjin Higher People's Court.

Acquiring skin from executed prisoners usually took place around major holidays or during the government's Strike Hard campaigns, when prisoners would be executed in groups. Section Chief Xing would notify us of upcoming executions. We would put an order in for the number of corpses we'd like to dissect, and I would give him 300 RMB per cadaver. The money exchange took place at the Higher People's Court, and no receipts or evidence of the transaction would be exchanged.

Once notified of an execution, our section would prepare all necessary equipment and arrive at the Beicang Crematorium in plain clothes with all official license plates on our vehicles replaced with civilian ones. This was done on orders of the criminal investigation section. Before removing the skin, we would cut off the ropes that bound the criminals' hands and remove their clothing. Each criminal had identification papers in his or her pocket that detailed the executes name, age, profession, work unit, address, and crime. Nowhere on these papers was there any mention of voluntary organ donation, and clearly the prisoners did not know how their bodies would be used after death.

We had to work quickly in the crematorium, and 10–20 minutes were generally enough to remove all skin from a corpse. Whatever remained was passed over to the crematorium workers. Between five and eight times a year, the hospital would send a number of teams to execution sites to harvest skin. Each team could process up to four corpses, and they would take as much as was demanded by both our hospital and fraternal hospitals. Because this system allowed us to treat so many burn victims, our department became the most reputable and profitable department in Tianjin.

Huge profits prompted our hospital to urge other departments to design similar programs. The urology department thus began its program of kidney transplant surgeries. The complexity of the surgery called for a price of $120–150,000 RMB per kidney.

With such high prices, primarily wealthy or high-ranking people were able to buy kidneys. If they had the money, the first step would be to find a donor-recipient match. In the first case of kidney transplantation in August, 1990, I accompanied the urology surgeon to the higher court and prison to collect blood samples from four death-row prisoners. The policeman escorting us told the prisoners that we were there to check their health conditions; therefore, the prisoners did not know the purpose for their blood samples or that their organs might be up for sale. Out of the four samplings, one basic and sub-group blood match was found for the recipient, and the prisoner's kidneys were deemed fit for transplantation.

Once a donor was confirmed, our hospital held a joint meeting with the urology department, burn surgery department, and operating room personnel. We scheduled tentative plans to prepare the recipient for the coming kidney and discussed concrete issues of transportation and personnel. Two days before execution, we received final confirmation from the higher court, and on the day of the execution, we arrived at the execution site in plain clothes. In the morning, the donating prisoner had received a heparin shot to prevent blood clotting and ease the organ extraction process. When all military personnel and condemned prisoners would arrive at the site, the organ-donating prisoner was brought forth for the first execution.

At the execution site, a colleague, Xing Tongyi, and I were responsible for carrying the stretcher. Once the hand-cuffed and leg-ironed prisoner had been shot, a bailiff removed the leg irons. Xing Tongyi and I had 15 seconds to bring the executee to the waiting ambulance. Inside the ambulance, the best urologist surgeons removed both kidneys, and rushed back to the waiting recipient at the hospital. Meanwhile, our burn surgery department waited for the execution of the following three prisoners and followed their corpses to the crematorium where we removed skin in a small room next to the furnaces. Since our director had business ties with the Tianjin Ophthalmologic Hospital and Beijing's 304th Hospital, he instructed us to extract the executee's corneas as well.

Although I performed this procedure nearly a hundred times in the following years, it was an incident in October 1995 that has tortured my conscience to no end. We were sent to Hebei Province to extract kidneys and skin. We arrived one day before the execution of a man sentenced to death for robbery and the murder of a would-be witness. Before execution, I administered a shot of heparin to prevent blood clotting to the prisoner. A nearby policeman told him it was a tranquilizer to prevent unnecessary suffering during the execution. The criminal responded by giving thanks to the government.

At the site, the execution commander gave the order, ''Go!,'' and the prisoner was shot to the ground. Either because the executioner was nervous, aimed poorly, or intentionally misfired to keep the organs intact, the prisoner had not yet died, but instead lay convulsing on the ground. We were ordered to take him to the ambulance anyway where urologists Wang Zhifu, Zhao Qingling and Liu Oiyou extracted his kidneys quickly and precisely. When they finished, the prisoner was still breathing and his heart continued to beat. The execution commander asked if they might fire a second shot to finish him off, to which the country court staff replied, ''Save that shot. With both kidneys out, there is no way he can survive.'' The urologists rushed back to the hospital with the kidneys, the county staff and executioner left the scene, and eventually the paramilitary policemen disappeared as well. We burn surgeons remained inside the ambulance to harvest the skin. We could hear people outside the ambulance, and fearing it was the victim's family who might force their way inside, we left our job half-done, and the half-dead corpse was thrown in a plastic bag onto the flatbed of the crematorium truck. As we left in the ambulance, we were pelted by stones from behind.

After this incident, I have had horrible, reoccurring nightmares. I have participated in a practice that serves the regime's political and economic goals far more than it benefits the patients. I have worked at execution sites over a dozen times, and have taken the skin from over one hundred prisoners in crematoriums. Whatever impact I have made in the lives of burn victims and transplant patients does not excuse the unethical and immoral manner of extracting organs.

I resolved to no longer participate in the organ business, and my wife supported my decision. I submitted a written report requesting reassignment to another job. This request was flatly denied on the grounds that no other job matched my skills. I began to refuse to take part in outings to execution sites and crematoriums, to which the hospital responded by blaming and criticizing me for my refusals. I was forced to submit a pledge that I would never expose their practices of procuring organs and the process by which the organs and skin were preserved and sold for huge profits. They threatened me with severe consequences, and began to train my replacement. Until the day I left China in the spring of 2000, they were still harvesting organs from execution sites.

I hereby expose all these terrible things to the light in the hope that this will help to put an end to this evil practice.

Mr. Chairman, having said that, I think it is a good amendment and, hopefully, we can take it and fashion it and shape it so that when this final bill comes out it is in there, and I look forward to the meeting with INS to see how we can work this out.

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

The CHAIRMAN. Does the gentleman insist on his point of order?

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WOLF. I insist on my point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, it violates clause 2 of Rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I look forward to working with the chairman on this issue. I do not believe that this amendment is subject to a point of order.

Under current immigration law, 8 U.S.C. 1182, also known as section 212, under section 212(3)(b)(i)(I), this group of people is already prohibited from entering the United States as those terms are defined under section 212(3)(b)(ii)(IV).

Again, I believe that this amendment is not subject to a point of order. The provisions of section 212 are not permissive, they are mandatory. I have with me here a form, an immigration form, which every person entering the United States must fill out; and here, in this section, is a series of check boxes mandated by section 212.

One cannot skip that section. One cannot fill out some of the sections and

not others. One must fill out the entire section, and that section is mandated by section 212. Under current law, the INS must, must make determinations as to whether this category of people are excludable; and, therefore, I think that the point of order fails.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Virginia (Mr. WOLF) makes a point of order that the amendment offered by the gentleman from Oregon proposes to change existing law in violation of clause 2(c) of Rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of Rule XXI.

The proponent of a limitation assumes the burden of establishing that any duties imposed by the provisions are already required by law.

The Chair finds that the limitation proposed in the amendment offered by the gentleman from Oregon (Mr. WU) does more than merely decline to fund the processing of applications under the Immigration and Nationality Act. Rather, it seeks to restrict funding for such processing only when the applicant has been involved with the harvesting of organs directly or indirectly.

Compliance with the amendment would require the relevant Federal officials receiving funds in this act to make an investigation into whether the individuals filing the application have been involved in such harvesting, directly or indirectly.

The proponent of this amendment has not carried the burden of proving that the relevant Federal officials are presently charged with making this investigation in every instance. The section cited by the gentleman does not require this specific determination.

On these premises, the Chair concludes that the amendment offered by the gentleman from Oregon proposes to change existing law.

Accordingly, the point of order is sustained.

Mr. WU. Mr. Chairman, I ask unanimous consent to address the House for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WU. Mr. Chairman, if this practice were going on in Canada, we would have stopped it long ago. If this practice were going on with people that we thought were very much like us, I think we would have stopped it cold long, long ago.

I look very much like the folks whose organs are being harvested. If you cut me, will I not bleed? If you kill my children, will my heart not cry out in sorrow? And if you deny me justice, will my soul not cry out for justice?

In this instance, in this instance, we live to fight another day; and I look forward to working with the chairman of this subcommittee to make this law this year. I thank my colleagues for the indulgence of the House.

AMENDMENT NO. 3 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

This amendment is a simple limitation that would prevent the Justice Department from using any of the funds appropriated to it by this bill to interfere with the implementation of State medical marijuana laws.

During the past 5 years, nine States, Alaska, Arizona, California, Colorado, Hawaii, Maine, Nevada, Oregon and Washington State, have passed laws that decriminalize the use of marijuana for medicinal purposes. With the exception of Hawaii, all of these laws were adopted by citizen referenda. The average vote in these States was in excess of 60 percent in favor.

These laws are not free-for-alls that open the door to wholesale legalization, as critics claim. Rather, in every case, they specify in great detail the illnesses for which patients may use medical marijuana, the amounts that patients may possess, and the conditions under which it can be grown and obtained. Most establish a State registry and an I.D. card for patients.

Federal law classifies marijuana as a Schedule 1 narcotic with no permissible medical use. Despite the difficulty of conducting clinical trials on such a drug, it has been highly effective in treating symptoms of AIDS, cancer, multiple sclerosis, glaucoma and other serious medical conditions. In fact, the Institute of Medicine of the National Academy of Sciences has recommended smoking marijuana for certain medical uses. The AIDS Action Council, the American Academy of Family Physicians, the American Preventive Medical Association, the American Public Health Association, Kaiser Permanente and the New England Journal of Medicine have all endorsed supervised access to medical marijuana.

Internationally, the Canadian government has adopted regulations that go into effect at the end of this month for the use of medical marijuana in that country. In addition, the British Medical Association, the French Ministry of Health, the Israeli Health Ministry and the Australian National Task Force on Cannabis have all recommended the medical use of marijuana.

Here at home, however, our Federal Government has been unequivocal in its opposition to the citizen-led initiatives in these nine States. After California voters approved Proposition 215 in 1996, the Clinton Justice Department brought suit against both doctors and distributors in an attempt to shut down the new law. Federal laws upheld the right of doctors to talk to their patients about medical marijuana.

The Supreme Court, however, recently ruled that it is a violation of Federal law to distribute marijuana for medical purposes. Despite State laws that protect patients and cannabis clubs from State prosecution, the United States Supreme Court cleared the way for the Federal Government to enforce Federal laws against these individuals.

Attorney General Ashcroft has not indicated whether he will instruct the local U.S. Attorneys to enforce this decision which makes passage of this amendment critical to the States that have enacted medical marijuana laws. This amendment would prevent the Justice Department from arresting, prosecuting, suing or otherwise discouraging doctors, patients and distributors in those States from acting in compliance with their own State laws.

This amendment in no way endorses marijuana for recreational use. It does not reclassify marijuana to a less restrictive schedule of narcotic. It does not require any State to adopt a medical marijuana law. It will not prevent Federal officials from enforcing drug laws against drug kingpins, narcotraffickers, street dealers, habitual criminals, addicts, recreational users, or anyone other than people who comply with medical marijuana laws in those nine States.

By limiting the Justice Department in this way, we will be reaffirming the power of citizen democracy and State and local government.

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

Mr. WOLF. Mr. Chairman, I claim the time in opposition. I yield myself such time as I may consume, and I am going to just briefly make some comments.

Mr. Chairman, I rise in opposition to the amendment. The Department of Justice is very much opposed to the amendment.

On May 14, 2001, a unanimous decision of the U.S. Supreme Court ruled that marijuana's designation as a controlled substance reaffirmed that marijuana has no medical benefits under Federal law. In 1998, the Congress emphasized its opposition to the recently enacted State marijuana laws and statutory provisions entitled ''Not Legalizing Marijuana for Medicinal Use'' and ''Rejection of Legalization of Drugs.'' In these provisions, Congress reiterated that drugs classified as a Schedule 1 controlled substance, as is marijuana, have a high potential for abuse, lack any currently accepted use as a medical treatment, or are unsafe, even under medical supervision.

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The gentleman's amendment would restrict the Department of Justice, in particular DEA, from using the funds to investigate people who use marijuana under the guise of medical purposes. I believe that would be the wrong signal to send. I oppose the amendment.

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

Mr. HINCHEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me and commend him for his courage in bringing this amendment to the floor.

Mr. Chairman, I rise in support of the Hinchey amendment to prevent Federal interference with State laws that allow the use of marijuana for medicinal purposes, medicinal purposes only.

Mr. Chairman, I know this is a very difficult issue for Members to understand, and that is why I commended the gentleman from New York (Mr. HINCHEY) for his courage. Over the past 2 decades in my city of San Francisco, we have lost nearly 19,000 people to AIDS, about 10,000 people a decade. I have seen the suffering that accompanies the advanced stages of this disease far too many times. I could name the names of people that I have ministered the needs of in their dying days.

Proven medicinal uses of marijuana include alleviation of some of the most debilitating symptoms of AIDS, including pain, wasting, and nausea. These benefits also improve the quality of life for patients with cancer, with MS, and other severe medical conditions.

Mr. Chairman, opponents of medical marijuana argue there are other ways to ingest the active ingredient of marijuana, including the use of synthetic THC. However, we know that the drug containing THC does not work for all people. There is no logic in the assertion that a very ill person should be sent to jail for using the smokeable form of a drug whose active ingredient is currently licensed for oral use.

Mr. Chairman, 56 percent of the voters in my home State of California passed an initiative authorizing seriously ill patients to take marijuana upon the recommendation of a licensed physician. Proposition 215 has provided thousands of Californians suffering from debilitating diseases safe and legal access to a drug that makes life a little more bearable.

As the California Medical Association stated when expressing its support for medical marijuana, and I quote, ''Statement of the California Medical Association: Patients should not suffer unnecessarily when other options fail.''

The amendment of the gentleman from New York (Mr. HINCHEY) would prevent the Justice Department from using any funds to interfere with the rights of California and the eight other States that allow for the use of marijuana for medicinal purposes, for medicinal purposes only, to alleviate the suffering of their citizens.

Mr. Chairman, to effectively fight the war on drug abuse, we must get our priorities in order and fund treatment and education. Making criminals of seriously ill people who seek proven therapy is not a step toward controlling America's drug problem. I urge my colleagues to support the Hinchey amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, first and foremost, let us point out that were this amendment to become law, we would raise the nullification question. I believe this has been decided in United States history. The Supreme Court has clearly decided that, in fact, Federal law preempts State law in matters that are of national concern.

I think we need to understand that in the South Carolina example we reject nullification, and that is, in fact, what a number of States are attempting to do with Federal law by circumventing it through largely highly funded efforts by George Soros and his allies who have distorted the record, distorted the approach, and resulted in people preying on people's legitimate concerns in how to deal in these very tough minimal number of cases where, in fact, marinol did not suffice to alleviate the vomiting. That is really what we are debating, a very limited number of cases.

Mr. Chairman, I include for the RECORD a letter from several of us on the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 23, 2001.

Hon. JOHN ASHCROFT,
Attorney General, Washington, DC.

DEAR GENERAL ASHCROFT: As members of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, we write to commend you on the outstanding performance of the Justice Department in obtaining a decisive Supreme Court ruling in the Oakland Cannabis case. We urge you to now move swiftly to give effect to that ruling throughout the United States with respect to ''medical marijuana'' provisions contrary to the Court's unanimous decision.

As you know, the Court's determined that the express congressional determination in the Controlled Substances Act (''CSA'') that marijuana and other Schedule I drugs have ''no currently accepted medical use in treatment in the United States'' (21 U.S.C. §812(b)(1)(B)) is clear and controlling law. Accordingly, the CSA's prohibitions against manufacturing, distribution, and possession with intent to distribute controlled substances such as marijuana (21 U.S.C. §844(a)), are the law of the land across the United States under the Constitution's Supremacy Clause.

As President Bush recently made clear, ''we emphatically disagree with those who favor drug legalization.'' Yet eight states and the District of Columbia purport to permit the use of marijuana in a way wholly contrary to the explicit reading of the Controlled Substances Act explained by the Supreme Court. The fringe drug legalization movement hopes this will send a message to our children and society that drug use is tolerable. Marijuana use is not tolerable under any circumstances.

Accordingly, we are asking you to direct the Department of Justice to immediately seek injunctive relief in federal courts in each of these states similar to the order in California which was unanimously upheld by the Supreme Court in Oakland Cannabis. Since state ''medical marijuana'' initiatives which purport to allow the manufacture, distribution or individual possession of marijuana contrary to the Controlled Substances Act are clearly unconstitutional under the Supremacy Clause, we believe that injunctive relief prohibiting such manufacturing, distribution and individual possession is well warranted as a matter of law. This action would also decisively resolve significant uncertainties with respect to marijuana which have greatly hampered federal, state and local law enforcement activities in each of these areas and send a critical anti-drug message to our nation.

We appreciate the leadership of President Bush and you in this important area and look forward to continuing to work with you to protect our families from illegal drugs.

Sincerely,

MARK E. SOUDER,
Chairman.

BOB BARR,
Member of Congress.

DOUG OSE,
Member of Congress.

Mr. Chairman, the Committee on Government Reform subcommittee that I chair, the Subcommittee on Criminal Justice, Drug Policy, and Human Resources actually held a hearing on this subject, medical marijuana, Federal drug law, and the Constitution's supremacy clause that is available for people who want to look at the constitutional question.

I include for the RECORD the brief to the United States Supreme Court that resulted in the national unanimous decision that State law does not reign supreme to Federal law, and two articles from Mendocino, where we have actually seen the confrontation of the abuse of the California law.

The documents referred to are as follows:

[From the Press Democrat, March 7, 2001]

RAIDS REVEAL FAKE HOMES FILLED WITH MARIJUANA FARMS

120 LOCAL, STATE, FEDERAL AGENTS TARGET 11 GROWING OPERATIONS IN HUMBOLDT, MENDOCINO COUNTIES

(By Mike Geniella)

UKIAH—About 120 drug agents early Tuesday fanned across the rugged backwoods of Mendocino and Humboldt counties, raiding 11 sophisticated, indoor marijuana growing operations, including some built to look like houses.

Authorities said there were no interior walls in the ''fake homes,'' nor did the structures have such things as kitchens or bathrooms. Instead, the buildings contained thousands of marijuana plants flourishing under lights powered by diesel generators.

''Even though they look like houses, these are commercial buildings built specifically for growing marijuana indoors,'' said Gilbert Bruce, special agent in charge of the federal Drug Enforcement Agency's San Francisco office.

At each site, agents found high-tech security systems, along with guns and ammunition, said Bruce, who oversaw Tuesday's raids near the communities of Laytonville, Hunt Ranch, Garberville and Redway.

Mendocino County Sheriff's Capt. Kevin Broin accompanied drug agents who drove up miles of rugged dirt roads to reach the six pot-growing structures that were camouflaged to look like houses.

''At first glance, they looked like any other rural home,'' Broin said. ''A couple of them were two stories, and even had wraparound porches.''

But Broin said closer inspection revealed that the structures were never built with the intention of being occupied.

''There was nothing to them on the inside. There were just four walls and a lot of marijuana,'' he said.

Bruce said the structures were designed to elude detection by drug teams who often rely on aerial overflights to uncover large-scale marijuana growing operations.

''We've seen places like this before but never so many clustered in one region,'' he said.

Armed with federal warrants, teams of local, state and federal agents early Tuesday used two helicopters and a fleet of 4-wheel-drive vehicles to reach the remote pot-growing operations spread across sites in northern Mendocino and southern Humboldt counties.

The federal operation was dubbed ''Emerald Triangle'' in recognition of Mendocino, Humboldt and neighboring Trinity County having the dubious distinction of being the biggest marijuana producers in the state.

Targeted on Tuesday were at least three separate marijuana-growing sites responsible for ''operating multi-stage marijuana production and distribution facilities in Northern California,'' Bruce said.

By mid-day, he said, agents had arrested three men, uprooted more than 14,000 pot plants and seized $206,000 in cash.

He said the raids were the culmination of a two-year investigation. He said a federal grand jury ultimately will review results of the investigation and return criminal indictments as necessary.

''We have the outline, but we're still not sure where the investigation will finally lead us,'' he said.

In this specific case, Mexican drug cartels are not suspected of being in control, Bruce said. In recent years, local authorities have been plagued by a rash of violent incidents involving armed Mexican nationals hired to guard illicit pot gardens on the North Coast.

''We believe the responsible people are all residents of the U.S.,'' Bruce said.

A multiagency task force including representatives of local sheriff's departments, the state Bureau of Narcotics Enforcement, CHP, DEA, FBI and Internal Revenue Service has spent two years probing the suspected pot farms that were raided Tuesday.

Part of the investigation centers on suspected money laundering and the purchase of large tracts of remote North Coast land by unidentified individuals who subdivided the property with the specific intent of creating commercial indoor marijuana-growing sites.

Mendocino County Sheriff Tony Craver and Humboldt County Sheriff Dennis Lewis on Tuesday applauded the federal intervention.

''This is the kind of sophisticated drug operation that we can't properly investigate at the local level,'' Craver said.

Lewis said Humboldt authorities are routinely encountering more large-scale indoor marijuana growing operations, although not on the scale announced Tuesday.

He said Tuesday's raids uncovered information that led teams to two additional indoor pot-growing sites in southern Humboldt County.

Two brothers who live in Redway were among those arrested Tuesday on suspicion of having ties to the pot-growing operations.

Shane and Terry Miller had $200,000 in cash in their possession at the time of their arrests Tuesday morning. Another Redway man, Zachary Stone, also was taken into custody at a separate residence. He had $6,000 in cash, Bruce said.

So far, the Millers and Stone face charges related to weapons and possession of marijuana for sale. Bruce said further arrests are expected.

[From Associated Press]

(By Don Thompson)

COUNTY JUGGLES MARIJUANA POLICIES

IN MENDOCINO, IT'S CITIZENS VS. DEA

UKIAH—Here in the Emerald Triangle, where marijuana sprouts like mushrooms from the forest floor, Mendocino County's two top cops see themselves as a buffer between drug agents and an often freewheeling citizenry.

District Attorney Norman Vroman and Sheriff Tony Craver won office two years ago with campaign pledges to set up one of the nation's first medical marijuana licensing programs. Their goal, they said, is to keep police from seizing legal pot gardens and hassling legitimate growers who register under a 4-year-old California law.

Now both men are promising to enforce state and federal drug laws, in part to keep outside drug agents from stepping in after voters decided last fall to bar police from targeting small-time marijuana growers.

Measure G instructed county supervisors not to spend money pursuing those growing fewer than 25 marijuana plants, and it directed Vroman and Craver to make enforcement and prosecution of small-time growers their lowest priority.

No problem, they say. Neither the district attorney nor the sheriff has enough staff or money to go after those they call ''mom and pop growers.'' Not when drug cartels are importing armed workers to tend and guard thousands of marijuana plants hidden in national forests and other remote areas of the region.

''Twenty-five plants is a hellacious amount of marijuana. Some of the stuff they grow here, you can get 2 and 3 pounds off a plant,'' Vroman said. However, he said, ''as a practical matter, nobody in the county got prosecuted for 25 plants or 30 plants.''

The only time arrests were made for small numbers of plants was when police were called in for other reasons, for instance on a domestic violence complaint, and saw the marijuana, Vroman and Craver said.

That policy will continue, and should stave off any crackdown by outside drug agents in the wake of Measure G, they said.

''We still will arrest people who shove it in our face,'' Vroman said.

I know damn well what you'd see if we made a flat refusal to do it,'' Craver said. ''You'd see a lot of political pressure, intervention, all kind of things going on here. No doubt about that.''

Craver and Vroman started their medical marijuana licensing program two years ago.

Since then, Craver's department has issued about 500 licenses to residents who produced a doctor's recommendation that they use marijuana to treat an ailment, or to those who grow the marijuana for them.

''We don't want to harass an honest citizen,'' Craver said. ''A lot of these people really are not criminals. These are people who really want to be law-abiding citizens. They have a legal right to what they consider to be medicine.''

The federal government takes strong issue with California's medical marijuana law.

The Drug Enforcement Administration doesn't target users but will arrest anyone caught growing marijuana for profit or the illegal drug market, spokeswoman Jocelyn Barnes said. And claiming the marijuana is for medical use doesn't fly under federal law, which holds that there are no bona fide health benefits, she said.

Mr. Chairman, one in particular that I have been briefed on in one of my visits to northern California is up in Humboldt County, where we had, as the DEA did their raid, signs posted throughout this complex that said ''This marijuana is for medicinal purposes.'' This raid, at first glance it looked like any other rural home. A couple of them were two stories and even had wrap-around porches, but inside they were growing marijuana. In fact, there were six structures designed to be like a housing development, and once again, all around it, posted, ''This is for medicinal marijuana.''

They uprooted more than 14,000 pot plants and seized $206,000 in cash. As the sheriff in Mendocino County has said, people will not find that the police have gone after cases where there has been any dispute whether it actually relieves pain. But as the police chief said, ''We are not going to have the law flaunted in our face.''

When people abuse the medical marijuana laws in these States and when

they flaunt the Federal law, they can expect law enforcement to come down on them. We should not tie the hands of the new DEA director or others in the Federal government who are trying to protect our children and families from abuse of drugs, from backdoor legalization and decriminalization, in the name of protecting a few who are struggling desperately, sometimes in their last days of life, with how to alleviate their pain and suffering. It upsets me that some would use these poor, suffering people as a guise for backdoor legalization.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, someone once said that a fanatic is someone who redoubles his effort when he has forgotten his purpose. I think there are some aspects of our drug laws can be characterized as fanatic.

We use morphine for pain, we prescribe it. It is a controlled substance. I do not understand why marijuana, a controlled substance, should not be prescribable if a doctor feels that that drug is useful to someone who has cancer or AIDS or whatever.

It is up to the doctors, it is not up to the politicians here in Congress, or it ought to be.

Frankly, yes, George Soros has funded these referenda. In every referendum they have had, the people have spoken. Yes, the Federal law is supreme. We do not have to contest that. These laws cannot stand up against Federal law, but they are doing it through the States because this Congress and the President and the former President were not sensitive to the cries for help from desperately sick people and desperately pained people and their families. We ought to yield to those cries.

This amendment simply says, let them have the relief from the pain. Let them do it. It has nothing to do with legalization, nothing to do with decriminalization. Those are other issues. But if a controlled substance is useful for pain, and, yes, we do not have decent studies on it because the DEA prohibited those studies, let us yield and help desperately sick people.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I was not going to get up until I heard the legalistic arguments against this proposal.

Let me just say, my mother passed away recently. She had a major operation. I went to the hospital to visit her. She had lost her appetite, and she was in severe pain. She had lost her appetite because she had been taking pain medicine.

When I talked to her and tried to comfort her, I was very grateful that I had voted for medical marijuana in my State when we had the election there, because that is what she needed for her situation where her outlook on life was so bad, and she was in such pain. She needed to regain her appetite and could not survive without regaining her appetite.

The people of my county, a very conservative county, voted overwhelmingly for this, or it was a strong majority, anyway. The fact is the Federal Government should not come into a State or to my area where the people have thus voted because of their humanitarian concerns or whatever and supersede the vote of the people.

This is a democracy. It is also a Federal system. When we have people at that level voting that a drug should be used for medical purposes, the Federal Government should not supersede that vote.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Federal Government does not regulate medical practice or license it, either. That is done by the States. We should not interfere with the States' conception of how medical practice ought to be carried out in those jurisdictions. We have never done so in other regards, and we should not do so in this one.

Mr. Chairman, a great Justice of the Supreme Court in an earlier day made the observation that the States should be the laboratories of democracy. We have destroyed those laboratories. We are shutting down those laboratories. We are closing down democracy with these laws.

Mr. Chairman, this amendment would give us the opportunity to open those laboratories again and to give the States the freedom to experiment in the way that they think is best in the interests of their own people.

Mr. Chairman, I have determined over the course of the last few days that this House is not ready to vote on this issue at this moment. I wish it were. Therefore, I have taken the opportunity this evening to bring this issue before us to give us an opportunity to discuss it in a rational and logical and mature way.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of a colloquy with the gentlewoman from Texas (Ms. JACKSON-LEE). I understand that the gentlewoman from Texas will not be offering further amendments to the bill, but I will ask her to describe a program in her district.

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

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness in yielding to me, and also for the committee's kindness in working with me in the extensive number of amendments that I proposed today.

Mr. Chairman, this is an amendment to help with an issue that is crucial to all of us, a $2 million grant to the city of Houston's at-risk children's program under title V of juvenile justice.

Mr. Chairman, my congressional district has seven school districts, and we have found statistically that after 3 p.m. is the most dangerous time for our young people. We have been successful with after-school programs.

In particular, my school districts speak over 90 languages. Therefore, it is an enormously diverse community. As a member of the Houston City Council some years ago, I started the first after-school program, which was volunteer, in the city of Houston's parks, where children could come and stay supervised until about 12 midnight. It was a time when we had a gang crisis, and we saw the results.

This is a very important effort in our community because it has emerging populations. As I have said, our numbers are increasing. We have found that we are saving lives with after-school programs. Therefore, I am very interested in making sure that we are able to solve some of these crises that deal with gang violence and, as well, children who are unattended because their parents by necessity have to work late hours.

Mr. Chairman, I am very concerned and interested in this amendment.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentlewoman from New York and the gentlewoman from Texas. The committee will evaluate the Houston after-school program for juveniles to determine whether it is an appropriate program to be funded through the Juvenile Justice grants in the bill. We will consider the gentlewoman's interest in the program as we move the bill through Congress.

Mr. SERRANO. Reclaiming my time, Mr. Chairman, I agree with my chairman that we will look at this juvenile delinquency program in Houston, as we continue consideration on this appropriations bill.

I thank the gentlewoman for her concern in once again bringing this issue to us. The gentlewoman has our word that we will look at it as we go along and try to help in every way that we can.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York. I appreciate very much working with the chairman and working with the ranking member on this

very important issue to our community, and working as we go toward conference to help us with respect to the city of Houston at-risk children's program.

Mr. Chairman, I rise to offer an amendment that would add $2 million to the Department of Justice Juvenile Justice At risk Children's Program for the City of Houston After School Program, which the amendment inadvertently calls the Houston At-Risk Children's Program.

This juvenile justice program targets truancy and school violence, gangs, guns and drugs other influences that lead juveniles to delinquency and criminality. By keeping kids off the streets in after school programs, we are helping to combat juvenile delinquency and keep our kids and our families safe. Studies have shown that juvenile crime, pregnancy and a number of other problems among our youth frequently occur during the hours immediately after school and before parents arrive home.

By earmarking a small portion of these funds, we can help youths who attend schools in the largest public school system in Texas, and the seventh largest in the country. The Houston Independent School district is also home to our current Secretary of Education, Rod Paige, and Houston is the fourth largest city in the country.

HISD is the sort of school district that we want to entrust with federal funds to carry out a community based after school program. It has become a leader in restructuring public education, most recently by establishing unprecedented new standards that every student must meet to earn promotion from one grade to the next. In addition, it maintains a wealth of community partnerships with parents, businesses, social service and governmental agencies, colleges and universities, and civic groups that make valuable services available to the schools. The nationally recognized Volunteers in Public Schools program supports instruction by drawing on the talents of nearly 36,000 Houstonians. It is the efforts of these volunteers along with school personnel that can effectively turn these funds into successful programs.

Legislators here in Congress and at the state level are quick to pass laws that criminalize the activity of youth and adults alike. Let us instead be quick to provide places for children to go so they need never be punished by those laws,

I urge you to support this amendment to help students in one of our largest, most diverse cities in our nation.

□ 2030

AMENDMENT NO. 14 OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BARTLETT of Maryland:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement any recommendation or requirement adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (July 2001), except to the extent authorized pursuant to a law enacted after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Maryland (Mr. BARTLETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume, and then I will yield to my good friend and colleague, the gentleman from Georgia (Mr. BARR), who has joined me in this effort.

For the past 2 weeks, the United Nations has been hosting its convention on the Illicit Trade in Small Arms and Light Weapons and all of its aspects. For those who believe that the United Nations intends, if they could, to impose registration, confiscation and destruction of firearms owned by citizens of the United States who are otherwise legally allowed to own firearms, their fears are confirmed by a quote from the U.N. Draft Program of Action.

This is a United States document dated January 9, 2001, and let me read from that document: ''States will establish laws and procedures for the safe and effective collection and destruction of weapons which are circulating and available in such quantities as to contribute to high levels of crime and violence.'' Now, Mr. Chairman, who is going to make the judgment of when there is enough there to do that so that they can come in and confiscate and destroy our guns?

If this administration was going to be the administration in perpetuity, the gentleman from Georgia (Mr. BARR) and I would not be standing here, because I have no concerns that this administration would do this. But they will not be here forever, and I think it is prudent for us to make sure that this kind of thing could never happen to our people.

At an appropriate time, I will withdraw this amendment; but I would like to engage the chairman in a colloquy, along with the gentleman from Georgia, if he would, to the end that we hope to work out with him and the administration report language that could go into this bill in conference so that we can make sure that it is very clear that there is no intention that this could ever happen in this country.

Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARR) for a statement.

Mr. BARR of Georgia. Mr. Chairman, I appreciate the gentleman from Maryland yielding me this time, and I appreciate the chairman of the subcommittee allowing us to engage in this colloquy.

As the gentleman from Maryland knows, I spent a little bit of time this week, and last week also, at the United Nations Conference on Small Arms, and I can assure the gentleman that his concern is not misplaced. I am very familiar not only with the debates that have been going on in the United Nations, having been privy to a number of closed-door sessions up there as a member of our delegation; but I also have read in great detail the documents that are, even as we speak this evening, being grafted and changed by the functionaries and the General Assembly members at the United Nations.

The gentleman is absolutely correct. The United Nations, through this effort which has been going on for several years and now culminates in this conference, looks to involve itself in a very substantial way in domestic U.S. policy in terms of furthering their goal of gun registration of lawful firearms, recordkeeping, and limitations on the manufacture, the possession, the transfer, and the export of firearms.

So I salute the gentleman from Maryland for bringing this very important matter to the attention of this body. I appreciate very much the work of the chairman and the continuing work of the chairman to ensure that the U.N. is not allowed, insofar as this body is concerned, to involve itself in matters of domestic U.S. policy, as Under Secretary John Bolton indicated in his initial remarks, and which are now carried on on this floor by the gentleman from Maryland.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, as the gentleman said, meetings are going on now. The administration has expressed concern, and we will be glad to work with both of the gentlemen with regard to the conference and language that the administration supports.

Mr. BARTLETT of Maryland. I thank the chairman.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENT NO. 16 OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. DELAHUNT:

At the end of the bill, insert after the last title (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used after December 15, 2001, for any operation of the Office of Independent Counsel in the investigation designated ''In re: Henry G. Cisneros''.

Mr. DELAHUNT. Mr. Chairman, after offering this amendment, I intend to ask unanimous consent that it be withdrawn. Its purpose is to really send a message, and there is no need for me to insist on a vote at this time.

More than 2 years ago now, and I believe to the collective relief of nearly every Member of this body, the Independent Counsel Act expired. Since then, almost all of the investigations pending at that time have been brought to a close. Yet 2 years after the expiration of the statute, one Independent Counsel, David Barrett, is still going strong at the cost of some $2 million a year to the American taxpayers, with no end in sight.

Mr. Barrett was appointed in May of 1995 to look into charges that former HUD Secretary Henry Cisneros had understated to the FBI the amount of money he had paid to a former mistress. It took Mr. Barrett more than 4 years and $9 million, but he eventually got his man. In the fall of 1999, almost 2 years ago, the former Secretary pled guilty to a single misdemeanor, for which he paid a fine and a $25 assessment for court costs.

That was the rather anticlimactic end to the case involving Mr. Cisneros himself, but it was not the end of Mr. Barrett's investigation. It seems he was just getting rolling. He has kept a grand jury in session ever since, apparently hoping to determine whether during all those years someone, anyone, in the Government tried to shield the former Secretary from his investigation.

As of today, Mr. Barrett has spent $15 million on a 6-year fishing expedition. It is costing the taxpayers another $1 million every 6 months, and he has not caught a single minnow. Any ordinary prosecutor who carried on this way would have been sent packing years ago, but Barrett was appointed under the Independent Counsel law, and that means not even the court that appointed him can put an end to this inquiry.

In June of this year, the U.S. Court of Appeals for the District of Columbia granted Barrett yet another 1-year extension. The one judge who filed an opinion made it clear that they had no other choice in the matter under the language of the statute. So if Barrett says he has not finished yet, there is nothing the court can do. As the judge put it, and I am quoting from the opinion, ''The law literally construed may be that Mr. Barrett can go on forever so long as he claims or shows active grand jury activity, no matter how unpromising. We apparently have little choice but to accept representations of productive activity at face value, despite persuasive reasons for doubt.''

Well, the court's message was clear. Congress may have killed the Independent Counsel Act, but like the heart that continues to beat after the brain is clinically dead, Mr. Barrett simply does not know how to stop, and the court is unable to pull the plug.

The Barrett investigation is the last gasp of a statute whose folly is now generally acknowledged on both sides of the aisle. If there were any remaining doubt, Mr. Barrett's performance certainly reinforces the wisdom of our decision not to reauthorize the Independent Counsel statute.

Judge Scalia had the foresight to recognize that Congress had created a monster it would ultimately be unable to control. He even foresaw that one day there would be a David Barrett, as he wrote in an opinion, and again I am quoting from that court opinion, ''What would normally be regarded as a technical violation may, in his or her small world, assume the proportions of an indictable offense. What would normally be regarded as an investigation that has reached the level of pursuing such picayune matters that it should be concluded, may to him or her be an investigation that ought to go on for another year.''

What a perfect description of the Barrett inquiry. And it may ultimately be up to us to put a stop to it.

