HOUSE OF REPRESENTATIVES—*Friday, July 20, 2001*

The House met at 9 a.m.

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

O Lord, down through the ages You have taught us to seek Your kingdom. In our search we will not lose our way if we approach You with the free abandon of trust and the sheer delight of a child.

May pride not steel our hearts or arrogance distort our vision so that we would go after things far beyond us.

Rather, give peace to the soul of this Nation and the Members of this House. Free us from any restlessness in silence that we may listen more deeply to Your word in human hearts.

As a child takes rest in the wrapped arms of a parent, may our trust in You, Lord, be full-weighted and lasting.

O America, hope in the Lord both now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. FROST 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.

CONFERENCE REPORT ON H.R. 2216, 2001 SUPPLEMENTAL APPROPRIATIONS ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 204 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 204

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

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

Yesterday, the Committee on Rules met and granted a normal conference report rule for H.R. 2216, the fiscal year 2001 Emergency Supplemental Appropriations Act. The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read.

Mr. Speaker, this should not be a controversial rule. It is the type of rule that we grant for almost every conference report. Meanwhile, the underlying bill provides vital relief to our Nation's Armed Forces, and aid to areas that have been devastated by natural disasters. It does all this without busting the budget caps by designating pet projects as emergency spending.

I cannot remember the last time we passed an emergency supplemental bill through this House without resorting to the ''emergency spending'' gimmick that we use, and the administration deserves credit for holding the line on this one.

Our military needs our help. Without this bill and without the help from Congress, our Nation may fall short on its promise to provide adequate health care for our men and women in uniform. So today we provide more than $1 billion for the defense health program.

At the same time, we are providing more than $6 billion, largely to help our military maintain its facilities and its topnotch training and equipment, and we are helping the military deal with the energy crisis, they have a problem with that like the rest of us do, by providing $735 million just to deal with rising energy costs in the daily routine they have.

We are not only taking care of the emergency needs of our military, though. Several communities in the Midwest have recently been devastated by floods and tornadoes, so we are giving the Army Corps of Engineers money to mitigate the damages from these natural disasters.

We are also helping low-income families deal with high heating costs by adding money to the LIHEAP program. That is the program that helps them with their energy bills. And we are giving the IRS additional resources so they can mail out the tax rebate checks this summer. I know everybody is going to be glad to hear that.

I urge my colleagues to support this normal conference report rule, and to support the underlying bill. This legislation is a strong step forward as we work to care for our military personnel and to take care of all of those who are hurting at home.

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

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

Mr. Speaker, in this bill, I think it is appropriate to paraphrase the promise of the President and the Vice President to our military and say that some help is on the way.

Mr. Speaker, this is a good conference agreement as far as it goes, since it provides $5.6 billion for the urgent needs of our Armed Forces. But frankly, Mr. Speaker, the administration is remiss for not requesting even more funds early in its term so that the Congress might truly ensure that help is on the way.

I do have to take just a moment to point out that this conference agreement provides $735 million to address the Pentagon's rising energy costs. This allocation is critical, but it also points to the fact that rising energy costs hit home all over the country, and can in fact endanger our national security.

That is true even here in Washington, D.C. It is so true that part of the help that is on the way in this bill is most likely going to the Vice President to help him pay his own rising energy bills at his residence.

This conference agreement contains a desperately needed additional $300 million for LIHEAP for the remainder of the fiscal year to help those consumers who are facing power cutoffs because they have been unable to pay for soaring energy costs. I am very happy to support that additional funding, since I have cosponsored legislation to increase the funding available for this most valuable program.

But it seems strange to me that the Vice President, who has been telling Californians to bite the bullet when it comes to their own soaring energy electricity costs, has to go begging to the United States Navy to bail him out of his own $186,000 electrical bill.

So some help is indeed on the way. It is on the way in the form of additional

funds for readiness and operations requirements for the military, to improve substandard housing, and to avoid disruptions in military health care. It is also on the way for thousands of Americans who need help paying their energy bills.

I am also encouraged that some help may be on the way to the people of Houston, who suffered enormous losses after Allison hit in June.

When the House first considered this supplemental, the Committee on Appropriations had included rescissions in FEMA's budget, an action many in this body simply could not understand. I am happy to report the conference committee has eliminated those rescissions so there will be some funding available in the near term to help families and businesses get back on their feet. But, of course, this bill does not include the money that was being sought on an emergency basis specifically for Houston, and we will deal with that in a later appropriation bill in the next week or two.

Mr. Speaker, I support this conference agreement, but it is high time that this body faces up to the fact that there are pressing needs that must be addressed in this country, and we have squandered the resources we need to do it.

I believe it is time we provide real help to the military, so that our dedicated personnel do not have to live in substandard housing and they do not have to cannibalize equipment in order to make something work. But we cannot do that if this Congress does not own up to what we have done by passing a $1.3 trillion tax cut.

That tax cut has already cost either the military, our education programs, our energy assistance, or whatever program we want to name, $116 million. And for what? That is what it costs to send out the letters saying that the check is in the mail, and then to send the check in the mail. There is money in this bill to cover those costs.

Mr. Speaker, I urge Members to support this rule and to support this supplemental appropriation for fiscal year 2001. We do need to send help, but we could have done more.

Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 204, I call up the conference report on the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to House Resolution 204, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, July 19, 2001, at page H4281).

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2216, and that I may include tabular and extraneous material.

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

There was no objection.

□ 0915

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

Actually, Mr. Speaker, during the discussion on the rule we had a pretty good description of what this bill does. But let me say first that we started out with a ceiling of $6.5 billion. We stayed within that number in the House, our counterparts in the Senate did as well, and this conference report stays within the $6.5 billion.

Most of the money is actually for national defense. The bill includes $5.6 billion to address urgent defense needs that include rising fuel costs, military health care programs, readiness and operation requirements, substandard housing for our troops, and disaster assistance for damage sustained at military installations.

I would like to echo what my friend from Texas said during the discussion on the rule; that this is more or less a band-aid on our real needs. And I want to emphasize housing and quality of life. There are so many needs in military housing that we should be ashamed of the way we make some of our military personnel live. Some of the facilities that they live in are just totally unacceptable. This bill takes a little step towards correcting that problem, but we have a lot more to do and a long way to go. We were, however, constrained to stay within the $6.5 billion and so we did that.

I would also add that while this is a supplemental, there are no emergency designations. We did not declare anything an emergency as a way to get over and above the $6.5 billion, so there are no emergency declarations in this bill.

In addition to the funds for the military that I mentioned briefly we included an additional $92 million for the Coast Guard operational requirements. The Coast Guard has been falling behind in their infrastructure, and they do such a tremendous job. When the Coast Guard goes out for a search and rescue, or when they go out for port security, or drug interdiction, or the many, many risky missions they take on, they sometimes are going with equipment that is not up to date. They also have a spare parts problem and they have an operational expense problem that we tried to address in this bill too. But like the other military uniformed services, the Coast Guard needs more money than this bill provides. It does provide, however, $92 million.

There is $300 million funded for natural disaster assistance, including relief to communities that were impacted by recent floods and ice storms in Illinois, Iowa, Minnesota, Wisconsin, New Mexico, Oklahoma, Texas, and the Seattle earthquake, and for other natural disasters.

The President, in his supplemental request, asked for $150 million for the Low Income Home and Energy Assistance Program, LIHEAP, a program that is strongly supported by the Congress. This bill includes $300 million, double the amount requested by the President, and bringing the program to the highest level in history.

An additional $100 million is provided for international bilateral assistance for HIV–AIDS through the child survival and disease program, and $161 million is provided to implement last year's conference agreement on title I, education for the disadvantaged.

Mr. Speaker, I urge all of our colleagues to support this conference report. It is very timely. Our military services have already spent well into their fourth quarter funding because of the rising fuel costs and the additional medical care expenses, and so we really need to expedite consideration of this bill here and in the other body to get it to the President.

There is available a one-page table that lists most of the items that are included in this bill, and that is available for any Member who would like it.

Mr. Speaker, I thank my colleagues for listening attentively, and I submit for the RECORD a chart reflecting the amounts allocated in the supplemental.

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
TITLE I - NATIONAL SECURITY MATTERS						
CHAPTER 1						
DEPARTMENT OF JUSTICE						
Radiation Exposure Compensation						
Payment to the radiation exposure compensation trust fund	.....	.....	84,000	20,000	+20,000	-64,000
CHAPTER 2						
DEPARTMENT OF DEFENSE - MILITARY						
Military Personnel						
Military Personnel, Army	164,000	164,000	164,000	164,000	.....	.....
Military Personnel, Navy	84,000	84,000	84,000	84,000	.....	.....
Military Personnel, Marine Corps	69,000	69,000	69,000	69,000	.....	.....
Military Personnel, Air Force	126,000	119,500	126,000	119,500	.....	-6,500
Reserve Personnel, Army	52,000	52,000	52,000	52,000	.....	.....
Reserve Personnel, Air Force	2,000	8,500	2,000	8,500	.....	+6,500
National Guard Personnel, Army	6,000	6,000	6,000	6,000	.....	.....
National Guard Personnel, Air Force	12,000	12,000	12,000	12,000	.....	.....
Total, Military Personnel	515,000	515,000	515,000	515,000	.....	.....
Operation and Maintenance						
Operation and Maintenance, Army	655,800	659,600	784,500	792,400	+132,800	+7,900
Operation and Maintenance, Navy	953,400	948,100	1,037,900	1,024,100	+76,000	-13,800
Operation and Maintenance, Marine Corps	54,400	54,400	62,000	62,000	+7,600	.....
Operation and Maintenance, Air Force	853,200	840,000	824,900	813,800	-26,200	-11,100
Operation and Maintenance, Defense-Wide	93,800	123,100	62,050	123,250	+150	+61,200
Operation and Maintenance, Army Reserve	20,500	20,500	20,500	20,500	.....	.....
Operation and Maintenance, Navy Reserve	12,500	12,500	12,500	12,500	.....	.....
Operation and Maintenance, Marine Corps Reserve	1,900	1,900	1,900	1,900	.....	.....
Operation and Maintenance, Air Force Reserve	34,000	34,000	34,000	34,000	.....	.....
Operation and Maintenance, Army National Guard	42,900	38,900	42,900	42,900	+4,000	.....
Operation and Maintenance, Air National Guard	119,300	119,300	119,300	119,300	.....	.....
Total, Operation and maintenance	2,841,700	2,852,300	3,002,450	3,046,650	+194,350	+44,200
Procurement						
Other Procurement, Army	3,000	3,000	3,000	7,000	+4,000	+4,000
Shipbuilding and Conversion, Navy:						
SCN, 1995/2001:						
Carrier Replacement Program	84,000	84,000	84,000	84,000	.....	.....
DDG-51 Destroyer Program	.....	300	300	300	.....	.....
SCN, 1996/2001:						
DDG-51 Destroyer Program	41,000	14,600	14,600	14,600	.....	.....
LPD-17 Amphibious Transport Dock Ship Program	65,000	65,000	140,000	140,000	+75,000	.....
SCN, 1997/2001:						
DDG-51 Destroyer Program	.....	12,600	12,600	12,600	.....	.....
SCN, 1998/2001:						
NSSN Program	32,000	32,000	32,000	32,000	.....	.....
DDG-51 Destroyer Program	.....	13,500	13,500	13,500	.....	.....
Subtotal, SCN	222,000	222,000	297,000	297,000	+75,000	.....
Aircraft Procurement, Air Force	84,000	84,000	78,000	78,000	-6,000	.....
Missile Procurement, Air Force	.....	15,500	15,500	15,500	.....	.....
Procurement of Ammunition, Air Force	73,000	73,000	31,200	31,200	-41,800	.....
Other Procurement, Air Force	162,900	85,400	165,650	138,150	+52,750	-27,500
Procurement, Defense-Wide	5,800	5,800	5,800	5,800	.....	.....
Total, Procurement	550,700	488,700	596,150	572,650	+83,950	-23,500
Research, Development, Test and Evaluation						
Research, Development, Test and Evaluation, Army	.....	5,000	.....	5,000	.....	+5,000
Research, Development, Test and Evaluation, Navy	108,000	151,000	123,000	128,000	-23,000	+5,000
Research, Development, Test and Evaluation, Air Force	247,500	275,500	227,500	275,500	.....	+48,000
Research, Development, Test and Evaluation, Defense-Wide	85,000	94,100	35,000	84,100	-10,000	+49,100
Total, RDT&E	440,500	525,600	385,500	492,600	-33,000	+107,100
Revolving and Management Funds						
Defense Working Capital Funds	178,400	178,400	178,400	178,400	.....	.....
Other Department of Defense Programs						
Defense Heath Program:						
Operation and maintenance	1,453,400	1,453,400	1,522,200	1,453,400	.....	-68,800
Military treatment facility optimization	.....	200,000	.....	150,000	-50,000	+150,000
Drug Interdiction and Counter-Drug Activities, Defense	.....	1,900	.....	.....	-1,900	.....
Total, Other DoD Programs	1,453,400	1,655,300	1,522,200	1,603,400	-51,900	+81,200