In his request for his most recent extension, Barrett told the court that he hoped, and I am using his word, and I am quoting him, he ''hoped'' he would complete his investigation by the end of this year. Fair enough. My amendment would have given him until December 15 to wrap up his affairs so he could finally turn out the lights, close the door, and look for a real job. Call it a ''welfare-to-work'' program.

Mr. Chairman, I genuinely hope that Mr. Barrett is listening and that he will transform this hope into a reality. Then it will not be necessary to press this amendment at a later date.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may, I know we have come pretty close to the end of this process, and I just wanted to take this opportunity once again to thank the gentleman from Virginia (Chairman WOLF) for the work he has done on this bill, for the way in which he has treated me and our staff and our Members, for his understanding of these issues, and for the fact that this bill, which started out at the beginning of the day, actually last night, in my opinion to be a very good bill, has even become a better bill by some of the changes that we have made today, especially the issues concerning the Small Business Administration.

I want to thank both staffs that are here with us at this time for the work they do. It is not only a service to us, the membership of this House, but I can assure you all it is seen as a service to our country and all of its citizens and residents.

I wanted to once again thank the chairman for having an understanding of the needs that the minority needed in this bill and for putting together a bill that in fact speaks to so many issues and speaks to them in the proper way. We know that in conference there will be some changes, but we are hopeful that no one will hurt this project and this product, which is very good.

On a personal level, I just want to thank the gentleman for his hospitality, for his treatment of myself and our staff and our membership, and just to tell the gentleman that it has been wonderful working with him; and I look forward to continuing this process.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I just want to thank the gentleman for his comments. When the year started, I did not really know the gentleman very well, but I think we have become friends. I look forward to the opportunity when I come up to visit my two children, who are living in New York City, to come over to the gentleman's congressional district and spend some time and take a look around. I do appreciate the gentleman's comments, and I want to thank him for his friendship and cooperation.

I want to thank the staff on both sides of the aisle for the outstanding work they have done. And I want to thank all of the Members, every single solitary Member that spoke on both sides of the aisle, for the very positive contribution; and I would urge a strong vote for this bill on final passage.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 35 offered by the gentleman from California (Mr. ROHRABACHER), amendment No. 30 offered by the gentleman from Virginia (Mr. MORAN), amendment No. 6 offered by the gentleman from Texas (Mr. PAUL), amendment No. 7 offered by the gentleman from Texas (Mr. PAUL), and amendment No. 12 offered by the gentlewoman from California (Ms. WATERS).

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

AMENDMENT NO. 35 OFFERED BY MR. ROHRABACHER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 35 offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 33, not voting 5, as follows:

[Roll No. 243]

AYES—395

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—33

Blumenauer
Blunt
Callahan
Cannon
Castle
Combest
Cox
Cubin
Davis, Tom
Dicks
Dreier
Flake
Gilchrest
Granger
Hansen
Hastings (FL)
Hilliard
Houghton
Hyde
Kolbe
Largent
Meeks (NY)
Nethercutt
Payne
Petri
Schaffer
Sensenbrenner
Smith (MI)
Smith (WA)
Souder
Stump
Watts (OK)
Young (FL)

NOT VOTING—5

English
Hinojosa
Millender-McDonald
Spence
Watkins (OK)

□ 2109

Messrs. CANNON, STUMP, NETHERCUTT, HYDE, SMITH of Michigan, YOUNG of Florida, and GILCHREST changed their vote from ''aye'' to ''no.''

Mrs. MEEK of Florida, Messrs. BEREUTER, SERRANO, PICKERING, SHAYS, EHLERS, LINDER, OSE, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. #243, I missed this rollcall vote on the above number 243. Had I been here I would have voted ''aye.'' I was detained by constituents and was unable to get to the floor. It was unavoidable.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 30 OFFERED BY MR. MORAN OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 268, not voting 4, as follows:

[Roll No. 244]

AYES—161

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Gephardt
Gonzalez
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Quinn
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Solis
Stark
Tauscher
Thompson (MS)

Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—268

Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Hinojosa
Millender-McDonald
Scarborough
Spence

□ 2119

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 244, I missed rollcall vote No. 244, due to being detained by constituents. Unavoidable. Had I been present, I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 6 offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 62, noes 364, not voting 7, as follows:

[Roll No. 245]

AYES—62

Aderholt
Akin
Armey
Barcia
Barr
Bartlett
Barton
Bilirakis
Burton
Cannon
Coble
Collins
Combest
Crane
Cubin
Culberson
DeLay
DeMint
Doolittle
Duncan
Everett
Foley
Gibbons
Goode
Hall (TX)
Hefley
Hostettler
Istook
Jones (NC)
Keller
Kerns
Kingston
Lewis (KY)
Lucas (OK)
Manzullo
Moran (KS)
Ney
Norwood
Otter
Paul
Pence
Peterson (MN)
Pombo
Radanovich
Riley
Rohrabacher
Royce
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shuster
Stump
Tancredo
Taylor (MS)
Taylor (NC)
Tiberi
Traficant
Weldon (FL)
Young (AK)

NOES—364

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)

Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—7

Hinchey
Hinojosa
Millender-McDonald
Nadler
Owens
Solis
Spence

□ 2127

Mr. YOUNG of Alaska changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 245, I missed rollcall No. 245. It was unavoidable due to detainment by constituents. Had I been present, I would have voted "no".

AMENDMENT NO. 7 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 7 offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 71, noes 359, not voting 3, as follows:

[Roll No. 246]

AYES—71

Aderholt
Akin
Armey
Barr
Bartlett
Barton
Bilirakis
Bonilla
Bryant
Burton
Callahan
Cannon
Coble
Combest
Crane
Cubin
Davis, Jo Ann
DeLay
DeMint
Doolittle
Duncan
Everett
Goode
Gutknecht
Hastings (WA)
Hayworth
Hilleary
Hostettler
Hulshof
Hunter
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kerns
Kingston
LaTourette
Lucas (OK)
Manzullo
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Otter
Paul
Pence
Peterson (MN)
Pombo
Putnam
Radanovich
Riley
Rohrabacher
Royce
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shuster
Smith (MI)
Stearns
Stump
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Tiberi
Traficant
Wamp
Young (AK)

NOES—359

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hefley
Herger
Hill
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—3

Hinojosa
Millender-McDonald
Spence

□ 2134

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 246, I was unavoidably detained by constituents. Had I been present, I would have voted "no."

AMENDMENT NO. 12 OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 10 offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 306, not voting 4, as follows:

[Roll No. 247]

AYES—123

Abercrombie
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berry
Bishop
Blagojevich
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Doyle
Engel
Evans
Farr
Fattah
Filner
Ford
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
LaFalce
Lampson
Langevin
Lantos
Lee
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (NY)
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Mink
Morella
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ross
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Solis
Stark
Strickland

Stupak
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Weiner
Wexler
Woolsey
Wynn

NOES—306

Ackerman
Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Biggert
Bilirakis
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—4

Hinojosa
Jefferson
Millender-McDonald
Spence

□ 2143

Messrs. LARSON of Connecticut, KLECZKA, MARKEY and PASCRELL changed their vote from ''aye'' to ''no.''

Mr. KENNEDY of Rhode Island changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 247, I was unavoidably detained by constituents. Had I been present, I would have voted "aye".

The CHAIRMAN. If there are no further amendments, the Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002''.

Mr. UDALL of Colorado. Mr. Chairman, I will vote for this bill because I think that on balance it deserves the approval of the House.

However, I do want to call the attention of the House to some areas in which it does not meet some very important needs.

RECA SHORTFALL

Once again, this bill falls far short of providing enough money to pay claims under the Radiation Exposure Compensation Act, or "RECA."

The people covered by RECA include uranium miners and millers and some others who worked to support the nuclear weapons programs or who were exposed to its fallout. They were exposed to radiation. And because of that exposure they are sick, with cancers and other serious diseases. When Congress enacted the RECA law, we promised to pay compensation for their illnesses.

But we have not fully kept that promise. We have not appropriated enough money to pay everyone who is entitled to be paid.

Because of our failure, on April 17th the Justice Department ran out of funds to make RECA payments—and unless there is a supplemental appropriation, they will not be able to make any more payments for the rest of this fiscal year. As a result, people who should be getting checks are instead getting letters—IOU letters, you could call them.

What our letters say is that payment must await further appropriations. What they mean is that we in the Congress have failed to meet a solemn obligation.

The Department of Justice tells me that as of July 6th they had sent IOU letters to some 438 people nationwide. Justice also says that as of May 11th—these are the most recent state-by-state numbers—51 Coloradans had received IOU letters.

With other Members, I wrote President Bush about the problem of RECA payments. We urged him to request a supplemental appropriation for RECA, so that people would not have to wait much longer for payments. Unfortunately, the President did not see fit to make that request, and the money was not included in the supplemental appropriations bill as it passed the House.

Fortunately, the Senate did add $84 million to the bill for RECA payments. So, it is very important that the House accept that addition. I have written to the House conferees on the supplemental appropriations bill, urging them to agree to include the money and to score it as mandatory spending. But even if—as I hope—the supplemental bill does include the $84 million more for the current fiscal year, we will have to do more.

The Justice Department says that right now they are reviewing more than 3,200 additional RECA claims, and they expect more claims to be filed. So there is a real possibility that we could again find ourselves in a situation like we are in right now.

We should not let that happen. We should change the law so that in the future RECA payments will not depend on annual appropriations. They should be paid automatically. I am cosponsoring legislation to make that change, and in its budget documents the Administration has indicated support for making RECA funding mandatory.

But meanwhile we should be appropriating adequate funds to make the payments—and there is no doubt that this bill fails to do that.

The Appropriations Committee understands the problem. Its report on this bill says "The Committee is aware that over $200,000,000 is required in fiscal year 2000"—but the bill includes only $10.776 million, a tiny fraction of the amount that the Committee itself recognizes is required. We need to do better to do that.

The report also says that "The Committee strongly encourages the Administration to work with the appropriate authorizing committees to develop other funding options for the payment of these claims.

I take that to mean that the appropriations committee supports making RECA funding automatic. I hope that happens, and will do all I can to make it happen. But we should not penalize sick and dying people in the meantime.

NIST CONSTRUCTION AND MAINTENANCE

I am also very concerned about the bill's lack of funding for the construction and maintenance needs of the National Institute of Standards and Technology (NIST).

NIST has a laboratory in my district in Boulder, Colorado, where a staff of about 530 scientists, engineers, technicians, and visiting researchers conduct research in a wide range of chemical, physical, materials, and information sciences and engineering.

NIST's laboratories in Boulder have a backlog of critically needed repairs and maintenance. As technology advances, the measurement and standards requirements become

more and more demanding, requiring measurement laboratories that are clean, have reliable electric power, are free from vibrations, and maintain constant temperature and humidity. Most of the NIST Boulder labs are 45 years old, many have deteriorated so much that they can't be used for the most demanding measurements needed by industry, and the rest are deteriorating rapidly. Every day these problems go unaddressed means added costs, program delays, and inefficient use of staff time.

Since 1999, I have fought for increased funds for NIST's Boulder labs. But despite calls from me and other House Members, from Members of the Senate Commerce Committee, from research organizations such as the American Chemical Society, and—most recently—from the chair of the Board on Assessment of NIST Programs, the Committee has again chosen to ignore these very real needs for maintenance and construction at NIST's Boulder labs.

For the RECORD, I am attaching a letter from Linda Capuano, Chair of the National Research Council's Board on Assessment of NIST Programs, along with selections from the 2000 report of that board, that document the needs of the Boulder labs.

As the Committee's Report notes, "the Institute has proposed a multiyear effort to renovate NIST's current buildings and laboratory facilities in compliance with more stringent science and engineering program requirements." I don't understand how NIST's Boulder labs are supposed to begin renovations without appropriations for this purpose. What I do know is that I will continue to support NIST's funding needs throughout the appropriations process this year, and again next year, and the year after that if necessary.

This is another area where I will seek to have the bill improved as it moves through the legislative process.

THE NATIONAL ACADEMIES, BOARD OF ASSESSMENT OF NIST PROGRAMS,

May 2, 2001.

The Hon. MARK UDALL,
115 Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE UDALL: When we met at the University of Colorado Engineering Advisory Board meeting in Boulder on April 6, 2001, we discussed the inadequacies of the facilities at the NIST Boulder campus. I explained that this was one of the concerns highlighted in the 2000 report of the National Research Council's Board on Assessment of NIST Programs, which I chair.

Attached are key excerpts of that report, which states "The Board and its panels have in the past several years documented numerous inadequacies in the current NIST physical plant. . . . Most egregious is the facility situation at the Boulder campus. . . . (W)orkarounds and disruptions (caused by facilities inadequacies) effectively raise the cost of programs and extend the completion dates, requiring inefficient use of resources and potentially delay results in fast-paced technical areas to the point that U.S. competitiveness is affected."

The Board on Assessment of NIST Programs and its constituent panels comprise an independent technical peer review body, convened by the National Research Council, and consisting of approximately 150 members. These members are chosen not only for their technical expertise but also for diversity in age, gender, ethnic background, and regional representation. Members are subject to screening for potential sources of bias and conflict of interest. Approximately 60% of the members are drawn from industry, 35% from academe and 5% from other sectors. Approximately 10% are members of the National Academies. Of the participants in the fiscal year 2000 review, 4 members represent organizations in Colorado.

The Board on Assessment is chartered to review the technical quality and relevance of programs on-going in the NIST Measurements and Standards Laboratories. It examines resource issues, including facilities, only insofar as those impact the ability of NIST to maintain the technical quality and impact of its programs. The independence of the Board's review is maintained through the processes and procedure of the National Research Council, which convenes and operates the Board and its panels. In particular, the NRC is solely responsible for the selection of the membership of the review committee.

I hope that the attached excerpts are helpful to you. It was a pleasure meeting you last month.

Sincerely,

LINDA CAPUANO,
Chair, Board on Assessment of NIST Programs.

Mr. NETHERCUTT. Mr. Chairman, I rise in support of the 2002 Commerce, Justice, State and the Judiciary appropriations bill. I also wish to confirm that the intent of the language regarding the Northeast Washington State Four County Methamphetamine Task Force is that any funds disbursed to Spokane County can and should be shared with the City of Spokane, so long as the funds are used in a manner consistent with the intent of this section regarding methamphetamines. I believe that law enforcement officials facing drug crime every day know best how to use these funds in a coordinated effort between agencies.

I have serious concerns regarding the growing meth problem. In Spokane County, police and sheriff's investigators encountered 86 meth labs in the first six months of this year. Data provided from the State of Washington shows that in Spokane County the number of reported meth labs and dump sites has increased from 11 in 1998, to 36 in 1999, to 137 in 2000. Without additional funding this number will continue its dramatic rise.

This issue is of federal concern in Washington State because of the U.S.-Canadian border implications that affect northern counties and the assistance to federal agencies these rural sheriff departments and prosecutor offices provide. Without local assistance, the federal agencies will be unable to properly protect our border. Without increased federal funding allocations, however, the local law enforcement agencies will be unable to combat the increasing methamphetamine production epidemic, assist with northern border drug smuggling situations and perform their law enforcement duties that ensure safe and law abiding communities.

Dealing with these highly toxic and combustible labs brings great risks to our officers. These local agencies need our help to acquire equipment and training to help protect the lives of those who are doing their best to eradicate this problem. Not only are funds required for safety, but the amount of overtime required for clean-up taxes the resources of these departments, especially those smaller police departments located in rural areas. The topographical and isolated nature of mountainous counties in northern Washington State, and the lack of a strong law enforcement presence, are an invitation to meth producers. In Pend Oreille County, the meth problem is beyond the Sheriff Department's ability to manage. The per capita incidence of meth labs and dump sites is the largest in the state. Ferry County is a close second. Because of limited resources, the Sheriff departments responsible for patrolling these counties are small and are not prepared for the inundation of meth production they are experiencing.

These three counties cover a large area, 6,085 square miles, which includes approximately 80 miles of largely unfenced U.S.-Canadian border, where the smuggling of marijuana from British Columbia, Canada, is an increasing problem. Deputies from these counties are routinely called upon by federal agencies to assist in border enforcement activities. These small, rural sheriff departments lack the man-power and financial resources for overtime pay to handle local law enforcement duties, to combat increasing methamphetamine production and to be available to assist federal agencies when called upon.

Methamphetamine is a national problem that must be attacked at the local level. It is an inexpensive and easy-to-produce drug that is easily transported throughout the country and can unfortunately yield great financial benefits, especially for criminals in rural counties. We cannot allow this problem to escalate more than it already has without acting. I urge my colleagues to support this funding and this bill.

Mr. GREEN of Texas. Mr. Chairman, I rise today in opposition to the cuts that this bill makes in one of our most successful federal law enforcement initiatives, the Community Oriented Police Services (COPS) program.

This legislation would cut $17 million from COPS. This may not sound like a lot of money, but when you have a program whose goals is to get more officers on the streets, patrolling our neighborhoods and protecting our families, any cut is the wrong way to proceed.

We should be standing here, talking about ways that we can increase funding for this program, so that more communities can take advantage of it and put more officers on the beat.

In my hometown of Houston, more than 1,000 new officers have been hired by law enforcement agencies. And COPS doesn't just provide money for new officers for patrolling.

COPS has other programs, like COPS in Schools, which funds the hiring of officers to make the schools where our children learn and my wife teaches, safer and more secure.

Other programs, like COPS MORE (Making Officer Redeployment Effective), provides funds to acquire new technologies and equipment, and hire civilians for administrative tasks. This allows more police to spend their time pounding the pavement and stopping crooks, instead of pounding the typewriter in station houses.

Since its authorization by the Violent Crime Control and Law Enforcement Act of 1994,

COPS has added more than 110,000 community policing officers to our nation's streets.

This is a program that works, and I hope that in the future, we can stand up and talk about how much money we are adding, rather than cutting, from this worthwhile program.

Mr. STEARNS. Mr. Chairman, I appreciate my colleague from Wisconsin, Mr. OBEY, for not offering his amendment prohibiting the Federal Communications Commission (FCC) from expending any funds to modify its media cross ownership and multiple ownership rules. Had such an amendment been offered, I would have opposed it.

As Vice-Chairman of the Telecommunications and Internet Subcommittee, I am concerned anytime this body considers telecommunications policy without properly allowing the committee of jurisdiction and expertise—the House Energy and Commerce Committee—from deliberating on the ramifications of such a policy change. Quite simply, there is a reason who this body does not legislate on appropriations vehicles. And as such, telecommunication issues and should be left up to the committee overseeing telecommunications policy. In fact, the House Energy & Commerce Committee has not been given the opportunity to analyze the ramifications of such an amendment, and the Committee certainly has not had the opportunity to hold a hearing on this amendment—a hearing in which Members would learn from testimony of experts.

Mr. Chairman, by law the FCC is required to analyze its rules. Congress, in passing the Telecommunications Act of 1996, specifically requires the FCC to review all of its broadcast ownership rules every two years to ensure they continue to serve the public interest. The head of the FCC, Chairman Powell, has stated that he plans to examine rules and policies relating to media cross-ownership and multiple ownership. This provision prevents the FCC from making any modifications to the current rules, even if the FCC concludes that it is in the public interest to further tighten, and not relax, media ownership rules. As such, we must allow the FCC to do its job without interference from Congress.

Furthermore, some of the FCC's current rules on broadcast ownership are being currently challenged in court. Under the Obey Amendment, if the Court vacates the rules and remands the case to the Commission, the FCC will be unable to act pursuant to the Court's order because the expert agency would be blocked from doing its job.

And what do Members of this body have to fear by allowing the FCC to do its job and review its rules to determine if they serve their intended purpose? Most agree that in today's day and age, many such rules are antiquated, irrational, and inconsistent with the public interest, thereby doing more harm than good when it comes to competition. This, being the reason why the Commission is required to examine its rules, would be prohibited if this amendment is accepted.

The rules my friend from Wisconsin fears would be changed were developed in the 1940s and 1950s. America has come a long way since the era when we had to let the old black-and-white TV sets warm up. Scanning the landscape today, one easily sees there are now 9 national broadcast networks, hundreds of cable stations serving nearly 70 million households, 17 million home satellite subscribers, and these trends don't even reflect the millions of people who surf the Web for their news and commentary.

The author of this amendment may also know that in the summer of 1999, the FCC relaxed some of its broadcast ownership rules. And not surprisingly, consumers, competition, and Democracy were not harmed in any way. Had his amendment been accepted back then, none of those changes would have been allowed.

I would argue that the FCC should continue to relax more of its ownership rules. Like I did in the last Congress, I recently introduced legislation to broadly deregulate the restrictive ownership limitations imposed by the FCC on the television broadcast industry. My legislation increases the national ownership cap from 35 percent to 45 percent, a reasonable response to the shifting needs of viewers and the industry. Furthermore, the FCC's current rules of owning two stations in the same market (duopoly) and definition of what constitutes a voice defies logic and is unjustified. My legislation adds some sense by defining cable as an independent voice. Additionally, it also repeals the FCC's rules that restrict a newspaper from owning a local television station within the same market. Such a repeal will result in a realization of efficiencies from consolidated operation, greater financial stability, and an enhanced ability to provide news and informational gathering.

Some of my colleagues may have seen last week's USA TODAY article entitled ''Media's big fish watch FCC review ownership cap.'' Mr. OBEY intended to offer this amendment in order to reflect his belief that concentrated media ownership is ''one of the biggest threats to our form of democracy—the other being the way our campaigns are financed.''

Well Mr. Chairman, this body has devoted quite a while to properly debating how our campaigns are financed. Do we not, at a minimum, owe the same amount of deliberation to such a big threat? I thank Mr. OBEY for withdrawing his amendment.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 2500, legislation to fund the Departments of Commerce, Justice and State Appropriations for Fiscal Year 2002. Though the measure calls for a reduction to the highly successful COPS community policing program, I believe that this measure, on balance, adequately addresses our domestic and foreign commitments to justice and crime prevention.

The bill would fund the activities of Commerce, Justice and State departments, as well as the judiciary and related agencies, at $41.5 billion, which represents an increase of about 4 percent over the current spending levels, 2 percent more than the President requested. It is important to note that the President's budget calls for increasing the funding level for all appropriated programs is to be increased by 3.8 percent over the Congressional Budget Office's 2002 baseline, which is about the amount necessary to maintain purchasing power at the 2001 level. However, adherence to this strict limitation, while at the same time increase defense and education spending, translates into a 1.2 percent reduction in funding in real terms. Nonetheless, Mr. Chairman, I believe H.R. 2500 represents a reasonable starting point for negotiation with the Senate over funding priorities, taking into account the fact that the Senate traditionally sets funding at a higher level than the House.

Under H.R. 2500, the Justice Department is slated to be funded at the $21.7 billion level, a 3 percent increase over the current level and the level requested by the President, and the judiciary is to be funded at the $4.7 billion level, a 10 percent increase over last year, but 4 percent less than the President's request. While I am pleased that H.R. 2500 would increase the funding to important law enforcement entities such as the INS, FBI, DEA, federal prison system, U.S. Court of Appeals and the Supreme Court, I am disappointed that it calls for a 2 percent reduction to the COPS program. At the same time, I do recognize that agreeing to funding COPS at the $1.01 billion is an accomplishment in itself, given the fact that this program is often the target for deep cuts in the House and that program was slated to be cut by 21 percent under the President's budget.

I would also like to recognize the Committee's diligence in setting funding of other law enforcement programs that provide substantial support to state and local authorities in the administration of justice at or above this year's level. Given the sharp cuts called for in the President's budget, this was no small feat. I am pleased that H.R. 2500 adequately funds the State Criminal Alien Assistance Program (SCAPP) which the State of Texas relies on to ensure that the federal government pays its fair share of the costs associated with the incarceration of criminal aliens. H.R. 2500 funds SCAPP at $565 million, more than double the Administration's request. Additionally, the Local Law Enforcement Block Grant program, which provides block grants to be used for a variety of programs to reduce crime and improve public safety, is level-funded at $522 million, 30 percent more than the President requested. Further, the Violence Against Women Grants program, which seeks to encourage police to make arrests in domestic violence cases, and to provide funding to prosecute cases involving violence against women, will be funded at $390 million, equal to the President's request and 35 percent more than the current level. I am also pleased that this measure seeks to stem the incidence of juvenile gun crime committed by providing $20 million for the creation of new federal-state task forces for ''Project Sentry'' to prosecute juveniles who commit gun crimes and the adults who provide those weapons.

I am also pleased that this legislation contains a significant increase for the Immigration and Naturalization Service (INS). The $5.6 billion provided under this bill represents an increase of $839 million, or 17 percent more than the FY 2001 funding level, and $130 million more than the Administration's request. The $50 million included for Southwest Border Prosecution will help state and local prosecutors along the Southwest border address some of the costs associated with processing drug and undocument immigrant cases referred from federal arrests. We must work with the communities along our borders to address the problems associated with drug trafficking

and illegal border crossing, and I am pleased that the bill contains funds to help with this important effort.

With regard to overall INS funding levels, it is important to note that while other federal agencies have grown at relatively slower or flat rates, from 1994 to 1998 the INS budget increased 93 percent. While I am pleased that Congress and the President have increased resources to enforce our borders and provide citizenship-related services, I remain concerned about the backlog of naturalization and other immigration applications. I concur with the Appropriations Committee Report language which expressed support for the increased funding contained in this bill, but also stated that management improvements must be undertaken to address the existing backlogs. I know in the Houston Region, the backlog for citizenship applications can last greater than 1 year, and permanent residency—have a backlog as long as 3 years or more. I am hopeful that the funding provided in this bill will address the backlog issue, which has presented a significant problem for hundreds-of-thousands of otherwise-eligible immigrants in Texas and across the nation.

With respect to our international priorities, I believe the funding in this bill will adequately fund our global objectives, while providing modest increases for our diplomatic and consular programs; educational and cultural exchange programs; and for security and maintenance of U.S. embassy facilities. While I wish the Committee had appropriated more funds to implement the recommendations of the Overseas Presence Advisory Panel—which relates to the security of U.S. diplomatic facilities—I am pleased that a 20 percent budget increase for embassy security and construction is included in this legislation. In an era of increasing terrorist attacks against U.S. citizens and our interest abroad, I believe we should be doing much more to increase the safety of our diplomatic corps working overseas. Overall, I believe the funding provided under this bill will assist the U.S. follow-through on our most critical international obligations within a fiscally tight, but reasonable framework.

Accordingly, Mr. Chairman, I urge my colleagues to join me in support of H.R. 2500, an appropriations bill that generally reflects our nation's priorities both at home and abroad.

Mrs. JONES of Ohio. Mr. Chairman, when Congress passed legislation to establish the New Markets Initiative last December, it did so in a spirit of bipartisanship, to ensure that all of our nation's communities have the opportunity to realize the American dream.

BusinessLinc is an innovative partnership between the Small Business Administration, the Treasury Department, and the business community. The program encourages large businesses to work with small business owners and entrepreneurs to provide technical assistance and mentoring. This program will improve the economic competitiveness of smaller firms located in distressed areas, both urban and rural.

In speaking with many small businesses in my community, the Eleventh District of Ohio, it is clear that business success is predicted on a number of factors, such as the quality of the product or service, its price, marketing, the financial stability of the business, and the owner's experience. But one factor which has been largely overlooked in legislation is a business person's contacts within the community. Some call this the effect of the "old boy's club."

My constituents have conveyed their frustration at being left out of informal networks that form the basis for later business dealings. These informal networks have a decided effect on an owner's ability to plan and a small business' ability to grow. Simply stated—information and skills are key to success.

BusinessLinc will provide much-needed access to mentoring and support for disadvantaged businesses. In developing the BusinessLinc program, local coalitions have taken creative approaches to assist small businesses to employ strategies that best respond to the needs of the community.

My colleagues, Representative NYDIA VELÁZQUEZ, the ranking member of the Small Business Committee, and Representative SUE KELLY will offer an amendment to restore funding to BusinessLinc, the 7(a) loan program and PRIME. I urge my colleagues to support the amendment and demonstrate their support for business growth by funding BusinessLinc and other programs that are vital to the success of small business.

The CHAIRMAN. Pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NUSSLE), having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 192, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

□ 2145

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the engrossment and third reading of the bill.

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

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

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 19, not voting 6, as follows:

[Roll No. 248]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver

Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Barr
Conyers
Cox
Duncan
Flake
Hefley
Hostettler
Moran (KS)
Paul
Petri
Royce
Scarborough
Schaffer
Sensenbrenner
Smith (MI)
Stark
Tancredo
Waters
Weldon (FL)

NOT VOTING—6

DeGette
Hinojosa
Larson (CT)
Shays
Spence
Tierney

□ 2201

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to state on the record that my vote on Roll Call Vote 248 (final passage for H.R. 2500, Commerce, Justice, State Appropriations for Fiscal Year 2002) did not register. I inserted my voting card into the machine and voted aye, but my vote did not register. This is the second time that this has occurred this year on the final passage of a bill, despite the fact that my voting card was recently replaced after it would not work at all. While I realize that human error can be involved in this situation, the fact that I was in the Chamber and voting, and my card has malfunctioned so many times in the past, I think it is self-evident that my vote should have been recorded as aye on Roll Call Vote 248.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 107–146) on the resolution (H.Res. 199) providing for consideration of the bill (H. R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ON THE FREEDOM SHIP AMISTAD

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

Mr. SIMMONS. Mr. Speaker, a year ago the Mystic Seaport, which is located in my district, constructed and launched a replica of the freedom schooner *Amistad*. Today, I rise to salute some of the craftsmen and the contractors who participated in the construction of that craft and helped to make it seaworthy.

Most of us know the story of the ship and of its history, which was the subject of a movie by Steven Spielberg. The *Amistad* was a Spanish schooner traveling the coast of Cuba in 1839 with a cargo of 53 men and women on board, men and women of African origin who had been enslaved. Under the leadership of Joseph Cinque, they rose up against their captors, seized the ship, and attempted to sail back to Africa.

The ship eventually made landfall off of Long Island and was brought to new London, Connecticut, where the Africans were taken prisoner. They eventually went on trial and won their freedom after John Quincy Adams argued their case before the U.S. Supreme Court.

Today, a replica of the *Amistad*, constructed by the Mystic Seaport, is a living museum of this part of our Nation's history; but we would not have this replica, we would not have this educational tool, if it were not for the hard work of many individuals who donated their time and resources to the effort.

A notable example of this cooperation are the members of the Southeastern Connecticut chapter of the Plumbing-Heating-Cooling Contractors Association who donated over $100,000 of time and resources to install the plumbing, heating and cooling systems as the ship was built at Mystic Seaport. Under the leadership of Walter Woycik, more than 20 volunteers from 11 Connecticut firms made sure that all the heating, cooling and plumbing equipment was installed and up to the stringent Coast Guard standards. This, in turn, assured that the *Amistad* can put to sea as a living, working, sailing classroom to teach this important story of our people's struggle for freedom.

What these individuals constructed is more than simply a replica of a ship. The *Amistad* is a symbol of the struggle for human rights and human dignity, and it is a reminder that all people deserve to be and want to be free.

More than a century after the *Amistad* incident, this replica is a symbol of America's values, as spelled out in our Declaration of Independence and in our Constitution, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that these include, life, liberty, and the pursuit of happiness.

As we celebrate our freedom, let us also thank those volunteers who made possible the construction of this replica of the freedom schooner *Amistad*.

DEBT RELIEF

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

Mr. CUMMINGS. Mr. Speaker, I am here tonight to address the issue of debt relief for Africa, particularly as we are on the cusp of considering the fiscal year 2002 foreign operations appropriations bill.

There are many reasons why debt relief is important and critical to the United States. I believe we not only have a moral obligation but an economic impetus to ensure that we share a world that is economically prosperous, educated and healthy. As we have seen in recent years, health and financial problems are not constrained by regional boundaries. That is why I, and many of my colleagues, worked to increase funding in the foreign operations bill for HIV/AIDS and infectious disease programs, debt relief, basic education, child survival, and microenterprise programs, among others.

Although details have not been provided, I am pleased to note that President Bush is thinking about innovative ways to address the issue of poverty and debt relief. It was reported he intends to push the World Bank to extend more grants instead of loans to developing countries as a way to reduce their debt burden. I believe this effort is a step in the right direction. However, it demands we remain committed in word and deed to ensuring

that additional resources are provided to assist in any effort to provide debt relief to countries most in need.

Mr. Speaker, I am a strong advocate for providing resources to developing countries so that the residents will be afforded the same opportunities that we have here in America. Unfortunately, despite our efforts to provide development assistance and debt relief, many countries are crushed under the weight of debt burdens, a burden that profoundly affects the everyday health care and education needs of millions of families and children.

It is heartbreaking to know that approximately seven million children die each year as a result of the debt crisis. Further, more than 2.5 million children died in the year 2000 because debt repayments have diverted money away from investment in basic lifesaving health care. According to a recent report released by Oxfam International entitled ''G–8: Failing the World's Children,'' poor countries are saving $1 billion a year for schools and education, but 16 of the countries that get debt relief still spend more on debt than on health care for their citizens.

The report further emphasizes the role debt burdens have played in exacerbating the education crisis in developing countries, particularly in sub-Saharan Africa. Of the 22 countries who have received debt relief under the Highly Indebted Poor Countries initiative, over half will spend more on debt than on primary education; and two-thirds will spend more servicing their debt than they spend on basic health care.

The report also highlighted the problem in Tanzania, where high school fees are preventing primary aged students from attending school. Although the country would like to get rid of the school fees and provide free universal primary education, they are hindered by their debt.

That is why I am pleased to be here to show my support and emphasize the change that can take place if my colleagues in Congress support the effort of the gentlewoman from California (Ms. WATERS) to implement reforms to reverse this devastating trend. Her bill, H.R. 1642, Debt Cancellation for the New Millennium Act, urges the President to work within the international financial and multilateral institutions to modify the HIPC initiative.

Specifically, the bill will work to ensure that the amount of debt relief provided by the IMF and World Bank under the initiative cancels 100 of the HIPC's debt burden, and to ensure that the provision of relief cannot be conditioned on a country's implementation of a structural adjustment or stabilization program of the Poverty Reduction and Growth Facility of the IMF, which has had a history of further siphoning away funds from investments in health care and education.

Again, Mr. Speaker, I appreciate being afforded this opportunity to speak on this very important issue. I look forward to seeing this bill move through the House so that the positive changes can be made. As such, I urge my colleagues to support the economic livelihood and social well-being of our world's families and children.

LAUNCH OF THE SPACE SHUTTLE ''ATLANTIS''

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

Mr. PENCE. Mr. Speaker, soon after I was appointed the only freshman member of the Subcommittee on Space and Aeronautics of the Committee on Science, I determined to tour the Kennedy Space Center and witness the launch of a manned mission to space.

Just before dawn on Thursday, July 12, I fulfilled that goal and was left not only with a profound sense of appreciation for those who make our space program work, but also with an enhanced sense of pride in being an American.

We arrived at Cape Canaveral at midnight in the company of 9-year veteran NASA Administrator Daniel Goldin. On the way to the launch site, our group of seven Members of Congress and their staffs was confronted with the sight of the Shuttle *Atlantis*, just one mile away. The shuttle and booster rockets stood straight up, steaming in the darkness, illuminated by billion-watt searchlights.

With its 18 million pounds of hardware, fuel, and payload, the bright white craft stood, as Astronaut Edward Lu told me that evening, ''creaking and steaming like an animal waiting to leap into space.''

Moments later, shortly after 1 a.m., an attack helicopter appeared, Mr. Speaker, flying low, search lights and guns sweeping the road between the astronauts' residence building and the 1 A launch site.

□ 2215

After the gunship completed its reconnaissance, the bus carrying the five brave astronauts of STS–104 sped past our group. With all the enthusiasm of schoolchildren seeing Santa at the Macy's Parade, seven Members of Congress frantically waved as the bus conveying the crew sped past on its way to the launch tower.

From the launch area, we traveled to the Apollo Center where the viewing stands were already filled with family members and friends of the crew, anxiously milling about in nervous conversation. We took our seats.

With the 4:30 a.m. announcement that we were ''go for launch'' booming over the public address system, the clock began to run.

At 5 minutes to launch, the ''Star Spangled Banner'' blared out of the speakers at the viewing stand, and all those in attendance solemnly rose to their feet.

Mr. Speaker, the phrase ''the rockets' red glare'' froze in those morning hours in my mind as I listened to our national anthem. I thought of another night sky some 150 years ago by the light of rockets of a different sort when Francis Scott Key penned those magnificent lines about the United States of America.

The rocket cleared the tower. Moments after, a burst of light appeared before the gantry way. The moment the main orbiter engines reached the top of the tower, Mr. Speaker, the humid Florida night sky turned as bright as day. The same instant, the sound with all its earthshaking force struck our location like a hurricane. The Earth shook and an explosion of hot air rushed past. I felt as if the wind had been knocked out of me, the sound only becoming louder as the rocket climbed in the early morning sky.

Mr. Speaker, it was as though the Earth gave birth to a piece of sun and was sending it home. *Atlantis* seemed almost lazy in its rate of ascent. As the ship climbed, the light from the rocket which had, at first, shone dimly like the dawn, turned to midday brightness, revealing a blue sky and leaving shadows on the landscape.

I turned to look at my wife. Karen stood with wet eyes in that other worldly brilliance. I was nearly overcome with emotion. But there was still serious work to be done.

The shuttle climbed, leaving in its wake a sycamore-like column of smoke that seemed a pillar holding heaven itself. When the vehicle jettisoned its temporary booster rockets the crowd broke out into applause, but NASA Administrator Daniel Goldin would have none of it. His demeanor remained silent and stern. He explained that he did not celebrate launches until 8 minutes and 30 seconds into the launch. At that time the main engine cutoff occurred and the astronauts safely reached orbit.

As the light faded and the sky returned to the darkness of night, *Atlantis* appeared as a red dot disappearing into the Northeast sky. Still visible 160 miles away, we heard the words ''main engine cutoff'' on the public address system. The entire crowd broke into applause, relief and tears.

Later that morning I had the honor of speaking to over 100 mission specialists in the Firing Room. I would have called it mission control, but I learned that title belongs in Houston.

I made a few comments to those Purdue graduates on hand and then told all the heroes wearing headsets how the words of the national anthem that morning had struck me. I thanked them for their professionalism, for another safe launch, and for the inspiration which their teamwork and their

spirit of exploration continues to provide to all Americans.

After sharing a meal of beans and cornbread with the crew, which is a traditional post-launch fare at NASA, we boarded a plane to Washington. As I drifted off to sleep, Mr. Speaker, the words of our national anthem rang in my ears, and I became more convinced than ever that the rockets' red glare still gives proof in the air that this is the land of the free and the home of the brave.

DIVERSE COMMUNITY GROUPS OPPOSE H.R. 7, COMMUNITY SOLUTIONS ACT OF 2001

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

Mr. EDWARDS. Mr. Speaker, today the House was scheduled to vote on H.R. 7, the so-called Charitable Choice Act. However, the House Republican leadership had to delay the vote because of objections from both Republicans and Democrats alike that this bill would allow discrimination in job hiring based on a person's religious faith when using Federal funds.

Mr. Speaker, the truth is that we all support the good work of thousands of faith-based charities across this country. But the truth is also that, as more Members of Congress and more American citizens learn about what is actually in H.R. 7, the support for this bill is faltering badly.

Over 1,000 religious leaders, pastors, priests and rabbis have signed a petition urging this Congress tomorrow to oppose the President's faith-based charity bill.

Why? Because it would harm religion, not help religion.

Why? Because it would not only allow discrimination in job hiring using Federal dollars, it would actually subsidize such discrimination.

Mr. Speaker, let me mention some of the diverse religious and education and civic groups and civil rights groups that stand firmly opposed to the passage of H.R. 7: The American Association of School Administrators; the American Association of University Women; the American Federation of State, County, and Municipal Employees; the American Federation of Teachers; the American Jewish Committee. The Anti-Defamation League opposes this bill, along with the Baptist Joint Committee on Public Affairs, the Leadership Conference on Civil Rights, the National Education Association, and the National PTA.

Mr. Speaker, the Presbyterian Church U.S.A. opposes this bill, along with the Episcopal Church U.S.A., the Interfaith Alliance and the United Methodist Church, General Board of Church and Society, along with many other religious and civic groups strongly oppose the passage of this bill on the floor of the House tomorrow.

Mr. Speaker, let me talk about what is wrong with this bill. Let me emphasize three points: First, the bill is unnecessary. It is unnecessary. Under long-standing law in this country, the Federal Government has been able to support faith-based groups under several conditions and several proper conditions. First, that they not be directly churches or houses of worship. That if churches want to do faith-based work with Federal dollars, they should set up a separate 501(c)(3) secular organization. Then those groups cannot proselytize with tax dollars, and they cannot discriminate in job hiring with those tax dollars.

Under those limited but important conditions, for decades faith-based groups such as Catholic Charities and Lutheran Social Services have received Federal dollars to help social work causes without obliterating the wall of separation between church and State. So the bill is simply a solution in search of a problem.

Secondly, as I mentioned, this bill not only allows discrimination against American citizens based on their religion, it subsidizes it. Let me be specific. If this bill were to become law and a church associated with Bob Jones University were to receive a Federal grant under the program, that church could use our tax dollars to put out a sign that says no Catholic need apply here for a federally funded job. Mr. Speaker, that is wrong.

In the year 2001, over 200 years after the passage of the Bill of Rights, no American citizen should have to pass someone else's religious test to qualify for a federally funded job. No American citizen, not one, should be fired from a federally funded job simply and solely because of that person's religious faith.

Next, I would point out that this bill basically is built on a foundation of a false premise, the false premise that somehow if the Federal tax dollars of this government are not going directly to our houses of worship and our synagogues and mosques, that is somehow discrimination against religion. I think Mr. Madison and Mr. Jefferson would be shocked by that suggestion of discrimination against religion. I think they would have argued that the Bill of Rights for 200 years has not discriminated against religion. The Bill of Rights has put religion on a pedestal above the long arm and reach of the Federal Government, both Federal funding and the Federal regulations that follow.

Mr. Speaker, H.R. 7 is a bad bill for our churches, our religion, our faith and our country. I urge a ''no'' vote tomorrow.

PASS PATIENTS' BILL OF RIGHTS FOR MEANINGFUL HMO REFORM

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I want to spend the time with my colleague from North Carolina talking about the Patients' Bill of Rights. I have been to the well many times to talk about this legislation.

I know that we do have a commitment from the House Republican leadership to bring up HMO reform, hopefully at some point over the next 2 weeks. But what I wanted to stress tonight is if we are going to deal with the issue of HMO reform, we have to pass real HMO reform, and that is the Patients' Bill of Rights. It is a bipartisan bill sponsored by the gentleman from Michigan (Mr. DINGELL), who is a Democrat; the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), who are Republicans.

This bill or a similar bill passed in the last session of Congress overwhelmingly, almost two-thirds of the Members, most Democrats, and 60-some-odd Republicans. However, once again the House Republican leadership does not support it and does not want to bring it up and is trying, even after a similar bill passed the other body, is trying to kill it effectively by coming up with what I consider a sham HMO bill and trying to get support for that sham Republican HMO bill.

I would like to speak tonight to explain not only why the real Patients' Bill of Rights should be brought to the floor immediately and passed but also why it is such an improvement, as opposed to the sham bill that I fear the Republican leadership may try to slip by.

But at this time I yield to the gentlewoman from North Carolina (Mrs. CLAYTON), who has worked long and hard, I think too many years that we have worked on this bill, and we hope it will come to the floor in the next few weeks.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for his leadership on this issue. He has not only been working hard, but he has been persistent and insistent that we stay on course.

Mr. Speaker, what we want to bring to our colleagues' attention and therefore their awareness and appreciation, not only do we think that the American people want this but we also think that the scare tactics that we hear that are being promoted that this bill will somehow cause employers to have greater liability, therefore, increase the costs, reducing the opportunity for having insurance coverage for their employees, I think it is a scare tactic.

Indeed, the Ganske-Dingell bill does provide for accountability, but that accountability goes only for insurance companies or individuals who interfere in the provisions of health care. It does not hold small businesses responsible or accountable if they indeed are not interfering in the decision.

All this Patients' Bill of Rights does is give the patients the right to expect and to receive what they have contracted for in their health insurance. That is not too much to ask. That is expected in contract law. If you enter into an agreement, there is the expectation that one will receive the benefits for which they are paying. The reason we buy insurance is to have that assurance that, when we need it, those provisions within the insurance policy will be enacted.

That doctors would be able to make those decisions, that I would have a right in the case of an emergency to go to the nearest hospital, that I would have the right to get a second opinion or get the kind of expert medical care that I need, that I would not be proscripted in the sense to be limited to the minimum health care service by putting a gag order on the doctors.

The doctors would be free to provide the kind of leadership in health services that they and they alone are capable of doing, and that a doctor would not be held in violation of his contract if he gave several options and prescribed, perhaps, the option best for me that may be a little higher cost than the health insurance desired.

□ 2230

This is a commonsense approach, and the scare tactics that we have heard indeed is unfounded. What this bill is not, this bill is not an effort to increase greater liability on small employers and by and large small employers are held liable as well. They are paying part of the costs and these are provisions that they are paying dearly for and they expect that their employees will receive the benefits for which they are paying for.

My understanding as well is that this bill will amend, or is in the process of amending itself to conform with the Senate's bill, that the liability there would be consistent here. Only in those cases where you are self-insured or indeed you make a decision would there be any case of liability. Furthermore, the external appeal system in the bill does provide for an orderly appeal process which suggests that before there is a remedy as a lawsuit, one would be expected that they use that appeal process before they indeed resort to the legal area.

Again the consistency between States, I know the Senate bill, my Senator, Senator EDWARDS, has been working very hard with Senator MCCAIN and Senator KENNEDY to make the bill that they pass consistent with States and where States had stronger views, stronger provisions, they would indeed be the ones that would govern.

So there has been every effort to speak to issues that have been raised, and I think it is now time for the leadership of the House to bring this bill so that we can have an up or down vote. I think the American people want it, I think the votes are here, and I think it is the right thing to do.

Again, I thank the leadership of the gentleman from New Jersey (Mr. PALLONE) and others who have been working on this task force and certainly support the efforts that both the gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL) have brought before us. It is very similar. We were original cosponsors of the last bill and with the gentleman from Georgia (Mr. NORWOOD) who is also, I should say, a part of this. This is a good, bipartisan effort to try to give the American people a reasonable approach and a meaningful approach. So the scare tactics that we are hearing, I think, are unfounded. We need to spend as much time saying what this will do as well as what this is not. This is not an effort to put a great burden or unnecessary liability on small businesses or employers of any size if they are not involved in creating the injury or the health provision that resulted in injury or death.

I thank the gentleman for allowing me to participate.

Mr. PALLONE. I want to thank the gentlewoman for all her participation and everything that she has done to try to put this patients' bill of rights together. There are a couple of things that she mentioned that I wanted to repeat, and I think are important and need to be repeated. One is that if you think about what we are really trying to do here, there really are basically two principles: one is that we want to make sure that decisions about what kind of medical care a patient gets or an American gets is a decision that is made by the physician and the patient, not by the insurance company, not by the HMO. Too often today I get complaints from my constituents in New Jersey who say that they were denied care, they were denied a particular operation, they were denied to stay in the hospital a certain number of days, they were denied a particular procedure because the insurance company did not want to pay for it. That should not be the way it is. Decisions about what kind of care you get, medical decisions, have to be made by the physicians. That is why we have physicians. That is why decisions are made collectively by physicians and their patients.

The second thing is that if you have been denied care and you think unjustly so, you have to have some ability to redress your grievances, to appeal that. What we suggest in the patients' bill of rights, what we guarantee, is that you can go to an independent review board, outside the realm of the HMO, not appointed by the HMO, and that they will review the decision and if they feel that you were improperly denied care, then they can overturn the decision of the HMO or the insurance company. Failing that, you can go to court and ask that it be overturned or sue for damages if you have been injured and there is no real recovery from those injuries.

These are just basic rights. Most people, until they get into a situation where they have been denied care, have no idea that what I am suggesting is not already the law. They think it is the law. They think it is fairness, which is essentially all we are asking for.

The other thing that my colleague from North Carolina mentioned that I think is so important is that we as Democrats and a significant amount of Republicans as well in this Chamber, we are simply asking for an opportunity to vote on this bill. This bill was voted on in the other body. It is now over here. It should be taken up here in the House of Representatives; and we should be allowed a clean vote, not bogged down with all kinds of procedures so that we cannot vote on it, and certainly not have an alternative bill which the Republican leadership has put forward which is not protective in the same way of patients. To give us the opportunity to vote on that and say that is HMO reform and then not have the opportunity to vote on the real patients' bill of rights I think is a travesty. And I hope that that is not what the Republican leadership has in mind, although there is every reason to believe that, in fact, that is the case.

I see I was joined also by my colleague from Texas. I was hoping, and I know that he will also get into the fact that in the State of Texas, our President Bush was the Governor of Texas and while he was there, the Texas legislature passed a patients' bill of rights, very similar to the patients' bill of rights that we now seek to have voted on here.

It has been a tremendous success. It has not resulted in much litigation. People have been able to overturn denials of care on a regular basis without having to go to court. It works well, and there is absolutely no reason why the same type of legislation should not be passed on a Federal level so everyone in every State can have the same benefits that the citizens of Texas have.

I yield to the gentleman. He has also been a very active member of our health care task force.

Mr. TURNER. I thank the gentleman from New Jersey (Mr. PALLONE) for yielding. It is a pleasure to join him in this special order hour to talk about this very important issue for the people of America, the patients' bill of

rights. We have been working on this bill for the last 4 years. Ever since I have been in this Congress, we have been working trying to pass a patients' bill of rights; and I think now is the time to pass a good, strong bill for the American people.

When I was a member of the Texas Senate, I was the Senate sponsor of the first patient protection bill offered anywhere in the country. It passed our legislature overwhelmingly, with very little dissent. Unfortunately in that session of the legislature, the Governor, then Governor Bush, vetoed that bill.

The legislature in the following regular session broke the bill down into four parts, passed it again, overwhelmingly, the Governor signed three of the bills and let the fourth, relating to accountability and liability of HMOs, become law without his signature. The Governor cited his concern that the legislation would run up health care costs and create unnecessary litigation.

I am pleased to report that in the years since 1997 in Texas, there have only been 17 lawsuits filed under our patient protection legislation. There have been 1,400 patients who had the right under the Texas bill to object to the findings of the review panel and go to the external appeal process, which is an independent appeal process, to have their grievance heard. In those 1,400 appeals to the external panel, 54 percent of the time the patients have prevailed, 46 percent of the time the HMOs have prevailed. As I said, the next step, going to court to exercise your legal rights, that has occurred in only 17 cases since 1997.

So in Texas, the law is working. The Norwood-Dingell-Ganske bill is modeled after the law in Texas. It creates this independent review panel. It allows a person, if they are not satisfied with the decision of the external review panel, to exercise their right to go to court to receive the treatment they are entitled to. I think the experience across this country will be much the same as it has been in Texas, with very minimal litigation. So I am very hopeful that this Congress and this President will see fit to sign the Dingell-Norwood bill which I am confident will pass. After all, it has already passed in the last session, the 106th Congress, by a solid margin in this House.

As the gentleman will recall, it went to the Senate after it passed in the House and died in the Senate. This year, we have an opposite scenario. The bill has already passed in the Senate and is now back in the House to be voted on again. I am confident that this bill will be passed, and I hope that the President will sign it when it reaches his desk.

I would like to share my thoughts on the differences in the Dingell-Norwood bill and the other version of the patient protection law that will be offered by the gentleman from Kentucky (Mr. FLETCHER), a Republican. This legislation offered by the gentleman from Kentucky does not provide the same protections for patients as the Dingell-Norwood bill does. It is deficient in several respects.

First of all, the bill does not provide a meaningful appeals process for a patient. In fact, the bill provides very specifically that if the external review panel makes a decision and the HMO follows that recommendation and that decision, then no one has the opportunity to appeal anywhere. That to me seems to be very unfair. Under the Norwood-Dingell bill by contrast, once the external review panel makes a decision, if either party is dissatisfied, they have their constitutional right to go to the courthouse and to get a judgment that they think is correct. It seems to be fundamental in this country that if you set up an administrative review procedure and you do not like the outcome that you should and do have the right under our Constitution to an open court to be able to go in to file your grievance and get a decision by a jury of your peers.

Some have even suggested that the Fletcher bill may, in fact, be unconstitutional, because it prevents a patient from going to court if they are unhappy with the decision.

We are talking here about life and death decisions. We are talking about making HMOs accountable just as every other business organization in our society is now accountable. There is not one entity, not one person, not one business in this country that is not liable in the courts of our land for their negligent acts. I have always believed if our court system says that if a doctor makes a mistake in giving you medical treatment, if they are guilty of malpractice and the law provides that a patient has a remedy if malpractice is committed, then they also should have a remedy if an HMO commits malpractice. Because under the system of managed care that is becoming so popular in this country, HMOs are, in fact, making medical decisions. I have talked to many doctors who are totally frustrated with the current system, when they have to argue for hours on the telephone with an insurance clerk trying to get the treatment for their patients approved that they think is medically necessary and the HMO and their representative are saying no, in our judgment, it is not medically necessary.

Patients are entitled to quality health care in this country. We have one of the finest health care systems in the world. And we have got to be sure we protect it. I tell my friends in the HMO industry and the insurance industry that they have an important obligation, too, and, that is, to help us create a system where all of the parties will be satisfied with the outcome, because I am a firm believer that we must protect what we know is the best health care system in the world. And with more and more health care being delivered by managed care, we have got to make it work for everybody, not just the insurance companies, but for the patients, for the health care providers, for the doctors that are making the decisions about your health care and mine.

And if we fail to make this system work for everybody, then I hasten to think that we might come to the point where somebody will say, we have got to have a new system of health care, we have got to have a system like they have in Canada, we have got to have a system like they have in Europe; and I do not think we should go in that direction.

□ 2245

So we all have a stake in making this system of managed care work, and work for all of the parties in the system, not just the insurance companies.

When we look at the Fletcher bill, we also see numerous other deficiencies. We see a provision in that bill that would require one when they do have the opportunity, which is rare, to appeal to the courthouse, that they have to go to Federal Court.

Now, most of us understand that most litigation regarding tort liability is handled in the State court system. Most of us are familiar, when we have an automobile accident, somebody has to go to court to recover damages, they go in the courthouse in their local county, where they usually have a State District Court. They do not travel hundreds of miles away to have to go to the nearest Federal court, they go to the State court. Traditionally, these kinds of matters are reserved for State courts.

The bill we passed in Texas in 1997 sets up a fair procedure for allowing the patient, if they are dissatisfied with the review process, to go into State court. The Fletcher bill will preempt that legislation. It will put these kinds of cases in Federal court. It will federalize these causes of action, take them out of the State courts where they have traditionally been.

I believe this is an important State right that must be preserved. We do not need to get into a system where these kinds of cases have to be dealt with in Federal court. Most of the lawyers in your hometown and mine are accustomed to going to State court, not to Federal court. So we remove by one step further the ability to get redress of grievance, if we require these kinds of cases to go to Federal court. So the Fletcher bill basically strikes down current State law, like we have in Texas and many other States around the country.

We also know that the Fletcher bill creates some awkward time frames for

appeal, and in many respects the legislation makes it very hard for a patient to exercise their rights under the legislation. We know that the independent review process is much more tilted toward the insurance companies under the Fletcher bill than it is under the Norwood-Dingell bill.

I think that we must face the fact that if we are really for protecting patients, we need to support the Norwood-Dingell bill. Every major medical group, the American Medical Association, in my State the Texas Medical Association, hosts of patient groups, have endorsed the Norwood-Dingell bill. It is a bipartisan piece of legislation.

The gentleman from Georgia (Mr. NORWOOD), the gentleman from Iowa (Mr. GANSKE), two of the Republican leaders, a respected doctor and dentist, have been fighting for this legislation for at least 5 years. Now is the time for action. I think that we can have a good bill, we can pass this bill, and we can hope that the President will see fit to sign it.

One other issue that I wanted to mention very briefly about this legislation is the fact that were it not for an arcane Federal law, we call it ERISA, the Employment Retirement Income Security Act that regulates health plans and retirement plans that operate in more than one State, is the only reason that we are in the predicament that we are in today, having to pass legislation to be sure that patients are protected. Because after we passed our good legislation in Texas, which, as I said, has only resulted in 17 lawsuits in the last 4 years, what we found is that a court decision handed down by one of our Federal courts in a suit in which the Aetna Insurance Company was involved, overnight made a large portion of our folks in Texas exempt from the State laws that we had provided, because the court ruled that part of our State law and its coverage was preempted by this arcane Federal ERISA law.

So all we are trying to do is restore the accountability that was provided in the law in Texas and many other States for HMOs by passing a law that in essence repeals an exemption that most, thought was not even in the law until the court ruled, created by a law passed by this Congress way back in 1974.

All we are doing in this legislation really is putting the HMOs back in the same position as every other individual and every other business in this country, which, under the laws of our land, if they commit a negligent act, if they wrongfully refuse to provide health care, if they wrongfully deny medical treatment, they are ultimately accountable in the courts of this land. So no longer will we allow HMOs to be exempt, the only entity that is exempt, from being responsible for their actions.

Mr. Speaker, I hope we have a good strong vote on this bill. I hope we pass the stronger bill. I am very pleased to be able to join the gentleman from New Jersey (Mr. PALLONE) tonight in talking about this important piece of legislation.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman, first of all, for explaining how in his home State of Texas that this bill has been tremendously successful and has not brought the frivolous lawsuits that we keep hearing from the other side, and that really we have nothing to fear. It is just basically been a success in every way.

I know sometimes when we talk about the Patients' Bill of Rights, maybe we sound a little too lawyerly and technical about how one goes about appealing a denial of care. But the bottom line is, if there is no fair way to appeal a denial of care, if you have not been able to get the operation or procedure you need, if we do not set up a procedure to reverse that, then we might as well not pass the law. So it is necessary for us to go into how we go about letting people redress their grievances, and it is also important to point out that the Republican bill, the Fletcher bill, is not going to accomplish that, certainly not in any way that I think is meaningful.

I did not want to dwell upon it too much, but I just wanted to mention a couple other examples. We have to keep in mind when we talk about these procedures to overturn a denial of care that the people that are seeking to do that are ill. Oftentimes they are very ill. They need action fast. They cannot sit around forever if the HMO denies them an operation or procedure.

So it is very easy, as I think they do in the Fletcher bill, in the Republican bill, to tweak the bill in a way so that that procedure becomes meaningless. I do not want to dwell on it too much, but this is one of the things I thought was so important, was in the Ganske-Dingell proposal, the real Patients' Bill of Rights, there is a requirement that decisions are made in accordance with the medical exigencies of the patient's case, and there is a requirement that patients have a right to appeal to an external review before the plan terminates care.

Those are not in the Fletcher bill. They do not take into account timeliness, the fact that you do not have a lot of time to appeal or to go to an external review board. There are little things like this, I am not going to get into them, but they make it very difficult. If you are in a situation where you are denied care and need the operation, that you can in a timely manner reverse that decision.

So I just mention it, because I know a lot of times we talk about all these details, Federal versus State court, whatever, but these details are very important, because people do not have a lot of options when they are sick and ill and need to immediately have access to the kind of treatment that is necessary for them.

I see my other colleague from Texas has stood up, and I would like to yield to him. I know, once again, he has been very much involved in this issue for a number of years both on our Health Care Task Force as well as on the Subcommittee on Health.

Mr. GREEN of Texas. Mr. Speaker, I would like to thank my colleague from New Jersey for hosting this Special Order tonight on the need for a meaningful Patients' Bill of Rights.

Most folks may not know that we spent 11 hours today in markup in our Committee on Energy and Commerce on energy legislation, and my colleague from New Jersey probably got tired of hearing about Texas so often, but that is what we are going to talk about tonight.

The gentleman from New Jersey (Mr. PALLONE) has been the leader for several years, and I am happy to join him in calling for immediate passage of a real Patients' Bill of Rights.

We have a real opportunity to pass a meaningful Patients' Bill of Rights this year. After 5 years of heated debate, the U.S. Senate passed a meaningful Patients' Bill of Rights with protections for both patients and employers. Opponents of this measure argue that the legislation will result in a landslide of frivolous lawsuits against employers, but that is simply not true.

We have a Patients' Bill of Rights in Texas for more than 4 years, now since 1997. In that time, we have had only 17 lawsuits filed. That is right, only 17 lawsuits. I know if you are watching this, you heard that from my fellow Texan (Mr. TURNER) here just a few minutes ago. But, at the same time, we have had more than 1,000 patients cases where patients appealed a denied claim to an independent review organization, an IRO.

In more than half of those cases, the IRO ruled in favor of the patient. That independent review organization more than half the time ruled in favor of the patient.

I always use the example, I would like to have more than the luck of a flip of a coin when it comes to health care for myself, my family or constituents. In Texas, more than half the time the IRO found the HMO was wrong in whatever they said they would not cover for the patient.

These independent review organizations are important not only because they protect the patients, but they protect the HMOs as well. Under Texas law, the HMO that follows the recommendation of that Independent Review Organization cannot be held liable for the damages in State court. That is right, an HMO who follows that Independent Review Organization recommendation cannot be held liable.

There may be some other reason that they may have had a problem, but they are not responsible for that decision that was made if they stuck with it.

If an HMO denies care and ignores the review, if the patient is injured or dies, the HMO can be held liable in State court. Thanks to that law, Texans have real enforceable laws to obtain health care that they paid for.

But in the rest of the country, we do not. In fact, even in my own district, in Houston, Texas, I have constituents who have their insurance under Federal law. Sixty percent of people in my district have their insurance under Federal law. So no matter what our legislatures do in Texas, New Jersey, or the State of Washington, it does not help us under ERISA. We have to pass a strong law here on the House floor.

Mr. PALLONE. If I could take my time back, I think that is real important, that people have to understand, even in Texas the majority of the people do not have the benefit of that Texas Patients' Bill of Rights.

Mr. GREEN of Texas. Our surveys in my own district, very urban, 60 percent of the people have group insurance under Federal law. Even though the legislature passed something 4 years ago, most people get their insurance under Federal law. That is why we have to pass something here on this floor like what the Senate passed.

This legislation contains similar protections that we have had in Texas law, including provisions for an external appeals process. More importantly, the Senate version contains additional provisions to safeguard employers against frivolous lawsuits. Employers can only be held liable if they are directly responsible for the delay or the denial of treatment. So if an employer is acting like a doctor, they are going to be treated like a doctor.

It is time that important health decisions are made by doctors and their patients, and not HMO bureaucrats, and it is time the House passed the Norwood-Dingell-Ganske Patient Protection Act.

Mr. Speaker, thank the gentleman from New Jersey. He is the Chair of our Democratic Health Task Force and we have worked with each other for many years. Hopefully, by the time we leave for our August district work period, we will have debated and passed a strong Patients' Bill of Rights on this floor.

Mr. PALLONE. I want to thank the gentleman from Texas. Again, he has been in the forefront on this issue, not only on putting together the Patients' Bill of Rights, but trying to get it passed. Frankly, I think we are just becoming a little impatient. This is a bill that passed in the last session, two years ago, overwhelmingly, almost every Democrat, about a third of the Republicans, and the only problem we have is that the Republican leadership refuses to bring it up. All we are asking for is a clean vote on the bill.

Mr. GREEN of Texas. We are asking for patients' rights and becoming impatient.

Mr. PALLONE. Exactly.

I would like to yield now to the gentleman from Washington (Mr. McDERMOTT), who is one of very few physicians that we have in the House of Representatives. I know that he, because of his background as a physician, probably more than any of us knows about the problems that patients have with HMOs and with denial of care.

Mr. McDERMOTT. Mr. Speaker, first of all, my hat is off to the gentleman. I was sitting over in my office doing my mail, and I saw these gentlemen out on the floor talking about this issue. I thought, I have to go over and help them and also say some things that I think might be useful I think for people trying to understand this whole issue.

□ 2300

The first one is, why do we need a national bill? Why do we not just pass it at the State level? The gentleman from Texas (Mr. GREEN) sort of alluded to the need for Federal protection because of a law called ERISA.

ERISA was a law passed many years ago to protect pensions, and it is now used by many corporations to protect their involvement in health care so that it cannot be touched by insurance commissioners in States. They say the insurance commissioner has to go away. We are covered by the Federal law called ERISA, and you cannot monkey with how we do our health care. So the managed care companies are hiding behind ERISA all over this country, and that is why we need a national law. It is not sufficient to do it just in Texas or in my own State of Washington, where we just passed a law. We have done the best we can, but we are in the same place Texas is: Only about 50 percent of the people are covered by our Patients' Bill of Rights.

The second thing that is worrisome about these other bills that we see out here, the Fletcher bill and others, is the possibility that we will have a Federal law that overrides what is done at the State level. Now, if we set a high standard in the State and in comes a Federal law with a low standard, we lose; and that is why we need to have a provision in the bill that does not allow the Federal law that we pass here to override a higher standard that we might have in a State. The State of Washington, the State of New Jersey may decide to do something more than is done by the Federal law, and they should have that right. They should be able to do that.

Now, the history of this bill is sort of interesting. The Clintons worked very hard at getting a health care bill to cover all people that could never be taken away. They failed for lots of reasons, but, certainly, in the election of 1994, the Republicans took great pleasure in saying, we saved you from government medicine, which was how they defeated the President's attempt to give everybody universal coverage. Everybody remembers the Harry and Louise ads where this couple is sitting around the dining room table saying, well, can you believe it? The government is going to come in and take over our health care.

Well, the people who said they did not want government medicine essentially said at that same point, we are going to give health care coverage to the insurance industry. Anything they want to do is fine, because that is the free enterprise system. Let them squeeze the people and let them squeeze down health care as much as possible so that they can make more money.

There is nothing wrong with a managed care company, but it is very simple what they do. They take in premiums and then they pay out as few benefits as possible so they can give all the rest in dividends to their stockholders. Now, there is nothing wrong with that, except that it means that the patients are always being squeezed.

The first obvious one that came to the Congress back in 1994 was the fact that women would come to the hospital at 8 o'clock in the morning, deliver a baby, and by 5 o'clock they were in the car on the way home before the baby had ever had a feeding or there was time to observe whether the child had jaundice, or anything. And we called it drive-by babies. We passed a bill through both Houses that said we cannot have a drive-by baby system. We have to let the doctor and the patient decide how this is going to happen.

Well, the next thing that happened was women went into the hospital to have a breast removed for cancer and, lo and behold, they go in in the morning at 8 o'clock and out at 5' clock, and they were on their way home. So we were having drive-by mastectomies in this country because, again, the insurance company was trying to squeeze down the number of days they spent in the hospital so that they could save money to give to their stockholders. The patients and the doctors were frustrated by that, so they came up here, and we passed another bill preventing that, saying that the doctor and the patient should decide it.

Well, we were going one disease at a time, the disease of the day, the disease du jour. We said, that is not going to work. We have to have a bill that gives patients and doctors the right to make medical decisions for people. It seems so obvious that the person that is receiving the treatment and the person that is giving the treatment should be the ones to decide what is appropriate.

But the insurance companies took the view that they could look over

your shoulder and decide, that is too much, or they do not need this. I had the experience, because I am a physician; I am a psychiatrist. I had a patient on a ward in Seattle; and they came along and said, this patient has to be discharged. Well, this patient was suicidal. I have to make the decision about whether I am going to put a patient that is suicidal out of the hospital and send them home, risking that they may kill themselves, or fight with an insurance company. So I got on the phone. Here I am talking to some very nice woman in Omaha, Nebraska, from Seattle, and she is telling me that I have to justify to her why that patient can stay in the hospital another day.

Now, it is ridiculous. I am a psychiatrist. Surgeons go through that, pediatricians go through that, obstetricians, gynecologists, all kinds of physicians go through this all the time, fighting with insurance companies, managed care companies that are making decisions for patients that they have never seen. When the physician is standing there looking at the patient and they have to get on the phone and explain why to somebody who has never seen them, it shows us how ridiculous it is. It seems like this bill ought to go through immediately.

Mr. PALLONE. Mr. Speaker, if I could just interrupt a second, because we had a hearing a couple of years ago, I think it was one of our task force hearings, and I do not remember the details, but it directly referred to psychiatry.

The problem was that the HMO was using a standard that was not really acceptable by those who certify psychiatrists and basically saying that, for a patient who had a mental illness, they would only be entitled to, say, three visits, where maybe the standard for the psychiatric society was 15 visits. They just made it up. I mean, they just made up the number of days that they would provide. The testimony showed that they were about to be acquired by another HMO, and so they were trying to show that they were making a lot of money. They just established that standard based on the cost, that they would save money.

One of the things that is in the Dingell-Ganske bill, it says that, with regard to specialty care, that the standard has to be that which is typical for that specialty care. They use, I do not know what they call them, the diplomacy board or whatever as the standard. That is another major difference I think in terms of why the Patients' Bill of Rights is such a good bill. I do not remember all the details, but I remember specifically that.

Mr. McDERMOTT. Mr. Speaker, the gentleman is absolutely right. In every profession, every specialty in medicine, whether it is pulmonary surgery or pediatrics or obstetrics or whatever, there is a board that gives people the right to say, I am an obstetrician, I am a psychiatrist, I am a pediatrician; and those boards look at all of these particular conditions related to that specialty and make decisions about what is an appropriate standard of care.

Now, if an insurance company wants to just arbitrarily make their own standards of care in contradistinction to what the doctor has been taught, what he has agreed to as being an obstetrician, this is the way you handle these kinds of cases, and suddenly he is told by somebody who is not in the profession that they should do otherwise, you can see the conflict. I mean, it is terrible for doctors. That is why doctors hate this so much. Here you have been trained, gone to college, medical school, an internship and a residency, all this training, and here is somebody coming out of nowhere telling you you cannot do that; what you have to do is what we tell you to do.

Mr. Speaker, I think that the essence of this whole thing is bringing it back to a place where doctors and patients make the decision.

Now, the other part, and this is about deciding, what does the ordinary citizen know? The ordinary citizen is not a physician or a nurse or anybody in the health care profession. When they feel sick, when they feel pain in their chest or pain in their stomach or whatever, they go to see a physician or they go to see the emergency room in a hospital, because they are worried.

Now, it may turn out that what they thought was a heart attack is really related to eating spicy food or something else. It may turn out that it was not a heart attack. But to say that the average citizen is supposed to make that decision in their own home and diagnose themselves, put a stethoscope on their chest and say, well, it sounds all right to me, I mean, it is crazy. Everybody knows that. None of us wants to go to the emergency room in a hospital, but people go, and because it turns out it was not anything really big, why, they say we are not going to pay for it.

□ 2310

But people go, and then because it turns out it was not anything big, then they say, well, we are not going to pay for it. Those kinds of issues, sort of a reasonable person standard, what would a reasonable person do in this case, those kinds of issues, should not be turned back on the patients.

I had a hearing in Seattle with my constituents. I opened my door and said, come on in. People told me all kinds of things. For instance, they were told by an insurance company they could not have this kind of treatment, but somebody a thousand miles away in Kansas City or Los Angeles was having that kind of treatment for exactly the same kind of circumstances. So one place is doing one thing and another place is doing another thing, and all of these differences are based simply on insurance companies' decisions about how tightly they can squeeze this issue down.

There is a story or a case that came up from Florida where a man, an elderly man about 75 years old who had prostate cancer, after he had the prostate cancer removed, then they talked about, how do you suppress the male hormones. Now, obviously there are a couple of ways to do that. One is to castrate him. That is a one-time $1500 operation. Or they can put him on medication that costs about a thousand dollars a year. So it will cost more if he lives 5 or 10 years. So they made the decision to do the castration. The man said, I do not want that.

Again, we have these kind of things. These are tough decisions. But they ought to be made between the doctor and the patient about what is best for the patient, not by an insurance company saying, ''do it the cheapest way.''

Lots of physicians are leaving medicine today. Many of my colleagues in my class have said, ''I am through with this. I cannot fight with insurance companies any more, because it has just taken all the joy, all the pleasure out of being a physician because I am always caught.''

So there was a time, and the insurance companies have changed this, but there was a point where they would say, ''You cannot even tell the patient that there is another treatment. If we only cover x, you cannot tell the patient there is y, or that there is another way to be treated. If you go over to see Dr. Johnson, he'll give you another treatment.''

Mr. PALLONE. If I could follow up on that, Mr. Speaker, that is one of the things that is also a big difference with the Fletcher bill, with the Republican bill. The Republican bill, as the gentleman knows, that the leadership wants to bring out leaves out this basic right, if you will, or basic protection that we have in the real patient bill of rights that says doctors can communicate freely with their patients without fear of retaliation by the HMO. That guarantee, or the gag rule, is not in the Fletcher bill.

The other thing that is not in the Republican bill, it also fails to protect against HMOs when they have these financial incentives where they say to the doctor, if you do not provide a certain amount of care, or if you do not have your patients use the hospital or certain procedures and save us money, then you'll get a financial incentive, sort of a rebate of some sort, there is nothing in the Fletcher bill that guarantees that those kinds of arrangements could not continue.

We primarily tonight have been talking about the patients. Of course, this impacts the patients as well, but there are a lot of protections for physicians

so they can practice freely that are in the Dingell-Ganske bill that are not in this Republican bill. Those are two important ones.

Mr. McDERMOTT. The whole financial incentive business of saying to the doctors that each month they get to make 80 referrals for consultation with outside consultants, and if they make more than 80 they will reduce the salary, and if they make less they will get more, well, that puts that initial early primary care physician in a very difficult position, because if we have a patient who has diabetes, for instance, we will say, well, I could handle diabetes. I learned about it in medical school. I am not going to refer them to a specialist in diabetes until they get into trouble.

So they are taken care of, and then when they get in trouble at that point they are sent in a mess to a specialist. That is not patient care, but that is the kind of thing that physicians are put in if they are trying to stay within these kind of limits, these financial incentives that have been put there. They are under tremendous tension about how many people they refer to specialists when they think, this is something that ultimately could be a real problem. I want to have somebody with more experience in this area to see them now.

The same is true in gynecological things or in cardiac things or in psychiatric things. Why would he refer a patient to a psychiatrist if he could just give them some pills and see how they do. They might do that once and see if it works, but at a certain point it is better to send them to somebody better trained who has more experience. For physicians who are caught in that economic vice, that is a terrible way to run the medical system, to say, I am going to hit you in your pocket if you do what you think is best for your patient.

If the patient knew what was in the doctor's mind, they would be afraid to go to him.

Mr. PALLONE. Is it not also true that in many areas, and it depends on what part of the country one is in, but there are certain parts of the country, and New Jersey is certainly one of them, where the physician is really forced to join the HMO. In other words, they have a difficult time staying independent and relying on traditional insurance, so they are in a situation where they have to sign up and take these contracts with gag rules and the financial incentives and all those things. They are not free necessarily to avoid all that.

Mr. McDERMOTT. I was flying home to Seattle. Sitting next to me was a middle-aged woman. We got to talking as we were eating dinner.

I said, What do you do? She said, I run a neurologist's office in Vienna, Virginia. I said, Really? You are the one who handles the billing and all that kind of stuff? She said, Yes. I said, Has he joined any HMOs? She laughed and said, He has signed 60 agreements with HMOs. We would have no practice if we did not sign with all these operations.

I said, Have you read all the contracts? She said, Are you kidding? How could I possibly read 60 contracts and still do business? I do not know what we have signed, because we had no choice, because all of our patients came in with insurance cards from those plans. If we were not in the plan, we would not get paid.