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001 — continued

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
General Provisions						
O&M, Navy: U.S.S. Cole repair (sec. 1203)	44,000		44,000	44,000	+44,000	
Emergency appropriations		44,000			-44,000	
Aircraft Procurement, Navy (P.L. 106-259) (rescission)	-235,000					
Aircraft Procurement, Air Force (P.L. 106-259) (rescission)	-270,000					
Overseas Contingency Operations Transfer Fund (P.L. 106-259) (offset)	-61,000					
Rescissions (sec. 1204)		-834,000	-792,000	-1,034,900	-200,900	-242,900
Natural disasters (sec. 1205)				39,900	+39,900	+39,900
Emergency appropriations		39,900			-39,900	
Total, chapter 2 (net)	5,457,700	5,465,200	5,451,700	5,457,700	-7,500	+6,000
Appropriations	(6,023,700)	(6,215,300)	(6,243,700)	(6,492,600)	(+277,300)	(+248,900)
Rescissions	(-505,000)	(-834,000)	(-792,000)	(-1,034,900)	(-200,900)	(-242,900)
Emergency appropriations		(83,900)			(-83,900)	
Offset	(-61,000)					
CHAPTER 3						
DEPARTMENT OF ENERGY						
National Nuclear Security Administration						
Weapons Activities	140,000	140,000	140,000	126,625	-13,375	-13,375
Other Defense Related Activities						
Defense Environmental Restoration and Waste Management	100,000	100,000	95,000	95,000	-5,000	
Defense Facilities Closure Projects	21,000	21,000	21,000	21,000		
Defense Environmental Management Privatization	29,600	27,472	29,600	29,600	+2,128	
Other Defense activities			5,000	5,000	+5,000	
Total, chapter 3	290,600	288,472	290,600	277,225	-11,247	-13,375
CHAPTER 4						
MILITARY CONSTRUCTION						
Military construction, Army		67,400		22,000	-45,400	+22,000
Rescission (sec. 1403)				-12,856	-12,856	-12,856
Military construction, Navy		10,500		9,400	-1,100	+9,400
Rescission (sec. 1403)				-6,213	-6,213	-6,213
Military construction, Air Force	18,000	8,000	18,000	10,000	+2,000	-8,000
Rescission (sec. 1403)				-4,935	-4,935	-4,935
Military construction, Defense-wide (rescission) (sec. 1403)			-6,700	-14,376	-14,376	-7,676
Military construction, Air National Guard			6,700	6,700	+6,700	
Family Housing, Army	27,200	29,480	28,200	30,480	+1,000	+2,280
Rescission			-1,000	-4,000	-4,000	-3,000
Family Housing, Navy and Marine Corps	20,300	20,300	20,300	20,300		
Family Housing, Air Force	18,000	18,000	18,000	18,000		
Rescission				-4,375	-4,375	-4,375
Base realignment and closure account, part IV	9,000	9,000	9,000	9,000		
Rescissions		-70,500			+70,500	
Total, chapter 4 (net)	92,500	92,180	92,500	79,125	-13,055	-13,375
Appropriations	(92,500)	(162,680)	(100,200)	(125,880)	(-36,800)	(+25,680)
Rescissions		(-70,500)	(-7,700)	(-46,755)	(+23,745)	(-39,055)
Total, title I, National Security Matters (net)	5,840,800	5,845,852	5,918,800	5,834,050	-11,802	-84,750
TITLE II - OTHER SUPPLEMENTAL APPROPRIATIONS						
CHAPTER 1						
DEPARTMENT OF AGRICULTURE						
Production, Processing, and Marketing						
Office of the Secretary			3,000	3,000	+3,000	
Animal and Plant Health Inspection Service						
Salaries and expenses	35,000		35,000	5,000	+5,000	-30,000
Farm Service Agency						
Agricultural conservation program (rescission)			-45,000	-45,000	-45,000	
Natural Resources Conservation Service						
Water and flood prevention operations			5,000	35,500	+35,500	+30,500
General Provisions						
Sec. 2104 Klamath Basin	20,000		20,000	20,000	+20,000	
Sec. 2105 Food Stamp program (Employment & Training)			-3,000	-3,000	-3,000	
Sec. 2106 Food Stamp program (rescission)			-39,500	-39,500	-39,500	
Sec. 2107 Yakima Basin			2,000	2,000	+2,000	
Total, General Provisions	20,000		-20,500	-20,500	-20,500	

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001 — continued

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
Total, chapter 1 (net)	55,000		-22,500	-22,000	-22,000	+500
Appropriations	(55,000)		(65,000)	(65,500)	(+65,500)	(+500)
Rescissions			(-84,500)	(-84,500)	(-84,500)	
Offset			(-3,000)	(-3,000)	(-3,000)	
CHAPTER 2						
DEPARTMENT OF COMMERCE						
National Oceanic and Atmospheric Administration						
Coastal and Ocean activities			8,000	8,000	+8,000	
Rescission			-8,000	-8,000	-8,000	
Departmental Management						
Emergency Oil and Gas guaranteed loan program (rescission)			-114,800	-114,800	-114,800	
RELATED AGENCIES						
Small Business Administration						
Salaries and expenses			30,000	30,000	+30,000	
Rescission			-30,000	-30,000	-30,000	
Business Loans Program Account:						
Guaranteed loans subsidy			22,000	22,000	+22,000	
Rescission			-22,000	-22,000	-22,000	
Total, chapter 2 (net)			-114,800	-114,800	-114,800	
Appropriations			(60,000)	(60,000)	(+60,000)	
Rescissions			(-174,800)	(-174,800)	(-174,800)	
CHAPTER 3						
FEDERAL FUNDS						
Federal payment to the Chief Financial Officer				750	+750	+750
(By transfer)				(250)	(+250)	(+250)
DISTRICT OF COLUMBIA FUNDS						
General Fund						
Governmental direction and support (incl rescission)	(5,150)	(5,150)	(5,400)	(5,150)		(-250)
Economic development and regulation	(1,685)	(1,625)	(1,625)	(1,685)	(+60)	(+60)
Public safety and justice (including rescission)	(8,871)	(8,770)	(8,770)	(8,871)	(+101)	(+101)
Public education system	(13,000)	(13,750)	(13,000)	(13,000)	(-750)	
(By transfer)		(250)			(-250)	
Human support services	(28,000)	(28,000)	(28,000)	(28,000)		
Public works	(131)	(131)	(131)	(131)		
Workforce investments	(40,500)	(40,500)	(40,500)	(40,500)		
Wilson Building	(7,100)	(7,100)	(7,100)	(7,100)		
Total, general fund (including transfer)	(104,437)	(105,276)	(104,526)	(104,437)	(-839)	(-89)
Enterprise and Other Funds						
Water and Sewer Authority and the Washington Aqueduct	(2,151)	(2,151)	(2,151)	(2,151)		
Total, DC Funds (including transfer)	(106,588)	(107,427)	(106,677)	(106,588)	(-839)	(-89)
Total, chapter 3				750	+750	+750
CHAPTER 4						
DEPARTMENT OF DEFENSE - CIVIL						
Department of the Army						
Corps of Engineers - Civil						
Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee				9,000	+9,000	+9,000
Emergency appropriations		18,000			-18,000	
Operation and Maintenance, General				86,500	+86,500	+86,500
Emergency appropriations		115,500			-115,500	
Flood Control and Coastal Emergencies	50,000		50,000	50,000	+50,000	
Emergency appropriations		50,000			-50,000	
Total, Corps of Engineers	50,000	183,500	50,000	145,500	-38,000	+95,500
DEPARTMENT OF ENERGY						
Energy Programs						
Non-Defense Environmental Management	11,400	11,950	11,400	11,950		+550
Uranium Facilities Maintenance and Remediation	18,000	18,000	18,000	30,000	+12,000	+12,000
Power Marketing Administrations						
Construction, Rehabilitation, Operation & Maintenance, Western Area Power Administation		1,578		1,578		+1,578
Total, Department of Energy	29,400	31,528	29,400	43,528	+12,000	+14,128