That is a big part of what is going on out there, why it costs more money, because you have people who are having to bill all these companies with different rules. There is no single set of rules. If the doctor makes a decision, if he has made a decision because of the way he thought one plan worked and it is not the way the other plan worked, then he is wrong, and they send it back to him and do not pay him. Of course, the patient keeps getting the bills, because they say, your doctor has not sent these in, or whatever. So there is this endless paper mill that gets caught up. Patients really should not have to worry about that.

I had some surgery and I wound up at home receiving all the bills that came from the hospital. At one point they had not paid a bill. I said, Well, this consultant came in and saw me. Why have you not paid him? They said, We have not received any confirmation that you were in the hospital. I said, where did you think I had the surgery, out in the parking lot? Because until the bills came in in the right order, they kept coming back to me.

That happens to people all over this country. Doctors spend a lot of time and money filling out forms for their patients. There is no need for that. There is no need for the insurance company to do that.

The reason they do that is the longer they hold on to the money, the more they have to give to the stockholders. If they paid their bills right away when they came in the money would be gone, but this way they can invest it and hold on to it and give the profits to their stockholders.

This patient bill of rights, in my view, in a democratic society there should not be any question about this passing. It has taken us 5 years to get it to this point, and we have passed it again, again, and again. The insurance companies have killed it either in the Senate or in the House.

It is absolutely a crime. The American people ought to demand of thier Members of Congress that they vote for the Dingell-Ganske-Norwood bill.

I have to give great credit to the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD). They are Republicans. But when one is sick, one is not a Republican or a Democrat, just a sick person. They have taken this very professionally. The gentleman from Iowa (Mr. GANSKE) is a very good surgeon, and the gentleman from Georgia also has a medical background. They have taken this and said, We do not care what our caucus said, we are going to do what is right.

In my view, that is what Members of Congress really should do, and I think all of them ought to do it. If the leadership does not bring it out here pretty quick, we are going to have to make them bring it.

□ 2320

Mr. PALLONE. I agree. And I know we are running out of time, so I guess we will finish off here; but I want to say two things.

First of all, I really appreciate the gentleman's joining me tonight, because I think a lot of the emphasis that we have talked about, not only tonight but on other occasions, has been more from the patient's point of view. And what the gentleman is pointing out is that basically the patients' bill of rights frees up the doctors to practice medicine, and that if we do not do this, in the long run we are going to lose a lot of good doctors. We already have. And, of course, that is a patient issue as well. Whatever helps the doctors certainly in these circumstances also helps the patients.

The other thing, of course, is my fear, and the reason we are here tonight is because we keep hearing that the Republican leadership, which does not want this bill and has done everything over the past 5 years to kill the bill, is trying to do that again. Basically, what they are doing is going to the 60-some odd Republicans who voted for the Patients' Bill of Rights in the last session and trying to get them to oppose that and support this Fletcher Republican bill, which does not accomplish the goal. My fear is that if they do not get enough votes to pass the Fletcher bill, the Republican leadership simply will not bring up the Patients' Bill of Rights.

So we are just going to have to keep holding their feet to the fire, so to speak. And as the gentleman says, if they will not bring it up, I guess we will have to resort to a discharge petition. But these procedural efforts are difficult. It is not easy to accomplish these things. So as the gentleman says, if we can get the American people to wake up sort of and say, look, this is something that has to be voted on; if we can accomplish that, that is really the way to go.

But we have to continue to speak out, as we did tonight and we will continue to, until we have a freestanding vote on this bill. It is that important.

Mr. McDERMOTT. I think what people really need to understand, too, is

that in a democracy there should be open debate. Both sides can make their case, and then we put it to a vote and the majority should rule. We have the majority of votes. The leadership is just using all the maneuvers of the parliamentary system to keep it locked up. But the ones they are hurting, not themselves perhaps, maybe they have not had the experience yet, but who they are hurting are the American people; and that is unconscionable, should not happen.

We have been too long on the road on this, and I congratulate the gentleman again for putting his time and effort into making this happen.

Mr. PALLONE. I thank the gentleman again.

TRIBUTE TO VETERANS OF PACIFIC THEATRE DURING WORLD WAR II

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Guam (Mr. UNDERWOOD) is recognized for the time remaining until midnight.

Mr. UNDERWOOD. Mr. Speaker, I rise today to pay tribute to the veterans of the Pacific theatre during World War II, especially for those who participated in the battle for Guam; and I also want to take the time to honor the Chamorro people, my people, the indigenous people of Guam, for their show of courage during the 2½ years of enemy occupation, and most especially to pay homage to the many lives lost during World War II, both by men in uniform and by the civilian population in Guam, particularly the lives lost at the Fena, Tinta, and Chaguian massacres that occurred near the end of the Japanese occupation. I will be submitting a list of names for the record of those who suffered the fate of death at those massacres.

On July 21, 2001, at the end of this week, the people of Guam will be celebrating the 57th anniversary of the liberation of Guam. It is that day that commemorates the landing of the Third Marine Division on the shores of Asan and the First Marine Provisional Brigade, supported by the 77th Army Infantry, in Agat. I wish to extend a very warm Hafa Adai and sincere Si Yu'os Ma'ase' to the veterans of that conflict who liberated Guam. I would also like to honor and pay respect and remember the people of Guam and the suffering they endured for some 2½ years under the enemy occupation of the Japanese Imperial Army.

On the morning of December 8, 1941, Japanese troops bombed and invaded Guam as part of Japan's attack on U.S. forces in the Pacific, including the attack on Pearl Harbor and the Philippines, both areas also having significant U.S. forces. They all occurred on the same day, except that Guam is on the other side of the date line. This commemoration, which I do annually, and try to bring a little honor and respect for the experiences of the people of Guam, is marked by a laying of the wreath at the Tomb of the Unknowns, which honors both the American veterans and remembers the sacrifices of the people of Guam.

This is also a tribute of the necessity for peace, for it is only in the remembrance of the horrors of war that we do really truly remain vigilant in our quest for peace.

I was privileged to lay a wreath at the Tomb of the Unknowns yesterday at Arlington National Cemetery honoring the liberation of Guam; and I was assisted by the gentleman from Arizona (Mr. STUMP), the chairman of the House Committee on Armed Services and a World War II veteran himself.

My purpose this evening, in the time that I have, is to give a historical perspective to the events we are commemorating on Guam at the end of this week, and to enhance the understanding of people across the Nation of the wartime experiences of the people of Guam and the postwar legacy which has framed the relationship of my island with the United States. It is a story that is both a microcosm of the heroism of soldiers everywhere and the suffering in particular of civilians in occupied areas during World War II.

This is encapsulated in these three pictures that I brought with me today, and it is part of a lengthy display that we have had called tempon gera, the time of war. And down here we have basically the cemetery, a temporary cemetery, in which servicemen were buried right after the battle of Guam. Here we have some servicemen entertaining some children from Guam right after the liberation of Guam. And this is the most poignant picture of all. Actually, these are a couple of kids from the Cruz family. This is a young lady and a young man, and this is probably the most remembered picture of the wartime period in Guam. Their mother has made a flag. Their mother was a seamstress, and she hand made this flag; and they carried it around at the time of the liberation of Guam.

Guam has a unique story all to itself. It is an experience of dignity in the midst of political and wartime machinations of larger powers over smaller peoples as well as a story of loyalty to America and a demonstration of loyalty that has not been asked of any civilian community, I believe, during the entire 20th century.

It is important to understand that Guam was an American territory since the end of the Spanish-American War in 1898. It was invaded, as I pointed out earlier, in the early morning hours of December 8, 1941, and thus began a 32-month epic struggle of the indigenous people of Guam, the Chamorro people, to maintain their dignity and to survive during an occupation by the Japanese.

In the months leading up to the war in the Pacific, many of the planners had decided that it was not feasible to defend Guam against the possible invasion by Japanese forces in the surrounding areas. All of the areas in the Micronesian region were held by Japan, save for Guam. The rest of the islands in the central Pacific were held by the Japanese under a League of Nations mandate, the most significant Japanese installations being held in Saipan, 100 miles to the north, and the naval forces in the Truk Lagoon, some 350 miles to the south.

This decision not to build up Guam became a major controversy in the latter part of World War II as people reviewed the records of Congress. Even though an effort was made in Congress, by amendment, to try to reinforce Guam, it failed; and subsequently the people of Guam, as well as the island of Guam, was laid defenseless.

When the Japanese Imperial Forces landed on Guam in December of 1941, they basically found 153 Marines, 271 Navy personnel, 134 workers associated with the Pan-American Clipper Station, and some 20,000 civilians, Chamorro people, who at that time were not U.S. citizens but were termed U.S. nationals. All of the American military dependents had been evacuated from Guam in anticipation of the war, with the last ship having left on October 17, 1941.

Despite the fact that of course we all think of the Japanese attack on Pearl Harbor as a surprise attack because of where it took place and the suddenness of it, I think most people at the time were fully cognizant of the fact that war was eminent in some fashion in the Asian Pacific area. And proof of that is the fact that the American military dependents were evacuated from Guam. But, of course, the people of Guam were not evacuated.

□ 2330

And it was the people who were left faced to confront the cruel occupation that they did actually experience in subsequent months. The actual defense of Guam then fell to these handful of Marines and handful of sailors and actually to the Guam ancillary guard and Guam militia consisting of civilian reserve forces.

The insular force, which was a locally-manned type militia, actually were the ones who faced the Japanese. The Japanese invasion force numbering some 5,000 easily overwhelmed these men in uniform. Ironically, the only ones who really fired any shots in anger were Japanese Imperial Forces, were members of the Guam insular guard who had set up some machine gun nests in defense of the Placa de Espana and at the governor's offices.

Throughout the ordeal of the occupation, the Chamorro people maintained

their loyalty to America and their faith that American forces would soon return to liberate them from the Japanese.

The resistance against the occupation manifested itself in many, many direct forms, but none so powerful and costly as the effort designed to help some American servicemen who had decided not to surrender.

When the Japanese took over Guam, some seven sailors decided that they would rather hide in the jungle than surrender to the Japanese. All of them, save one, were captured and executed by the Japanese Imperial Forces.

The one fortunate sailor who evaded capture throughout the entire 32 months of occupation with the assistance of the Chamorro at the cost of numerous atrocities to them, the story of this one sailor, George Tweed, was made into a movie entitled, ''No Man is an Island.''

The actual attack on Guam, the actual liberation of Guam began on July 21, 1944. As I have indicated, this Saturday is the 57th anniversary of that time period. But beginning in mid-June Guam started to experience a series of bombing runs as a result of a series of preinvasion bombardment.

The preinvasion bombardment off the coast of Guam was very intense, perhaps amongst the most intense during World War II, made more intense by the fact that in June U.S. forces had landed in Saipan and their struggles against the Japanese forces in Saipan was additional reason to increase the ferocity of preinvasion bombardment for Guam. As well as the experience of Normandy in Europe also led to the reconsideration of the preinvasion bombardment of areas that were to be invaded.

After U.S. forces began their preinvasion bombardment, which lasted over a month, they were called back only two hours after the initial bombing because of the ferocity of the battle for Saipan.

When the preinvasion bombardment began in mid-June and the actual invasion occurred toward the end of July, this time period experienced by the people of Guam was the most intense period of cruelty and atrocities that had been experienced by the people from the Japanese forces.

This actually gave some time during that 5-week's time for the Japanese forces to reinforce their position in anticipation and of course gave them additional opportunity to amass the Chamorro people on one side of the island to get them out of the way of the battle because they knew that the Chamorro people would be of assistance to the American forces.

In April 1944, approximately 20,000 Japanese troops were brought in from Manchuria, and they began a wholesale series of agricultural projects designed to feed the soldiers in which people started to experience widespread malnutrition. Then you had the preinvasion bombardments, a lot of forced marches; and the preceding months also featured a great deal of forced labor as the Japanese tried to build various installations on the island in anticipation of the invasion by the American forces.

Preceding the July 21, 1944, invasion of Guam were 13 days of preinvasion bombings that leveled almost all standing structures in Guam. It also served to act as a further stimulus for atrocities against the people of Guam. As the bombardment continued, the Japanese Imperial Forces, who basically realized their fate, that they were going to die either in suicide attacks or at the hands of the Americans, inflicted further brutality and mass slaughter against the people of Guam. The most known and remembered massacres were those that occurred in Tinta at the southern end of the island near the Fena Caves.

Tonight I try to bring attention to another massacre that is really not known by very many and has not really been widely explained.

Immediately after the island was secured, U.S. Navy Commander Roger Edison Perry filed a report on atrocities committed by Japanese Imperial Forces. A specific report dated August 16, 1944, mentions the decapitated bodies of 45 men who were discovered in the municipality of Yigo around the vicinity of the present Andersen Air Force base. What happened was these men were forcibly conscripted by the Japanese forces to be of service to them during their retreat from the central part of the island. Commander Perry's report indicated that the men were summarily executed because they knew too much about Japanese activities. The story of these men has largely been forgotten, and for over 50 years these men have remained unnamed and have hardly received any mention.

Mr. Speaker, today I am going to enter what are very familiar Chamorro names into the RECORD. The fate of these and a number of other unnamed men who paid the ultimate sacrifice during the occupation and eventual liberation of Guam indicate the height of indignities, pain and suffering endured by the Chamorro people due to their loyalty to the United States. Men were taken away from their homes and families, forcibly made to serve the enemy occupiers, and ultimately paid dearly with their lives because of their allegiance to the United States.

□ 2340

On July 21, 1944, the actual liberation began. U.S. Marines landed on the narrow beaches of Asan and Agat to crawl up their way to what is now known as Nimitz Hill. The men of the Third Marine Division were thrust wave after wave onto Asan Beach already littered with Marines that had come before them and once on shore the U.S. forces were in the heart of Japanese defense fortifications. Simultaneously, the southern beaches of Guam were braved by the First Marine Brigade and this was quickly interrupted by the only Japanese counterattack of the first day. It is also on those beaches that former Senator Hal Heflin was wounded as a Marine in Guam.

The people of Guam are a resolute and tenacious people as was proved some 57 years ago as they helped the Marines participating as scouts, lookouts and even forming little pockets of armed resistance to Japanese occupiers. The liberation of Guam is commemorated as a time of solemn memory and remembrance every year since World War II, because it is a very special struggle of what must ultimately be seen as Americans liberating people who were their fellow Americans. This serves as a reminder of the spirit of freedom and democracy and the high cost that must be paid to maintain it.

During the Japanese occupation, the people of Guam suffered severe privations and cruel injustices. It is hard to perhaps explain that every family on Guam has a whole series of stories related to the Japanese occupation and that these stories form the corpus of a series of attitudes about the relationship to the United States, the tenacity of the Chamorro people to endure privation and still manage to survive and to thrive. In my own family, I am the youngest of 11 children that my parents had, I am the only child that was born after World War II. My parents lost two children during the occupation. To this day my mother sort of remembers where her two children were buried but we are not sure really where they are at to this day. That is not an atypical story. It was a story that almost every family in Guam experienced. In the interplay between these men who were coming as Marines and as soldiers and as sailors, interacting with these people who had been under American sovereignty since the Spanish American war, and in that interplay, there are many, many stories about the meaning of that. In a very powerful and poignant sense, you had really in Guam two sets of liberators. You had the liberators that were coming in on the beaches and coming in from the ships, and you had the liberators who were hiding in the mountains and they were coming down from the mountains. In that meeting in which these stories are very much documented, people wept and cried for joy and the soldiers and the Marines themselves frequently broke down in tears as they understood that something very special was going on in this particular liberation in Guam in 1944.

Over the years, I have had the opportunity to discuss this, not only with the people of Guam obviously but also

with the men who came in uniform. To this day I am constantly amazed at the number of veterans who continue to show up, a little bit older but continue to show up at our events. Last weekend, I was at an event in San Antonio, Texas, commemorating the liberation of Guam in which there were over 700 people there. This weekend there will be numerous events not only in Guam but around the country. In San Diego which has the largest Chamorro community in the U.S. mainland, they are having a very special event to honor and bring in the veterans as their special guests, and there will be an event here in the Washington, D.C. area down at Fort Belvoir. Of course in Guam we will have a large parade, it is the single biggest holiday of the year, and marching down the main drive which in honor of the liberators is called Marine Drive, we will hopefully pay witness to some Marines marching and when they march, they will surely bring the biggest cheer.

The war also changed the relationship of the people of Guam to the United States. Immediately Guam was taken for a number of reasons. Obviously it was part of a general strategy to cripple Japan, but Guam and Saipan and Tinian were very crucial islands because those islands were fairly large compared to other Pacific islands in the central Pacific, and they also could reach Japan. They had the ability to reach Japan by air. So these three islands immediately became enormous platforms for the continual bombing of Japan. Of course off the one island of Tinian is where the Inola Gay took off to bomb Hiroshima.

So those islands, the islands were taken for this particular purpose. I always like to point out that one of our colleagues here in the House, the gentleman from New York (Mr. GILMAN), flew many combat missions out of Guam, out of what was then North Field and what is now called Andersen Air Force Base. In the context of World War II, Guam became the forward base for the United States. What was Pearl Harbor for the first part of World War II was basically moved to Guam. It became, in the words of the Victory at Sea program on Guam, the supermarket of the Pacific. Admiral Nimitz moved his headquarters there. Admiral Nimitz strategized, triangulated, fought the rest of the war from Guam. As a result of the experience of World War II, and the upcoming Cold War with the Soviet Union, it was decided that there would be many, many military installations built on Guam. So immediately, in order to prosecute World War II, the rest of World War II, because we still had the invasion of Iwo Jima and Okinawa and the Philippines to confront and many of those activities were triangulated out of Guam, many, many military installations were built on Guam. At any given time from the liberation of Guam until the end of World War II, you could find as many as 250,000 people in uniform on Guam while you only had a civilian population of about 20,000. So it became this military supermarket from which World War II in the Pacific was fought for the balance of the war. After World War II, it became a major Cold War base and, of course, based upon the experience in World War II, there were a number of political changes that were advocated by the local community in order to have, first of all, civilian government and not the pre-World War II naval government and also to have U.S. citizenship, and those things came to pass as well.

All of these things, as we understand the meaning of World War II for Guam in its own light, we also have to bring some understanding to the meaning of war in a broader light, World War II across this country and across the world.

One of the things that is upcoming on the national mall is the World War II Memorial. Based on what I have outlined here this evening, when they first conceptualized the World War II Memorial, which will be built on the mall, despite all of the ongoing controversies about it, when that memorial was first proposed, they proposed having 50 columns to represent basically the 50 States. It was a little incongruous because at the time of World War II, there were only 48 States.

□ 2350

But what was particularly disturbing to me was that given this experience which I have outlined this evening, that while it is true that the 50 columns which were being built for the World War II memorial should include each of the States, it did not include Guam. So after exerting some special effort in this regard, we have been happy to note, grateful to note, that Guam will be included in some fashion deserving its own pillar. So there are now 56 pillars representing each State and territory and the District of Columbia, so that all who participated in World War II will be recognized.

That is particularly important in Guam's case, and it is particularly important to understand the meaning of sacrifice, and not only subjecting yourself to the danger of death, as sometimes men in particularly that time period are called to do in the context of war, but to understand that civilian communities like Guam experienced war at a more direct level, suffering untold atrocities, suffering in ways in which I hope no community is ever called upon to suffer.

But it reminds us of a basic reality in human history, that there are times when we are called upon to suffer, there are times when we are called upon to fight, but there is something more at stake than that, and that is when we say we fight for freedom and when we say we fight for democracy and when we say we fight for liberation, we must understand that each generation is commanded, each generation is responsible to make their contribution to the perfection of liberation, to the perfection of democracy, to make sure that the sacrifices of people who came before us were for something more significant than the sacrifices just at that time; that it is part of a continuing saga of struggle, of the perfection of democracy.

It is no secret that today Guam is what is called an unincorporated territory of the United States. Its political development and its political fulfillment has yet to be fully consummated. Even though we call July 21, 1944, Liberation Day, all of us in Guam are mindful of the fact that that liberation was liberation from enemy hands; that we have many more struggles in our desire to be fully liberated, to be full participants in a democratic and representative form of government, the kind of government which we do not have today, because as a territory you do not have voting representation in laws which are made that govern your existence, the same as any other American. By not having the right to fully participate in law making, you violate one of the core principles of American democracy, which is consent of the governed.

So as we look back on this, and there are many, many stories that come out of World War II that I can tell, I will just end with one story about a 13-year-old girl. Her name is Beatrice Flores Ensley. This young lady was 13 years old in 1944. She and a friend of hers were actually caught by a Japanese patrol. The Japanese patrol decided to behead these two young people. I think the young man was only 14 and she was only 13. They cut through her neck, buried her and her companion and left them for dead. But by some miracle, both of them survived.

She was in a very shallow grave, and Beatrice crawled out of the hole, maggots covering her wound, and she then became over the years, and I remember her looking at her, I remember seeing her when I was in high school and people remarking, oh, look at it, you could see the enormous scar on her neck, and she became over time a symbol of the Chamorro people's capacity to survive.

She came on several occasions to testify here in Congress at great personal cost to her own psychological equilibrium, because it was a memory she did not like to relive. But she came here and testified on behalf of bringing justice to the people of Guam for their World War II experience and to gain some recognition.

Because of her, we were able to get a Memorial Wall built in the War on the Pacific National Park, which is in

Guam, which lists all the Chamorros who suffered during World War II, because of her testimony.

I can say one thing about Mrs. Ensley, who has since passed away, that during that whole time, she was never embittered. She never uttered one harsh word about the Japanese people or the Japanese army at the time. But she took very careful note of her experience, to explain it to other people so that they could understand it in its own light, not as a lesson of bitterness, not as a testimony to cruelty, but as a testimony to the human capacity to survive, to forgive, and to inspire others and to command others to make their own contributions to the perfection of democracy and justice and liberation.

I am thankful for this opportunity to present these items. I have a number of names to enter into the RECORD for the Fena massacre, the Tinta massacre and the Chaguian massacre.

VICTIM/SURVIVOR LISTING—2001 FENA CAVES MASSACRE MEMORIAL SERVICES

VICTIMS

1. Aguigui, Balbino G.
2. Aguon, Jesus
3. Babauta, Joseph
4. Babauta, Juan B.
5. Borja, Vicente Munoz
6. Camacho, Gaily Cruz
7. Carbullido, Evelyn T.
8. Castro, Concepcion R.
9. Castro, Dolores Rabago
10. Castro, Maria Rabago
11. Charfauros, Antonio B.
12. Cruz, Dolores J.
13. Cruz, Jose T.
14. Cruz, Maria J.
15. Cruz, Vicente T.
16. Elliot, Antonio Cruz
17. Fejeran, Dolores C.
18. Fejeran, Enrique C.
19. Herrera, Joe
20. Lizama, Caridad T.
21. Lizama, Gregorio T.
22. Mendiola, Juan Ulloa
23. Mesa, Rosalia Pinaula
24. Ana Terlaje Nededog
25. Nededog, Juan T.
26. Perez, Ana P.
27. Quitano, Ana L.G.
28. Sablan, Nicolas
29. Sablan, Raleigh Carbullido
30. Sablan, Rosita Carbullido
31. Toves, Frank
32. Toves, Johnny

SURVIVORS

1. Aguigui, Elias San Nicolas
2. Alerta, Maria (Chong) San Nicolas
3. Babauta, Jesus C.
4. Babauta, Rosa C.
5. Babauta, Vicente Torres
6. Barcinas, Joaquin
7. Babauta, Maria S.
8. Borja, Francisco
9. Camacho, Francisco G.
10. Camacho, Juan Guerrero
11. Castaneda, Ana Muna Salas
12. Castro, Jose Rabago
13. Castro, Santiago Rabago
14. Chaco, Maria B.
15. Charfauros, Francisco Muna
16. Concepcion, Francisco Perez
17. Concepcion, Ignacio Mendiola
18. Cordova, Maria Mendiola Cruz
19. Cruz, Antonio Reyes
20. Cruz, Joaquin Mendiola
21. Cruz, Joaquin Ofricido
22. Cruz, Jose Ofricido
23. Cruz, Juan Reyes
24. Cruz, Pedro Ofricido
25. De Jesus, Joaquin
26. Dela Cruz, Antonio Reyes
27. Espinosa, Jesus Mata
28. Fernandez, Catalina C.
29. Garrido, Joseph C.
30. Garrido, Rosa Taitague
31. Guzman, Jesus Concepcion
32. Herrera, Maria
33. Herrera, Vicente Q.
34. Lizama, Juan Quitugua
35. Manguba, Josefa San Nicolas
36. Munoz, Gregorio Sablan
37. Nauta, Maria Babauta
38. Nededog, Roque Nededog
39. Pangelinan, Francisco Sablan
40. Pinaula, John
41. Pinaula, Joseph
42. Pinaula, William
43. Quidachay, Jesus G.
44. Reyes, Enrique Chaco
45. Reyes, Gonzalo Chaco
46. Reyes, Joseph C.
47. Reyes, Juan Taijito (Severa)
48. Roberto, Pedro L. G.
49. Sablan, Francisco ''Nabing'' Manibusan
50. Sablan, Jose S.
51. Sablan Juan S.
52. San Nicolas, Jesus Muna
53. San Nicolas, Jose Chaco
54. Sucaldito, Agnes Nededog
55. Salas, Antonio Muna
56. Santos, Jose B.
57. Schmidt-Yates, Alfonsina Sablan
58. Taitano, Jose
59. Terlaje, Balbino Muna
60. Topasna, Jose Q.
61. Toves, Arthur Carbullido
62. Toves, Joseph Carbullido
63. Ulloa, Juan
64. Unsiog, Agustin Nededog

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. GEPHARDT) for July 17 from 10:00 a.m. to 1:00 p.m. on account of a medical appointment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, July 19, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2951. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Uruguay Because of Foot-and-Mouth Disease [Docket No. 00–111–2] received July 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2952. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Modifications to the Rules and Regulations Under the Tart Cherry Marketing Order [Docket No. FV01–930–3 IFR] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2953. A letter from the Deputy Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96–262] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2954. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 074–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2955. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Ireland, Kazakstan and Russia [Transmittal No. DTC 049–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2956. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports of Agricultural Commodities, Medicines and Medical Devices [Docket No. 010612152–1152–01] (RIN: 0694–AC37) received July 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2957. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Harmonization of Definitions of

Terms [Docket No. 010423100–1100–01] (RIN: 0694–AC03) received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2958. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rule to Revise Certain Provisions of the American Fisheries Act; Extension of Expiration Date [Docket No. 010111009–1009–01; I.D. 122600A] (RIN: 0648–AO72) received July 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2959. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada (PWC) Model PW305 and PW305A Turbofan Engines [Docket No. 2000–NE–24–AD; Amendment 39–12129; AD 2001–04–10] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2960. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–50 Series Turbofan Engines [Docket No. 2000–NE–38–AD; Amendment 39–12136; AD 2001–04–16] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2961. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 2000–NE–43–AD; Amendment 39–12144; AD 2001–05–07] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2962. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International, S.A. CFM56–3, -3B, and -3C Series Turbofan Engines [Docket No. 98–ANE–57–AD; Amendment 39–12124; AD 2001–04–06] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2963. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes [Docket No. 2000–CE–46–AD; Amendment 39–12138; AD 2001–05–02] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2964. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 2000–CE–54–AD; Amendment 39–12115; AD 2001–03–11] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2965. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Inc. Model 205A–1, 205B, 212, 412, 412CF, and 412EP Helicopters [Docket No. 2001–SW–06–AD; Amendment 39–12181; AD 2001–08–04] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2966. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters [Docket No. 2000–SW–22–AD; Amendment 39–12146; AD 2001–05–09] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2967. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. Y-Shank Series Propellers [Docket No. 99–NE–21–AD; Amendment 39–12168; AD 2001–07–03] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2968. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Security Requirements for Unclassified Information Technology Resources —received July 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follow:

Mr. THOMAS: Committee on Ways and Means. House Joint Resolution 50. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China (Rept. 107–145); adversely. Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 199. Resolution providing for consideration of the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–146). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Omitted from the Record of July 11, 2001]

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. RAHALL, Ms. LEE, Mr. CLAY, Ms. WOOLSEY, Mrs. MALONEY of New York, Mr. UDALL of Colorado, Mr. BROWN of Ohio, Ms. SOLIS, Mr. FARR of California, Mrs. JONES of Ohio, Mr. STARK, Ms. MCKINNEY, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. FILNER, Mr. DAVIS of Illinois, Ms. VELÁZQUEZ, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. HONDA, Mr. OWENS, Mr. EVANS, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. CARSON of Indiana, Mr. SERRANO, Mr. BAIRD, Mr. HOLT, Mr. MCGOVERN, Ms. WATERS, Mr. SCOTT, and Mr. NADLER):

H.R. 2459. A bill to establish a Department of Peace; to the Committee on Government Reform, and in addition to the Committees on International Relations, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted July 18, 2001]

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. SIMPSON, Mr. REYES, Mr. STUMP, Mr. FILNER, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. BUYER, Mr. RODRIGUEZ, Mr. BAKER, Mr. SHOWS, Mr. SIMMONS, Mr. UDALL of New Mexico, Mr. BROWN of South Carolina, and Mrs. CAPPS):

H.R. 2540. A bill to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 2541. A bill to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities; to the Committee on International Relations.

By Mr. PUTNAM:

H.R. 2542. A bill to establish a Farmland Stewardship Program designed to target existing conservation programs to the specific conservation needs and opportunities presented by certain agricultural lands and to authorize the Secretary of Agriculture to enter into stewardship contracts with private owners and operators of these lands to maintain, protect, and care for the natural, environmental, and agricultural resources on these lands, and for other purposes; to the Committee on Agriculture.

By Mr. YOUNG of Alaska:

H.R. 2543. A bill to amend title 39, United States Code, to direct the Postal Service to adhere to an equitable tender policy in selecting air carriers of non-priority bypass mail to certain points in the State of Alaska, and for other purposes; to the Committee on Government Reform.

By Mr. GILMAN:

H.R. 2544. A bill to direct the Secretary of Transportation to offer federally financed, interest-free loans to public schools, municipalities, and local governments for the purchase of hybrid electric or other high-efficiency vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BAKER:

H.R. 2545. A bill to amend the National Flood Insurance Act of 1968 to provide for identification, mitigation, and purchase of properties insured under the national flood insurance program that suffer repetitive losses; to the Committee on Financial Services.

By Mr. BLUNT (for himself, Mr. ANDREWS, Mr. PALLONE, Mr. TANCREDO, Mr. BARTLETT of Maryland, Mr. PASCRELL, Mr. LOBIONDO, Mr. CAPUANO, Mr. SHAYS, Ms. DELAURO, Ms. BROWN of Florida, Mr. MICA, Mr. ISAKSON, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. JEFFERSON, Mr. ENGLISH, Mr. CARDIN, and Mr. TOWNS):

H.R. 2546. A bill to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service,

and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself and Mr. ARMEY):

H.R. 2547. A bill to require certain executive agencies to carry out a cost-effective program for identifying any errors made in paying contractors and for recovering any amounts erroneously paid to contractors; to the Committee on Government Reform.

By Mr. DOOLITTLE:

H.R. 2548. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Ms. DUNN (for herself, Mr. MCDERMOTT, Mr. DICKS, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. INSLEE, Mr. NETHERCUTT, and Mr. BAIRD):

H.R. 2549. A bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the Medicare Program to Medicare+Choice organizations; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. RANGEL, Mr. ACEVEDO-VILA, Mr. RAMSTAD, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. BECERRA, Mr. SENSENBRENNER, Mr. WICKER, Mr. GREEN of Wisconsin, Mrs. CHRISTENSEN, Ms. PELOSI, Mr. RAHALL, Mr. MENENDEZ, Mr. HOYER, Mr. SERRANO, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. TOWNS, Mr. CLEMENT, Mr. BRADY of Pennsylvania, Mr. UNDERWOOD, Mr. FALEOMAVAEGA, and Mr. WELLER):

H.R. 2550. A bill to amend the Internal Revenue Code of 1986 to provide an appropriate and permanent tax structure for investments in the Commonwealth of Puerto Rico and the possessions of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 2551. A bill to modify the authorized land conveyance regarding the Indiana Army Ammunition Plant in Charlestown, Indiana, to eliminate the requirement that the Indiana Army Ammunition Plant Reuse Authority provide consideration for acquisition of the property; to the Committee on Armed Services.

By Mr. KENNEDY of Minnesota:

H.R. 2552. A bill to require the payment of an indemnity to sugar beet producers in the State of Minnesota for losses sustained to the 2000 crop of sugar beets as a result of a late season freeze when the damage to the sugar beets did not fully manifest itself until after delivery of the crop to the processor; to the Committee on Agriculture.

By Mr. KINGSTON:

H.R. 2553. A bill to amend title XIX of the Social Security Act to waive the obstetrican requirement insofar as it prevents DSH designation in the case of certain rural hosipitals; to the Committee on Energy and Commerce.

By Mr. KINGSTON:

H.R. 2554. A bill to modify the project for beach erosion control, Tybee Island, Georgia; to the Committee on Transportation and Infrastructure.

By Ms. LEE (for herself and Mr. HOYER):

H.R. 2555. A bill to amend chapter 53 of title 5, United States Code, to include employees of the legislative branch in the program established under such chapter under which Federal agencies may agree to repay student loans of their employees, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 2556. A bill to amend the Act of March 3, 1875, to permit the State of Colorado to use land held in trust by the State as open space; to the Committee on Resources.

By Mr. MENENDEZ (for himself, Mr. HOUGHTON, Mr. FLAKE, and Mr. BLUMENAUER):

H.R. 2557. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations.

By Mr. PETRI (for himself, Mr. KIND, Mr. GREEN of Wisconsin, Mr. SENSENBRENNER, Mr. RYAN of Wisconsin, Ms. BALDWIN, Mr. BARRETT, Mr. KLECZKA, and Mr. PETERSON of Minnesota):

H.R. 2558. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to voluntary early retirement benefits and medical benefits; to the Committee on Education and the Workforce.

By Mr. SCARBOROUGH (for himself, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mr. CUMMINGS, Mrs. MORELLA, and Mr. WAXMAN):

H.R. 2559. A bill to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mrs. CAPPS, and Mr. KIRK):

H.R. 2560. A bill to establish a program for an information clearinghouse to increase public access to defibrillation in schools; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. MURTHA, Mr. SMITH of New Jersey, Mr. EVANS, Mr. SKELTON, Mr. GILMAN, Mr. MCHUGH, and Mr. SENSENBRENNER):

H.R. 2561. A bill to increase the rate of special pension for recipients of the medal of honor, to authorize those recipients to be furnished an additional medal for display purposes, to increase the criminal penalties associated with misuse or fraud relating to the medal of honor, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLAGOJEVICH:

H. Con. Res. 187. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Harold Washington, the 42d mayor of Chicago; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. SMITH of New Jersey, Mr. GILMAN, Mr. BURTON of Indiana, Mr. LANTOS, Mr. HOEFFEL, Mr. WEXLER, Mr. FRANK, Mr. ROHRABACHER, Ms. MCKINNEY, Ms. LEE, Mr. NORWOOD, Mr. HILLIARD, Mr. RUSH, Mr. BURR of North Carolina, Mr. KING, Mr. ACKERMAN, Mr. CLAY, Mr. BARTON of Texas, Mr. ABERCROMBIE, Mr. BERMAN, Ms. BERKLEY, Mr. TANCREDO, Mr. CHABOT, Mr. SAXTON, Mr. NETHERCUTT, Mr. BENTSEN, Mr. DIAZ-BALART, Mr. CONYERS, Mr. NADLER, and Mr. TIBERI):

H. Con. Res. 188. Concurrent resolution expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners; to the Committee on International Relations.

By Mr. GALLEGLY (for himself, Mr. LANTOS, and Mr. SHERMAN):

H. Res. 200. A resolution relating to the transfer of Slobodan Milosevic, and other alleged war criminals, to the International Criminal Tribunal for Yugoslavia, and for other purposes; to the Committee on International Relations.

By Mr. HASTINGS of Washington (for himself, Mr. MCDERMOTT, Mr. NETHERCUTT, Mr. DICKS, Ms. DUNN, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. INSLEE, and Mr. BAIRD):

H. Res. 201. A resolution honoring four firefighters who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State; to the Committee on Government Reform.

By Mrs. MCCARTHY of New York (for herself and Mr. KING):

H. Res. 202. A resolution expressing the sense of the House of Representatives regarding the establishment of a Summer Emergency Blood Donor Month to encourage eligible donors in the United States to donate blood; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Ms. WATERS and Ms. SLAUGHTER.
H.R. 91: Mr. GILLMOR.
H.R. 122: Mr. HYDE.
H.R. 179: Mr. FORBES.
H.R. 201: Mr. GREEN of Texas.
H.R. 218: Mr. PETRI and Mr. THOMAS.
H.R. 220: Mr. HEFLEY.
H.R. 600: Mr. BARTLETT of Maryland.
H.R. 612: Mr. MORAN of Kansas.
H.R. 660: Mr. BAIRD.
H.R. 687: Mr. ALLEN.
H.R. 709: Mrs. CAPPS and Mr. GREEN of Texas.
H.R. 742: Mr. HILLIARD, Ms. SOLIS, and Mr. SERRANO.
H.R. 778: Mr. CRANE.
H.R. 786: Mrs. LOWEY.
H.R. 794: Mr. MATSUI.
H.R. 827: Mr. REHBERG.
H.R. 830: Mr. WATTS of Oklahoma, Mr. OSE, and Mr. FOLEY.
H.R. 854: Mr. FLETCHER and Mr. BROWN of Ohio.
H.R. 912: Mr. HONDA.
H.R. 945: Mrs. CLAYTON and Mr. BACA.
H.R. 959: Mr. WU, Mr. HORN, Mr. FROST, and Mr. FARR of California.
H.R. 975: Mr. ISAKSON.
H.R. 978: Mr. ALLEN and Mr. BARTLETT of Maryland.

H.R. 981: Mr. EHRLICH.
H.R. 1007: Ms. SOLIS.
H.R. 1026: Mr. HASTINGS of Washington.
H.R. 1090: Mr. HOLDEN, Mr. STARK, and Mr. NEAL of Massachusetts.
H.R. 1111: Mr. SAWYER.
H.R. 1121: Mr. PICKERING.
H.R. 1136: Mr. COMBEST.
H.R. 1143: Mr. MCDERMOTT, Mr. HOLT, and Mr. ACKERMAN.
H.R. 1169: Mr. PETERSON of Pennsylvania.
H.R. 1180: Mr. UDALL of Colorado.
H.R. 1198: Mr. GILMAN, Mr. MCNULTY, Mr. COLLINS, Mr. COBLE, Mr. GRUCCI, and Mr. ANDREWS.
H.R. 1295: Mrs. JONES of Ohio and Ms. MCKINNEY.
H.R. 1329: Mr. KELLER.
H.R. 1354: Mr. ACKERMAN.
H.R. 1360: Ms. MCCOLLUM.
H.R. 1377: Mr. FORD and Mr. UNDERWOOD.
H.R. 1408: Mr. KING and Mr. CHAMBLISS.
H.R. 1425: Mr. THOMPSON of Mississippi and Mr. UDALL of Colorado.
H.R. 1433: Mr. LANTOS.
H.R. 1459: Mr. JEFFERSON and Mr. BRADY of Texas.
H.R. 1466: Ms. HART and Mrs. THURMAN.
H.R. 1543: Mr. MALONEY of Connecticut.
H.R. 1556: Mr. BOUCHER, Mr. FROST, Ms. ROS-LEHTINEN, Mr. LANTOS, and Mr. WELDON of Florida.
H.R. 1564: Ms. MCKINNEY.
H.R. 1650: Mr. PASTOR and Mr. PLATTS.
H.R. 1675: Mr. HYDE.
H.R. 1724: Mr. ROTHMAN and Mr. CROWLEY.
H.R. 1734: Mr. GEORGE MILLER of California.
H.R. 1771: Mr. DEUTSCH.
H.R. 1774: Mr. BACA.
H.R. 1808: Mr. ISRAEL, Mr. MEEKS of New York, and Ms. NORTON.
H.R. 1849: Mr. MEEKS of New York.
H.R. 1873: Ms. HOOLEY of Oregon.
H.R. 1875: Ms. SLAUGHTER.
H.R. 1894: Mr. HILLIARD, Mr. CROWLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, and Ms. CARSON of Indiana.
H.R. 1931: Mr. WATTS of Oklahoma and Mr. ROHRABACHER.
H.R. 1947: Mr. FATTAH.
H.R. 1950: Mr. FORD.
H.R. 1979: Mr. SIMPSON, Mr. REHBERG, Mr. THOMPSON of Mississippi, and Mr. KIRK.
H.R. 1990: Ms. SLAUGHTER, Ms. SANCHEZ, and Ms. VELÁZQUEZ.
H.R. 1992: Mr. SCHAFFER.
H.R. 1996: Mr. MCGOVERN.
H.R. 1997: Mr. DEFAZIO and Mr. BENTSEN.
H.R. 2064: Mr. JEFFERSON, and Mr. MCDERMOTT.
H.R. 2074: Mr. HASTINGS of Florida and Mr. BLAGOJEVICH.
H.R. 2076: Mr. ROYCE.
H.R. 2081: Mr. KELLER, Mr. PLATTS, Mr. PITTS, and Mr. GUTIERREZ.
H.R. 2096: Mr. EVERETT.
H.R. 2099: Mr. INSLEE.
H.R. 2123: Mr. BEREUTER, Mr. SANDERS, Mr. YOUNG of Alaska, Mr. RILEY, and Mr. HILLEARY.
H.R. 2138: Mrs. MINK of Hawaii, Mr. HONDA, and Mr. LUTHER.
H.R. 2145: Mr. HOLT.
H.R. 2157: Mr. OSBORNE, Ms. MCKINNEY, and Mr. TURNER.
H.R. 2164: Mrs. LOWEY and Mr. RUSH.
H.R. 2174: Mr. LEWIS of California and Ms. MCKINNEY.
H.R. 2175: Mr. TANCREDO.
H.R. 2212: Mr. CALVERT, Mr. HEFLEY, Mr. KIRK, and Mr. KELLER.
H.R. 2235: Mr. NETHERCUTT and Mr. NORWOOD.
H.R. 2249: Mr. TOWNS.
H.R. 2263: Mrs. MINK of Hawaii.
H.R. 2282: Mr. WATT of North Carolina.
H.R. 2291: Mr. TOM DAVIS of Virginia, Mr. ROGERS of Michigan, Mr. HUTCHINSON, Ms. MCCOLLUM, Mr. BALDACCI, Mr. KUCINICH, Mr. BONIOR, Mr. WHITFIELD, Ms. MCKINNEY, and Mr. HEFLEY.
H.R. 2315: Mr. MILLER of Florida, Mr. BROWN of South Carolina, Mr. ADERHOLT, and Mr. KNOLLENBERG.
H.R. 2316: Mr. RYAN of Wisconsin, Mr. BLUNT, Mr. TANCREDO, Mr. COX, Mr. BALLENGER, Mr. CRENSHAW, Mr. BARR of Georgia, Mr. WAMP, Mr. WICKER, Mr. PORTMAN, Mr. LEWIS of Kentucky, Mr. LARGENT, Mr. DEMINT, Mr. PENCE, Mr. TERRY, Mrs. CUBIN, Mr. CALVERT, Mr. LOBIONDO, Mr. REHBERG, Mr. SCHROCK, Mr. KELLER, and Mr. TAYLOR of North Carolina.
H.R. 2323: Mr. BACHUS, Mr. ENGLISH, and Mr. NEY.
H.R. 2363: Mr. BRADY of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. PAUL, Mr. WEXLER, Mr. BORSKI, Mr. RUSH, Mr. KILDEE, and Mr. FATTAH.
H.R. 2364: Mr. RUSH, Mr. FATTAH, and Mr. KILDEE.
H.R. 2390: Mr. KERNS.
H.R. 2400: Mr. QUINN.
H.R. 2402: Mr. QUINN.
H.R. 2409: Mr. NETHERCUTT and Mr. PETERSON of Pennsylvania.
H.R. 2413: Mrs. CAPPS.
H.R. 2435: Mr. KILDEE.
H.R. 2454: Mr. WAXMAN, Mr. BERMAN, Ms. ROYBAL-ALLARD, Ms. LEE, Ms. SANCHEZ, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. STARK, Mr. SCHIFF, Mr. BISHOP, Mr. CUMMINGS, Mr. FARR of California, Mr. BACA, Ms. LOFGREN, Ms. WATERS, Mr. HORN, and Mrs. CAPPS.
H.R. 2457: Mr. THOMAS, Mr. FLETCHER, Mr. NETHERCUTT, Mr. LOBIONDO, and Mr. PETERSON of Pennsylvania.
H.R. 2484: Mr. COSTELLO and Mr. EVANS.
H.R. 2520: Mr. DEFAZIO.
H.R. 2531: Mr. CLAY.
H.R. 2534: Ms. LOFGREN, Ms. WATSON, Mr. HONDA, Mrs. DAVIS of California, Ms. LEE, Ms. ROYBAL-ALLARD, Mr. FARR of California, Ms. MILLENDER-MCDONALD, Mr. MATSUI, Mr. SHERMAN, Mr. BACA, Ms. ESHOO, Mr. WAXMAN, Mrs. NAPOLITANO, Mr. CONYERS, Mr. THOMPSON of California, Mr. UDALL of Colorado, Mr. GONZALEZ, and Mr. BERMAN.
H. Con. Res. 25: Mr. LUTHER.
H. Con. Res. 36: Mr. CHABOT.
H. Con. Res. 58: Mr. CRENSHAW.
H. Con. Res. 131: Mr. SHERMAN and Mr. LANTOS.
H. Con. Res. 162: Mr. BONIOR, Ms. PELOSI, and Mr. MENENDEZ.
H. Con. Res. 164: Mrs. LOWEY.
H. Con. Res. 173: Mr. EVANS, Mr. CUMMINGS, Mr. KOLBE, Mr. NADLER, Mr. MCDERMOTT, Mr. LEVIN, Mr. BRADY of Pennsylvania, Mr. BAIRD, Mrs. MINK of Hawaii, Mr. KUCINICH, and Mr. FILNER.
H. Con. Res. 180: Ms. RIVERS, Mr. TAYLOR of Mississippi, Mr. OLVER, Ms. DELAURO, Mr. DEUTSCH, Mr. BAIRD, Mr. BERMAN, Mr. FARR of California, Mr. SIMMONS, and Mr. HINCHEY.
H. Res. 132: Mr. ABERCROMBIE, Mr. MCDERMOTT, and Mr. PASCRELL.
H. Res. 193: Ms. SLAUGHTER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MR. BARTLETT OF MARYLAND

AMENDMENT NO. 3: At the end of the bill, insert after the last section (preceding the short title) the following:

PROHIBITION ON IMPLEMENTATION OF UNITED NATIONS CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

SEC. ____. None of the funds made available in this Act may be used to implement any recommendation or requirement adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (July 2001), except to the extent authorized pursuant to a law enacted after the date of the enactment of this Act.

H.R. 2506

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 4: Page 112, after line 22, insert the following:

FUNDING FOR OFFICE OF ENVIRONMENT AND URBAN PROGRAMS OF USAID

SEC. ____. The Administrator of the United States Agency for International Development shall ensure that amount of funds provided to the Office of Environment and Urban Programs of the Agency for fiscal year 2002 is greater than the amount of funds received by such Office for fiscal year 2001.

H.R. 2506

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 5: In title II of the bill in the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the first dollar amount, insert the following: ''(increased by $20,000,000)''.

In title II of the bill in the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the fourth dollar amount in the fourth proviso, insert the following ''(increased by $20,000,000)''.

In title IV of the bill in the item relating to ''CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY'', after the first dollar amount, insert the following: ''(decreased by $10,000,000)''.

In title IV of the bill in the item relating to ''CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND'', after the first dollar amount, insert the following: ''(decreased by $10,000,000)''.

H.R. 2506

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 6: In title II of the bill in the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the first dollar amount, insert the following: ''(increased by $40,000,000)''.

In title II of the bill in the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the fourth dollar amount in the fourth proviso, insert the following ''(increased by $40,000,000)''.

In title IV of the bill in the item relating to ''CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY'', after the first dollar amount, insert the following: ''(decreased by $10,000,000)''.

In title IV of the bill in the item relating to ''CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND'', after the first dollar amount, insert the following: ''(decreased by $30,000,000)''.

H.R. 2506

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 7: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any good or service by a company that is under investigation for trade dumping by the International Trade Commission, or is subject to an anti-dumping duty order issued by the Department of Commerce.

H.R. 2506

OFFERED BY: MR. CARDIN

AMENDMENT NO. 8: Page 108, after line 20, insert the following:

SENSE OF THE CONGRESS RELATING TO COOPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

SEC. 579. (a) FINDINGS.—The Congress finds as follows:

(1) All member states of the United Nations have the legal obligation to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia.

(2) All parties to the General Framework Agreement for Peace in Bosnia and Herzegovina have the legal obligation to cooperate fully with the Tribunal in pending cases and investigations.

(3) The United States Congress continues to insist, as a condition for the receipt of foreign assistance, that all governments in the region cooperate fully with the Tribunal in pending cases and investigations.

(4) The United States Congress strongly supports the efforts of the Tribunal to bring those responsible for war crimes, crimes against humanity, and genocide in the former Yugoslavia to justice.

(5) Those authorities in Serbia and the Federal Republic of Yugoslavia responsible for the transfer of Slobodan Milosevic to the Tribunal at The Hague are congratulated.

(6) The governments of Croatia and Bosnia are congratulated for their cooperation with the Tribunal, particularly regarding the transfer of indictees to the Tribunal.

(7) At least 30 persons who have been indicted by the Tribunal remain at large, especially in the Republika Srpska entity of Bosnia-Herzegovina, including but not limited to Radovan Karadzic and Ratko Mladic.

(8) The Parliamentary Assembly of the Organization for Security and Cooperation in Europe recently adopted a resolution that emphasizes the importance of cooperation by member states with the Tribunal.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) All governments, entities, and municipalities in the region, including but not limited to the Federal Republic of Yugoslavia, Serbia, and the Republika Srpska entity of Bosnia and Herzegovina, are strongly encouraged to cooperate fully and unreservedly with the International Criminal Tribunal for the Former Yugoslavia in pending cases and investigations.

(2) All governments, entities, and municipalities in the region should cooperate fully and unreservedly with the Tribunal, including (but not limited to) through—

(A) the immediate arrest, surrender, and transfer of all persons who have been indicted by the Tribunal but remain at large in the territory which they control; and

(B) full and direct access to Tribunal investigators to requested documents, archives, witnesses, mass grave sites, and any officials where necessary for the investigation and prosecution of crimes under the Tribunal's jurisdiction.

H.R. 2506

OFFERED BY: MR. CONYERS

AMENDMENT NO. 9: Page [25], line [9], strike ''and are'' and all that follows through ''106–246:'' on line [11].

H.R. 2506

OFFERED BY: MR. CONYERS

AMENDMENT NO. 10: Page [25], line [11], strike ''*Provided further*'' and all that follows through ''heading:'' on line [13].

H.R. 2506

OFFERED BY: MR. CONYERS

AMENDMENT NO. 11: Page 112, after line 22, insert the following:

PROHIBITION ON AERIAL SPRAYING EFFORTS TO ERADICATE ILLICIT CROPS IN COLOMBIA

SEC. ____. None of the funds made available in this Act under the heading ''DEPARTMENT OF STATE—INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'' or ''DEPARTMENT OF STATE—ANDEAN COUNTERDRUG INITIATIVE'' may be used for aerial spraying efforts to eradicate illicit crops in Colombia.

H.R. 2506

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 12: Page 2, line 25, after the dollar amount, insert ''(reduced by $1)''.

Page 11, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 25, line 7, after the dollar amount, insert ''(reduced by $10,000,000)''.

H.R. 2506

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 13: Page 2, line 25, after the dollar amount, insert ''(reduced by $1)''.

Page 11, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 32, line 25, after the first dollar amount, insert ''(reduced by $10,000,000)''.

H.R. 2506

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 14: Page 11, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 33, line 17, after the dollar amount, insert ''(reduced by $10,000,000)''.

H.R. 2506

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 15: Page 11, line 12, insert before the period the following: '': *Provided*, That of the amount made available under this heading, $10,000,000 shall be for disaster preparedness activities for India''.

H.R. 2506

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 16: Page 112, after line 22, insert the following:

REVISION OF FUNDS

SEC. ____. The amounts otherwise provided by this Act are revised by increasing the amount made available for ''INTERNATIONAL DISASTER ASSISTANCE'' to be expended by the South Asia Regional Office (located in Kathmandu, Nepal) of the Office of Foreign Disaster Assistance of the United States Agency for International Development, and reducing the amount made available for ''ANDEAN COUNTERDRUG INITIATIVE'', by $10,000,000.

H.R. 2506

OFFERED BY: MR. DELAHUNT

AMENDMENT NO. 17: Page 112, after line 22, insert the following:

REPORT ON IMPLEMENTATION OF COLOMBIAN NATIONAL SECURITY LEGISLATION

SEC. ____. (a) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, after consultation with representatives from internationally recognized human rights organizations, shall submit to the appropriate congressional committees a report on the implementation of the Colombian national security legislation passed by the Colombian Congress on June 20, 2001.

(b) Each such report shall provide a description of the effects of the security legislation on human rights in Colombia and efforts to defend human rights in Colombia, focusing particularly on—

(1) incidents of arbitrary and incommunicado detention by members of the Colombian Armed Forces and the Colombian National Police, and whether those incidents have increased since the submission of the previous report;

(2) the status of investigations into allegations of human rights abuses by members of the Colombian Armed Forces and the Colombian National Police;

(3) the effectiveness of certain investigations conducted by military personnel, as provided for in the security legislation, as opposed to those carried out by appropriate civilian authorities; and

(4) the effects of the security legislation on Colombia's commitments under international treaties.

(c) The requirement to submit a report under this section shall not apply with respect any period of time during with the security legislation is not in effect.

(d) In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

H.R. 2506

OFFERED BY: MR. ENGLISH

AMENDMENT NO. 18: Page 112, after line 22, insert the following:

PROHIBITION AGAINST EXPORT-IMPORT BANK ASSISTANCE FOR FOREIGN STEEL PRODUCTION

SEC. ____. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to provide assistance for the production of steel by any foreign entity.

H.R. 2506

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 19: Page 25, line 7, after the dollar amount, insert the following: ''(reduced by $65,000,000)''.

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 20: In title II of the bill in the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the first dollar amount, insert the following: ''(increased by $100,000,000)''.

In title II of the bill in the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the first dollar amount in the fourth proviso, insert the following: ''(increased by $60,000,000)''.

In title II of the bill in the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the fourth dollar amount in the fourth proviso, insert the following: ''(increased by $40,000,000)''.

In title II of the bill in the item relating to ''OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT'', after the first dollar amount, insert the following: ''(decreased by $100,000,000)''.

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 21: At the end of the bill, insert after the last section (preceding the short title) the following:

PROHIBITION ON ASSISTANCE FOR FOREIGN GOVERNMENTS THAT USE CHILDREN AS SOLDIERS

SEC. ____. None of the funds made available in this Act may be made available to the government of a country that—

(1) conscripts children under the age of 18 into the military forces of the country; or

(2) provides for the direct participation of children under the age of 18 in armed conflict.

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 22: Page 11, line 12, insert before the period the following: '': *Provided*, That of the amount made available under this heading, $10,000,000 shall be for disaster relief and rehabilitation for India with respect to the earthquake in India in January 2001''.

H.R. 2506

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 23: Page 112, after line 22, insert the following:

BAN ON EXPORT-IMPORT BANK ASSISTANCE FOR CERTAIN TRANSACTIONS RELATING TO FOSSIL FUELS

SEC. ____. None of the funds made available in this Act may be used for the provision by the Export-Import Bank of the United States of any kind of assistance for a limited recourse project or a long-term program involving oil and gas field development, a thermal powerplant, or a petrochemical plant or refinery.

H.R. 2506

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 24: Page 112, after line 22, insert the following:

BAN ON EXPORT-IMPORT BANK ASSISTANCE FOR CERTAIN TRANSACTIONS RELATING TO FOSSIL FUELS

SEC. ____. None of the funds made available in this Act may be used for the provision by the Export-Import Bank of the United States of any kind of assistance for a transaction involving oil and gas field development, a thermal powerplant, or a petrochemical plant or refinery.

H.R. 2506

OFFERED BY: MR. LAMPSON

AMENDMENT NO. 25: In title III of the bill in the item relating to ''FOREIGN MILITARY FINANCING PROGRAM'', after the first dollar amount, insert the following: ''(decreased by $60,000)''.

In title IV of the bill in the item relating to ''INTERNATIONAL ORGANIZATIONS AND PROGRAMS'', after the first dollar amount, insert the following: ''(increased by $60,000)''.

H.R. 2605

OFFERED BY: MS. LEE OF CALIFORNIA

AMENDMENT NO. 26: In title II of the bill in the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the first dollar amount, insert the following: ''(increased by $60,000,000)''.

In title II of the bill in the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the third dollar amount in the fourth proviso, insert the following: ''(increased by $60,000,000)''.

In title II of the bill in the item relatng to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', after the dollar amount in the sixth proviso, insert the following: ''(increased by $60,000,000)''.

In title II of the bill in the item relating to ''ANDEAN COUNTERDRUG INITIATIVE'', after the first dollar amount, insert the following: ''(decreased by $38,000,000)''.

In title III of the bill in the item relating to ''FOREIGN MILITARY FINANCING PROGRAM'', after the first dollar amount, insert the following: ''(decreased by $22,000,000)''.

H.R. 2506

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 27: Page 6, line 10, after the dollar amount, insert the following: ''(increased by $100,000,000)''.

Page 7, line 3, after the dollar amount, insert the following: ''(increased by $50,000,000)''.

Page 7, line 5, after the second dollar amount, insert the following: ''(increased by $50,000,000)''.

Page 25, line 7, after the dollar amount, insert the following: ''(reduced by $100,000,000)''.

H.R. 2506

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 28: In title II of the bill under the heading ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', insert before the period at the end the following: '': *Provided further*, That of the amount made available under this heading for HIV/AIDS, $5,000,000 shall be for assistance to prevent mother-to-child HIV/AIDS transmission through effective partnerships with nongovernmental organizations and research facilities pursuant to section 104(c)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(5))''.

H.R. 2506

OFFERED BY: MR. MILLER OF FLORIDA

AMENDMENT NO. 29: At the end of the bill, insert after the last section (preceding the short title) the following:

PROHIBITION ON FUNDS FOR COUNTRIES WITHOUT EXTRADITION TREATIES WITH THE UNITED STATES

SEC. ____. None of the funds made available in this Act may be made available for a country with respect to which a treaty of extradition is not in effect between that country and the United States.

H.R. 2506

OFFERED BY: MR. PAUL

AMENDMENT NO. 30: At the end of the bill (preceding the short title), insert the following:

LIMITATION ON FUNDS FOR ABORTION, FAMILY PLANNING, OR POPULATION CONTROL EFFORTS

SEC. ____. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be made available for—

(1) population control educational programs or population policy educational programs;

(2) family planning services, including, but not limited to—

(A) the manufacture and distribution of contraceptives;

(B) printing, publication, or distribution of family planning literature; and

(C) family planning counseling;

(3) abortion and abortion-related procedures; or

(4) efforts to change any nation's laws regarding abortion, family planning, or population control.

(b) ADDITIONAL LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be made available to any organization which promotes or makes available—

(1) population control educational programs or population policy educational programs;

(2) family planning services, including, but not limited to—

(A) the manufacture and distribution of contraceptives;

(B) printing, publication, or distribution of family planning literature; and

(C) family planning counseling;

(3) abortion and abortion-related procedures; or

(4) efforts to change any nation's laws regarding abortion, family planning, or population control.

H.R. 2506

OFFERED BY: MR. PAUL

AMENDMENT NO. 31: Page 2, strike line 3 and all that follows through line 13 on page 4.

H.R. 2506

OFFERED BY: MS. PELOSI

AMENDMENT NO. 32: Page 11, after line 12, insert the following:

In addition, for international disaster assistance for El Salvador, $250,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

H.R. 2506

OFFERED BY: MR. ROEMER OF INDIANA

AMENDMENT NO. 33: Page 10, line 20, after the dollar amount, insert the following: ''(increased by $12,000,000)''.

Page 13, line 13, after the dollar amount, insert the following: ''(reduced by $1,100,000)''.

Page 37, line 20, after the dollar amount, insert the following: ''(reduced by $3,900,000)''.

Page 38, line 6, after the dollar amount, insert the following: ''(reduced by $7,000,000)''.

H.R. 2506

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 34: Page 112, after line 22, insert the following:

FUNDING FOR TRAFFICKING VICTIMS PROTECTION ACT OF 2000

SEC. ____. (a) Of the amounts made available in this Act under the items ''DEVELOPMENT ASSISTANCE'', ''ECONOMIC SUPPORT FUND'', ''ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES'', ''ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION'', ''INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'', and ''MIGRATION AND REFUGEE ASSISTANCE''—

(1) $10,000,000 shall be made available for prevention of trafficking in persons, as authorized by section 106 of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386);

(2) $10,000,000 shall be made available for the protection and assistance for victims of trafficking of persons, as authorized by section 107(a) of such Act; and

(3) $10,000,000 shall be made available to assist foreign countries to meet minimum standards for the elimination of trafficking, as authorized by section 134 of the Foreign Assistance Act of 1961.

H.R. 2506

OFFERED BY: MR. SOUDER

AMENDMENT NO. 35: Page 25, line 2, insert before the period at the end the following: '': *Provided further*, That of the funds appropriated under this heading, $27,000,000 shall be for assistance to the Colombian National Police for the purchase of two Buffalo transport/supply aircraft, $12,000,000 shall be for

assistance to the Colombian Navy to purchase six Huey-II patrol helicopters, and $5,000,000 shall be for assistance for operating fuel to enhance drug interdiction efforts along the north coast of Colombia and inland rivers''.

H.R. 2506

OFFERED BY: MR. SOUDER

AMENDMENT NO. 36: Page 24, line 11, after the dollar amount, insert ''(increased by $44,000,000)''.

Page 37, line 7, after the dollar amount, insert ''(reduced by $24,000,000)''.

Page 40, line 5, after the dollar amount, insert ''(reduced by $20,000,000)''.

H.R. 2506

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 37: At the end of the bill (preceding the short title) insert the following new section:

BUY AMERICAN PROVISIONS

SEC. ____. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

H.R. 2506

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 38: Page 112, after line 22, insert the following:

PROHIBITION ON ASSISTANCE FOR THE RUSSIAN FEDERATION

SEC. ____. None of the funds made available in this Act may be used to provide assistance to the Russian Federation.

H.R. 2506

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 39: In title I, in the item relating to ''SUBSIDY APPROPRIATION'', after the aggregate dollar amount, insert ''(reduced by $15,000,000)''.

In title I, in the item relating to ''ADMINISTRATIVE EXPENSES'', after the aggregate dollar amount, insert ''(reduced by $3,000,000)''.

H.R. 2506

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 40: In title I, in the item relating to ''SUBSIDY APPROPRIATION'', after the aggregate dollar amount, insert ''(reduced by $15,000,000)''.

In title I, in the item relating to ''ADMINISTRATIVE EXPENSES'', after the aggregate dollar amount, insert ''(reduced by $3,000,000)''.

In title II, in the item relating to ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND''—

(1) after the aggregate dollar amount, insert ''(increased by $18,000,000)''; and

(2) in the 4th proviso, after the dollar amount allocated for HIV/AIDS, insert ''(increased by $18,000,000)''.

EXTENSIONS OF REMARKS

125TH ANNIVERSARY OF PEMBERVILLE, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. KAPTUR. Mr. Speaker, I rise to recognize a significant milestone for a community in my district. Pemberville, Ohio celebrates its 125th anniversary this year. The town recently celebrated the 125th anniversary of its incorporation, which took place on June 8, 1876.

The fertile farmland region in Wood County, Ohio was home to pioneering settlers for three generations prior to the establishment of Pemberville—first known as the forks because it was near a fork in the river—in 1854. Well before Pemberville became a town, William Henry Harrison made his camp at the site—which was strategically situated on the Portage River—during the War of 1812. Later, many families found it desirable and by the time it was incorporated in 1876, the town grew from a crossroads for fur traders and a few adventurous farmers into a viable community. Upon incorporation, it became known as Pemberville, named for one of its founders, James Pember.

The town further prospered when railroad lines were completed in 1875 and oil was discovered in 1881. In fact, only a year after being formally incorporated, Pemberville boasted a population of 500. Those earliest citizens were united in their effort to establish Pemberville as a regional hub, and its prime location on the river, along with the development of both roads and rail, helped the growth.

Pemberville became home to many churches and businesses and provided a well-developed school system. Today it remains a vibrant community, rich in tradition, with a small-town, folksy feel. It is a community looking forward while proud of its past. It moves forward through the seasons, adjusting to fit the times, but never losing the essence of the best of small town America: neighborliness, friendliness, and a timeless quality.

Oliver Wendell Holmes said ''Where we love is home, home that our feet may leave, but not our hearts.'' Pemberville is a town that illustrates this sentiment: Though many of its sons and daughters have traveled far afield, often settling elsewhere, still that inexorable feeling of community and home brings them back time and again, whether it is in fact or in mind. I know that they, along with the citizens who assembled at this year's sesquicentennial, are proud of Pemberville and proud of its journey through the past to the present. I am pleased to join those who gather at this 125th anniversary celebration to celebrate that past even as we see a vision of Pemberville's future.

A PROCLAMATION CONGRATULATING MELANIE KIDDER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. NEY. Mr. Speaker, with great pride and satisfaction I commend the following article to my colleagues:

Whereas, Melanie Kidder, should be recognized for her outstanding achievement; and,

Whereas, Melanie Kidder proudly represented her community as Belmont County's delegate to the Scripps Howard National Spelling Bee, held in Washington, D.C., and

Whereas, having advanced to the fifth round, she rose to be among the very top of her 248 competitors from across the nation, and

Whereas, she showed grace, courage and uncommon maturity as she achieved great success before a national television audience in the final round of the spelling competition; and,

Therefore, I ask you to join with me and the citizens of Ohio, in recognition of Melanie Kidder's outstanding performance.

CONCERNING THE DEATH OF KATHARINE GRAHAM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. NORTON. Mr. Speaker, for the world, it may be enough to remember that Katharine Graham was a great publisher, humanitarian and path breaker for women, but no summary of her life is complete unless it includes the contributions that made her a great Washingtonian.

Notwithstanding her world class accomplishments and worldwide fame, Kay Graham always lavished love and attention on her hometown. She stood for full equality when this was a segregated southern town, and she stood for full democracy and congressional representation until the day she died. The Washington Post was only the most visible instrument of her support for the District and its people. Those who live here will especially cherish the countless ways that Kay Graham was devoted to this city as a public advocate and private citizen. In short, Katharine Graham was one of us.

TRIBUTE TO CALIFORNIA STATE ASSEMBLYWOMAN ELAINE ALQUIST

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. LOFGREN. Mr. Speaker, today I rise to recognize the achievements of California State Assemblywoman Elaine Alquist, my fellow legislator from the Silicon Valley.

Throughout her career, Assemblywoman Alquist has been a defender of women, children, families and seniors. The first Greek-American woman elected to the California State Legislature, she is now the senior member of the Assembly's Santa Clara County delegation.

A former algebra and trigonometry teacher, Assemblywoman Alquist is the chair of the Higher Education Committee and co-vice chair of the Joint Committee to Develop a Master Plan for Education-Kindergarten through University. Assemblywoman Alquist is also the chair of the Select Committee on the Aging of Baby Boomers.

Assemblywoman Alquist was the 2001 recipient of the Lifetime Achievement Award from the Women's Fund, and has been named the Legislator of the Year by such organizations as the American Electronics Association (in 1999 and 2000), the Alzheimer's Association, California Council, the California Association of Psychologists, and the California Association of Homes and Services for the Aging.

I thank Assemblywoman Elaine Alquist for her years of friendship and offer the warmest congratulations from my family to hers.

PERSONAL EXPLANATION

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. VITTER. Mr. Speaker, due to a flight cancellation on Tuesday, July 17, 2001, I was unable to be present for the following Roll Call Votes: # 229, the vote on S. 360, a Bill to Honor Paul Coverdell; and # 230, the vote on H. Res. 195, Commending the United States military and defense contractor personnel responsible for a successful in-flight ballistic missile defense interceptor test on July 14, 2001.

I ask that the RECORD show that if I were present, I would have voted ''yea'' on Roll Call # 229 and ''yea'' on Roll Call # 230.

INTRODUCTION OF THE INTERNET TAX FAIRNESS ACT OF 2001

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friend, Mr. BOUCHER, the Internet Tax Fairness Act of 2001.

This much-needed bipartisan legislation permanently extends the current moratorium on Internet access taxes and multiple and discriminatory taxes. In addition, this legislation clarifies state and local authority to collect business activity taxes from out-of-state entities.

As many of you know, the Internet Tax Fairness Act of 1998 created a moratorium on Internet access taxes and multiple and discriminatory taxes. As a result of this moratorium, the Internet has remained relatively free from the burdens of new taxes. However, the moratorium is set to expire in October, subjecting the Internet to possible taxation from more than 7,500 taxing jurisdictions. We must continue to ensure that the Internet remains free from restrictive taxation by making the tax moratorium permanent.

In addition, many States and some local governments levy corporate income and franchise taxes on companies that either operate or conduct business activities within their jurisdictions. While providing revenue for States, these taxes also serve to pay for the privilege of doing business in a State.

Supreme Court precedent is clear that a state cannot impose a tax on an out-of-state business unless that business has a ''substantial nexus'' with the taxing state. In addition, over forty years ago, Congress passed legislation to ensure that states could not tax the income of out-of-state corporations whose in-state presence was minimal. Public Law 86–272 set uniform, national standards for when states could and could not impose such taxes. However, like the economy of the time, Public Law 86–272 was limited to tangible personal property.

With the growth of the Internet, companies are increasingly able to conduct transactions without the constraint of geopolitical boundaries. The increasing rate of interstate and international business-to-business and business-to-consumer transactions raises questions over states' ability to collect income taxes from companies conducting business within their jurisdiction.

Over the past several years, a growing number of states have sought to collect business activity taxes from businesses located in other states, even though those businesses receive no appreciable benefits from the collecting states and even though the Supreme Court has ruled that the Constitution prohibits a state (without the consent of Congress) from imposing tax on businesses that lack substantial connections to the state. This has led to unfairness and uncertainty, generated contentious, widespread litigation, and hindered business expansion, as businesses shy away from expanding their presence in other states for fear of exposure to unfair tax burdens.

In this period where the rapid growth of e-commerce will shape the economy of the 21st century, this expansion of the States' power to impose business activity taxes, left unchecked, will have a chilling effect on e-commerce, interstate commerce generally, and the entire economy as tax burdens, compliance costs, litigation, and uncertainty escalate.

Accordingly, the second recommendation of the Advisory Commission on Electronic Commerce majority was that Congress establish national standards for when states can impose business activity taxes.

That is why we are introducing this important legislation today. The Internet Tax Fairness Act establishes definite, specific standards to govern when businesses should be obliged to pay business activity taxes, which will ensure fairness, minimize litigation, and create the kind of legally certain and stable business climate which encourages businesses to make business investments, expand interstate commerce, grow the economy and create new jobs. At the same time, this legislation will ensure that states and localities are fairly compensated when they provide services to businesses with a substantial physical presence in the state.

I urge each of my colleagues to support this very important bipartisan legislation.

IN HONOR OF WALTON HILLS VILLAGE

HON. DENNIS J. KUCINICH

OF OHIO

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. KUCINICH. Mr. Speaker, I rise today with my colleague Mr. LATOURETTE, in recognition of the 50th Anniversary Celebration of the Village of Walton Hills, Ohio.

In March 1951, people of the prospective village voted in a special election to determine whether the area would detach from Bedford Township and become the Village of Walton Hills. The voting took place in the Quonset hut owned by L.S. Conelly, S.E. corner Alexander and Walton Rd. The glorifying outcome was the approval of the establishment of the new village.

Later on in May 1951, the voters went again to the polls and elected officers for the Village, who were then sworn in at Black Beauty Riding Academy Hall on Dunham Road in June 1951. The top officials were Mayor Virgil D. Allen Jr, Clerk Betty Walton, Treasurer Charles Clark, and six councilmen.

The Walton Village is proud of its many civic clubs. The Women's Club in August 1951 held their organizational meeting at Lillian Kral's Golden Glens pavilion. The Men's Club was founded in September 1951 with the acceptance of the Articles of Organization. Some men organized Little League in 1955 while others organized Walton Hills Lake recreational activities starting in 1949. The Walton Hills Citizens League was founded in October 1963 to promote citizen involvement in local government.

Please join me in recognizing a strong community, The Village of Walton Hills on this distinguished 50th anniversary.

WAMU 88.5 FM—A COMMUNITY RESOURCE IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. NORTON. Mr. Speaker, I rise today to speak in support of a valued and long-time resource for the residents of the District of Columbia, WAMU, one of the nation's leading public radio stations. In addition to its nationwide audience, WAMU has served nearly half a million listeners in the District of Columbia and surrounding areas for forty years, with award-winning news and public affairs programming by its celebrated talk show hosts Diane Rehm, Kojo Nnamdi of Public Interest, local hosts David Furst of Metro Connection and Lakshmi Singh of All Things Considered, and our own indispensable local D.C. political pundit Mark Plotkin.

In response to the overwhelming views of its listeners and subscribers, WAMU 88.5 FM recently altered its weekday format to include more public affairs programming. To the station's credit, WAMU nevertheless found a way to preserve the bluegrass programming for which the station is also known. Members of the House and Senate and the station's listeners nationwide, who depend on WAMU for the best public affairs programming on the air will be happy about the expanded public affairs programs. At the same time, we commend WAMU for its sensitivity in finding a way to continue a healthy dose of bluegrass music.

WAMU is an important part of community life here, and prides itself on being the ''voice of the community'' to those of us who live and work in the greater Washington area. Increased news coverage in the nation's capital, especially with a local focus during national broadcasts is especially needed and welcomed by those of us who call this area home—where we educate our children, volunteer to help, pay taxes, attend church services, take part in the arts, and do all the things that make the Washington area vibrant and vital.

This is radio at its most substantive, thoughtful and interesting best. WAMU recently added even more news programming to serve the needs of this diverse and unique Washington audience, because it has a special responsibility to inform, educate and raise the level of conversation on the issues of our day. WAMU takes its shows into the community, with Public Interest and the DC Politics Hour broadcasting live from every ward in the city to hear the opinions of city residents on issues of critical importance to them and their neighborhoods. The station also participates in hosting and sponsoring myriad non-profit arts, education, ethnic and cultural events in the city every year.

I applaud the news and information programming additions, and commend WAMU for its extensive and long standing service to our

area. As WAMU celebrates 40 years of broadcasting, we look forward to its continued presence for many years to come. WAMU remains an award winning resource for the residents of the Washington area.

HONORING MARY WALKER CLARK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. MCINNIS. Mr. Speaker, when Ms. Mary Walker Clark was asked to reveal her age, she replied, ''A lady never tells that kind of information,'' then added with a smile on her face, ''I was born in 1894, you figure it out.'' It brings me great pleasure to have this opportunity to offer my congratulations and admiration to Mary Walker Clark who celebrated her 107th birthday on July 16 in the town of Montrose, Colorado—making her the oldest living individual in the entire state of Colorado.