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001 — continued

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
GENERAL PROVISIONS						
Sec. 2302:						
National Nuclear Security Administration:						
Weapons Activities		-23,700			+23,700	
Corps of Engineers-Civil:						
Operations and Maintenance, General		23,700			-23,700	
Total, chapter 4	79,400	215,028	79,400	189,028	-26,000	+109,628
Appropriations	(79,400)	(31,528)	(79,400)	(189,028)	(+157,500)	(+109,628)
Emergency appropriations		(183,500)			(-183,500)	
CHAPTER 5						
BILATERAL ECONOMIC ASSISTANCE						
Agency for International Development						
Child survival and disease programs fund			100,000	100,000	+100,000	
Rescission			-10,000	-10,000	-10,000	
INTERNATIONAL ASSISTANCE PROGRAMS						
International Security Assistance						
Economic Support Fund (rescission)	-20,000			-10,000	-10,000	-10,000
Total, chapter 5 (net)	-20,000		90,000	80,000	+80,000	-10,000
Appropriations			(100,000)	(100,000)	(+100,000)	
Rescissions	(-20,000)		(-10,000)	(-20,000)	(-20,000)	(-10,000)
CHAPTER 6						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands & resources				3,000	+3,000	+3,000
(By transfer)			(3,000)			(-3,000)
United States Fish and Wildlife Service						
Construction				17,700	+17,700	+17,700
Emergency appropriations		17,700			-17,700	
National Park Service						
Operation of the National Park Service			4,200			-4,200
Rescission			-4,200			+4,200
United States Park Police		1,700		1,700		+1,700
Bureau of Indian Affairs						
Operation of Indian Programs	50,000		50,000	50,000	+50,000	
Emergency appropriations		50,000			-50,000	
RELATED AGENCY						
Forest Service						
Forest and rangeland research				1,400	+1,400	+1,400
(By transfer) (sec. 2608)			(1,400)			(-1,400)
State and Private Forestry			12,500	24,500	+24,500	+12,000
Emergency appropriations		22,000			-22,000	
National Forest System			10,000	12,000	+12,000	+2,000
Emergency appropriations		12,000			-12,000	
Wildland Fire Management (emergency)		100,000			-100,000	
Capital Improvements and Maintenance			9,000	9,000	+9,000	
Rescission			-5,000	-5,000	-5,000	
Emergency appropriations		4,000			-4,000	
Total, Forest Service		138,000	26,500	41,900	-96,100	+15,400
Total, chapter 6	50,000	207,400	76,500	114,300	-93,100	+37,800
Appropriations	(50,000)	(1,700)	(85,700)	(119,300)	(+117,600)	(+33,600)
Emergency appropriations		(205,700)			(-205,700)	
(By transfer)			(4,400)			(-4,400)
CHAPTER 7						
DEPARTMENT OF LABOR						
Employment and Training Administration						
Training and employment services			45,000	45,000	+45,000	
Rescission			-262,500	-262,500	-262,500	
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Substance Abuse and Mental Health Services Administration						
Substance Abuse and Mental Health Services			6,500	6,500	+6,500	
Administration for Children and Families						
Low Income Home Energy Assistance Program	150,000	300,000	300,000	300,000		

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001 — continued

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
DEPARTMENT OF EDUCATION						
Education for the disadvantaged	.....	161,000	161,000	161,000	.....	.....
Total, chapter 7 (net)	150,000	461,000	250,000	250,000	-211,000	.....
Appropriations	(150,000)	(461,000)	(512,500)	(512,500)	(+51,500)	.....
Rescissions	.....	.....	(-262,500)	(-262,500)	(-262,500)	.....
CHAPTER 8						
LEGISLATIVE BRANCH						
Congressional Operations						
House of Representatives						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members (Sisisky, Moakley)	.....	290	.....	290	.....	+290
Salaries and Expenses						
Members' Representational Allowances, Standing Committees, Special and Select, Committee on Appropriations, Allowances and Expenses	47,214	44,214	.....	44,214	.....	+44,214
Salaries, Officers and Employees	14,448	17,448	.....	17,448	.....	+17,448
Total, House of Representatives	61,662	61,662	.....	61,662	.....	+61,662
Joint Items						
Capitol Police Board						
Salaries	.....	.....	.....	514	+514	+514
General expenses	.....	.....	.....	486	+486	+486
Office of Compliance						
Salaries and expenses	35	35	35	35	.....	.....
Government Printing Office						
Congressional Printing and Binding	9,900	11,900	9,900	9,900	-2,000	.....
Government Printing Office Revolving Fund	6,000	6,000	6,000	6,000	.....	.....
Library of Congress						
Salaries and expenses	.....	600	.....	600	.....	+600
General Accounting Office						
Salaries and expenses	2,600	.....	.....	.....	.....	.....
Total, chapter 8	80,197	80,487	15,935	79,487	-1,000	+63,552
CHAPTER 9						
DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Rental payments (rescission)	.....	.....	.....	-440	-440	-440
Coast Guard						
Operating Expenses	92,000	92,000	92,000	92,000	.....	.....
Acquisition, construction, and improvements:						
Shore facilities & aids to navigation facilities	.....	.....	4,000	4,000	+4,000	.....
Rescission	.....	.....	.....	-12,000	-12,000	-12,000
Total, Coast Guard	92,000	92,000	96,000	84,000	-8,000	-12,000
Federal Aviation Administration						
Grants-in-aid for airports (Airport and Airway Trust Fund) (rescission of contract authorization)	.....	-30,000	-30,000	-30,000	.....	.....
Federal Highway Administration						
Emergency highway restoration (Highway Trust Fund)	.....	.....	12,800	27,600	+27,600	+14,800
Federal-aid highways (Highway Trust Fund) (rescissions)	.....	.....	-14,000	-15,918	-15,918	-1,918
RELATED AGENCY						
United States-Canada Railroad Commission	.....	.....	2,000	2,000	+2,000	.....
Total, chapter 9 (net)	92,000	62,000	66,800	67,242	+5,242	+442
Appropriations	(92,000)	(92,000)	(110,800)	(125,600)	(+33,600)	(+14,800)
Rescissions	.....	(-30,000)	(-44,000)	(-58,358)	(-28,358)	(-14,358)
CHAPTER 10						
DEPARTMENT OF THE TREASURY						
Departmental Offices						
Salaries and Expenses (Winter Olympics security)	60,601	.....	59,956	59,956	+59,956	.....
Tax Rebate Implementation	115,776	.....	.....	.....	.....	.....
Financial Management Service						
Salaries and expenses	.....	49,576	49,576	49,576	.....	.....

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001 — continued

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
Internal Revenue Service						
Processing, assistance, and management	.....	66,200	66,200	66,200	.....	.....
Rescissions (SEC. 21002)	.....	.....	.....	-18,000	-18,000	-18,000
Federal Payment to Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation						
Native Nations Institute (by transfer)	.....	.....	(1,000)	(1,000)	(+1,000)	.....
Total, chapter 10	176,377	115,776	175,732	157,732	+41,956	-18,000
CHAPTER 11						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and Pensions	589,413	589,413	589,413	589,413	.....	.....
Readjustment Benefits	347,000	347,000	347,000	347,000	.....	.....
Total, Veterans Benefits Administration	936,413	936,413	936,413	936,413	.....	.....
Departmental Administration						
General Operating Expenses (transfer from Medical Care)	(19,000)	(19,000)	(19,000)	(19,000)	.....	.....
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing certificate fund (rescission)	.....	-114,300	.....	-114,300	.....	-114,300
Native American Housing Block grants	.....	.....	5,000	.....	.....	-5,000
Housing Programs						
Manufactured housing fees trust fund	.....	6,100	.....	.....	-6,100	.....
Fees collected	.....	-6,100	.....	.....	+6,100	.....
Federal Housing Administration						
FHA--General and Special Risk Program Account	40,000	40,000	.....	.....	-40,000	.....
INDEPENDENT AGENCIES						
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	.....	243	.....	.....	-243	.....
Federal Emergency Management Agency						
Disaster relief	.....	.....	1,000	.....	.....	-1,000
Rescission of emergency appropriations	.....	-389,200	.....	.....	+389,200	.....
Total, chapter 11 (net)	976,413	473,156	942,413	822,113	+348,957	-120,300
Rescissions	.....	(-114,300)	.....	(-114,300)	.....	(-114,300)
Rescission of emergency appropriations	.....	(-389,200)	.....	.....	(+389,200)	.....
Total, title II, Other Supplementals (net)	1,639,387	1,614,847	1,559,480	1,623,852	+9,005	+64,372
GENERAL PROVISIONS						
U.S. - China Security Review Commission	.....	.....	1,700	1,700	+1,700	.....
Grand total (net)	7,480,187	7,460,699	7,479,980	7,459,602	-1,097	-20,378
Appropriations	(8,066,187)	(8,425,599)	(8,867,680)	(9,281,715)	(+856,116)	(+414,035)
Rescissions	(-525,000)	(-1,048,800)	(-1,384,700)	(-1,819,113)	(-770,313)	(-434,413)
Rescission of emergency appropriations	.....	(-389,200)	.....	.....	(+389,200)	.....
Offsets	(-61,000)	.....	(-3,000)	(-3,000)	(-3,000)	.....
Emergency appropriations	.....	(473,100)	.....	.....	(-473,100)	.....
(By transfer)	(19,000)	(19,000)	(24,400)	(20,250)	(+1,250)	(-4,150)
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
EPA: State & Tribal Assistance Grants	.....	20,584	.....	20,584	.....	+20,584
Total mandatory and discretionary	7,480,187	7,481,283	7,479,980	7,480,186	-1,097	+206
Mandatory	936,413	936,703	936,413	936,703	.....	+290
Discretionary	6,543,774	6,544,580	6,543,567	6,543,483	-1,097	-84

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

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, this is certainly a far better bill than we had when it left the House, and it is certainly a far more honest bill than was the case when it left the House.

The House will recall that at the time of going to conference we asked the House to consider doing three things in our motion to instruct. The first was to ask the House to drop the rescission of $389 million in previously appropriated disaster money for FEMA. The majority at that time declined to support that motion. But this conference, in fact, did adopt that position, and I think that was the correct position to take.

We also asked the House at that time to provide additional funding for the victims of radiation related sickness, because many of them were in fact the victims of the conduct of their own government. This is an important issue out west. And while, again, the majority did not support the motion to recommit, we are happy that in the end they did provide a recognition that these people are entitled to this compensation, and I am happy that the matter was addressed in conference.

We also asked in that motion that the House support direct funding to enable the Department of Agriculture to deal with the twin threats of foot and mouth disease and mad cow disease. The conferees there did provide $5 million of direct funding and they provided support for $30 million in indirect funding. So I think on those three items certainly this bill is a much better bill than we had when the bill first left the House.

I should make some other points. This bill will have broad bipartisan support, but there are certainly a number of other areas where this bill should have acted but chose not to.

I also wish that this bill had been passed faster. Certainly the committees in both Houses moved the bill as quickly as they got it, but the administration chose to withhold their request of these funds until after the tax bill was passed. And in my view, one of the reasons they did that was to hide from the House's view the implications of that tax bill for some of the critical items in this bill. And I think some of the inadequacies in this bill were purposely withheld from the House until after the tax bill was passed so that people's views of those inadequacies would not get in the way of passing the kind of tax bill the administration wanted.

I should also say that there are a number of areas where the bill, I think, should have been improved. In the area of emergency disaster assistance, for instance, we have had some very severe storms all across the country, especially in the Midwest. It was strange, I thought, that this Congress originally tried to eliminate $389 million in previously appropriated funds to deal with that problem. I welcome the fact that the Congress essentially decided in the end to restore that money, but I do believe that there are still other needs to be met.

And I think it needs to be clearly understood this FEMA budget is adequate only so long as Mother Nature suspends her normal course of events in producing heavy storms over the summer period. If we have one more storm, this budget will clearly be inadequate. And I think the administration knows it, and I believe that the majority in this House knows it.