In quaint Angels Camp, California, Mary was born in 1894. When she was only 40 days old, her family relocated to Ouray, Colorado. Today, Mary lives at the San Juan Living Center in Montrose, Colorado. She was blessed with two sons—Jack, who is a business owner and lives in Ouray, and Lester who resides in Grand Junction, Colorado.

No day would be complete for Mary without her son Jack delivering a small soda and an order of french fries from the local McDonald's restaurant. Since she was old enough to have solid food, Mary has always loved french fries and her affection for these potatoes has sparked a keen interest in her community. She was recently been asked to perform the ribbon cutting ceremony at the grand opening for the new McDonald's in Montrose. Mary attributes her longevity to not only the french fries, but also the hard work and dedication that she has performed throughout her life.

When Mary was in junior high school, she quit her formal schooling to assist her mother in cooking, cleaning and washing for the local miners in order to feed the six children in their family. Since that time, it seems that she has never stopped providing for others. Mary often cooked for community dinners, aided her brother at his market, carried on her husband's moonshine business after he passed away, and operated a legitimate liquor store following Prohibition. In addition, she did numerous tasks at two hotels and also offered a helping hand at her son's bakery. Not surprisingly, at the age of 97, she was still carrying her own coal to her furnace—two buckets at a time. Mary often wonders ''why such a fuss'' is being made over her.

Mr. Speaker, Mary Clark is a phenomenal individual who has dedicated her life to the service of others through her hard work. French fries and a strong work ethic have contributed greatly to her longevity and it is with great pleasure that I honor her today. Happy Birthday Mary!

TRIBUTE TO NATIONAL THERAPEUTIC RECREATION WEEK IN SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CLYBURN. Mr. Speaker, I rise today in recognition of ''National Therapeutic Week'' in South Carolina as proclaimed by Governor Jim Hodges.

The purpose of this event, which was held July 8–15, 2001, was to increase public awareness of therapeutic recreation programs and services, and expand recreational and leisure opportunities for individuals with disabilities. Physical therapists from all over the state met and worked together to eliminate barriers to leisure activities for many with disabilities and educate people in leisure skills and attitudes. These therapists constantly stressed the importance and advantage of having a clear understanding of how involvement in leisure and recreational activities improves physical and psychosocial health, and how recreation can provide individuals with a sense of self-confidence and satisfaction.

The theme for ''National Therapeutic Recreation Week'' was ''Therapeutic Recreation . . . Examine the Possibilities.'' The theme suited the occasion perfectly, as the aim was to explore a variety of methods used by therapeutic recreation professionals to enhance the quality of life and well being of persons with disabilities.

This year's ''National Therapeutic Recreation Week'' will hopefully generate more interest and encourage all South Carolinians to recognize the positive benefits of leisure and recreation.

Mr. Speaker, last week thousands of South Carolinians devoted their time and energy to improve their quality of life, and also the lives of others. Please join me in recognizing the gallant efforts of these individuals, and the wonderful accomplishments they made during ''National Therapeutic Recreation Week.''

IN RECOGNITION OF JACOBUS PHARMACEUTICAL'S CONTRIBUTIONS TO BARBARA MOORE

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. OSE. Mr. Speaker, I rise today on behalf of a constituent of mine, Mrs. Barbara Moore of West Sacramento, California, to recognize Jacobus Pharmaceutical Company, a small family-owned company based in Princeton, New Jersey. A few years ago, Laura Jacobus, Director of Quality Assurance for Jacobus Pharmaceutical Company, reached out her hand to Barbara, who suffers from a rare condition called Lambert Eaton Myasthenic Syndrome.

Dr. David Richman, Barbara's doctor at the University of California at Davis Medical Center, placed Barbara in a treatment program for her condition, thus leading her to Jacobus Pharmaceutical. Prior to the assistance from Jacobus Pharmaceutical, Barbara couldn't even move short distances without help. As a result of her treatments, Barbara has been able to watch her son grow up, and remain an integral part of his life.

In a time where money is viewed as the main motivating factor, I am deeply touched by the selfless actions of Jacobus Pharmaceutical. It is my wish to honor Jacobus Pharmaceutical and Laura for their benevolence and unsurpassed humanity within the pharmaceutical industry.

A SALUTE TO PAT AND BILL BENNETT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to a special husband-and-wife team from my home state of New Mexico. Pat and Bill Bennett of Placitas have spent the past decade strengthening and enhancing the Placitas Volunteer Fire Brigade. To recognize their dedicated service and commitment, this past Sunday the Brigade was renamed in their honor.

Volunteer firefighters provide one of the most valuable services imaginable to this country and its people—that of saving lives and safeguarding our precious lands. Firefighters preserve the integrity of the safety in the communities they serve. Every year, volunteer firefighters are injured, and even die, in the service of their esteemed duty. Volunteer firefighting is one of the hardest jobs imaginable, and it is frequently rewarded only by the knowledge that the service it provides is vital to its community.

In this unique case, Bill and Pat both made enormous contributions to the Placitas Volunteer Fire Brigade. Bill, who began as a volunteer firefighter and was later named Chief of the department, helped establish the standards the department uses to fight structural and wildland fires. Although he retired from the department last year, Bill is still active the in planning and training of new firefighters.

Pat, a registered nurse and an emergency-medical technician, is currently the brigade's medical Captain, and was a major contributor to the development of the department's medical procedures and standards. It is also important to note that in 1999, the New Mexico Injury Prevention and EMS Bureau named Pat the state's Emergency Medical Technician-Basic of the Year.

Mr. Speaker, it is often said that nothing is bigger than the heart of a volunteer. I think that is especially true for Pat and Bill and all the volunteer firefighters in New Mexico and across the country. For all their courage, their strength, their selflessness, and their dedication, I salute each and every one of them.

CHARLES TEED COMMEMORATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to remember the wonderful life of Mr. Charles Teed. At the age of 87, Mr. Teed passed away on Friday, June 29 in Grand Junction, Colorado.

A talented writer and reporter, Charles spent much of his life working for The Daily Sentinel, the local newspaper in Grand Junction. He served as a reporter and a photographer from 1964 to 1974. In addition, he acted as the editor of the weekly church page and wrote the ''Slope Action'' consumer-complaint column.

Perhaps Charles's most notable work began in 1983 when he started writing the ''Philately'' column. This column allowed him to highlight the stamps which he collected from all corners of the world. The column ran every Sunday for ten years. Teed's travels to Iceland, England, France and Canada were never complete unless he obtained stamps from these locations to augment his collection. ''Philately'' was a weekly column on his personal collection that was initiated with the purchase of a stamp from Mozambique. His collection included stamps of mainly cars, railroads and famous writers.

Charles is survived by his wife Lois, their three children, 13 grandchildren, 20 great-grandchildren and two great-great grandchildren. The Teed's moved to Colorado during Charles' college years in New York state, where he was born and raised, and where Lois and Charles met. Their 65th wedding anniversary would have been on July 14.

I would like to extend my deepest sympathy and prayers to his family as we mourn his loss. It is through his past works and columns that we will all forever recognize his contributions to The Daily Sentinel, the Grand Junction area, and stamp collectors everywhere.

HONORING THE 50TH CHARTER NIGHT ANNIVERSARY OF THE CASEYVILLE, ILLINOIS LION'S CLUB

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Charter Night anniversary of the Caseyville, Illinois Lions Club.

Lions Club International is the world's largest service club association. The Lions Clubs organization has 1.4 million members in more than 44,500 clubs in 185 countries and geographical areas. The Lions are men and women who volunteer their time to humanitarian causes. The International Association of Lions Clubs began as a dream of Chicago businessman, Melvin Jones. He believed that local business clubs should expand their horizons from purely professional concerns to the betterment of their communities and the world at large. Jones' own group, the Business Circle of Chicago, agreed. After contacting similar groups around the country, an organizational meeting was held on June 7, 1917 at the LaSalle Hotel in Chicago. The new group took the name of one of the groups invited, the ''Association of Lions Clubs'', and a national convention was held in October of that year in Dallas, Texas. A constitution, bylaws, objects and a code of ethics were approved.

Just three years after its formation, the organization became international, when the first club in Canada was established in 1920. Major international expansion continued as clubs were established, particularly throughout Europe, Asia and Africa during the 50's and 60's. Perhaps the single event having the greatest impact on the Lions Club occurred in 1925 when Helen Keller addressed the Lions at their international convention in Cedar Point, Ohio. It was there that she challenged the Lions Club to become ''knights of the blind in the crusade against darkness''. They responded, and now the Lions Club organization is best known for their sight-related programs, including SightFirst, the world's largest blindness prevention program.

Second only to the Lion's commitment in aiding the blind and the visually impaired, is a strong dedication to serving young people. The Lions Youth Outreach Program challenges young people to learn, to achieve and to serve. By focusing on volunteerism, young people are steered away from harmful behaviors and become involved in youth activities. The Leo Clubs program, International Youth Exchange, International Youth Camps and the Lions International Peace Poster Contest are all youth activities sponsored by Lions Club International that promote international cooperation, peace and understanding. The Lions Club International conducts its official business in 11 languages, including English, Chinese, French, German, Italian, Japanese, Korean, Portuguese, Spanish and Swedish.

The emblem of the Lions Club consists of a gold letter ''L'' on a circular purple field. Bordering this is a circular gold area with two Lions profiles facing away from the center. The word ''Lion'' and ''International'' appear at the top and bottom. The Lions are meant to face both a proud past and a confident future. This emblem was adopted at the 1919 convention and today Lions throughout the world are recognized by it. The Lions motto, ''We Serve'' precisely explains their mission and their slogan, ''Liberty, Intelligence and Our Nation's Safety'' means LIONS.

The Caseyville Lions Club is part of an organization that not only helps those in need, but offers its members opportunities to develop personal friendships and gain valuable leadership skills. They share a common spirit and have been united in a single cause; helping those less fortunate. The Caseyville Lions Club helps tackle tough problems like blindness and combating drug abuse, as well as diabetes awareness programs and finding help and training for the deaf, disabled, underprivileged and the elderly. In fact, wherever the community needs help, the Caseyville Lions Club, like the entire Lions Club organization, is there.

Mr. Speaker, I ask my colleagues to join me in honoring the 50th Charter Anniversary of the Caseyville Lions Club and to honor its members both past, present and future.

TRIBUTE TO ELOISE ROGERS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Ms. Eloise Whittington Rogers of Marion, South Carolina, who is retiring after thirty-eight years in public service. She is a greatly admired member of her community, and in her invaluable role as Veterans Affairs Officer has touched countless lives. I join the citizens of Marion County in expressing our deepest gratitude for everything she has done.

Ms. Rogers was born in Florence, South Carolina. After graduating from Marion High School in 1956, she earned an Associate Degree in Business from Carolina College of Commerce in 1966, followed by a second degree in 1969 from the same College. Before entering public service, Ms. Rogers worked as a bookkeeper in Belks Department Store for five years.

Ms. Rogers began her career in public service as a secretary at the Marion County Tax Collector's Office, where she worked for ten years. Ms. Rogers then moved to the Marion County Veterans Affairs Office. She devoted 28 years of her life to this office, working fourteen years as a secretary and fourteen as the Veterans Affairs Officer. During her tenure, Ms. Rogers developed close bonds with many of the veterans of Marion County, and became passionate about ensuring they got the benefits and recognition they deserved.

In addition to the unselfish labor she has provided to the veterans of Marion County for almost three decades, Ms. Rogers has been giving to her community on a variety of different levels throughout her illustrious life. In 1991, she received the Citizen of the Year Award from the Woodman of the World organization. She has been honored with an Outstanding Service award from the Swamp Fox Chapter No. 87. Ms. Rogers is also a member of the Marion County Historical Commission, the Shannon Wilkerson Scholarship Fund, and is Clerk to Springville Community Poll. A devoted forty-five year member of the Shiloh United Methodist Church, Ms. Rogers serves as the church organist, Missionary Circle President, and on the administrative board, among numerous other roles within the church.

Mr. Speaker, I ask you to join me today in honoring Eloise Whittington Rogers for the incredible service she has provided for the veterans and citizens of her community. The world is a better place because of her service, and I wish her happy days in a well-deserved retirement.

IN HONOR OF LESLIE MATHENEY AND WALTER SUMM

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. OSE. Mr. Speaker, I rise today to honor two constituents of mine, Mr. Leslie Matheney for his involvement and sacrifice in WWII and in Korea, and the late Walter Summ for his involvement and sacrifice in WWII.

Mr. Matheney twice served our nation in the U.S. Marine Corps; first in World War II, from January 27, 1942, through February 1, 1946, where Mr. Matheney spent the majority of his service in the Asiatic Pacific Area. He also served aboard the U.S.S. *Vella Gulf* (CVE 111). He re-enlisted on January 24, 1948, to serve in Korea. It was during Mr. Matheney's service in Korea that he earned the Purple Heart. Mr. Matheney was honorably discharged on October 1, 1952.

Mr. Summ served in the U.S. Navy aboard the U.S.S. *Luetze* during World War II. Mr. Summ was injured in a battle near Okinawa, Japan on April 6, 1945. The U.S.S. *Luetze,* along with Mr. Summ helped in the invasion of Iwo Jima, the reclaiming of the Philippines, and the ultimate defeat of the Japanese navy. Mr. Summ passed away over 30 years ago without having received his Purple Heart and the public recognition he deserves.

I am pleased to report that on July 21, 2001, Mr. Matheney and Mr. Summ's son, Wally, will be presented their Purple Hearts during a public ceremony at the All Wars Memorial in West Sacramento, California. It is with great honor that I take part in this ceremony, and share their stories with you. They are truly America's heroes.

HONORING MAJOR GENERAL CHARLES C. CANNON, JR.

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Ms. GRANGER. Mr. Speaker, I rise today in honor of Major General Charles C. Cannon, Jr. It has come to my attention that General Cannon is retiring after 34 years of exemplary service in the United States Army. He has served his country with dignity, honor, and integrity.

Major General Cannon is a native of Texas. The general entered the Army upon completion of the Reserve Officer Training Corps Program at the University of Texas—Arlington as a Distinguished Military Graduate. He was commissioned a Regular Army Second Lieutenant in the Quartermaster Corps, detailed to the Infantry, on August 31, 1967. He holds a Bachelor of Arts degree in History and a Master of Science in Logistics Management from the Florida Institute of Technology.

He has served in five divisions, and his overseas assignments include Vietnam, Hawaii, Korea, three tours in Germany, and one in Croatia. His initial assignment was as an Infantry Officer with the 3d Battalion, 10th Infantry, 5th Division (Mechanized). In 1968, he was assigned to 2d Battalion, 60th Infantry, 9th Infantry Division in Vietnam serving as a company commander, then as the logistics staff officer.

After attending the Quartermaster Officer Advanced Course, he commanded the 143d Supply and Service Company, organized and ran the Basic Leadership Course, and was a staff officer for the 19th Support Brigade at Fort Lewis, Washington. From 1972–1975, he served as a logistics planner in Headquarters, U.S. Army Pacific, and Assistant G–4 (Logistics), 25th Infantry Division. After attendance at Command and General Staff College and Florida Institute of Technology, he was the Executive Officer for the Petroleum Distribution System—Korea. He was then assigned to Headquarters, Department of the Army, as a logistics programmer and later as Assistant Executive Officer to the Deputy Chief of Staff for Logistics.

In 1982, he was assigned to the First Cavalry Division serving as Division Support Command Executive Officer and Commander of the 15th Supply and Transport Battalion. From 1985 to 1987, he was an Advance Operational Fellow at Fort Leavenworth, Kansas. For the next four years, Major General Cannon served in Germany, first as the Director for Bulk Fuels, 200th Theater Army Materiel Management Center, and later as the Commander of the 8th Infantry Division (Mechanized) Support Command. In July 1991, he became Chief of the Logistics Planning Division on the Joint Staff.

In July 1992, he was promoted to Brigadier General and assumed command of the 3d Corps Support Command in Wiesbaden, Germany. From June 1994 until June 1996 he was assigned as the Vice Director for Logistics, The Joint Staff. He was promoted to Major General in October 1995. He was assigned as the Assistant Deputy Chief of Staff for Logistics, Department of the Army, in June 1996. During this assignment, MG Cannon temporarily served as the Commander for Support, Implementation Force (IFOR) Zagreb, Croatia, from July 1996 until his return to the Pentagon in November 1996. In May 1999, MG Cannon became Acting Deputy Chief of Staff for Logistics, Department of the Army.

He assumed the duties of U.S. Army Materiel Command's (AMC) Chief of Staff Oct. 13, 2000. AMC is one of the largest commands in the Army, with more than 50,000 employees, and activities in 42 states and in over a dozen foreign countries.

His awards and decorations include the Defense Distinguished Service Medal, Defense Superior Service Medal, Army Distinguished Service Medal, Legion of Merit with oak leaf cluster, the Bronze Star Medal with ''V'' device and three oak leaf clusters, the Purple Heart, the Defense Meritorious Service Medal, the Army Meritorious Service Medal with three oak leaf clusters, the Air Medal, the Army Commendation Medal with ''V'' device and five oak leaf clusters, and the Army Achievement Medal. He also wears the Combat Infantry Badge, the Army Staff Identification Badge, and the Joint Staff Identification Badge.

Mr. Speaker, Major General Cannon deserves the thanks and praise of the nation that he has faithfully served for so long. I know the Members of the House will join me in wishing him, his wife of 35 years, Karen and his two children, Charles and Dianne, all the best in the years ahead.

HONORING DEB DULEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, I would like to join the Colorado Coalition Against Sexual Assault in recognizing the dedication Deb Duley has exhibited to helping sexual assault victims in Colorado over the past 6 years. It would not be without her compassionate heart and an open ear that these victims receive the support they most delicately need.

Profiled for her volunteer work since 1995 in the Glenwood Springs Post, Deb has volunteered at least 48 hours per month at the Advocate Safehouse while maintaining a full time job as an engineering technician with Schmueser Gordon Meyers. Only a few years before her volunteering began, one of her friends was involved in a case of domestic violence that sparked the flame that fuels Deb's passion today. As noted by Julie Olson, the Executive Director of Advocate Safehouse, Deb has given up numerous evenings and nights to offer her assistance to victims of domestic violence and sexual assault. ''She is truly a special star among the many stars in our advocate group.''

Deb has spent many hours holding conversations and listening to victims. Unselfishly contributing her time and enthusiasm has assisted not only the victims themselves, but also the Advocate Safehouse Project that provides these helpful services in times of detriment and despair. Deb was one of the first advocates to complete the specialized training for the Sexual Assault Crisis Intervention Team, which was organized in 1996. In addition, she recently received the Victim Services Award from the Colorado Coalition Against Sexual Assault. Perhaps most notable are the lives she has influenced in the dark moments that overshadow the vitality of life. When people experience domestic violence or sexual assault they turn to people like Deb Duley for guidance, tenderness and compassion.

Mr. Speaker, through her volunteering, Deb has assisted many lives and I commend her on her public involvement. Although she maintains a humble character, it is with great admiration that I thank Deb and offer my congratulations on the Victim Services Award.

UCSC: TOPS IN RESEARCH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. FARR of California. Mr. Speaker, it is with great pleasure and pride that I offer my congratulations to the students, faculty, staff, and administration at the University of California at Santa Cruz. The university has recently been named the second-best research

institution in the world for physical sciences, based on the number of times research performed at UCSC has been cited by other scientists in journal articles.

Opened in 1965, UCSC began as the ''Great Experiment'' of the University of California system. The campus, home to both redwood groves and vast meadows overlooking Monterey Bay and the Pacific Ocean, has experienced a steady increase in enrollment to more than 12,000 students currently. The students, sons and daughters of farmworkers, doctors, teachers, and lawyers, have come with a common goal: to take advantage of the multitude of opportunities made available to them at this public university.

These opportunities continue to expand. A branch of the Institute of Geophysics and Planetary Physics opened on the UCSC campus two years ago. The campus was already home to the Institute of Marine Sciences and the Santa Cruz Institute for Particle Physics. The University of California Lick Observatory, utilized by researchers throughout the University of California system, is also headquartered at UCSC.

The success of the physical science program, and indeed of all the programs, at the University of California at Santa Cruz is due to the vision of the people who first studied, worked, and lived at the university. It is equally shaped by the dedication and hard work of those there now. They share a strong belief in the importance of improving the research facilities and academic opportunities while preserving the natural surroundings. This belief has fostered a unique academic community and I look forward to its continued success. Congratulations.

IN HONOR OF THE REVEREND MARVIN DAVID WILLLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Marvin David Williams, Pastor and Founder of the Greater St. Stephen United Church of God, in recognition of his service to both his church and his community.

Reverend Williams, born to the late Reverend Norman Williams and Rossie Lee Williams in North Carolina, was reared in the St. John Missionary Baptist Church where he accepted Christ at a young age. He graduated from the Pender County public school system with honors and furthered his education at the City University of New York where he earned a degree in Public Administration. Reverend Williams extensively studied Theology at the Bethel Bible Institute.

With his mother's passing immediately prior to his high school graduation, Marvin Williams moved to Brooklyn where he found work in order to send money home to his younger siblings for their education. He joined the United Pentecostal House of Prayer where he accepted his call to the ministry. After 18 years of faithfully serving at the United Pentecostal House of Prayer, he accepted the assistant pastorship position at St. Matthew Glorious United Church of God. After serving in the position of assistant pastor for four years, Reverend Williams founded St. Stephen United Church of God in 1974, which was renamed Greater St. Stephen United Church of God after moving to its new home in 1980.

As Pastor, Marvin Williams' church operates as a non-profit community based organization that offers a variety of community programs including a soup kitchen, food pantry, clothing bank, as well as both after school and summer day camp programs. Reverend Williams is also renowned for sponsoring programs, which assist individuals in moving towards self-sufficiency by helping them to get jobs by training them, and building connections with agencies that will hire.

Reverend Williams' success in the Church has not been limited to being the founder of the overwhelmingly successful Greater St. Stephen Church, but also extends to his exaltation to the office of Overseer as well as his consecration as a bishop in 1998. Bishop Williams also serves as Chairman of the General Board of Directors of the United Church of God of America Incorporated in addition to holding membership on many other prestigious boards.

Bishop Williams is married to Callie Louise Powell. Together they have been blessed with eight children, thirteen grandchildren, and a host of godchildren.

Mr. Speaker, Reverend Marvin David Williams devotes his life to serving his community through his church. As such, he is indeed worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

IN SUPPORT OF THE FALUN DAFA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. TRAFICANT. Mr. Speaker, today I would like to recognize the determination and perseverance of the Falun Dafa, a peaceful movement seeking freedom to think as they wish and believe as they choose.

But freedom they cannot have, as long as the Chinese-dictatorship government remains strong; i.e., as long as the rest of the world is willing to ignore the pervasive human rights abuse ongoing throughout China.

The Chinese government is ''cracking down,'' i.e., executing as many followers they can capture, while much of the rest of the world looks the other way. Unbelievably, the world even awards China as host of the 2008 Olympic Games—Games meant to celebrate life and the human spirit. China celebrates neither; rather, China bathes in blood. As Amnesty International recently reported, more people have been executed in China during the past three months than in all the rest of the world during the past three years.

I support the efforts of the Falun Dafa to realize freedom, and pray that the day may soon come when the citizens of China, and all the world, will be free to worship the religion of their choosing and enjoy the basic human right of religious freedom. That is what the Pilgrims came to America for, and it is disheartening that freedom remains elusive for so many people nearly four-hundred years since the Pilgrims' perilous departure across the seas.

It is past time for America and the world to take a proactive stand against the alarming human rights abuse in China. As we speak, another will likely be executed, or as the Chinese officials may report, another will commit ''suicide.''

Ladies and Gentlemen, we are looking down the fangs of a dragon. There have been forty-nine Falun Dafa deaths reported in the past month; tens of thousands are suffering in labor ''re-education'' camps where the use of torture, forced confessions, arbitrary arrest, rape, and denial of due process are reportedly rampant. We must stop this death and dying at the hand of Communist Chinese dictators. I hope that the world will soon unite in proactive support for the freedom of mankind that so many have given their lives for. Let them not die in vain.

I appreciate this opportunity to lend my support to the efforts of the Falun Dafa Practitioners to realize freedom, and I wish them well in their quest for this ideal. May this serve as opportunity for the world to do right.

IN HONOR OF GEORGE GOODDECURNOU'S COURAGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, sometimes there are people that inspire others, just by living, George GooddeCurnou is one of those rare people. George has been faced with the strongest of adversity and has slowly triumphed. His survival after what should have been a fatal accident four years ago is due in part to a miracle, but also due to George's fighting spirit.

Four years ago, George an avid cyclist from Golden, Colorado, was riding in a race in Santa Fe, New Mexico when a drunk driver crashed into him at seventy miles per hour. It was a miracle that George was still alive when his wife, Luann, was rushed to his side in the emergency room. Luann's training as a physical therapist alerted her to the immediate conclusion that there would be severe brain damage, when she noticed that George's right hand was clenched in a fist. The severity of the damage would be unclear until George woke up from his coma. Doctors predicted that George would never walk again, and that his mental capacity would be diminished. George rejected this prognosis, and has gone through numerous types of therapy to achieve his new goal, to ride in a 100-mile bike tour again.

George has come along way in four years, he now speaks complete sentences, although the effort exerted to express his thoughts is great, he does not give in. George's refusal to accept his injury, and his chance meeting with the therapist Rick Olderman, are the factors that brought George to another race in Santa Fe. Rick understood George's need to ride a bike once again, and gave him the encouragement George needed. Three years after the

accident George was on a bike again. Although the ride lasted only five minutes, it exhausted George, but left him with a feeling of gratitude. Four years later amongst the other two thousand cyclists, George GooddeCurnou, mounted his bike. He pedaled for 29 miles, leaving him with a mixed feeling of pride and sadness.

George has already set a goal of 50 miles next year for the race in Santa Fe, and will continue to push himself to the limits. His fighting spirit and courage against adversity is an inspiration to all, and that Mr. Speaker, is why I believe Congress should honor George. I wish him the best of luck in life, and I will be rooting for him to accomplish next year's goal of 50 miles in Santa Fe.

TRIBUTE TO HELEN H. SMITH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Helen H. Smith of Marion, South Carolina, who is retiring after a long and distinguished career in public service. I join the citizens of Marion County in expressing our deepest gratitude for her outstanding service.

Helen Smith was raised in Marion, South Carolina. After graduating from Mullins High School, she attended Columbia College. She and her husband, Mr. Rupert W. Smith, Jr., are the proud parents of Rupert W. (Smitty) Smith, III. Mrs. Smith has worked for Marion County for twenty-one years, retiring as the Director of the Marion County Voter Registration and Election Commission. She distinguished herself by graduating from the Institute of Government for County Officials, and became a key figure in the South Carolina Association of Registration and Election Officials, commonly known as SCARE. Mrs. Smith has served SCARE as Director of the Sixth District, Second Vice President, First Vice President, and President. She also served as the historian of SCARE, and wrote the first history of this Association.

Mrs. Smith has received much recognition for her contributions to the Marion County community. She was honored with three outstanding service awards from the SCARE Association, was the recipient of the Betty Moore Award, and was presented with two awards from the South Carolina House of Representatives in recognition of her contributions to the election process.

Mr. Speaker, I ask you to join me today in honoring Helen H. Smith for her many years of service to her community and for her significant contributions to the South Carolina election process. I wish her the happiest days in a well-deserved retirement.

REGARDING THE ANNIVERSARY OF CHERRY v. MATHEWS

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Ms. McKINNEY. Mr. Speaker, July 19 is the 25th anniversary of U.S. District Court's landmark decision in the infamous case known as Cherry vs. Mathews. This historic ruling has paved the way and established equal and just civil rights for America's disabled citizens. 25 years ago, disabled Americans did not have access to many federal buildings, schools, public transportation, and voting booths.

An undue burden was placed upon citizens with disabilities, and they were not treated with the respect, courtesy, and equal opportunity that all Americans should be afforded.

Dr. James L. Cherry, a Georgian, led the fight to insure that disabled-citizen rights were acknowledged and protected. Dr. Cherry's suit against the Department of Health, Education, and Welfare brought about not only changes through the courts; it renewed and confirmed our Nation's belief that equal opportunity is an unalienable right for all.

I would like to thank Dr. Cherry for his courage, commitment, and foresight. As we observe the 25th anniversary of Cherry vs. Mathews, we are all reminded that our great nation was built upon a foundation of principles and equality and that has been sustained by the ideals of opportunity and justice.

A TRIBUTE TO GERALD JOSEPH RENUART, A MAN THAT HAS GIVEN SO MUCH TO HIS COMMUNITY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. SHAW. Mr. Speaker, I rise today to honor the late Gerald J. Renuart for his tremendous contributions during his lifetime.

Born in Coral Gables, Florida, Jerry received a business degree from the University of Miami and a masters degree from Nova University.

Jerry, a retired Naval officer, held the positions of Town Clerk and Manager in Surfside, Florida for nine years. He then became City Administrator for Lighthouse Point, Florida, a position he successfully held for 23 years. Jerry was past president of the American Society of Public Administrators and Municipal Finance Officers of America, and received a special award from Jimmy Carter for outstanding service to the community and nation. In addition to his outstanding community service, Jerry spent 25 years in the Boy Scouts of America as Scoutmaster for state and national Jamborees, round table commissioner, and district chairman. He was honored with the Silver Beaver Award, scouting's highest honor, earlier this year for his dedication to scouting.

Jerry's accomplishments did not end there. He was also a devoted husband of 40 years to the former Maureen Geller and devoted father to his children.

Mr. Speaker, Gerald Renuart devoted his life to serving his community and nation. He will always be remembered for his service to the community and should be looked at as a role model to our society. As such, Jerry and his family are more than worthy of receiving our recognition today. On Friday, July 20, Jerry will be recognized for his lifelong contributions with his interment at Arlington National Cemetery. I hope all of my colleagues will join me in remembering and honoring the life of this remarkable man.

HONORING ELMER JOHNSON FOR HIS WORK WITH COLORADO LEADERSHIP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, I stand here today to honor and remember Elmer A. Johnson, who gave of himself throughout his life to serve his country and the citizens of Colorado. Elmer, a true patriot, was a man blessed with outstanding business and leadership skills. His presence will surely be missed.

Elmer was a devoted husband and father who was married to his wife, Philomena Mancini, for fifty years until she passed away. He gave his wife, his son, Robert, and his two granddaughters much to be proud of.

In 1941, his patriotism drove him to enlist in the Army Air Forces, where he rose in rank to serve as master sergeant in the China-Burma-India theater during World War II. It was following the war that he began running his father-in-law's printing business and editing a weekly newspaper.

Then, in 1958, he was elected for the first of three times to the Colorado State House. He earned a distinguished reputation with those who knew and worked with him there, including former state Rep. Wayne Knox whom The Denver Post quotes as saying, ''He was a very well-respected, reasonable, moderate legislator,'' and ''a nice guy, a very good guy.'' Elmer had the honor of chairing the House Finance Committee and served on the Joint Budget Committee as well as on the Legislative Council.

His drive to serve others didn't stop there, however. In 1963, he began working as Manager of Revenue and Director of Budget and Management for the City of Denver. He also served on the Executive Board of the Colorado Municipal League and became president in 1970. Incredibly, he also found time to serve as a board member of the Regional Transportation District, and as a member of the Sons of Norway. In addition, his leadership stretched to serving for a term as the International President of the Municipal Finance Officers of the United States and Canada.

Mr. Speaker, Elmer Johnson was a distinguished veteran, a devoted father and husband, and a selfless leader. Today, I would like to pay him tribute on behalf of Congress for his lifelong dedication and honest leadership to the people of the United States.

RECOGNIZING DR. J.R. TURNER, TROUP COUNTY, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BARR of Georgia. Mr. Speaker, a half-century of being on call 24 hours a day, seven days a week, is about to come to a close for Dr. J.R. Turner, of Troup County, Georgia. Dr. Turner's resume could boast of 2,500 baby deliveries, never losing a mother, never being sued, and countless house calls.

Raised in Gay, a small community in Meriwether County, Georgia, Dr. Turner grew up on a farm and was destined to go into agriculture, until a discussion with a medical student encouraged him to shift gears and go into medicine, ''because he could borrow money for school.'' Not only were the finances appealing, but he felt being a doctor he could be his own boss, which is something he always wanted to do.

During his junior year in college he enrolled in a Navy program that paid for his tuition, in return for two years of service after completing medical school. Dr. Turner graduated from the Medical College of Georgia in 1944, and interned at Egleston Children's Hospital in Atlanta.

The end of medical school saw Dr. Turner serving his time for the Navy, stationed in Guam, and working in a leper colony. He started his private practice in July 1947 in Greenville. During that time he met and married Dorothy Allen; they had 11 children and were married for over 50 years, until her death.

The year 1950 saw the opening of Dr. Turner's LaGrange office, and soon afterwards his purchase of an EKG machine. He took time away from his practice to attend Harvard Medical School for EKG training, and in 1953 studied internal medicine at Grady Hospital in Atlanta.

Dr. Turner served as Chief of Staff at West Georgia Medical Center twice, and has also served on its board of directors. He represented Troup County as a delegate to the Medical Association of Georgia.

His free time from now on will be spent hunting, fishing, and just plain doing nothing. Thank you, Dr. Turner for the countless years of service you have given to the folks of Troup County and surrounding area, and for the thousands of lives you have brought into the world.

INTRODUCTION OF LEGISLATION TO REQUIRE FEDERAL AGENCIES TO IDENTIFY AND RECOVER ERRONEOUS PAYMENTS MADE TO CONTRACTORS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BURTON of Indiana. Mr. Speaker, today I am introducing the ''Erroneous Payments Recovery Act of 200l.'' This bill would require Federal departments and agencies to use a process called recovery auditing to identify and recover overpayments made to government contractors.

Overpayments occur for a variety of reasons, including duplicate payments, pricing errors, missed discounts, and fraud. They are payments that should not have been made or that were made for incorrect amounts. They are a serious problem. They waste tax dollars and detract from the efficiency and effectiveness of Federal operations by diverting resources from their intended uses.

Since most agencies do not identify, estimate and report their improper payments, the full extent of the Federal government's overpayment problem is unknown. However, the General Accounting Office has reported that each year the Department of Defense alone overpays its contractors by hundreds of millions of dollars.

My bill would require Federal agencies procuring more than $500,000,000 in goods and services each year to carry out recovery auditing programs. Agencies could either conduct recovery audits in-house, or they could use private contractors, whichever is most efficient. Part of the money recovered would be used to pay for the recovery audits and to credit appropriations accounts from which the erroneous payments were made. Amounts recovered would also be used by agencies to improve management practices and would be refunded to the General Treasury.

In the last Congress, the Congressional Budget Office estimated that the ''Erroneous Payments Recovery Act'' would save taxpayers $100 million per year by giving agencies the tools and the incentive to implement recovery auditing programs to detect mistaken payments. The bill passed the House in March of 2000, but it stalled in the Senate and didn't make it to the President's desk for his signature before Congress adjourned.

Recovery auditing is an established private sector business practice with demonstrated financial returns. It has also been successfully used in a few Federal programs. Also, President Bush has identified reducing payment errors as one of a series of management reforms to be pursued by the Office of Management and Budget.

The ''Erroneous Payments Recovery Act of 2001'' would expand the Federal government's use of recovery auditing to ensure that the hundreds of millions of dollars overpaid each year, that would otherwise remain undetected, are identified and recovered.

I urge my colleagues to cosponsor this legislation.

IN MEMORY OF BOB PRIDDLE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. LAFALCE. Mr. Speaker, I would like to share with you and my colleagues a very special remembrance of a dear personal friend of mine, Robert B. Priddle, who passed away on April 13, 2001. I had known Bob Priddle for nearly 30 years; his wife, Elvi Hirvela Priddle, was my district secretary in Buffalo for nearly 20 years. It is my hope that anyone in this Chamber who has been blessed with the gift of a loyal and devoted friend will appreciate the sentiments expressed in the following eulogy given at the memorial service for Bob by my long-time district aide and close friend of Bob and Elvi Priddle, Becky Muscoreil.

IN MEMORY OF BOB

We are gathered here this morning not to mourn, but to celebrate the life of our friend, husband, father, grandfather, brother, uncle, cousin, nephew, Robert Bruce Priddle. We are here to share wonderful memories with each other that will help sustain us in the days ahead and to hold onto him, each in our own way. I know I cant hold a candle to Bob's oratorical ability to tell great stories, the way he could keep you spellbound and believing every word until, with a perfectly straight face, he would lay it on you and you would realize you'd been totally taken in, bamboozled. But I will try my best to draw a picture of this fine man who we all loved so much because he gave so much of himself to us. Thank you, Elvi, for giving me this honor today.

Bob was born on September, 23, 1931 on Crowley Avenue at his parents', Robert (a salesman) and Genevieve's home. They moved to Grant Street in Lockport, where Bob's Dad passed away in 1935, shortly after Donnalee was born. Then his mother moved Bob and Donnalee to North Buffalo and about 5 years later married Orvard Seeburg when Bob was 9. Bob attended Kensington High School (this is where he met the love of his life, Elvi Hirvela in geometry class) but dropped out to join the Navy in his senior year. He served as an electrician on the communications ship, USS *Mount Olympus* and traveled to the Mediterranean region and Cuba at the time of the Korean War. Once when the ship was in dry dock, Bob was assigned to peeling potatoes and as he was putting the peeled potatoes into a huge pot with water in it, he became terribly seasick watching the water go up one side of the pot and down the other as the ship rocked back and forth in dock. Needless to say, he was quickly reassigned and we may never know about those poor sailors who enjoyed their mashed potatoes that night.