I would also point out that the state of military readiness that will be enabled by this bill is what is required to meet world conditions provided that nothing significant happens in the world between now and the end of the fiscal year. If it does, we are going to need additional funding mighty quick.

And lastly, I think it is also clear that if we have the usual round of forest fires in the west, that this bill will be clearly inadequate. I hope that we get lucky, but I am not convinced that we will.

I am also pleased that the bill did provide clarifying authority to make certain that the Department of Agriculture understands that they do have the authority to provide reimbursement to the various private groups who are helping to carry out the global food initiative.

I also must say, going back to the FEMA issue, I find this bill on this subject somewhat disingenuous. The administration, in my judgment, fully recognizes that this account is probably short. Certainly the FEMA agency itself, in their conversations with me, have indicated that they expect that in the end they will probably need at least $.5 billion more, and perhaps as much as $1 billion more.

And I would say that I found interesting the St. Paul conversion on the road to Damascus of the distinguished majority whip. As my colleagues will recall, he, on three occasions, insisted that we support the rescission of the funds for FEMA. We welcome the fact that he has walked away from that position, to the extent that now he is recognizing that there is probably going to be a need for $1.3 billion in additional funds for FEMA.

The strangeness in this whole episode is demonstrated by the fact that while the administration has said in public comment, in newspapers, that we probably will need more money, they have declined to ask for that money. This committee has made quite clear, at least the Democratic majority in the other body has made quite clear, and we have made quite clear on our side of the aisle in this House that we would be willing to provide that money if the administration asks for it. But I guess we will have to play Russian roulette a while longer before the administration decides what it is actually going to do for the remainder of the year.

So, in short, this bill has some shortcomings, but I think it is good that the committee moved as fast as it did to finish action on it. I think that we will have broad support on both sides of the aisle. I would urge support of the bill.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), who is chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, it is not my intention to take any significant amount of time, for the work that has been done by our very fine staff on both sides of the aisle has expedited this process.

I really wanted to rise for just a couple of reasons. First, to bring to the attention of our ranking member, the gentleman from Wisconsin (Mr. OBEY), that the last time we were here on the floor with this bill he was suffering from laryngitis and it helped us a lot in expediting the process. I want to congratulate him on the progress he has made between now and then.

But I really also wanted to point out one other item to him, and that is that it was not so long ago that it was my privilege to be chairman of the subcommittee that deals with FEMA funding, and the gentleman may recall that this Member certainly did not stand by and allow too much rescission of FEMA funding. Indeed, the challenges of emergencies across the country are an item that I recognize very clearly.

From there, I believe the work of the committee, relative to the amount of money in the bill reflecting the problem of the caps we are dealing with in this budget process, is as far as we can go.

I am very, very pleased with the expression of concern on both sides of the aisle about the need for more adequate funding for our national security. Indeed, bear with me, for as we move towards September, I am certain we are going to be able to have a very healthy discussion about just how far we should go in connection with making sure the troops are taken care of and we are prepared for whatever emergencies might be out there.

□ 0930

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I want to thank the chairman and the ranking member for their efforts to bring the conference report before us in a bipartisan manner which

will provide supplemental appropriations to the Department of Defense and address other critical needs we face in this country.

I am particularly glad to see that the conference report does not include any rescissions in FEMA's disaster relief account.

Included in the supplemental is $5 million for the Department of Agriculture's Animal Plant Health Inspection Service to guard against the threat of foreign animal disease, including foot and mouth disease and mad cow disease. I have expressed serious concerns about this issue as have other Members about the devastating impact that these diseases would have on American agriculture should any outbreak occur in this country.

Because of the concentration of livestock in my home State of North Carolina, a foot and mouth disease outbreak would be an incredible catastrophe. An outbreak in eastern North Carolina could require the destruction of 2.8 million hogs within a mere 20 mile radius. That number is greater than the amount of animals killed in the entire country of England.

My State has worked hard and continues to be vigilant to prepare for an emergency and, most importantly, prevent an outbreak before it occurs.

Five million dollars was not the amount that the USDA requested, nor was it the amount that experts in the field felt was adequate. Frankly, I am disappointed that the full $35 million requested for APHIS for this effort was not agreed to. But now the decision has been made, and we must count on the USDA to muster all the resources we can to bolster animal inspections at U.S. borders and ports, to hire additional veterinarians for animal health assessments, and to control an outbreak should it occur.

The conferees have indicated that they expect the Secretary of Agriculture to use funds from the Commodity Credit Corporation not only to deal with an emergency after it occurs, but also to work now to prevent the threat of foreign animal disease.

I just hope they know what they are doing down at USDA because we cannot afford to wait until a foot and mouth outbreak hits to do something. The cost would be much more than the $30 million this bill does not include.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time and for his great work on this conference report.

I rise in support of the conference report. I am especially grateful to and I want to commend the work of the conferees for including additional funds from the Commodity Credit Corporation for the President's Global Food for Education Initiative, a program inspired and promoted by former Senators George McGovern and Bob Dole, and a program that can ultimately end hunger amongst the world's children.

These additional funds will allow for the internal transportation and storage of commodities, moving them closer to the actual sites of use and distribution for these very important school feeding programs. The funds will also cover specified administrative costs incurred by the implementing of private voluntary organizations and agencies.

Allocation of this funding should help resolve difficulties that have interrupted the implementation of this pilot program since its inception. It will also ensure that this program truly has an American face in the field.

This action sends a clear signal to the Secretary of Agriculture that the Congress believes the Global Food for Education program is important and that Congress wants to see the Global Food for Education pilot program done right. Congress cannot evaluate the effectiveness of a program unless it has been implemented well from the very beginning. The Congress has now demonstrated it is willing to help facilitate the success of the program.

As many of my colleagues know, the gentlewoman from Missouri (Mrs. EMERSON) and I have introduced legislation, H.R. 1700, to establish the Global Food for Education program as a permanent program. Over 70 Members of this House have joined us in this bipartisan effort. This conference report ensures that the pilot program can now proceed along a more constructive and productive course.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. YOUNG), the gentleman from Wisconsin (Mr. OBEY), the gentlewoman from Ohio (Ms. KAPTUR), and all the other conferees and staff who worked to make these funds available. I believe they have made an important contribution to alleviating hunger and increasing education opportunities for millions of the world's neediest children.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for his good work on the supplemental. I just wanted to stand up and say how pleased I am that the supplemental does include an effort to compensate folks that have been victims of radiation exposure.

Years ago Congress admitted that there was fault and admitted we need to compensate victims. Yet we have not put up the money. There are people in my region of the country that have letters from the Government right now, IOUs saying, ''Well, yeah, you deserve compensation, but we don't have the money.'' We have come up now with some money. I am a little disappointed that of the $84 million we were looking for, only $20 million is in this supplemental and now we have got to do something about next year's budget as well to accommodate that, but it is a step in the right direction. We are going to keep fighting for this. We want to make sure that the people who were inappropriately exposed to harm, and the government has admitted culpability, we are going to make sure those people are adequately compensated. I am pleased that this supplemental takes a step in that direction.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in strong support of the conference report. I want to thank the chairman and the ranking member for agreeing to the Senate position and the administration position with respect to FEMA and not going forward with the rescission. These moneys are greatly needed in my district and throughout the greater Houston area and in 29 other counties in Texas. I think we are going to need more money before the fiscal year is over. I think the committee stands ready to deal with that. I just want to commend the chairman and the ranking member for the hard work they did on that.

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

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

I would like to take just a few minutes to thank all of those who were players in reaching the point that we are at today. While it appears this ended up as a fairly noncontroversial bill, it was not easy to get here. There were a lot of differences between the House and the Senate when we initiated the conference. We had a tremendous spirit of cooperation. I want to thank the gentleman from Wisconsin (Mr. OBEY) personally, for working so closely with us as we reached agreement on the many issues that were outstanding and all of the representatives of the chairmen and ranking members of the subcommittees that were involved in the issues.

Mr. Speaker, when we have regular appropriations bills on the floor, often times we hear comments about the tremendous work of the staff and the mention of the subcommittee staffers, but I want to take just a few seconds this morning to say we have a tremendous front office staff, too, managed by Jim Dyer, the clerk of the committee; Dale Oak, who is here at the table; John Blazey, Therese McAuliffe and John Scofield who are also here in the Chamber; and Mr. OBEY's staff, Scott Lilly. We all worked together with our counterparts in the Senate and ended up with a very good, noncontroversial product.

As other Members have said, this does not solve all the problems. It is

not intended to do that. This is a supplemental. The regular bills are already moving through the House and additional bills will be up next week. We will have concluded nine bills plus the supplemental in the House before we adjourn for the August recess. Again, it shows what we can do when we work together in a bipartisan way. We do have differences, but we work them out. I am very proud of the way that the House has functioned on this supplemental.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to comment on a provision in the Supplemental Appropriations bill passed by the Senate which constitutes legislation in an appropriations bill. The change affects the allocation of Impact Aid funding for this current fiscal year and affects funding levels for virtually all school districts receiving Impact Aid funds under the Basic payments program, with the vast majority losing funds. Changing the formula in an appropriations bill in the middle of the current fiscal year, wherein school districts lose funds that they have been depending on is contrary to good legislative policy.

Currently, school districts with less than 1,000 children, and a per-pupil expenditure of less than the State average are guaranteed at least a 40% Learning Opportunity Threshold (LOT) payment. The change being considered by the conferees would modify the eligibility for the LOT payment by allowing school districts with less than 1,000 students to receive a guaranteed LOT payment if their average per-pupil expenditure is below the State average or below the National average. This increases the LOT payments.

This formula change causes most districts across the nation that receive Impact Aid payments under the Basic payments program to lose funds. Hawaii school districts would receive almost $100,000 less than they would have under the current formula. This would have a significant impact on school districts everywhere that have been counting on these funds since last year. To change the formula now, with only a few months left in the fiscal year, undermines these districts' plans and shortchanges schools that rely heavily on these funds.

The House agreed to this change for future funds when it passed H.R. 1 earlier this year. I do not object to that change, only that it is being unfair to implement it in this year's funding cycle.

The only way to allow for the formula change for this fiscal year so as not to hurt other school districts was to come up with the additional funds needed to cover the cost of this change in formula so as to hold harmless the funding for all other schools. Regrettably this Conference Report does not come up with these additional funds. It states that in this year's upcoming appropriations bill these losses will be offset with added funds.

The attached chart shows the state-by-state loss of Impact Aid funds.