After the Navy, Bob returned home and courted Elvi and they were married at Elvi's mother's home on April 17, 1954, Bob was 22 and Elvi claims she was 12 or so. Karen was born in 1955 and Sue and Sandy in 1958. Bob went back to night school to complete his high school education and began working at Schuele & Co. in their warehouse, but his talents were soon recognized and he was promoted to sales where he remained for about 7 years until he moved on to work for Cook & Dunn and after that as an assistant sales manager at MacDougal & Butler. Later, he joined up with his uncle and became manager of McCorney's Decorating Center in Lockport. Prior to his retirement in 1991, he worked for Ellicott Paint and Wallpaper.

I think we will always remember Bob's captivating charm and when you added that to his uncanny sales ability, he would have made a great politician. But instead, he became involved in politics when he met his match, John LaFalce, through the Jaycees. Bob was a Democrat of the Roosevelt/Truman/Kennedy legacy and he devoted himself to John's campaigns, giving all the time he could to ensuring John's first election to state office and on through the early Congressional campaigns. He drove John to the ends of the district and eventually learned

the locations of every bowling alley, bingo hall and fire hall in four counties. He and Jim Pries would be up and out by 5 a.m. or earlier every election day putting up poll signs, checking on voter turnout and crunching numbers after the polls closed. During those early campaigns, Bob was known as the ''General'' and Jim as the ''Colonel''—one of the first things the young, green campaign workers learned was that you didn't mess with those two. They were the 'body guards' and Big Guy's confidantes. They were to be feared in a respectful way.

Jim remembers the first time he met Bob over the fence that separates their back yards. And within minutes, Bob had him joining the Jaycees and working with him on the campaigns. He was convincing and compelling and it was always difficult to say ''no'' to him. Jim said that ''life was never the same after meeting Bob''—on that, we can all agree.

As you know, Bob was very active locally and nationally in the Jaycees and the Jaycee Senate—there were years when we always had to refer to him as ''Senator.'' He joined the Kenmore-Town of Tonawanda Jaycees in the mid-60s and served as Secretary and Vice President. He was awarded his Senatorship in 1982 and served a term as President of the NYS from 1989 to 1990 and Region II Vice President from 1990–1991. He belonged to chapters in Florida, West Virginia and New York. He is best known for initiating the ''First Thursday'' club, a group of local Senators who meet once a month on the 1st Thursday for dinner, and later he organized the Jaycees/Senators Retirees Luncheon Group which meets on the third Monday of each month.

Jim Pries recalled an interesting trip to a Jaycees convention in Atlanta in 1971 to which he and Bob and John LaFalce traveled together. Bob decided to take his camper-trailer to save on their hotel costs, but unfortunately, when they arrived at their destination, the camper blew over and they couldn't get it upright. John said not to worry, he had a friend in the area who was a priest and he would call him to see if he could help find them a place to stay. Lo and behold, the priest welcomed them to stay at a local convent overnight and you can only imagine how much fun Bob had with that story. He told them he couldn't wait to get home and tell his strict, Baptist mother where he had spent the night.

Every person in this room today, in remembering their relationship with Bob, has a story to tell that will make us laugh and shake our heads knowingly, saying, ''yep, that was the Bob we knew'' with that devilish grin and a sparkle in his eyes that couldn't help but draw us to him. Over the past few days, I've collected a few of these stories that epitomize the character and personality of this wonderful man we will never forget.

Karen remembers when she was about 14 or 15 and babysat for one of Bob's Jaycee friends, David Shenk, on Parkhurst Blvd. She came home about 3 a.m. and went to her room to get ready for bed and as was her habit, shut and locked her door. When she tried to open it to go to the bathroom, the door handle just kept turning around and around and she couldn't get out. She started banging on the door and yelling ''Mom, Dad, help, I can't get out'' and after a few minutes both Elvi and Bob came to her door and tried and tried to open it from the outside without success. Finally, Bob decided the only thing he could do was to go and get the ladder and either get Karen out through the window or at least get in and try to get the door open from the inside. So here it was, about 4:30 in the morning, Karen opens her window and Bob is climbing up the ladder and Karen starts shouting out the window ''Hurry before my father hears you.'' In a very low and quiet voice, he said ''shut up'' trying hard not to break out in laughter so as not to wake up the neighbors. But I seriously doubt he could hold it in. Kind of reminds you of a scene from ''I Love Lucy,'' doesn't it? Karen remembered another incident involving Dave Shenik—it was his birthday and Bob, Bill Castle and Ralph Vanner thought it would be really funny to put a sign on his lawn. So they went and got a sandwich board and wrote on it, ''Honk to wish me a happy birthday and stop in for a beer,'' and they put it on his front lawn. What they didn't know is that Dave wasn't home and a relative was there babysitting his children. People were honking like crazy and a couple tried to cash in on the beer offer, banging on the door and windows and terrifying the babysitter.

In 1985, when Kristen was born, Sandy was in Kenmore Mercy Hospital and at that time, they still had strict visiting hours for maternity. But as we all know, that wouldn't stop Bob from visiting his daughter and granddaughter. He walked up to the front desk and gave Sandy's name and when he was advised visiting hours were over, he announced that he was Mrs. McInerney's pastor and of course, was allowed right in. Only Bob could get away with that, with a straight face, no less.

One of Sue's favorite stories from her Grandmother Seeburg was from Bob's childhood. He was about 6 years old and came home early from school one day. When his mother asked him why he was home so early, he claimed that the store across the street from the school burned down and they let all the kids leave early. Mrs. Priddle's suspicions led her to walk over to the vicinity of the school where, of course, she noticed the store in question was still intact. We probably don't want to know what happened when she returned home. But at least we now have a better understanding of the early development of Bob's storytelling ability.

One of Elvi's favorite stories is about a cold winter morning when Bob was working at McCorney's in Lockport and had to be there early to open up for business. But he went out to start his car and found the battery was dead. He came back in the house and called Triple A and was told it would be at least an hour or more before they could get to him. He told the dispatcher, ''Look, you've got to help me out here, I stayed overnight at my girlfriend's house and her husband is going to be home any minute.'' The poor fellow on the phone was overcome with sympathy for the situation and needless to say, a truck was in the driveway in a matter of minutes. Bob arrived at work with time to spare and probably pretty proud of himself for such a coup.

For those of you who know Kate, one of Bob and Elvi's two lovely granddaughters, you may know she has become somewhat of a connoisseur of French onion soup, thanks to her grandfather. It seems that one evening at dinner at Cameo's when Kate was about 8 years old, Bob had ordered the French onion soup and it had lots of cheese on top. Kate thought that looked pretty good and asked to try some and Bob,of course, obliged. From that day forward, she shared this special bond with her granddad and can tell you where to go to get the best French onion soup in town.

Donnalee has visited many times since Bob was admitted to McAuley on March 17, 1998. She remembers the first year he was there and was still pretty mobile and managing to get to the far corners of the building in his wheelchair. He happened upon a new maintenance man and struck up a conversation asking him how long he had been there, where he was from, etc., perfectly normal for Bob. Then he said to the man, ''Do you know what my job is here?'' And the maintenance man looked at him kind of funny since he was quite sure he was a patient, but was kind enough to go along with him and said, ''No, what do you do?'' Bob said, ''I am the elephant chaser.'' The man, a bit perplexed, answered, ''Oh, really?'' and Bob replied, ''Well, you don't see any elephants around here, do you?''

All of us who knew and loved Bob realized that patience wasn't exactly one of his primary virtues. When he Was in Buffalo General Hospital in January of 1998, he needed a nurse, but when he rang the buzzer a few times, no one came. So he picked up the phone and dialed ''911'' and told them they had better hurry up and get a nurse in there for him.

One time when Bob and Joe met at Brighton Golf Course, they teed up on the first hole, a par four and Bob hit one heck of a swing but unfortunately, hit the maintenance barn, way too far to the right. He was a little disturbed, but set up another ball and swung and again hit the barn. He started saying some very bad words about the golf balls he was using, but teed up for a third time and this time hit over the barn and into the parking lot. He

turned to Joe and said, ''I probably should have had that second Manhattan to straighten out my swing.''

I think it is safe to say we are all better for having known this loving, kind, funny and loyal man who was so devoted to his family and friends. Eleanor Roosevelt once said, ''Many people will walk in and out of your life, but only true friends will leave footprints on your heart.'' Throughout the rest of our days, may we always have Bob Priddle's footprints on our hearts.

HONORING FLORENCE HOFFMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, I am proud to honor Florence Hoffman on receiving the Jackson County Council on Aging 2001 Senior of the Year Award. Florence's giving heart and gentle spirit have been instrumental in the Council's success. I am encouraged by her determination and willingness to help others and would like to take this moment to honor her.

Florence is a long-time resident of Cowdrey, Colorado. After her husband passed away, Florence came to rely on the community's senior citizens' OATS van, which provides alternative transportation for those who request its aid.

Mr. Speaker, the contributions that Florence has put forth certainly deserve the praise and admiration of this body. Florence has made significant monetary contributions annually to the service and also offers sizable increases to the usual fee for each ride that she takes. Her notable acts of selflessness have bolstered the OATS van and have ensured its consistent availability to the senior citizens of Jackson County.

It is with great pleasure, Mr. Speaker, that I congratulate Florence Hoffman on being named the 2001 Senior of the Year by the Jackson County Council on Aging. I would like to say thank you for the donations made to the service, which the entire elderly population in the area depend so much upon. We are proud of you, Florence!

TRIBUTE TO NANCY G. BACA ON THE OCCASION OF HER RETIREMENT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BACA. Mr. Speaker, I rise to salute Nancy Baca, of Barstow, on the occasion of her retirement on July 3, 2001. Nancy has had a distinguished career of outstanding service, spanning 34 years at the Marine Corps Logistics Base at Barstow, California, for which she has received 13 awards and promotions. These awards recognize her skill and acumen at accounting, express appreciation of her hard work and extra efforts, and salute her notable achievement of saving money and promoting efficiency at the Base.

Through her overtime, persistence, and relentless pursuit of cost-effectiveness, Nancy has contributed to saving the Base from closure. The Base plays a pivotal role in the community of Barstow, as an employer and a resource, so we should all be grateful to Nancy and others who have worked to strive for excellence.

This is not just about protecting a community, this is about standing up for the vital interests of our nation, for the Marine Corps Logistics Base at Barstow is essential for testing and repairing vehicles for the Marines. Barstow has special equipment, including water immersion facilities, to ensure that when a vehicle leaves the facility, it is in fighting shape for the mission that lies ahead. As a veteran who has worn the uniform of the United States, I can attest to the peace of mind that comes from knowing our nation has the finest Logistics facilities of any fighting force. For ultimately, the battle is won as much by dedicated workers like Nancy as it is by the labors of the soldier in the field.

Nancy's story is about working hard, overcoming impoverished circumstances, seeking to better oneself and one's family by embracing opportunities. It is the story that many individuals of my generation have embodied, indeed, one my own family experienced growing up. It is the process by which our nation renews itself. It is about the dedication and hope of parents, about their striving for a better world for their children. It is about education and hard work. It is about the Latino experience.

Born on February 14, 1938, and raised in Valencia, New Mexico, in a very poor family of 10 children, Nancy moved to Barstow, California, in 1954, when her father came to Barstow to work on the Santa Fe Railroad. Nancy graduated from Barstow High School in 1957, married Morris Baca, began a family, and started in 1966 as a GS II/Keypunch Operator at the Marine Corps Logistics Base, in Barstow, California. She took accounting classes, ultimately playing a key role in the accounting and budgetary operations of the base.

Through it all, Nancy has been a dedicated parent of four children: Yolanda Minor, Berna Hawkins, Anthony Baca, and Anita Lo. For years she accompanied her children to baseball practice, judo matches, girl scouts. Her children have gone on to great success, completing schooling, and pursuing careers that span the courts, health care, and other professional endeavors. She has encouraged her children to stay in school, to work hard to succeed; and it shows in everything they do. Nancy is also a devoted grandmother and great grandmother, and loving daughter, caring for her 91½-year-old mother.

Throughout her labors, Nancy has found time to travel the world, visiting Germany, France, Italy, Spain, and our Nation's Capitol. She wants to take some short cruise trips, now that she is retired, and become more involved in exercise activities. One can tell that there is no slowing Nancy down—she is still taking the world by storm!

Mr. Speaker, this is the promise of America, that the daughter of a railroad man can serve our nation with distinction and see the rolling hills of Europe, the sunset over the Seine, the canals of Italy, the dusty villas of Spain. She can gaze at the panorama of our Nation's capital, and marvel at its monuments. She has the freedom that is the birthright of every American, freedom she has helped preserve in her work at Barstow!

And so, I wish Nancy many fine years of active retirement, and the joy that comes through bringing in the harvest of one's labors. I wish her golden sunsets with her children, lazy days with her grandchildren and great grandchildren, and all good things in life. I wish her God's blessings and good wishes on this fine occasion. We are all proud of you, we all salute you, as you embark on this new and exciting chapter in your life.

HONORING THE DISTINGUISHED CAREER OF GENE SMITH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. GORDON. Mr. Speaker, I rise today to congratulate Dr. Gene Smith for his many accomplishments as an educator and interim president at Middle Tennessee State University. Dr. Smith will end his outstanding career in the higher education arena on August 1 when he retires.

Dr. Smith is an MTSU alumnus who came home to finish his career. After 37 years as an administrator and educator at the University of Memphis, Dr. Smith agreed to guide MTSU through a period of adjustment while the school sought a permanent president. Dr. Smith took the helm at MTSU on October 1, 2000.

Dr. Smith, who grew up next door to the Murfreesboro, Tennessee, university in neighboring Wilson County, received his undergraduate degree from MTSU in 1957. He went on to receive his master's degree from the University of Memphis and his doctorate from the University of Mississippi. Dr. Smith also has authored numerous publications.

During his short but productive tenure at MTSU, Dr. Smith kept the university of 19,000 students on a steady course. He made sure gains continued in the school's highly touted academic programs, and his leadership helped MTSU's athletic department earn the Sun Belt Conference's top award for excellence—the Vic Bubas Cup—after just one year in the conference.

The entire MTSU community has profited from Dr. Smith's stewardship. I congratulate Dr. Smith for his outstanding career in higher education and wish him the best in his future endeavors.

INTRODUCTION OF ECONOMIC REVITALIZATION TAX ACT OF 2001

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CRANE. Mr. Speaker, today I am proud to introduce with my colleagues the Economic

Revitalization Tax Act of 2001. This legislation is designed to revitalize one of America's most important economic partners. The Commonwealth of Puerto Rico, home to 3.9 million U.S. citizens, purchases over $16 billion a year in goods and services from the rest of the United States. A strong economy in Puerto Rico helps generate over 320,000 jobs in the U.S. mainland.

A strong Puerto Rican economy should be important to all of us. We need to recognize that since October of 1996 manufacturing employment in Puerto Rico has declined by 16,000 jobs, a drop of over ten percent. No other U.S. jurisdiction has lost manufacturing jobs at such a high rate. In calendar 2001, a growing number of American companies, including Intel, Coach, Sara Lee, Phillips Petroleum, Star Kist and Playtex have announced that they will close or reduce operations in Puerto Rico. This will entail a loss of more than 8,700 additional direct jobs. These jobs are being lost to foreign competitors.

Puerto Rico's main competitors enjoy significant advantages. For example, Singapore, Malaysia and Mexico have significantly lower wages and fringe benefits. Ireland enjoys low transportation costs and duty-free access to the European Market. Malaysia and Mexico not only have much lower wage costs but have less stringent environmental, health, safety and welfare standards.

To reverse this trend, today we are introducing legislation that will help make Puerto Rico more attractive to investors. Our bill simply states that if you invest in Puerto Rico instead of in a foreign country, you may bring your profits back into the U.S. at a preferred tax rate. This will not only help Puerto Rico directly, but it will also help the American economy by returning profits to the U.S. where they can be invested in other job creating activities.

In 1993 Congress imposed significant restrictions on the value of these tax incentives to raise more than $3.7 billion in revenue to help balance the federal budget. In 1996, Congress approved a ten-year phase-out of what remained of these provisions (section 936 and section 30A of the Internal Revenue Code) to offset more than $10 billion in the cost of federal tax benefits enacted to alleviate the impact of the increase in the minimum wage. This legislation is Puerto Rico's best opportunity to participate in the tax reduction measures that Congress enacted earlier this year. Puerto Rico helped reduce the budget deficit. It is now time for the U.S. citizens of Puerto Rico to benefit from the budget surplus.

HONORING JIM SAMUELSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, today I would like to honor a man whose contributions should be looked upon as an inspiration to all. James Samuelson, longtime resident of Glenwood Springs, recently passed away. James served in World War II, flourished as co-editor and publisher of The Glenwood Post, volunteered in his community, and gave his time and contributions to help those in countries less fortunate than our own.

As we mourn his passing, Jim will be remembered for his dedicated service with the Army Medical Corps during World War II. During his committment, Jim served in many places including North Africa, Sicily, and Italy. After the war, Jim pursued his journalism career where he used his skills working as co-editor and publisher of The Glenwood Post with his brother, John, until 1966, after which he earned his Masters of Education from the University of Wyoming.

Thoughout his life, Jim enjoyed many activies such as skiing, fly fishing, and playing sports. He also was an active volunteer with the Lions Club, American Legion, and the Mountain View Church. As we remember his life, let us not forget Jim's efforts to aid those less fortunate living in foreign countries where he helped establish medical clinics for the underserved in both Haiti and Mexico.

For 55 years, Jim was married to his wonderful wife, Marilyn. Together, he and Marilyn raised a daughter and five sons, and were the proud grandparents to fourteen and great-grandparents to two. He and Marilyn enjoyed traveling to such places as Europe, Israel, and Turkey, making their last trip just three years ago.

It is with this, Mr. Speaker, that I honor Jim Samuelson for his many contributions throughout his life. His formidable efforts deserve the praise and admiration of us all. His service to his community, and to those less fortunate, is something that we should all seek to emulate. I know I speak for everyone who knew Jim when I say he will be greatly missed.

ECONOMIC REVITALIZATION TAX ACT OF 2001

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. RANGEL. Mr. Speaker, I have joined a number of colleagues today as an original cosponsor to a very important piece of legislation, the Economic Revitalization Tax Act of 2001. This legislation will provide an incentive for U.S. companies that have international operations to invest in Puerto Rico, instead of in competing foreign countries, and to bring their profits back to the United States. Under this legislation, these U.S. companies will be able to lend or invest in the United States most of their profits from their Puerto Rico operations free of tax to their U.S. parents, or, in the alternative, to repatriate dividends with the benefit of an 85 percent dividends received deduction.

This legislation is necessary to protect the over 320,000 jobs in the U.S. mainland that depend upon a strong Puerto Rican economy. Historically, economic growth in Puerto Rico has paralleled or exceeded that of the United States. Since 1996, however, economic growth rates in Puerto Rico have averaged 21 percent less than in the United States. The divergent paths of the U.S. and Puerto Rico economies since 1996 would be even more dramatic were it not for the fact that Puerto Rico has received over $4 billion of private insurance and FEMA disbursements as a result of Hurricane Georges.

Puerto Rico is a vital member of the American family. The new administration of Governor Sila Maria Calderón, is continuing the vision of a prosperous Puerto Rico originated by the legendary Luis Munoz Marin. She is implementing a coherent development plan that will make that vision a reality. Governor Calderón understands that reform of the Commonwealth government and its economic development policies are necessary for Puerto Rico's economic development. She is doing this in close collaboration with business and community leaders in Puerto Rico.

Success in Puerto Rico requires action in Washington as well. The negative impact of the loss of federal tax provisions to offset Puerto Rico's disadvantages is becoming painfully evident. New federal tax incentives are a vital part of what is needed to bring Puerto Rico back to a dynamic economic development path.

The U.S. citizens in Puerto Rico deserve and expect this Congress to join them in an effort to revitalize their economy. If we do not do this out of principle, we should do it out of self-interest. What is good for Puerto Rico is good for the United States. More and better jobs in Puerto Rico mean more payroll taxes paid into our Treasury and more jobs in the U.S. mainland.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. OWENS. Mr. Speaker, because I was unavoidably detained, I missed the following rollcall votes:

Rollcall vote No. 229—S. 360; rollcall vote No. 230—H. Res. 195; rollcall vote No. 231—H.J. Res. 36 and rollcall vote No. 232, final passage of H.J. Res. 36.

Had I been present, I would have voted "yea" on rollcall vote 229; "nay" on rollcall vote 230; "yea" on rollcall vote 231, and "nay" on rollcall vote 232.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mrs. JONES of Ohio. Mr. Chairman, over the past decade, the number of women in the

Federal Prison system has grown by 182 percent, compared to 152 percent for men. Prison has never accommodated the needs of women prisoners well. And while health care available to low-income women is poor, women in prison face terribly inadequate medical care.

Although all women in federal prison receive annual OB–GYN exams, the ban on federal funds for abortion services is a direct assault on women's reproductive health care. There are many reasons why women decide not to bear children. Abortion has been a legal health option for women for almost 30 years. But because women in federal prison are more likely to be poor and minority, the ban prevents these women from controlling their own bodies.

Women who are able to pay for abortion may use their own funds to do so, however, jobs available to prisoners pay at a rate of 23 cents to $1.15 per hour. This means that inmates make anywhere from $4.80 to $16 per week. At this rate, very few inmates are able to make enough money to pay for an abortion. The ban on the use of federal funds effectively forecloses their opportunity to obtain these health services.

Imprisonment is a necessary punishment when the law is broken. Imprisonment does not mean, however, that prisoners have no right to safety and medical care. Poor medical care is not punishment, it's a denial of fundamental rights.

I urge my colleagues to vote in favor of the DeGette amendment.

HONORING PUEBLO COUNTY SHERIFF'S DEPARTMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor the Pueblo County Sheriff's Department for its dedicated professional service. Recently, the Department received the highest award given by the National Sheriff's Association, the Triple Crown Accreditation. In recognition of this award, I ask my colleagues to join me in honoring them for their remarkable service.

The Commission on Accreditation for Law Enforcement Agencies, Inc, awarded the Sheriff's Office this prestigious accreditation. The honor was given after a process of "thorough, agency-wide self-evaluation" in addition to "an exacting outside review" by an independent team of assessors. The Pueblo County Sheriff's Department self-evaluation showed an efficient operation and respect among staff, while the impartial committee observed the same excellence from the outside. The Sheriff's Department was also commended for its compliance with Standards for Health Services in Jails.

The requirements to pass the assessment for the Triple Crown Accreditation Award are so stringent that only 33 organizations in the world earned all three accreditations. Sheriff Dan Corsentino rightfully shows pride in his organization in saying, "We are a professional organization, we are a united organization, we are an organization that plans, and we are an organization that is worthy of the Triple Crown Accreditation that was awarded to us . . . in Ft. Lauderdale, Florida."

As you can see, Mr. Speaker, the Pueblo County Sheriff's Department has set an example for other corrections offices throughout the world to follow. In every sense, the people of this department are the embodiment of all the best in law enforcement and they deserve our praise and admiration. My thanks to them for a job well done.

HONORING THE COMMUNITY SERVICE OF REV. ROYAL J. GARDNER

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. OLVER. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to the Reverend Royal J. Gardner, who on June 7, 2001, celebrated his 50th anniversary of his ordination to the priesthood.

Since 1989, Reverend Gardner has faithfully served as the parochial vicar of Sacred Heart Parish in Pittsfield, MA. Reverend Gardner continues to have unwavering dedication and complete devotion to the many communities and thousands of families he has served over the years. I am proud to know of the accomplishments of Reverend Gardner over the last 50 years and wish him many more years of service.

Mr. Speaker, please join me in honoring the community services of Rev. Royal J. Gardner. I am including for the CONGRESSIONAL RECORD a copy of a recent article that appeared in the Berkshire Eagle on June 16, 2001, that details his extraordinary career.

SACRED HEART VICAR CELEBRATES 50 YEARS

PITTSFIELD.—The Rev. Royal J. Gardner, parochial vicar of Sacred Heart Parish, celebrated the 50th anniversary of his ordination to the priesthood June 7.

A commemoration of the event took place June 10, on the 50th anniversary of his first Mass. The Mass at Sacred Heart was concelebrated by Gardner and several visiting priests. Approximately 400 friends and parishioners attended a reception that followed in the school hall.

Gardner was born in Brooklyn, N.Y., on April 28, 1924 to Royal C. Gardner and Beatrice Dwyer Gardner Furer. He was educated at St. Mark's Grammar School and St. Augustine's High School in Brooklyn. He graduated from Providence (R.I.) College in 1945 and began his study for the priesthood at the Dominican House of Studies in Springfield, Ky., the St. Joseph Dominican House of Philosophy in Somerset, Ohio, and the Dominican House School of Theology in Washington, D.C.

He was ordained a priest in the Dominican Order on June 7, 1951, at St. Dominican's Church in Washington by auxiliary Bishop John McNamara.

Gardner's first assignment was to St. Vincent Ferrer Church in New York City. He then became dean of admissions at Providence College, a position he held from 1955 to 1968. He served as a retreat director at the St. Stephen Dominican Retreat House in Dover.

He was assistant to the Dominican provincial of St. Joseph's Province in New York City from 1974 to 1980.

In 1989, Gardner, wishing to return to parish work, was incardinated by the Rev. Joseph Maguire, bishop of Springfield. Incardination is the process by which priests from one diocese are accepted into another diocese for service.

Gardner spent several months at St. Joseph's in Pittsfield before he was assigned to Sacred Heart as parochial vicar in September 1989. Because he is not yet ready to retire from the active priesthood, at the end of June he will move to St. Teresa's Church to assist the Rev. John Varley.

Gardner has traveled widely in the past and has assumed the responsibility of directing the gardening on the church's ground over the years.

CHANGE IN ESTATE TAX WOULD HURT MANY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to consider carefully the following Op-Ed from the July 7, 2001, edition of the Omaha World Herald, entitled "Change in Estate Tax Would Hurt Many," as this Op-Ed raises some of the very concerns raised by this Member.

[From the Omaha World Herald, July 7, 2001]

CHANGE IN ESTATE TAX WOULD HURT MANY

(By Gary L. Maydew)

The new tax bill gradually raises the exemption from estate taxes from the current $675,000 to $3.5 million by the year 2009. The estate tax is then scheduled to be repealed for the year 2010 (through only for one year). So the new law is much better for estate holders in Nebraska and Iowa who hold a lot of appreciated farmland, right?

Not so fast. Accompanying the repeal of estate taxes will be a change in the income tax basis for inherited assets that will be much worse for all but a handful of estates than is the current estate tax. Under current law, the income tax basis of property inherited is "stepped up" to fair market value at death. This means that the unrealized capital gains existing at death are never taxed. The new law will, effective in 2010, change the basis to what is known as a carry-over basis. Result: The seller of the property will have a whopping capital gains tax bill.

Example 1: Assume that I.B. Widow dies in 2001 holding farmland with a value of $1 million. The land was purchased many years ago at a cost of $200,000. After deducting various expenses, her taxable estate before the exemption is $675,000. Therefore the unified credit (which has an exemption equivalency of $675,000) results in zero tax. Shortly thereafter, her heirs sell the land. Because their income tax basis is stepped up to $1 million, they will have little or no taxable gain on the sale.

Example 2: Assume the same facts except that she dies in 2010. Again there is no estate tax: But now when her heirs sell the farmland, her tax basis of $200,000 carries over to them. Result: They have an $800,000 capital gain and could owe as much as $160,000 of tax.

Congress must have a short memory. The stepped-up basis rule was briefly repealed in

1976. The resulting outcry from tax practitioners who had the difficult (often impossible) job of determining the tax basis of decedents' property was so loud that Congress retroactively repealed the law change.

Under current law, only a tiny percentage of decedents even have to file federal estate tax returns (3.4 percent for those who died in 1995). Only 668 estate tax returns of Nebraska residents were filed in 1997. Those decedents had an average gross estate of about $1,480,000 and paid an average estate tax of slightly more than $94,000.

So in return for exempting a very small number of wealthy decedents from estate tax, we will be subjecting millions of heirs to a capital gains tax on property they inherit, and further subjecting them to the difficulty of providing the tax basis of property that may have been acquired decades earlier. This is not a good trade-off.

HONORING THE LIFE OF ED SMITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor Ed Smith as we sadly mourn his passing. Ed was a man devoted to his family and served a dedicated career as the Centennial football coach and school district administrator. Ed has been a model to us all, teaching us how to win, how to lose graciously, and how never to give in.

Professionally, Ed was revered by his colleagues. Central coach, principal and teacher John Rivas told Loretta Sword, of The Pueblo Chieftain, "He was the godfather of it all, you might say, and he was always there to help me if I had a problem or a situation I didn't have a handle on." His initiative helped ensure that the Dutch Clark Stadium had the financial and community support necessary to be built. Also, he made certain that the annual All-Star games were properly organized when they were in Pueblo, and that everything went smoothly and safely. For his success, he was named Honorary Meet Director of the Colorado statewide track meet he helped bring to Pueblo, and was honored for his work with the athletic arena for the community. Ed was a gifted athlete himself, and he never lost his love for competition, or his skill at it. When he was 91 years old, he shot a hole-in-one with thirty-year-old golf clubs he received as a retirement gift.

Throughout his life, Ed received many honors and awards, including having his name included in the Greater Pueblo Sports Association Hall of Fame and the Centennial Hall of Fame. Perhaps his greatest reward was that, as former coach Sollie Raso attested, "I honestly think . . . Ed and his wife, they were at peace with one another, their family, and their God." Indeed, Ed was a dedicated husband up until his wife, Margaret Boyer Smith, passed away. He also devoted himself to his two sons, Dr. Dean B. Smith, who preceded him in death, and Dr. E. Jim Smith. Ed also had sixteen grandchildren and nineteen great-grandchildren.

Clearly, Mr. Speaker, Ed Smith was an inspiration to his students, colleagues, family and friends. His dedication and devotion to all of his endeavors are unparalleled and should not go without recognition. I am proud to have this opportunity to pay tribute to such an amazing man, he will be greatly missed.

HONORING GERALD RENUART

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to honor a man who will be greatly missed by all those who knew him. A man who served his country proudly, and a man who displayed immeasurable love for his work, his community, his life, and his family. It brings me great sadness to report that Gerald J. Renuart of Lighthouse Point, Florida, passed away on June 24, 2000, at the age of 63 after a lengthy battle with cancer.

Gerald Renuart was born in Coral Gables, Florida. He attended school at the University of Miami where he received a degree in business, and went on to Nova University where he received his Master's Degree. Upon graduation, he began what was to become a very long, meaningful life as a contributor to both his country and community in a variety of ways.

A strong believer in the importance of mentoring, Gerald worked with local youth through his participation with the Boy Scouts. As a member of the organization for 25 years, he held the position of Scoutmaster for National and World Jamborees, Roundtable Commissioner, and District Chairman. He was awarded scouting's highest award, the Silver Beaver, for his loyal and dedicated service.

Gerald also occupied the role of civil servant for many years. He worked as a Town Manager for Surfside for nine years, and then served as a City Administrator and Executive Assistant to the Mayor of Lighthouse Point for 23 years. In addition, he was past president of the American Society of Public Administrators and the Municipal Finance Officers of America. In recognition of his outstanding public service, Gerald Renuart was honored by then President Jimmy Carter.

As a retired Naval Officer, Gerald Renuart will be given full military honors at Arlington National Cemetery on July 20, 2001. These honors serve as an example of the caliber of man he was and will compliment the other accolades received by Mr. Renuart in recognizing him as an admirable and exceptional member of his family, community, and nation.

Mr. Speaker, Gerald Renuart was both well-loved and widely respected by all those blessed to have known him. He is survived by his father, Firmin, his two brothers, Michael and Robert, his sister, Claudette Voehringer, his loving wife of 40 years, Maureen, his children, Shirley Dion, Ronald and Daniel, and eight grandchildren. Gerald selflessly served his country. His life's work was his dream. And his family was a source of admiration and great pride. Today we celebrate Gerald's life, which serves as a wonderful example to all who follow in his footsteps.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 229, to honor Paul D. Coverdell. Had I been present I would have voted "yes." Mr. Speaker, I was unavoidably detained for rollcall No. 230, commending the United States military and defense contractor personnel responsible for a successful in-flight ballistic missile defense interceptor test on July 14, 2001. Had I been present I would have voted "yes." Mr. Speaker, I was unavoidably detained for rollcall No. 231, on agreeing to the substitute amendment. Had I been present I would have voted "no." Mr. Speaker, I was unavoidably detained for rollcall No. 232, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. Had I been present I would have voted "yes." Mr. Speaker, I was unavoidably detained for rollcall No. 233, on agreeing to the amendment. Had I been present I would have voted "yes." Mr. Speaker, I was unavoidably detained for rollcall No. 234, on agreeing to the amendment. Had I been present I would have voted "no." Mr. Speaker, I was unavoidably detained for rollcall No. 235, on agreeing to the amendment. Had I been present I would have voted "no."

CONGRATULATIONS TO CYRIL SWEENEY FROM CASTLEKNOCK, DUBLIN, IRELAND, ON HIS 60TH BIRTHDAY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. KING. Mr. Speaker, I proudly rise today to honor and congratulate Cyril Sweeney, a true friend of mine from Castleknock, Dublin, Ireland, who celebrated his 60th birthday this past July 7th.

Cyril, the fourth of nine children, was born in Muckerstown, County Dublin, and raised in County Meath. Educated at Kilbride Primary School, Ballinkill STB and University College, Dublin, Cyril distinguished himself as a student and went on to become an accomplished horticulturist. For a number of years Cyril has been the proprietor of Sweeney Landscapes Ltd. in Dublin.

Most importantly, however, Cyril is the proud father of six children and grandfather of four grandchildren. And most significant to me, Cyril's eldest son John married my daughter Erin this past February 17th. While everything about the wedding and the reception went well, it was acknowledged by all that the highlight of the day was the speech Cyril delivered at the reception. The consensus of those in attendance was that Cyril's speech—which explored and explained life and its mysteries and its unexpected twists and turns—ranks alongside Cicero's Orations, Lincoln's Gettysburg Address and the 1916 Easter Proclamation.

I wish Cyril the happiest of birthdays and many more to come.

RECOGNITION OF NATIONAL SECURITY EDUCATION PROGRAM SCHOLARSHIP RECIPIENTS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. HORN. Mr. Speaker, I rise today to recognize two students from my district who are the recipients of the National Security Education Program's David L. Boren Undergraduate Scholarship Awards. Since its creation by Congress in 1991, the National Security Education Program has awarded over 1,300 undergraduate scholarships and over 700 graduate scholarships.

The program addresses the need to increase the ability of Americans to communicate and compete globally by knowing the cultures and languages of other countries. Scholarships are awarded to undergraduates to study abroad in subjects critical to United States national security. Recipients earn their awards through a rigorous national merit-based competition that includes hundreds of applicants.

Ms. Sarah Chankin-Gould of Long Beach, California, attends Occidental College in Los Angeles, California. With the National Security Education Program scholarship, she will study international relations and Spanish language and literature in Mexico.

Ms. Frances Sullivan-Lewis, also of Long Beach, is enrolled at Brandeis University in Waltham, Massachusetts. She plans to study history and East European language and literature in Russia.

I commend these two students for their hard work throughout their scholastic careers and I am proud to recognize their accomplishments.

HONORING LEO KOLLIGIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Leo Kolligian for his extensive contributions to the educational community in California's San Joaquin Valley. Most recently, Mr. Kolligian's commitment to education was demonstrated by a generous gift made to the University of California, Merced.

Mr. Kolligian, a longtime University of California regent, has been a strong proponent of expanding the UC system to respond to the increasing demand for quality public higher education in the state of California. As chairman of the Board of Regents, Mr. Kolligian was at the forefront of the efforts to add three new campuses in the University of California system. The first of these will be built in Merced, in the San Joaquin Valley. A ceremony was held at the UC Center in Fresno, CA, announcing that the library on the campus of UC Merced will be named after Mr. Kolligian and his late wife Dottie.

Mr. Speaker, I am pleased to honor Leo Kolligian for his dedication and generosity to education in the San Joaquin Valley. I urge my colleagues to join me in lauding his commitment to expanding the educational opportunities available to the people of California.

TRIBUTE TO DAVID CURRY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to David Curry of Sedalia, Missouri, who was recently named the Missouri Economic Development Council District 4 Volunteer of the Year.

The Missouri Economic Development Council is an association of professionals and volunteers that is dedicated to improving the economic climate of Missouri through programs of professional development, public policy, marketing and communication. The Missouri Economic Development Council recognizes that professional developers have an enormous task. It is only by the work of volunteers that these professionals and their respective communities are successful.

Mr. Curry has been involved with Pettis County, Missouri, economic development since the early 1970s. He was instrumental in forming the first industrial development group that brought many industries to Sedalia. Today, these businesses serve as the basis for the area's economic well-being. Currently, Mr. Curry serves as President of the Sedalia-Pettis County Community Service Corporation.

Mr. Speaker, David Curry deserves to be recognized for his tireless commitment to the betterment of Sedalia. I know that the Members of the House will join me in congratulating him on a job well done.

27TH ANNIVERSARY OF TURKEY'S INVASION OF THE REPUBLIC OF CYPRUS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CAPUANO. Mr. Speaker, today marks the 27th anniversary of one of the most devastating events in Greek-Turkish-Cypriot relations. On July 20th 1974, troops from Turkey started a campaign that displaced almost 200,000 Greek Cypriots from the northern part of the island of Cyprus. Throughout this invasion, over 1,600 men, women, and children disappeared. To date, the Turkish government declines to supply any information regarding their whereabouts. After twenty-five years, Greek Cypriots still remain refugees within their own country and are not allowed to return to their homes.

Turkey has spent a great deal of time working to modify the demographic structure in Northern Cyprus. The Turkish government has resettled 80,000 Turkish citizens to this area, mostly to the homes of the Greek Cypriots who were evicted. Turkey also promoted a "unilateral declaration of independence" by the Turkish Republic of Northern Cyprus (TRNC) in 1983, although this was condemned by the UN Security Council and the U.S. government. Turkey is the only country that officially recognizes the TRNC as a sovereign state to this day.

As atrocities against various ethnic groups plague our world today, it is time to confront the aggression of the Turkish government against the Greek Cypriots. Although there have been attempts to settle this dispute peacefully, Greeks on Cyprus continue to suffer, especially when you take human rights into consideration. They are often banned from attending school and work, are not permitted to obtain medical care, and are kept from their families living in the Republic of Cyprus. This is a gross infringement on their basic human rights and clearly violates international law.

Mr. Speaker, although there have been numerous UN resolutions for Turkey to return these refugees to their homes and withdraw its troops, the Turkish government has unashamedly ignored these requests. With the entire international community working hard to remedy this issue peacefully by continuously requesting that the Turkish government respect the sovereignty and independence of the Republic of Cyprus, it is disconcerting to watch as they disregard these various offers of help. Not only is this an affront to the United Sates, but the global community as a whole.

In spite of these setbacks, the United States, as well as the rest of the international community, must carry on their effort to find a peaceful resolution to this struggle that has split Cyprus in two. As a member of Congress, I will continue to do all that I can to bring about Justice for the Greek Cypriots.

Thank you, Mr. Speaker.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BALLENGER. Mr. Speaker, I was unavoidably detained and was not present for Roll Call votes 233, 234, and 235 on July 17, 2001. Had I been present, I would have voted "yea" on Roll Call vote 233 and "nay" on Roll Call votes 234 and 235.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. McCOLLUM. Mr. Speaker, I have opposed a resolution proposing an amendment

to the Constitution authorizing the Congress to prohibit the physical desecration of the flag of the United States. I believe burning the flag is an offensive and disrespectful act. In some cases, it is an act that is already illegal under statute. However, I do not support amending the Constitution to make it a criminal offense to burn any flag under any circumstances.

I can state with confidence that my colleagues on both sides of the aisle can agree that the liberty and freedom guaranteed by our Constitution, and symbolized by our grand old flag, is our nation's greatest strength. Everyday, the freedoms that surround us in our homes, schools and places of work here in this chamber, are a constant reminder of what our flag means, and what has been sacrificed to ensure its lasting stability and continuity in our nation. Every day Congress is in session, we pledge allegiance to this flag, ''and to the republic for which it stands.''

The willful destruction of our nation's flag is deeply offensive. The flag is a symbol of our national unity and a powerful source of national pride, and deserves to be treasured and treated with respect at all times.

Yet, despite my love for my nation and the flag, and my deep admiration for the men and women who fought and died defending our nation, I cannot support this well-intended resolution.

I believe it is important that we take heed to the constitutional parameters that will be reduced as a result of this amendment. One of our most cherished liberties, and one in which the Framers of the Constitution placed a heavy hand upon, is our freedom of expression. Every individual in America is truly free to express his or her opinions, without threat of hindrance or persecution. From time to time we undoubtedly may disagree with another's opinion or action. Nonetheless, this does not mean that their views should be constricted by the Constitution. If any limits are placed on this freedom, we are opening the possibility that others can be placed on our freedom of expression at a later time. Unfortunately, I believe this amendment will indeed serve to reduce that freedom which we all love and hold dear to our hearts. If we start down this dark path, we are opening the door to a precedent of extreme consequences. We must not allow this to occur.

It is critical in this debate to remember that what provides for our freedom and our supreme rule of law is not the flag itself, for this is a mere symbol. What binds our nation, what our soldiers swore and died to protect and what all Americans cherish, is the fundamental beliefs held in our Constitution. The flag is the symbol of the Republic, the symbol of what the Constitution provides: the rights that all Americans enjoy. As the distinguished senior Senator and Constitutional Scholar from the state of West Virginia, Senator ROBERT BYRD, so eloquently stated, ''That flag is the symbol of our Nation. In a way, we might say that flag is the symbol of our Nation's history. That flag is the symbol of our Nation's values. We love that flag. But we must love the Constitution more. For the Constitution is not just a symbol, it is the thing itself!''

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. LAHOOD. Mr. Speaker, I rise today in strong support of H.J. Res. 36, legislation which proposes an amendment to the Constitution of the United States allowing Congress to prohibit the physical desecration of the flag of the United States. I am a proud cosponsor of this legislation.

Mr. Speaker, our flag is not just cloth; it is a potent symbol of our history and the march of freedom. Our flag has flown over the battlefields of the Revolutionary War, inspired our national anthem as it remained aloft over Fort McHenry, stood for national unity in the Civil War, served as a clarion call to freedom in two world wars, and even stands on the moon as a symbol of peaceful exploration on behalf of mankind.

For millions of people around the world, the American flag represents a commitment to democracy, the rule of law and respect for human rights. It is a living representation of mankind's aspiration for freedom.

Millions of veterans have rallied to our flag in time of crisis. These men and women have fought and died under the Stars and Stripes to defend our nation and to liberate people overseas who have been caught in the web of tyranny. The blood of our veterans has been shed to protect our flag and all that it stands for. Many of our veterans have sacrificed their lives so that our flag could continue to fly.

To allow our flag, which represents all Americans—which holds out to the world the promise of liberty—to be desecrated, would be an affront to the people of this country and others around the world who are stirred by this symbol of democracy. Freedom of speech is an important American right. But freedom of speech is not a license to desecrate the fabric of our freedom. It is proper, and it is time, to protect our cherished flag from abuse with a Constitutional amendment.

Mr. Speaker, the American flag stands not for one political party or one ideology. The flag represents all Americans, regardless of their race, color, or creed. Desecrating the flag is an insult to all Americans, and a slur upon all those who have sacrificed for the United States. It is with pride that I vote today to protect our flag from violence and to enshrine this protection in the Constitution.

QUASQUICENTENNIAL OF THE TEXAS STATE CONSTITUTION OF 1876

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. PAUL. Mr. Speaker, the year 2001 marks the quasquicentennial of the Constitution of the great State of Texas.

The Lone Star State's highest legal document has served Texans since 1876 and—to commemorate this important milestone in Texas history—the recent Regular Session of the 77th Texas Legislature adopted House Concurrent Resolution No. 319, which the Governor signed on June 15, 2001. I would like to share with my colleagues the full text of the Legislature's H.C.R. No. 319 as follows:

HOUSE CONCURRENT RESOLUTION NO. 319

Whereas, The year 2001 marks the quasquicentennial of the Texas Constitution, and the 125th anniversary of this foundation document is indeed worthy of special recognition; and

Whereas, On August 2, 1875, Texas voters approved the calling of a convention to write a new state constitution; the convention, held in Austin, began on September 6, 1875, and adjourned sine die on November 24, 1875; then its draft was ratified in a statewide referendum on February 15, 1876, by a vote of 136,606 to 56,652; and

Whereas, The more than 90 delegates to the 1875 Constitutional Convention were a diverse group—most were farmers and lawyers; some were merchants, editors, and physicians; some were legislators and judges; some had fought in the Civil War armies of the South as well as of the North; at least five were African-American; 75 were Democrats; 15 were Republicans; and 37 belonged to the Grange, a non-partisan and agrarian order of patrons of husbandry; one delegate had even served nearly four decades earlier as a delegate to the 1836 Constitutional Convention; and

Whereas, The Constitution of 1876, a richly detailed instrument, reflects several historical influences; the Spanish and Mexican heritage of the state was evident in such provisions as those pertaining to land titles and land law, as well as to water and mineral law, and remains evident in judicial procedures, legislative authority, and gubernatorial powers; and

Whereas, Sections aimed at monied corporate domination together with protection of the rights of the individual and others mandating strong restrictions upon the mission of state government in general and upon the role of specific state officials grew out of the Jacksonian agrarianism and frontier philosophy that first infused the thinking of many Texans during the mid-1800's; and

Whereas, Other sections, such as those providing for low taxation and decreased state spending, were aimed at creating a government quite different from the centralized and more expensive one that had existed under the Constitution of 1869, which was itself a product of the post-Civil War Reconstruction Era in Texas; and

Whereas, Notwithstanding its age, Texas voters have been reluctant to replace this charter, which is the sixth Texas constitution to have been adopted since independence from Mexico was gained in 1836; and

Whereas, The Constitution of 1876 has been the organic law of Texas for 125 years, and this document, which still bears the imprint of the region's long and dramatic history, has had—and continues to have—a profound influence on the development of the Lone Star State; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas, Regular Session, 2001, hereby commemorate the quasquicentennial of the Texas constitution.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. MOORE. Mr. Speaker, I rise in opposition to H.J. Res. 36, which proposes an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

For over two hundred years, the Bill of Rights of our Constitution has been the cornerstone of our great nation and the source of our basic freedoms and rights. Our democracy has withstood many tests of our freedoms, and has been strengthened as a result. The occasional, random, despicable acts of public desecration of our flag present another such test.

The American flag is a symbol for liberty and justice, for freedom of speech and expression and all of the other rights we cherish. But as important as the symbol may be, more important are the ideals and principles which the symbol represents. That our nation can tolerate dissension and even disrespect for our flag is proof of the strength of our nation. If we amend our Bill of Rights to protect the flag we would forsake the very freedoms that the flag symbolizes.

On May 18, 1999, General Colin Powell, who has dedicated his life to serving our country, sent a letter to Senator PATRICK LEAHY sharing his reasons for opposing this constitutional amendment. Senator LEAHY entered that letter in to the CONGRESSIONAL RECORD on March 29, 2000. The text of this poignant and thought-provoking letter is attached.

I love our country. I love our flag—and the principles for which it stands. By voting against this proposed amendment, we vote for the rights and freedoms that make our country great and distinguish our country from virtually every other country in the world.

GEN. COLIN L. POWELL, USA (RET),
Alexandria, VA, May 18, 1999.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Thank you for your recent letter asking my views on the proposed flag protection amendment.

I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.

Americans revere their flag as a symbol of the Nation. Indeed, it is because of that reverence that the amendment is under consideration. Few countries in the world would think of amending their Constitution for the purpose of protecting such a symbol.

We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.

If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.

I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.

I would not amend the great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away. * * *

If I were a member of Congress, I would not vote for the proposed amendment and would fully understand and respect the views of those who would. For or against, we all love our flag with equal devotion.

Sincerely,

COLIN L. POWELL.

P.S. The attached 1989 article by a Vietnam POW gave me further inspiration for my position.

WHEN THEY BURNED THE FLAG BACK HOME: THOUGHTS OF A FORMER POW

(By James H. Warner)

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark Air Force base in the Philippines. As I stepped out of the aircraft I looked up and saw the flag. I caught my breath, then, as tears filled my eyes, I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.

Because the mere sight of the flag meant so much to me when I saw it for the first time after 5½ years, it hurts me to see other Americans willfully desecrate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise on freedom. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself.

Early in the imprisonment the Communists told us that we did not have to stay there. If we would only admit we were wrong, if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted, most did not. In our minds, early release under those conditions would amount to a betrayal, of our comrades of our country and of our flag.

Because we would not say the words they wanted us to say, they made our lives wretched. Most of us were tortured, and some of my comrades died. I was tortured for most of the summer of 1969. I developed beriberi from malnutrition. I had long bouts of dysentery. I was infested with intestinal parasites. I spent 13 months in solitary confinement. Was our cause worth all of this. Yes, it was worth all this and more.

Rose Wilder Lane, in her magnificent book ''The Discovery of Freedom,'' said there are two fundamental truths that men must know in order to be free. They must know that all men are brothers, and they must know that all men are born free. Once men accept these two ideas, they will never accept bondage. The power of these ideas explains why it was illegal to teach slaves to read.

One can teach these ideas, even in a Communist prison camp. Marxists believe that ideas are merely the product of material conditions; change those material conditions, and one will change the ideas they produce. They tried to ''re-educate'' us. If we could show them that we would not abandon our belief in fundamental principles, then we could prove the falseness of their doctrine. We could subvert them by teaching them about freedom through our example. We could show them the power of ideas.

I did not appreciate this power before I was a prisoner of war. I remember one interrogation when I was shown a photograph of some Americans protesting the war by burning a flag. ''There,'' the officer said, ''People in your country protest against your cause. That proves that you are wrong.''

''No,'' I said, ''That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us.'' The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

Aneurin Bevan, former official of the British Labor Party, was once asked by Nikita Khrushchev how the British definition of democracy differed from the Soviet view. Bevan responded, forcefully, that if Khrushchev really wanted to know the difference, he should read the funeral oration of Pericles.

In that speech, recorded in the Second Book of Thucydides' ''History of the Peloponnesian War,'' Pericles contrasted democratic Athens with totalitarian Sparta. Unlike, the Spartans, he said, the Athenians did not fear freedom. Rather, they viewed freedom as the very source of their strength. As it was for Athens, so it is for America—our freedom is not to be feared, but our freedom is our strength.

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. The flag in Dallas was burned to protest the nomination of Ronald Reagan, and he told us how to spread the idea of freedom when he said that we should turn America into ''a city shining on a hill, a light to all nations.'' Don't be afraid of freedom, it is the best weapon we have.

IN HONOR OF REVEREND THOMAS C. McKINLEY'S ACHIEVEMENTS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. VISCLOSKY. Mr. Speaker, it is my honor to congratulate an individual who found his spiritual calling, and was able to overcome many obstacles to help his community and to make life better for the citizens of Indiana's First Congressional District. Reverend Thomas C. McKinley of Gary, Indiana will be honored this Friday, July 20, 2001, at the Twentieth Century Missionary Baptist Church for earning his diploma of academic achievement from the State of Indiana.

Thomas C. McKinley came from a humble background and endured a troubled youth. However, his life was changed forever at the age of 17, when McKinley acknowledged his calling to the ministry. On October 15, 1980, he was ordained by the Indiana Christian Bible College. For the past ten years, Reverend McKinley has served as the spiritual shepherd for the Twentieth Century Missionary Baptist Church, located at 700 West 11th Avenue in Gary, Indiana.

Reverend McKinley has proven himself to be a selfless example to his congregation. He has been invaluable to the members of his community as both a teacher and evangelist, and particularly through his teaching ministry for stewardship. While a wonderful pastor, Reverend McKinley's leadership skills do not end with the spiritual realm; he has served as President of the Baptist Ministers' Conference of Gary, and as Treasurer of the Gary Police Chaplain Department.

While Reverend McKinley has selflessly served his community in Gary, his service to humanity has known no boundaries. In 1999, he spent a month in Honduras, completing two pilgrimages aiding hurricane victims with food, clothing, and medicine. Not only did he donate his own time and resources, he also organized other churches back home to assist many other Hondurans in need. His desire to help those overseas also led Reverend McKinley to serve as a missionary in Haiti.

Although Reverend McKinley gives much of his time to others, he is still a devoted family man. Nothing is more important to him than his supportive and beloved wife, Camellia, and his three daughters, Charletta, Charlotte, and Sabrina, and his son Russell.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Reverend Thomas C. McKinley for his commendable efforts towards improving himself, his family, his community, and the world. Reverend McKinley is to be admired for the wonderful example he has set for our community as a pastor, a father, and an involved citizen.

TRIBUTE TO THE CITY OF MANILA

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great Arkansas city that celebrated its centennial on July 3rd. I am proud to recognize the City of Manila in the Congress for its outstanding community spirit and its contributions to Arkansas and the nation.

Manila was incorporated in 1901 after a population and industry boom in the area. Recordings of Manila go all the way back to the 1500's when Hernando de Soto crossed the Mississippi River. Accounts taken from his travels talk about a Native American settlement, although there were several European settlers also said to be living in the area.

Manila is also known for being a settlement of fugitive Cherokee who snuck away from the Trail of Tears as they were being forcibly driven from Georgia in 1838. The swamps were so overgrown that the federal soldiers didn't want to go look for them and simply declared them as dead. These runaways later settled in what is today Manila and the surrounding areas.

From its beginning, Manila was primarily an agriculture town. The people in the area lived on the plentiful game and fish in the area and developed an industry by shipping it to markets in St. Louis, Chicago, and as far east as New York. Later, timber became the chief industry. Logs would be sent to mills down the river until the quality and quantity of the timber reached the railroad industry. In 1900, the Jonesboro, Lake City, and Eastern Railway extended its line to Manila. With the railroad came a schoolhouse, general store, a mill, and a population boom.

Today Manila is still growing. In fact, it is the fastest growing town in Mississippi County. That is why I rise today on behalf of the citizens of the First Congressional District, the State of Arkansas, and the United States Congress to wish the City of Manila a happy 100th birthday.

INTRODUCTION OF THE EXPORT ADMINISTRATION ACT OF 2001

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. MENENDEZ. Mr. Speaker, I rise together with my distinguished colleague from Arizona, JEFF FLAKE, to introduce the Export Administration Act of 2001.

My colleagues, it is high time for the Congress to responsibly legislate export controls. We have not done so properly since the end of the Cold War, when the raison d' etre for the Export Administration Act of 1979, of preventing the proliferation of sensitive dual-use technologies to the Soviet Union, ceased to exist.

As went the Soviet Union, so went the threat of an all-pervasive, mind-focusing totalitarian threat to the United States. So, also, went the very multilateral non-proliferation system, CoCom, that effectively helped keep a lid on that Soviet threat.

Now, new threats are upon us—cyber warfare, the potential for proliferation of weapons of mass destruction, and terrorism. It is incumbent upon this Congress to update this legislation in a manner that effectively can address those threats and in a manner that can effectively restrict dual-use exports that may threaten the United States.

Indeed, the key single criteria for this renewal, it seems to me, is whether those export controls that we legislate can actually protect Americans.

As a matter of principle, before enacting export restriction legislation, both Congress and the Administration must ensure that the affected exports in fact can be effectively restricted. I doubt anyone would responsibly suggest that legislating an unworkable control achieves any worthwhile goal or makes any sense.

Other important criteria need to be determined:

Would this bill sensibly update the outdated 1979 law? That is, would it recognize that nation-states and other global actors, technology and the threats to the United States have changed significantly since the end of the Cold War?

Would it enhance America's economic prosperity without sacrificing America's national security?

And would it provide the Executive Branch with all the legal authority and the flexibility it needs to protect the American people? Put another way, would it unduly tie the hands of the Administration in a way that could obstruct its constitutional duty to provide for the national defense?

I have taken a hard look at S. 149, which would update the Export Administration Act. After a careful review, I believe this bill, as reported by the Senate, satisfactorily addresses the criteria I outlined above and enhances America's economic prosperity without sacrificing America's national security.

It would protect Americans by ensuring that the national security agencies in the Executive Branch may be used to identify any actual or looming threats to our national security. In addition to the Commerce Department, the Defense Department, State Department and intelligence community are at the immediate disposal of the President of the United States and can signal at any time to the administration the need to restrict any export.

The Enhanced Control provision of Title II and the Deferral Provision of Title III would provide the President with the authority to control any export he may see an urgent need to control, notwithstanding any other provisions in the bill—including mass market status or foreign availability or set-asides.

There is a glaring need, however, that I believe must be addressed by Congress. The Wassenaar Arrangement for that replaced CoCom is simply inadequate to address multilateral nonproliferation concerns. While the Soviet Union is no longer with us, nuclear proliferation concerns are real and present. Simple periodic reports on dual-use exports are clearly insufficient to address these concerns.

I want to commend Chairman HYDE and Ranking Member LANTOS and their staffs for holding hearings and briefings on export administration and their very hard work on this issue. But now it is time to move forward with re-authorization, not re-extension.

Officials from the Departments of Defense, State and Commerce have testified at the three hearings before the House International Relations Committee has held on this matter and all have signaled their support for passing the Export Administration Act of 2001, as reported by the Senate Banking Committee. The Administration has provided a clear and unambiguous position that titles two and three provide adequate authorities to the President with regard to export controls, notwithstanding any other provisions of law. I also look forward to working with the Administration on non-proliferation matters and building a better multilateral mechanism than the Wassenaar Arrangement.

Mr. Speaker, as a member of the House International Relations Committee, I am keenly aware of the national security issues and threats that face our great country. As former Ranking Member in the last Congress of the

International Economic Policy and Trade Subcommittee, I came to better appreciate the advent and permanence of rapid technological change and its immediate effects on our national security and economic prosperity.

These considerations have persuaded me of the importance of updating the Export Administration Act. I have concluded that passage of S. 149, as reported, is the prudent way ahead both to protect our national security and to enhance our economic prosperity. I am convinced this bill gets it right. The Administration support for this bill attests that it also believes this is the optimal way ahead. I commend the Administration for that because this truly must be a bipartisan effort.

Mr. Speaker, the Congress must do its duty and act now to protect Americans and to enhance our economic prosperity. Let us act now to pass the Export Administration Act of 2001.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. LARGENT. Mr. Speaker, I rise today in support of H.J. Res. 36, which would grant Congress the power to add an amendment to the Constitution prohibiting the physical desecration of the United States flag. This resolution will preserve the honor and respect due to our national flag.

When I reflect on the men and women who fought and died to protect the flag as a symbol of democracy and freedom, it amazes me that any American would purposely want to destroy that symbol. I believe that most Americans feel a sense of outrage at the sight of the flag being burned or desecrated by protesters trumpeting freedom of speech as their shield for such a heinous act.

In recent history, our flag has lost the protection it deserves. I've noticed a sad pattern developing that we would even permit our flag to be desecrated. When we allow our nation's honor to be disgraced, should we be surprised that we have traitors in our midst? We allow the symbol of all that is good and pure about our country to be defiled and then we are shocked when our leaders are devoid of the values we cherish.

It is time to restore our flag to its rightful place under the law so that our children and our grandchildren will never be confused about its meaning, its value, or the price paid to preserve it.

A great author once wrote: "You cannot truly love a thing without wanting to fight for it." I love the United States and I want to fight for the hope and freedom it represents to the world. That fight will include protecting our nation's flag.

TRIBUTE TO CHUCK KURTZ

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. MOORE. Mr. Speaker, I rise today to bring to your attention the outstanding career of Chuck Kurtz, who on July 20th concludes a distinguished 33-year career with The Olathe Daily News, which serves my congressional district. Chuck started with The Daily News as a photographer, and later moved to sports writer, sports editor, features editor, seniors editor, and concluded his career as managing editor.

At a retirement party that will be held at The Daily News' office on this Friday, the following letter will be presented to Chuck on my behalf; I am pleased to have this opportunity to share this correspondence with my colleagues:

DEAR CHUCK, I want to add my voice to the chorus of those who are praising you on the occasion of your "retirement."

I'm using the term "retirement" loosely, because I think we all know that though you may enjoy a few weeks of fishing or travel, you will soon return to making a positive impact upon the lives of those around you—just as you have done for so many years at The Daily News.

I have enjoyed working with you over the years, first as Johnson County District Attorney, and now as a Member of Congress. Needless to say, we have often found ourselves on opposite sides of the issues. You wouldn't be the Chuck Kurtz I know if we would have agreed on everything!

But no matter the issue or whether or not we agreed, you always understood that there were at least two sides to every story, and that there may be good reasons for individuals to believe and act as they do. I have seen this not only in your writing, but also in your factions—you listen, ask questions, provide different points of view, and have always given me an opportunity to make my case. I appreciate the fact that, if you disagree, you do so in a reasonable and civil way, and do your best to reflect every side of the issue for the benefit of your readers.

You have not only brought a sense of civility to your profession, but you have also brought something of which those in my line of work are often in need—common sense. This is why I will miss you most, and why I think the readers of The Daily News will, also.

Common sense says you shouldn't forget why you do what you do, and you never have. One can tell you are a journalist because you want the public to have the facts they need to make good decisions about their collective future, both locally and nationally. There is honor in this, and I know from firsthand experience that you have had great—and altogether positive—influence on the direction our community has taken. Thank you for your service.

Again, congratulations on your "retirement," and I am looking forward to running into you again soon.

Very truly yours,

DENNIS MOORE,
Member of Congress.

DOGS OF WAR BARE THEIR TEETH OVER COLOMBIA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CONYERS. Mr. Speaker, today I am pleased to offer for the RECORD an op-ed piece written by Ms. Arianna Huffington that appeared in the Los Angeles Times on Tuesday, July 17, 2001. This article regards our country's involvement in Plan Colombia. Before we begin debate on the Foreign Operations Appropriations bill, I think it is important that the Congress and the people of the United States reconsider our current policy toward our southern neighbor and third most populous country in South America.

DOGS OF WAR BARE THEIR TEETH OVER COLOMBIA

For more than a year, critics of our government's drug-war aid package to Colombia (now hovering at $2 billion) have been warning of the mission creep that threatens to embed us ever deeper in that country's 4-decades-old civil war.

Well, the slippery slope just got greased.

The House of Representatives is about to vote on the $15.2-billion foreign operations spending bill. Buried amid the appropriations for many worthwhile projects such as the Peace Corps and international HIV/AIDS relief is a legislative land mine. It comes in the form of a couple of innocuous-sounding lines that could lead to a massive escalation of U.S. involvement in Colombia's unwinnable war.

Contained in the section of the bill earmarking $676 million for "counterdrug activities" in the region are the following eye-glazing provisions: "These fund are in addition to amounts otherwise available for such purposes and are available without regard to section 3204(b)(1)(B) of Public Law 106–246. Provided further, that section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading."

Got that? I didn't think so.

Legislative gobbledygook does not get any gookier. but once the meaningless numbers and letters are decoded, and the statutory dots connected, the ominous significance of those provisions becomes all too clear. If approved, they make possible the unlimited buildup of "mercenaries" and the removal of any constraints on the kinds of weapons they can use.

Under current law, the number of U.S. military personnel that can be deployed in Colombia is limited to 500, and they are prohibited from engaging in combat. But as politicians discovered long ago, there are two parts to every law: the spirit of the law and the letter of the law.

As regard Columbia, our government chose the latter, carrying out a classic end-run around the prohibition by funding a war conducted by mercenaries—hundreds of U.S. citizens working for private military contractors like DynCorp, Airscan and Military Professional Resources Inc.

At the moment, the number of these mercenaries is capped at 300. But the first new provision, if it becomes law, does away with this restriction. The other provision removes language that says "weapons or ammunition" while engaged in narcotics-related activities. It's a deadly cocktail: unlimited private forces armed with unlimited weapons.

Congress has always zealously guarded its rights under the War Powers Act. But unless its members catch on, they could approve a privatized Gulf of Tonkin resolution without even realizing it's hidden in the bill. And once the dogs of war are unleashed, they're awfully hard to round up again—just ask Bob McNamara.

This ongoing and furtive escalation directly contradicts the government's assurances that, as Assistant Secretary of State Rand Beers put it last week, ''Plan Columbia is a plan for peace.''

''From the beginning,'' he wrote in an op-ed, ''we have stated that there is no military solution to Columbia's problems.'' Then why, pray, the need for offensive weaponry and unrestricted number of mercenaries?

To make matters worse, a new investigation by the Center for Public Integrity found that U.S. anti-drug money spent on Latin America is being ''funneled through corrupt military paramilitary and intelligence organizations and ends up violating basic human rights.''

Those who scoff at the idea that our drug-fighting efforts in Colombia could lead to the U.S. becoming embroiled in a massive counter-insurgency war should take a look at a new study by the Rand Corp. commissioned by the U.S. Air Force. The study calls on the United States to drop the phony ''counter-narcotics only'' pretense and directly assist the Colombian government in its battle against leftist rebels: ''The United States is the only realistic source of military assistance on the scale needed to redress the currently unfavorable balance of power.''

There is still the chance that Congress will refuse to go along with this statutory trickery. Reps. John Conyers (D-Mich.) and Janice D. Schakowsky (D-Ill.) are considering an amendment to eliminate the new provisions.

Turning an army of heavily armed mercenaries loose in the middle of a bloody civil war is more than a misguided policy—its utter insanity. It's imperative that our lawmakers defuse these provisions in the bill before they blow up in our faces, and the cliche of ''another Vietnam'' becomes a sorry Colombian reality.

REGARDING UC DAVIS AND THE NATIONAL TEXTILE CENTERS

HON. DOUG OSE

OF

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. OSE. Mr. Speaker, I rise today to join my colleagues in supporting the effort on behalf of the University of California at Davis to be included as a member of the National Textile Center (NTC).

Mr. Speaker, it is silly not to include UC Davis in the NTC. Currently, NTC has no member schools west of the Mississippi River. California is America's second leading producer of cotton as well as being a leading national manufacturer of apparel, grossing over $13 billion annually. The NTC supports a consortium of research at six universities: Auburn, Clemson, Georgia Tech, North Carolina State, University of Philadelphia, and Dartmouth. To include UC Davis in this prestigious company will go a long way to advancing the safety, quality, and durability of clothing and textile products.

UC Davis is the single largest employer in my district, and the faculty is recognized nationally and internationally for their research activities. The Division of Textiles and Clothing offers the most comprehensive textiles and clothing undergraduate major in the western United States, and no other western university can challenge the laboratory facilities and equipment. UC Davis utilizes the best in human resources, generates the best in physical product, and trains the best of the next generation. As an example, UC Davis is unique to the textile world in its study of fiber and polymer science. The production and use of fibers and polymers go beyond the forms of fabrics and plastics to high performance membranes, composites, and electronic and communication applications. These common-place, daily use substances are constantly being upgraded and improved by the staff and students at the Division of Textiles and Clothing.

Social Science research at UC Davis addresses sociocultural meanings of textiles and apparel, fashion theory, and production-consumption issues related to gender and ethnicity. Collaborations between the physical and social sciences have resulted in a better understanding of the principles underlying the efficacy and acceptance of protective clothing. These discoveries have protected farm workers, health care providers, firefighters, and others. This valuable research can only enhance the NTC and accelerate the next generation of high quality textile product.

I appreciate the committee's interest in UC Davis and the Division of Textiles and Clothing. The Chairman has been generous in engaging us in this colloquy, and I want to thank him personally for his efforts. I am anxious to work with the committee and my colleagues from California on this issue.

FEDERALLY FINANCED, INTEREST FREE MOTOR VEHICLE ACT, H.R. 2544

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. GILMAN. Mr. Speaker, our Nation has been taking a wild ride on the energy roller coaster for far too long. The citizens of our great nation must not be forced to suffer the ups and downs of an energy crisis that never seems to get better. While the Bush administration has taken a pro-active stance on energy through the release of its National Energy Policy in May, 2001, there is much more to be done—as a Congress, a Nation, and as citizens. For the past eight years, our Nation was subjected to the last Administration's ''wait and see'' energy policy that was reactive rather than pro-active.

Mr. Speaker, on June, 2001, 1 sponsored the Federal Motor-Vehicle Fleet Act, H.R. 2263, which enjoys bi-partisan support. The Act mandates that ten-percent of the vehicle fleet purchased by the Federal Government must be comprised of Hybrid-electric Vehicles (HEV) and other high-efficiency vehicles that are powered by alternative sources of energy, sources other than gasoline and diesel.

Mr. Speaker, today I am introducing my companion bill, the Federally Financed, Interest Free Vehicle Act, which as the title indicates, offers federally financed, interest free loans to public schools, municipalities, and local government to purchase Hybrid-Electric and other environmentally friendly high-efficiency vehicles. This program, to be administered by the Department of Transportation, provides the opportunity for our public institutions that can not avail themselves of the tax benefits of H.R. 2263, to purchase these environmentally friendly, energy-efficient with repayment terms as long as five years.

Mr. Speaker, a few weeks ago I was privileged to view the latest technology in alternative fuels, a school bus that runs on fuel cells, rather than gasoline. Fuels other than gasoline and diesel are the wave of the future, and we must ride these waves of technology, as the surfer at the Banzai Pipeline.

This act will not only lower our overall consumption of gasoline, but will save our public schools and municipalities millions of dollars in the cost of gasoline. These savings can be invested in important school programs and in providing our local governments with the resources to offer more services in our communities. Additionally, these hybrid and high-efficiency vehicles are reported to be more environmentally friendly than our conventional vehicles. The Federal Government must seize this opportunity to conserve our resources and to promote environmentally friendly vehicles, and we must do it today.

H.R. 2544

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

SECTION 1. LOANS FOR HIGH-EFFICIENCY VEHICLES.

(a) LOAN PROGRAM AUTHORIZED.—Subject to the availability of appropriations, the Secretary of Transportation shall establish a program to offer federally financed, interest-free loans to local educational agencies, public institutions of higher education, municipalities, and local governments for the purchase of hybrid electric vehicles or high-efficiency vehicles.

(b) REPAYMENT TERM.—The time for repayment of a loan under this section may not exceed five years.

(c) SECURITY INTEREST.—The Secretary shall require, as a condition of a loan under this section, that the borrower grant to the United States a security interest in any vehicle purchased with the proceeds of such loan.

(d) DEFINITIONS.—In this section:

(1) The term ''high-efficiency vehicle'' means a motor vehicle that uses a fuel other than gasoline or diesel fuel.

(2) The term ''hybrid electric vehicle'' means a motor vehicle with a fuel-efficient gasoline engine assisted by an electric motor.

(3) The term ''motor vehicle'' has the meaning given that term in section 30102(a)(6) of title 49, United States Code.

(4) The term ''local educational agency'' has the meaning given that term in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(5) The term ''public institution of higher education'' has the meaning given the term ''institution of higher education'' in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), but does not include private institutions described in that section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section $50,000,000 for each of fiscal years 2002 through 2007 and such sums as may be necessary for each fiscal year thereafter.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. MOORE. Mr. Speaker, because I was en route to attending the wedding of my oldest son, Todd, in Hungary, during the late afternoon of July 12, 2001, I was unavoidably absent for vote number 228, on H. Res. 188, which would have provided for House floor consideration of various campaign finance regulatory overhaul proposals. For this purpose, I was granted a leave of absence by the Speaker, after 4 p.m. on July 12, and for the balance of the week. Had I been present for vote number 228, 1 would have voted "no."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 19, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 20

9:30 a.m.
Finance
To continue hearings to examine trade adjustment assistance issues.
SD–215

JULY 23

2 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine the role of the Federal Emergency Management Agency in managing a bioterrorist attack and the impact of public health concerns on bioterrorism preparedness.
SD–342

3 p.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold oversight hearings to examine the role of the federal government in meeting infrastructure needs.
SD–406

JULY 24

9 a.m.
Indian Affairs
Business meeting to mark up S. 87, to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act; S. 91, to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools; and S. 746, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.
SR–485

9:30 a.m.
Energy and Natural Resources
To hold hearings on proposals related to global climate change and measures to mitigate greenhouse gas emissions, including S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; S. 388, the National Energy Security Act of 2001; and S. 820, the Forest Resources for the Environment and the Economy Act.
SD–106

10 a.m.
Indian Affairs
To hold hearings on S. 266, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon.
SR–485

Foreign Relations
To hold hearings to examine the Administration's missile defense program and the Anti-Ballistic Missile Treaty focusing on the legal and technical issues associated with missile defense.
SD–419

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the role of the Senate in the nomination and confirmation process.
SD–226

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Semi-Annual Report on Monetary Policy of the Federal Reserve.
SH–216

Governmental Affairs
To hold hearings to examine S. 159, to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs.
SD–342

2 p.m.
Judiciary
To hold hearings on pending judicial nominations.
SD–226

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold oversight hearings to examine the Federal Housing Administration Multifamily Housing Mortgage Insurance Program.
SD–538

2:30 p.m.
Veterans' Affairs
To hold hearings to examine prescription drug issues in the Department of Veterans' Affairs.
SR–418

Foreign Relations
To continue hearings to examine the Administration's missile defense program and the Anti-Ballistic Missile Treaty focusing on the means of addressing ballistic missile and weapons proliferation threats.
SD–419

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on Navy shipbuilding programs.
SR–222

JULY 25

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Environment and Public Works
To hold hearings on the nomination of David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development; and the nomination of George Tracy Mehan III of Michigan, to be Assistant Administrator for the Office of Water, the nomination of Judith Elizabeth Ayres, of California, to be Assistant Administrator for the Office of International Activities, and the nomination of Robert E. Fabricant, of New Jersey, to be General Counsel, all of the Environmental Protection Agency; and to consider committee rules of procedures for the 107th Congress.
SD–406

Governmental Affairs
To hold hearings to examine current entertainment ratings, focusing on evaluation and improvement.
SD–342

Health, Education, Labor, and Pensions
To hold hearings to examine genetics research issues and non-discrimination in health insurance and employment.
SD–430

10 a.m.
Indian Affairs
To hold oversight hearings on the implementation of the Indian Gaming Regulatory Act.
SH–216

Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine the risks of a growing balance of payments deficit.
SD–538

Judiciary
To hold hearings on S. 1157, to reauthorize the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact, a Pacific Northwest Dairy Compact, and an Intermountain Dairy Compact.
SD–226

2 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold oversight hearings to examine the National Infrastructure Protection

Center, focusing on the fight against cybercrime.

SD–226

2:30 p.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on S. 995, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel.

SD–342

JULY 26

9:30 a.m.

Environment and Public Works

To hold hearings to examine the environmental and public health impacts of power plant emissions.

SD–406

JULY 30

9:30 a.m.

Governmental Affairs

To hold hearings to examine the rising use of the drug ecstacy, focusing on ways the government can combat the problem.

SD–342

1 p.m.

Judiciary

To hold hearings on the nomination of Robert S. Mueller III, of California, to be Director of the Federal Bureau of Investigation, Department of Justice.

SH–216

JULY 31

10 a.m.

Indian Affairs

To hold hearings on the implementation of the Indian Health Care Improvement Act.

SR–485

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine early detection and early health screening issues.

SD–430

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine asbestos issues.

SD–430

2:30 p.m.

Veterans' Affairs

Business meeting to mark up pending legislation.

SR–418

AUGUST 2

10 a.m.

Indian Affairs

To hold hearings on S. 212, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR–485

Health, Education, Labor, and Pensions

To hold hearings on the nomination of John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor, Occupational Safety and Health Administration.

SD–430

SEPTEMBER 19

2 p.m.

Judiciary

To hold hearings on S. 702, for the relief of Gao Zhan.

SD–226