State	FY 2000 BSP [1]	FY '01 BSP Current Law [2]	FY '01 BSP Watts' Amendment [3]	Difference
Alaska	$89,910,004	$89,164,106	$89,091,978	$72,128
Alabama	2,463,310	2,867,836	2,859,886	7,950
Arizona	118,953,121	126,519,738	126,631,354	(111,616)
Arkansas	467,185	525,947	524,489	1,458
California	53,253,103	56,643,590	56,631,465	12,124
Colorado	6,911,529	7,874,176	7,852,348	21,827
Connecticut	6,970,709	7,257,766	7,237,647	20,119
District of Columbia	898,704	1,547,479	1,543,189	4,290
Delaware	21,415	35,412	35,314	98
Florida	7,462,980	9,164,756	9,246,586	(81,830)
Georgia	6,625,676	16,028,092	16,016,290	11,803
Hawaii	33,398,384	34,749,647	34,653,320	96,237
Idaho	5,138,122	5,508,286	5,503,007	5,208
Illinois	10,036,315	14,264,487	14,259,181	5,306
Indiana	133,848	140,077	139,689	388
Iowa	143,159	146,814	146,407	407
Kansas	11,629,843	15,315,708	15,294,768	20,940
Kentucky	243,553	375,238	374,198	1,040
Louisiana	5,336,508	5,728,938	5,713,057	15,881
Maine	2,092,788	2,273,531	2,270,098	3,432
Maryland	5,434,946	6,122,534	6,105,562	16,972
Massachusetts	1,081,084	1,138,697	1,135,540	3,156
Michigan	2,512,546	2,808,050	2,800,266	7,784
Minnesota	7,606,571	8,028,552	8,019,561	8,991
Mississippi	2,990,457	3,229,289	3,262,750	(33,461)
Missouri	8,705,957	12,524,943	12,517,645	7,298
Montana	33,901,638	35,431,225	35,431,866	(641)
Nebraska	10,226,476	17,977,713	17,976,810	903
Nevada	3,297,577	3,687,859	3,677,636	10,223
New Hampshire	7,249	7,950	7,928	22
New Jersey	12,791,440	15,144,224	15,127,908	16,316
New Mexico	68,342,295	71,266,984	71,227,854	39,130
New York	11,425,469	15,921,466	15,901,552	19,914
North Carolina	8,200,211	11,013,626	10,983,096	30,530
North Dakota	16,106,955	24,320,620	24,337,479	(16,858)
Ohio	2,737,631	2,938,412	2,930,267	8,145
Oklahoma	23,070,837	28,226,650	28,613,721	(387,071)
Oregon	2,355,978	2,614,186	2,606,939	7,247
Pennsylvania	1,295,274	1,298,454	1,294,855	3,599
Puerto Rico	1,228,440	1,254,809	1,251,330	3,478
Rhode Island	2,477,030	2,594,638	2,587,445	7,192
South Carolina	2,827,810	3,200,759	3,191,887	8,873
South Dakota	26,176,631	34,695,348	34,734,158	(38,809)
Tennessee	1,201,003	1,954,128	1,948,712	5,417
Texas	33,439,494	62,696,858	62,718,452	(21,594)
Utah	6,494,785	6,753,207	6,734,487	18,720
Vermont	3,800	5,289	5,274	15
Virgin Island	208,525	353,231	352,252	979
Virginia	25,861,650	34,692,646	34,596,478	96,169
Washington	31,756,879	42,196,708	42,137,496	59,212
West Virginia	10,435	11,328	11,297	31
Wisconsin	9,274,626	9,591,319	9,580,628	10,691
Wyoming	7,486,643	7,835,190	7,833,170	2,020

[1] $737.2 ($732.6 out) 116.3% LOT.
[2] $882 ($867,668 out) 113.27% LOT.
[3] 882 ($867.668 out) 112.96% LOT.

Ms. HOOLEY of Oregon. Mr. Speaker, I intend to support this legislation. In particular, I am extremely pleased the conferees have included $20 million in emergency assistance to farmers in the Klamath River Basin in Oregon and Northern California.

The farmers and communities in this area have been devastated by one of the most severe droughts to ever hit the Pacific Northwest. While the federal government doesn't have any control over the weather, at the very least we should provide emergency aid to alleviate the situation.

That said, one of the more troubling aspects of this legislation is that among the $1.8 billion in spending offsets the conferees have agreed to take away $178 million from dislocated worker-training funds.

With layoffs and unemployment increasingly in headlines across the United States—and rising electricity costs threatening to further swell the ranks of dislocated workers—the decision to slash available funding to dislocated workers just doesn't make any sense.

The underlying intent of block grants are to give states flexibility in how they spend federal funds. Crisis don't happen overnight, and it is unrealistic to expect states to expend or obligate all of their funds upon the beginning of the program year. In fact, Congress recognized this in the Workforce Investment Act, which explicitly gives individual states three years to expend their unobligated funds—the first year they are appropriated and the two subsequent years.

As such, I bitterly oppose the decision to take funding away from Oregon and other states before they have had the chance to fully implement their employment programs. Currently, I am working with my colleagues Representative MIKE CAPUANO from Massachusetts and Representative JACK QUINN from New York to ensure that the Workforce Investment Act receives its full funding in fiscal year 2002, and invite every member of the House to join us.

Mr. UDALL of Colorado. Mr. Speaker, I will support this conference report, because while it is not perfect it is a great improvement over the bill as originally passed by the House last month.

The House bill did include some very good things. It provided for an additional $100 million for essential environmental restoration and waste management at Savannah River, Hanford, and other sites in the DOE complex and for acquisition of additional containers for shipping wastes to the Waste Isolation Pilot Plant.

These are important for Colorado, because our ability to have the Rocky Flats site cleaned up and closed by 2006 depends on the ability of other sites in the complex to play their roles in that process. So, I was—and remain—very appreciative that the appropriations committee has responded to these needs. Similarly, the House bill's additional $300 million for low-income home energy assistance will enable that important program to provide much needed assistance this year, even if it will not meet all needs.

But for me all the good things in the bill were outweighed by one glaring omission—the total absence of any funds to pay already-approved claims under the Radiation Exposure Compensation Act, or "RECA."

RECA provides for payments to individuals who contracted certain cancers and other serious diseases because of exposure to radiation released during above-ground nuclear weapons tests or as a result of their exposure to radiation during employment in underground uranium mines. Some of my constituents are covered by RECA, as are hundreds of other Coloradans and residents of New Mexico and other states.

Last year, the Congress amended RECA to cover more people and to make other important modifications. I supported those changes. But there was one needed change that was not made—we did not make the payments automatic. Unless and until we make that change, the RECA payments can only be made when Congress appropriates money for that purpose.

And the undeniable fact is that we in the Congress have not appropriated enough money to pay everyone who is entitled to be paid under RECA. As a result, people who should be getting checks are instead getting letters from the Justice Department.

Those letters—IOUs, you could call them—say that payments must await further appropriations. What they mean is that we in the Congress have failed to meet a solemn obligation. We failed to meet it when we passed the regular appropriations bill for the Justice Department—and as the bill passed the House originally, it again failed to meet that obligation.

So, I am very glad that the conference report provides for $84 million for paying these

claims. I understand that the way that has been scored could mean that not all that amount will be paid before October. I hope that the Administration will do all that is needed to assure that payments are made as soon as possible, because these people have already waited too long as it is.

Of course, this conference report is only a stopgap resolution of the bigger problem with RECA. We need to do more.

We should change the law so that future RECA payments will not depend on annual appropriations, but instead will be paid automatically in the way that we now have provided for payments under the new compensation program for certain nuclear-weapons workers made sick by exposure to radiation, beryllium, and other hazards. I have joined in sponsoring legislation to make that change. But, meanwhile, I urge approval of the conference report.

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

The SPEAKER pro tempore (Mr. HANSEN). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 375, nays 30, not voting 28, as follows:

[Roll No. 256]

YEAS—375

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dunn
Edwards
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
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
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
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 (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
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
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
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)

NAYS—30

Armey
Barrett
Barton
Chabot
Conyers
DeFazio
Duncan
Ehlers
Flake
Frank
Hoekstra
Kind (WI)
Kleczka
Kucinich
Lee
Paul
Petri
Roemer
Royce
Sanders
Schaffer
Sensenbrenner
Shadegg
Shays
Smith (MI)
Stark
Stupak
Tancredo
Upton
Weldon (FL)

NOT VOTING—28

Barcia
Blumenauer
Brown (FL)
Burton
Crane
DeLay
Dreier
Ehrlich
Engel
Fattah
Filner
Gordon
Graves
Hulshof
Istook
Lewis (GA)
Lipinski
Lucas (KY)
McCrery
McKinney
Miller (FL)
Moore
Oberstar
Skelton
Spence
Thomas
Traficant
Young (AK)

□ 1010

Mr. STARK and Mr. KUCINICH changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, on July 20, 2001, due to a family commitment, I was unavailable for rollcall vote No. 256. Had I been here I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 256, I was carrying out official duties in my District and missed this vote. Had I been present, I would have voted "nay."

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise for the purpose of inquiring of the gentleman from Texas (Mr. ARMEY), the majority leader, the schedule for the remainder of the week and for next week.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will meet for legislative business on Monday, July 23, at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. On Monday, no recorded votes are expected before 6 o'clock p.m.

On Tuesday and the balance of the week, the House will consider the following measures: We will complete consideration of H.R. 2506, the Foreign Operations Appropriations Act; H.J. Res. 55, concerning trade relations with respect to Vietnam; the Treasury and Postal Appropriations Act; and the Patients' Bill of Rights. And, Mr. Speaker, we will also complete work on Veterans Affairs, Housing, Urban Development and Independent Agencies Appropriations Act.

Members should understand that this is going to be another busy week, and we should expect some late evenings next week.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, I might ask my colleague, when does he expect the Patients' Bill of Rights bill to come up next week?

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I thank the gentleman for the inquiry. I would expect us to see that bill on the floor on Thursday of next week, probably late in the day.

Mr. BONIOR. Mr. Speaker, how about the energy bill? When can we expect to see the energy bill?

Mr. ARMEY. Mr. Speaker, if the gentleman will again yield, I think the committees have completed their work on that. We will probably work with the Committee on Rules and the other committees on that, and we would expect it the week following next.

Mr. BONIOR. Mr. Speaker, is Fast Track coming up before the recess, and does the gentleman expect a markup in the Committee on Ways and Means next week on Fast Track?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I do expect that markup to take place; and we do anticipate that being on the floor before we retire for the August recess.

Mr. BONIOR. Finally, I would ask my colleague from Texas if he has any plans, or if the leadership has discussed, bringing up the railroad retirement bill to the floor. As the gentleman may recall, it had very strong bipartisan support in the previous Congress.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for asking, and I thank the gentleman for continuing to yield.

Mr. Speaker, the Railroad Retirement Act that the gentleman from Michigan asked about is important legislation; and we have had extensive discussions about it in our leadership meetings and in our planning meetings. While I am confident that we will have this bill under consideration before we complete our work for the year, we have no immediate plans for its schedule.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

ADJOURNMENT TO MONDAY, JULY 23, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ON THE DEATH OF FORMER WASHINGTON POST PUBLISHER KATHARINE GRAHAM

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

Mrs. MORELLA. Mr. Speaker, the city of Washington, the Nation, and the people around the world who appreciate an independent and vigorous free press lost a true pioneer this week when Katharine Graham, former publisher of The Washington Post, died at age 84.

Much has been said over the past 3 days in praise of Katharine Graham. It is appropriate that we in Congress honor her passing, as well. But just as her legacy remains evident in the pages of the newspaper she dedicated her life to, her mark will long stand in the corridors of Congress and in the neighborhoods of the District of Columbia, her beloved hometown.

Actually, she avoided the glare of celebrity status so often, but her listed charitable works, particularly in the realms of education and of the arts, helping to build a student center at Gallaudet University, giving an FM radio station to Howard University, helping to fund an auditorium for the Freer Gallery, establishing day care centers in otherwise neglected parts of the District of Columbia, and strongly supporting the Shakespeare Theater, and the arts, to name just a few, is long and impressive.

She proved, first by her actions and then in her own words, that a woman could be a mother, a leader of industry, a friend, a philanthropist, and an artist, and all at the same time.

Quite simply, Katharine Graham made The Washington Post what it is today: a wildly successful business and a powerful check on those of us in government. Her leadership enabled Kay Graham to evolve into the woman, the philanthropist, the patriot, the pioneer, whom we honor today.

Her legacy remains, but Washington will not be the same without Kay Graham the person. She will be sorely missed.

AMERICA NEEDS A BALANCED APPROACH TO ENERGY DEVELOPMENT, INCLUDING SEEKING ALTERNATIVE ENERGY SOURCES

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

Mr. BARTLETT of Maryland. Mr. Speaker, the United States has about 2 percent of the known reserves of oil in the world. We use 25 percent of the world's oil, and we now import 56 percent of the oil that we use. This is up from 34 percent that we imported at the time of the Arab oil embargo.

Since 1970, except for a short blip produced by Prudhoe Bay, every year in the United States we have found less oil and pumped less oil.

Mr. Speaker, it does not make good sense to me that if we have only 2 percent of the known reserves of oil in the world, that we should rush out and find it and pump it. If we were able to do that tomorrow, what would we do the day after tomorrow?

Mr. Speaker, we need a balanced approach, which means we need to rely very heavily on alternatives, and we need to start moving in that direction.

VOTE FOR EXPANSION OF MEDICAL SAVINGS ACCOUNTS TO HELP THE WORKING UNINSURED

(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, with all this talk about a patients' bill of rights, the most important thing we should talk about, I think, is the working uninsured, those who have gone without, because none of these rights mean a thing if one does not have health insurance.

I want to help the 43 million uninsured Americans, primarily small-business owners, their families, their employees, their loved ones, help them join the ranks of the insured. The goal of a patients' bill of rights should be to help these people. These are the people who need access to affordable health care.

One good way to do that is to expand the Medical Savings Accounts, or MSAs. Medical Savings Accounts help people get the care they need from the doctor they choose.

The GOP House bill, the Fletcher bill, is the only bill that totally opens up Medical Savings Accounts. Vote to increase the number of insured. Vote for our bill. It is the right thing to do.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HANSEN). 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.

FAST TRACK LEGISLATION SHOULD BE DEFEATED IN CONGRESS AGAIN THIS YEAR

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

Mr. BROWN of Ohio. Mr. Speaker, on June 13 of this year, a bill was introduced that would give President Bush fast track authority essentially to extend the North American Free Trade Agreement, NAFTA, to all of Latin America.

Supporters of fast track argue that the U.S. is being left behind. They tell us we need fast track to increase American exports and to create new jobs for American workers. Yet, our history of flawed trade agreements has led to a trade deficit with the rest of the world that has surged to $369 billion a year.

The Department of Labor recently reported a very conservative estimate that NAFTA alone has been responsible for the loss of more than 300,000 jobs. Other estimates have shown NAFTA job losses at upwards of 1 million jobs.

While our trade agreements go to great lengths to protect investors and to protect property rights, these agreements do not typically include enforceable provisions to protect workers, either in the United States or around the world. Yet, the Bush administration would employ the same corporatecentric process that has resulted in tried agreements like NAFTA.

In the global marketplace, labor and environmental concerns in the developing world are never on the list of corporate priorities. CEOs of multinational corporations tell us that allowing globalization will stimulate development and allow nations to improve their labor and environmental records. They say interaction with the developing world will spread democracy.

But as we engage with developing countries in trade and investment, democratic countries of the developing world are losing ground to those with more authoritarian regimes. Democratic nations such as India are losing out to more totalitarian governments such as China. Democratic nations such as Taiwan lose out to authoritarian regimes such as Indonesia, where profits come before any kind of environmental regulations or human rights.

In manufacturing goods, for example, developing democracies' share of developing country exports fell 22 percentage points, from 57 percent to 35 percent. Corporations relocate their manufacturing bases to countries with more authoritarian regimes where even the most minimal labor, environment, and human rights standards do not exist.

Western corporations want to invest in countries that have poor environmental standards, have below-poverty wages, have no labor rights, and no opportunities to bargain collectively. As American investment moves abroad, American working families lose out.

Now President Bush says he will be asking for fast track authority that puts corporate interests before working American families. Future trade deals with a take-it-or-leave-it approach would only add to the long line of ill-conceived trade policies.

Flawed trade policies cost American jobs, put downward pressure on U.S. wages and U.S. working conditions, and erode the ability of governments to protect public health and protect the environment.

In 1998, under the leadership of progressive Members of this body, fast track was defeated in Congress overwhelmingly, 243 to 180. Fast track should be defeated in Congress again this year. More and more Members of Congress are joining the ranks calling for trade agreements that respond to the social ramifications of a global economy.

We need to press for a U.S. trade policy, Mr. Speaker, that is good for American families.

BIRTHDAY OF A CUBAN HERO

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

Mr. DIAZ-BALART. Mr. Speaker, today is the 40th birthday of a brave human rights activist and pro-democracy leader, Dr. Oscar Elias Biscet, who at this moment finds himself serving a prison sentence in a Cuban gulag for peacefully protesting for democracy in Cuba, after being taken before a farce of a trial in Havana on February 25 of last year.

Dr. Biscet was born in Havana on July 20, 1961. In 1985, he obtained a degree in medicine, and late in that decade he began to openly oppose the totalitarian regime that oppresses the Cuban people.

In 1997, Dr. Biscet was one of the founders of the Lawton Foundation for Human Rights, a humanitarian organization created to demand fundamental human rights from the Cuban totalitarian regime.

In February of 1998, Dr. Biscet was officially expelled from the Cuban health system and he was prohibited from practicing medicine. That same year, he and his family were thrown out of their home, and his wife was fired from her employment due to her pro-human rights activities. Both of them, in fact, were forced to depend on the charity of their friends and of those who wished to see Cuba free.

On October 28, 1999, Dr. Biscet held a press conference before the Ibero-American Summit began in Havana. During the press conference, along with other pro-democracy activists, Dr. Biscet announced that they would carry out a march calling for the release of all political prisoners and for the respect of the human rights of the Cuban people.

During the press conference, two Cuban flags were exhibited upside down as a symbol of protest for the innumerable human rights violations that the regime commits continuously.

On November 3 of 1999, just a few days later, Dr. Biscet was arrested and taken to a dungeon known as ''Cien y Aldabo'', where he was thrown into a cell with common criminals for the alleged crimes of ''abuse of national symbols, public disorder, and inciting delinquency.''

Dr. Biscet represents the noblest aspirations of the Cuban people. His efforts as founder and leader of the Lawton Foundation for Human Rights have won him the respect and admiration of human rights activists throughout the world, and have inspired many to continue the struggle for freedom in Cuba.

The Castro tyranny, fearful of the effectiveness of Dr. Biscet's message, has arrested him more than two dozen times in the last few years. It has fired him from his job, along with his family, thrown him out of his house, he has been subjected to psychiatric examinations, and has been constantly pressured by the regime to leave the island, something that he refuses to do.

Before being sentenced at his farcical trial, Dr. Biscet asked all Cubans, those living in the oppression on the island and those in exile, and all others throughout the world who support freedom for Cuba, to unite in prayer for the freedom of all political prisoners and of all the Cuban people. From his cell, he has remained firm in his principles and has asked the international community to demand justice for the people of Cuba.

It is most appropriate that as we send our message of solidarity to Dr. Biscet today on his birthday, we commit ourselves to working with all devotion and dedication so that freedom-loving individuals like Dr. Biscet do not have to spend their precious lives in the isolation and inhuman conditions of totalitarian dungeons.

There is a program that has been set up to try to help Cuban political prisoners by having families in the United States adopt, if you will, the family of a Cuban political prisoner for at least a year.

A well-known pro-democracy activist, Vicki Ruiz-Labrit, is coordinating the program. They have a phone number. We all should help. It is 305–461–6700. We should all help by adopting the family of a Cuban political prisoner, and in that way, helping the most suffering, those who suffer the most in the totalitarian island just a few miles from our shores.

Dr. Biscet, on your birthday, inside your prison cell I know that you cannot now hear my words, but I salute you and express my profound admiration for you, and through you, for all Cuban political prisoners.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that remarks in debate should be addressed to the Chair and not to others.

□ 1030

FEMA FUNDING

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few minutes ago we voted on the emergency supplemental appropriations; and I voted yes, partly of course to acknowledge the fact that the debate we had a couple of weeks ago had been vindicated. That debate was over whether or not FEMA was running out of money or whether or not they could stand a $329 million cut in their budget.

Recognizing the diversity in topography of this Nation and the weather of this Nation, we realize that those of us in the southern region are now in the hurricane season, from the month of June through at least September or October. Throughout the Nation, because of the differences in weather and, of course, the potential of global warming, we have had erratic weather activities.

We, in Houston, a couple of weeks ago, experienced that with Tropical Storm Allison with the fall of 36 inches of rain that fell in our area in a 24-hour period. That caused an enormous amount of damage, some 5,000 homes damaged, water to the roof levels of many of our residential areas, and a whole litany of damage that was not expected.

For example, we noted that the medical center, one of the prized medical centers of this Nation, suffered about $2 billion in damage, and that number is growing. In touring that site, we saw the enormous impact in research, in hospital beds, in emergency facilities that were lost.

Additionally, in the 18th Congressional District, which I represent, St. Joseph's Hospital, which is a pivotal hospital in the downtown community, the downtown business community, with thousands and thousands of employees, lost its level-three emergency center, which is still not open. In a tour that I took last week, 154 patient beds were lost, as was their kitchen facilities, able to serve not only patients but employees, and, as I indicated, not only their emergency trauma unit, which leaves the downtown business community without a nearby trauma unit for emergency purposes, but also research and other laboratory facilities. Gone.

In addition to the medical centers of St. Joseph Hospital, we have found that the academic institutions, which are about to start to be opened, and the secondary schools in our public school systems, have been damaged. And, in addition, major damage has confronted our universities.

I toured the University of Houston. At that time they thought their damage was about $100 million. Now it is rising to $250 million, and insurance is way under $100 million. In looking at that damage, I noted precious resources, such as books, research facilities, school classrooms, equipment, and teacher offices were damaged.

Texas Southern University, which is about to begin its mitigation process, likewise has an enormous amount of damage in their law library as well as the various buildings that have been impacted by the damage, mostly in the basement levels.

Mr. Speaker, I raise these issues because I think it would be foolish for this House to debate and play around with the needs of the American citizens. Houston may not be the only place that will suffer some sort of weather damage and some sort of catastrophe that warrants the intervention of FEMA. Right now, my district has a number of FEMA representatives and offices around the community trying to work with those who have been devastated not only physically and property-wise but also psychologically.

I was appalled that we would stand on the floor of the House and actually debate cutting FEMA. My understanding is that we are trying to submit additional dollars into the VA–HUD bill for FEMA. And that is not only for Houston, Texas, but may be for other disasters that we certainly do not wish for but may happen. But the dilemma is the administration has not seen fit, along with FEMA, to stand up and request the dollars, to work with us in Congress to acknowledge that their funds are depleted.

I recall very vividly when we were on the floor debating and arguing against cutting FEMA that I had an amendment to add those monies back in, and we were then being told that FEMA had $1 billion in its account. Twenty-four hours after that debate, we were told that, in actuality, they only had $178 million and, in fact, even 24 hours later maybe that would be gone. We in Texas had to request that our matching dollars be lessened to 10 percent and that FEMA would pay up to 90 percent.

We are now in the midst of trying to rebuild lives. In fact, our local community agencies have come together to give washing machines and refrigerators and other necessities. In addition, I have been able to secure matching monies totaling $4 million from one of our utility companies, Reliant, to be able to add dollars for people who have been displaced because of the damage, and also compounded by the enormous heat that we face in Houston.

This is time now, Mr. Speaker, for us to gather together, to take the smoke and mirrors away, to stand on the floor of the House and work for the monies for FEMA, but as well for the administration to be able to stand up and request these dollars so that all America can be protected in the time of disaster.

MESSAGE FROM THE SENATE

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

S. 180. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

PAYING RESPECT TO SERGEANT STARNES

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

Mr. KERNS. Mr. Speaker, last weekend, we laid to rest an officer killed in the line of duty in Martinsville, Indiana. Today, I come to the floor of the House to pay respect to this brave officer, Sergeant Daniel Starnes. Sergeant Starnes was taken from us after struggling 27 days to recover from infections caused by four gunshot wounds.

His death has brought the Martinsville community to its knees. Because of the dedication and the courage of men and women in law enforcement, like Sergeant Starnes, all too often we take for granted our family's safety and the safety of our police officers. It is through their commitment to serve and protect us that we have peace of mind and a sense of security. We must also always remember that behind the badge is a human being. Sergeant Starnes was more than just a model law enforcement officer, he was a husband and a father and a friend to so many, and his loss weighs heavy on us all.

Over this past weekend, thousands of law enforcement officers from across Indiana and our great Nation turned out to honor Sergeant Starnes. And while his death has shocked people in Morgan County and throughout Indiana, it has also brought the community together in an outpouring of support and love for the Starnes family and those in law enforcement who put their lives on the line each day.

During the funeral procession through town, people lined the streets with either their head bowed, their hand over their heart, or flying an American flag to pay respect. During such a difficult time, it was uplifting to know that the community cared and demonstrated its respect for Sergeant Starnes and his fellow officers.

Today, our thoughts and prayers are with the Starnes family, the Morgan County Sheriff's Department, and the entire Morgan County community for their loss. While words alone may not console Sergeant Starnes' family and friends, I hope that the knowledge that he is now with Our Father in heaven gives us some comfort and gives them comfort as well.

During times like these, it is only natural to ask why, why do we have to lose such an outstanding person and an officer? While I cannot begin to answer such questions, I can only say that I find collective strength in my faith, and I pray that God grants the Starnes family and their friends both comfort and strength during this time of mourning.

DEBT RELIEF

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

Ms. WATERS. Mr. Speaker, this coming weekend, from July 20 to July 22, President George W. Bush will be meeting with the heads of government at the G–8 Summit in Genoa, Italy, to discuss international economic issues. I urge the President to support the complete cancellation of the debts that the world's poorest countries owe the International Monetary Fund and the World Bank.

The Enhanced Heavily Indebted Poor Countries Initiative, referred to as HIPC, was developed in 1999 to provide debt relief to the world's poorest countries. The HIPC Initiative requires countries to invest the savings from debt relief in HIV–AIDS treatment and prevention, health care, education, and poverty reduction programs.

Unfortunately, the IMF and the World Bank have not provided their fair share of debt relief. While the United States agreed to cancel 100 percent of the debts owed by poor countries, the IMF and the World Bank have agreed to reduce these countries' debts by less than half. As a result, the countries that have begun to receive debt relief have seen their debt payments reduced by an average of only 27 percent. Most of these countries are still spending more money on debt payments than they are on health care.

Zambia provides an excellent illustration of what is wrong with the approach of the IMF and the World Bank. Zambia is a deeply impoverished country with a per capita income of only $330. The infant mortality rate exceeds 1 percent of live births, and 27 percent of Zambian children under 5 are malnourished. Zambia has also been ravaged by the HIV–AIDS pandemic. Almost 10 percent of the population is infected with the AIDS virus and 650,000 children have been orphaned by AIDS.

AIDS has also ravaged the educational system by causing a shortage of trained teachers. Yet Zambia's debt payments have actually increased following the receipt of debt relief. Moreover, Zambia spends more than twice as much money on debt payments as it does on health care.

How can the International Monetary Fund tell countries like Zambia to use savings from debt relief for poverty reduction when the IMF knows there is no savings?

On April 26, 2001, I introduced H.R. 1642, the Debt Cancellation for the New Millennium Act. This bill would require the IMF and the World Bank to provide complete cancellation of 100 percent of the debts owed to them by all 32 impoverished countries that are expected to qualify for the HIPC Initiative. The bill would also allow three additional impoverished countries, Bangladesh Haiti, and Nigeria, to participate in the HIPC Initiative. Furthermore, the bill would prohibit the imposition of user fees for education and health services and other structural adjustment programs as conditions for debt relief. Seventy-six Members of Congress representing both political parties have cosponsored this bill.

The IMF and the World Bank have sufficient resources to completely wipe away poor countries' debts. It is time for the IMF and the World Bank to do their share to make debt relief a reality for poor countries and their people. It is time for the IMF and the World Bank to allow these countries to invest their resources in health, education, and the elimination of poverty.

I urge President Bush and the world leaders who attend the G–8 summit to tell the IMF and the World Bank to completely cancel 100 percent of the debts of the world's most impoverished countries once and for all.

ELECTION REFORM

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

Ms. WATSON of California. Mr. Speaker, it has now been almost 9 months since the election fiasco of the year 2000, and for 9 months America's leaders have talked about election reform, but little has been done.

This week yet another report was released detailing the breakdown of our voting process in America. A joint study by CalTech and MIT found that 4 to 6 million Americans lost their right to vote because of outdated or faulty voting equipment and a flawed process.

This might come as a shock to some people, but it should not. Last week my colleagues and I on the House Committee on Government Reform released another study detailing the same problem. Too many Americans are forced to use outdated or faulty voting equipment and too many of these faulty machines are concentrated in the communities of the poor and minority voters.

Mr. Speaker, we have had 9 months of study, 9 months of research, 9 months of reports. Now the American people want and deserve action. Mr. Speaker, please make election reform the number one priority of this House in time to make real lasting changes before next year's election.

BRINGING SOCIAL SECURITY INTO THE 21ST CENTURY

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

Mr. DEFAZIO. Mr. Speaker, today the scare tactics began. A year ago today we had in hand a Social Security Trustees' report that was actually kind of optimistic. Things were looking up for the system. The day in which it would not be able to pay 100 percent of benefits was put off until the year 2039. That is, Social Security had in hand, under conservative estimates, enough money from our taxes, from the taxes of working people, not the wealthy, because they do not pay on any income over $80,000, but the working people had put enough money in the trust fund to secure it through the year 2039.

□ 1045

No question. After that, with no changes, under pessimistic assumptions, it would only be able to pay 73 percent of the benefits. But here comes the Bush administration and the so-called Bipartisan Commission on Social Security loaded with people who have been trying to destroy the system, including, sadly, a couple of Members of the House and Senate who are ostensibly Democrats for more than a quarter of a century. They are doing the work of Wall Street.

Wall Street cannot wait to mandate that individuals put money into individual accounts. When they can charge 250 million people a little bit of money to maintain accounts, they make tens of billions of dollars. Guess where the tens of billions of dollars comes from? It comes from future benefits that people would have realized under the current system.

This document is extraordinary in that it echoes Treasury Secretary O'Neill. It says that the United States government might not honor the trillions of dollars of obligations it has in special bonds to the Social Security Trust Fund. They are saying the crisis starts the day Social Security has to begin drawing on the funds, the savings we have put aside for our retirement.

The Bush administration is questioning whether the full faith and credit of the United States government will be delivered on those debts, those obligations. If that is true, everybody around the world and across the United

States better begin cashing in their Treasury bonds. If the United States Treasury in 2016 under the leadership of President Bush and Secretary O'Neill does not put the full faith and credit of our government behind those depository instruments, money that we, the working people, have paid into the Treasury for our retirement, then we are in bigger trouble than I thought.

Mr. Speaker, this is an unbelievable distortion of the facts. There is a simple solution to the Social Security problem, but we will not hear it from this administration or Secretary O'Neill who is worth hundreds of millions of dollars, or President Bush who is worth tens of millions of dollars, because it would require that they pay the same amount as every other American. They would rather talk about defaulting on the obligations of the Federal Treasury to honor Social Security Trust Funds than talk about the easiest way to solve this problem: Make every American pay the same amount of Social Security tax on every dollar they earn. They consider that a radical proposal.

If that one simple step were taken, if we lifted that cap, if people who earned over $80,000, that small percentage of the people, if they paid in the same Social Security that a minimum wage earner pays, a flat tax, I hear from the other side of the aisle, give us a flat tax. When I suggested this to the Republican chairman of the Committee on Ways and Means, he almost had a stroke. Oh, no, not a real flat tax. We are talking about a flat tax that cuts taxes on the wealthy, not a flat tax that would give them the same obligation to pay as working people.

If we took that one step, Social Security under current assumptions would be solvent forever; and, in fact, there would be so much money flowing into Social Security that we could give a tax break to working Americans. We could say you do not have to pay any Social Security tax on the first $4,000 or $5,000 of income, a big tax break to minimum wage people and others at the lower end of the spectrum.

Mr. Speaker, all we have to do to secure the future of Social Security is just say, hey, the Bill Gates of the world and all of those other people earning hundreds of millions of dollars, the head of Enron, the company which is ripping off ratepayers by manipulating energy prices, he got $123 million in stock options this year. If he paid Social Security taxes on that, on $123 million, tens of thousands of Americans would be assured that their retirement would be made good.

The scare tactics have begun, and the American people are not going to stand for it.

THE SPREAD OF GAMBLING

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

Mr. WOLF. Mr. Speaker, 2 weeks ago The Washington Post did a front page story about how the gambling industry targets one of our Nation's most vulnerable groups, our senior citizen population.

According to the article, it says, ''Casinos are trying harder than ever to attract retirees. Some are dispatching buses to senior centers or vans to trailer parks and timing their offers for free rides to coincide with the arrival of Social Security checks.''

The gambling industry goes to great lengths to prey on our Nation's most vulnerable groups, the young, the poor, and perhaps most frequently the elderly. A national survey recently revealed over one-half of all senior citizens had gambled recently. This is more than double the rate of one generation ago.

The gambling industry targets this audience because they have two attractive attributes: time and money. Often those who are lonely become quickly addicted. It is not long before the marketing strategy succeeds as gambling eats up seniors' life savings and Social Security checks.

Mr. Speaker, while I was saddened to read this story, I was not surprised. I am not surprised because very few are actually speaking out against the spread of gambling. I am not surprised because very few of our political leaders have spoken out. I am not surprised because most religious leaders have not spoken out. I am not surprised because most advocates for the poor have not spoken out. I am not surprised because most traditional advocates for the elderly have not spoken out. Saddened, yes; but surprised, no.

Only 30 years ago gambling was illegal in most States and was generally considered to be a vice contrary to the American work ethic. Let me say that one more time. Only 30 years ago gambling was illegal in most States and was generally considered to be a vice contrary to the American work ethic.

Serious gamblers had to travel to Nevada for casino play, and States had not yet plunged into the lottery mania. Today the lottery is played in 37 States, plus the District of Columbia. All but three States have legalized some form of gambling. Gambling expansion has swept the Nation, with revenues jumping from $1 billion in 1980 to well over $50 billion today. That means that Americans lose on average over $137 million every day. Americans lose on an average $137 million every day a year from gambling.

What has the spread of gambling meant for the country? First, gambling comes with a high social cost. Some 15.4 million Americans already suffer from problem and pathological gambling, also called gambling addiction, which is often devastating to the individual and his or her family.

The National Academy of Sciences found that pathological gamblers engaged in destructive behaviors. They run up large debts, they damage relationships with family and friends, and they kill themselves. Pathological gambling is defined by the American Psychiatric Association as an impulse control disorder with symptoms similar to those of drug and alcohol addictions. The gambling addict experiences tolerances, needing more gambling, withdrawal from trying to stop, a loss of control and cannot stop even after trying, and often lying and illegal acts such as stealing to support the habit.

The effects of this addiction are wide-ranging and often impact many who are not involved with gambling. It is not unusual for a gambling addict to end up in bankruptcy with a broken family facing criminal charges from his or her employer.

Youth introduced to gambling are particularly at a high risk for gambling addiction. Over half of those with problem gambling disorders, 7.9 million, are adolescents. For instance, a Louisiana survey of 12,000 adolescents found that 10 percent had bet on horse racing, and 25 percent had played video poker.

Adolescents are more likely to become problem or pathological gamblers since they are more vulnerable to risk-taking behavior. According to the National Gambling Impact Study, a study which Congress created and which released its report in 1999, adolescent gambling is associated with alcohol and drug use, truancy, low grades, and problematic gambling in parents and illegal activities to finance gambling.

This has led to tragic outcomes. One 16-year-old boy attempted suicide after losing $6,000 on lottery tickets. There is a tremendous need for prevention, research and treatment for gambling addiction. Unfortunately, all three are in short supply. A person who needs treatment is likely to find there is little available and what is available is not covered by insurance.

How quickly can addiction develop? Story after story recounts the heartbreak.

Consider the story of Debbie. She and her husband visited a new casino built near them in Blackhawk, Colorado. The novelty soon wore off, but her husband started going four or five nights a week. Within 3 months of their first visit, Debbie learned that they would have to file for bankruptcy. Her husband had lost close to $40,000. This did not stop her husband from gambling, and eventually they divorced. So much for family values. She said, ''The husband I divorced was not the husband I married. He is a total stranger to me.

He became a liar, a cheat. He engaged in criminal, illegal activities.''

Gambling has negative economic impacts. Revenues are drained from local businesses and services. Gambling leads to a shift in consumer spending from small business groups and services which produce local employment. There is an increased cost to the State from bankruptcy, addiction, treatment centers and the penal system.

The Gambling Commission estimated that direct gambling costs borne by the government are currently about $6 billion a year. This does not count indirect costs such as loss of productivity in the workplace, divorce consequences for the family. It is reasonable to suggest that the more gambling a State offers, the more costs it must bear.

Gambling is associated with breakdown of the democratic political process. The Gambling Commission concluded that local and State governments tend to become a dependent partner to the gambling industry and become reliant on their vast funds and can be influenced by campaign contributions.

In State after State, the gambling industry pours money into the coffers of local politicians from both political parties in hopes of advancing their interests. In State after State, opponents of a gambling proposal are outfinanced, outgunned and outmanned. The fact that gambling has not spread further is a tribute to the tireless efforts of a few grassroots activists in States. These advocacy efforts, often outspent by rates of 20 to 1, have held the levy against even further encroachment by the gambling industry into every community in America.

On the Federal level, the NCAA gambling bill introduced on the House side by the gentleman from South Carolina (Mr. GRAHAM) and the gentleman from Indiana (Mr. ROEMER) to close the loophole allowing the betting on college sports in Nevada is indefinitely on hold, even though if it were brought up to the floor most people know it would pass overwhelmingly.

Who supports the bill? Almost every university with athletics programs, the NCAA, almost every college coach in America, including Joe Paterno, Lou Holtz, Bobby Bowden, Mike Krzyzewski. The lone opposition to this bill comes from the gambling industry which has fought the bill vigorously and is among the highest contributors to campaign funds of both political parties.

Sometimes, though, the real story of the spread of gambling can only be understood by actually hearing about the real-life stories that show the true consequences of the spread of gambling. Mr. Speaker, I would like to share a few of these stories.

Gambling can lead to death. ''A gambler losing big dollars in the high-roller area of the Motor City Casino in Detroit pulled out a gun, shot himself in the head and died, police said. Terrified gamblers fled from the blackjack table where off-duty Oak Park Police Sgt. Solomon Bell had been consistently losing large bets, witnesses said. Detroit police said Bell had been gambling earlier in the day at MGM Grand Detroit Casino and was hoping to make up for some losses there. They said he lost between $15,000 and $20,000 in the two casinos during the day.'' That was in the Detroit Free Press.

□ 1100

''A former employee at Trump Marina Hotel and Casino in Atlantic City leaped to his death from the gambling hall's self-parking garage. Charles LaVerde's death marked the fifth suicide plunge from a casino facility in less than a year.'' Atlantic City Press.

So much for family values, family values on both sides as Members are taking the money from the gambling interests.

''A Hancock County, Mississippi woman says she killed her mother and husband last year as part of a suicide pact made in despair over large gambling debts the trio had run up at Gulf Coast casinos. Julie Winborn pleaded guilty in the death of her husband, Grady Winborn, 57, and her mother, Inez Bouis, 66. She was sentenced Thursday to two life sentences. She had testified that the three lost $50,000 at casinos and decided to end their lives because they could not repay bank and credit union loans.'' Associated Press, 9/10/99.

Gambling can lead to crime.

''An insidious new kind of crime is taking hold, radiating out across southern New England from the two Indian casinos in eastern Connecticut. It is embezzlement committed by desperate gamblers, usually compulsive gamblers, who work in positions of trust. A sampling of criminal cases over the past 2 years shows that the amounts of money can be staggering and that an increasing number of the gamblers are women. In all these cases, the money was used to gamble at the Foxwoods Resort Casino or the Mohegan Sun casino, authorities said.'' Hartford Courant.

''Of all the heroes who emerged from the 1984 Los Angeles Olympics, perhaps none was more inspirational than Henny Tillman. A big, tough hometown kid, he had plunged into serious trouble when he was rescued in a California Youth Authority lockup by a boxing coach who saw a young man of uncommon heart and untapped talent. In a little more than 2 years, he would stand proudly atop the Olympic platform at the sports arena, just blocks from his boyhood home, the gold medal for heavyweight boxing dangling from his neck. But 2 years after his mediocre pro career ended, he was back behind bars. And now he stands accused of murder in a case that could put him away for life. Gambling got Tillman in trouble. He was arrested in January 1994 for passing a bad credit card at the Normandie. He pleaded no contest and got probation. In 1995, he pleaded guilty to using a fake credit card in an attempt to get $800 at the Hollywood Park Casino in Inglewood. I have suffered from a long history of gambling addiction, which I am very ashamed had taken over my life, Tillman wrote in a letter to the court.'' Los Angeles Times.

''A Rhode Island woman known as the ''church lady'' is free on bail after pleading innocent to stealing $3,000 from four severely mentally retarded adults at a Mansfield, Massachusetts group home to play slots at the Foxwoods Casino.''

Are the people who run the Foxwoods Casino proud of this record?

''An organist at St. Theresa's Church in Nasonville, Rhode Island, Denise Manderville, worked as a caretaker for the four adults.'' Boston Herald.

''Felony criminal charges are on the rise in northern areas of lower Michigan and some judges, prosecutors, and others are blaming much of the increase on compulsive gambling. Antrim prosecutor Charles Koop said the gambling-related felonies are troubling because many of the people aren't criminally-minded.'' Associated Press.

Gambling can lead to debt and bankruptcy.

''One-third of 120 compulsive gamblers participating in a pioneering treatment study have either filed for bankruptcy or are in the process of filing, a University of Connecticut researcher said Tuesday. Nancy Petry said she recently gave a talk to a group of bankruptcy lawyers who estimated that as many as 20 percent of their clients had mentioned gambling as a reason for their problems.'' Hartford Courant.

Will Torres, Jr., spends part of his day listening to sad stories. As the director of the Terrebonne Parish, Louisiana district attorney's office bad check enforcement program, Torres has heard some doozies. ''I've seen people lose their homes, their retirements wiped out, their marriages, people losing everything they have. Gambling, specifically video poker, is starting to catch up with drugs and alcohol as a precursor to local crime,'' Torres said. Torres and the district attorney's office recently noticed an interesting trend while profiling bad check writers: a large number of their suspects are video poker addicts. ''We're not talking about people who mistakenly write a check for groceries at Winn-Dixie for $25.33. We're talking about people who are writing checks for $25 or $30 eight times a day at locations with video poker machines or places in close proximity of video poker machines,'' Torres said. So far this year, Torres' office has

collected $320,000 for Terrebonne Parish merchants who were given 3,600 worthless checks. Torres said about 30 percent of those bad checks are connected to gambling. ''It's eating people up,' he said. 'It's real sad when people don't have a dollar. No money for food because of gambling addictions. I've seen it up close, and video poker plays a large role in the problem,' Torres said.'' The Courier.

Gambling affects children.

''A 4-year-old girl remained in protective custody in Fort Mill, South Carolina, after her mother was charged with leaving her in a locked car while she played video poker. Tuesday in Ridgeland, a woman whose 10-day-old baby died in a sweltering car while she played video poker was given a suspended sentence and 5 years' probation. York County, South Carolina sheriff Bruce Bryant said such incidents reflect the addictive nature of video poker. 'You see the same thing with people addicted to cocaine and heroin. They lose all rational thought and will do anything to support their habit, sell the furniture right out of their house, leave their babies in locked cars during the middle of summer,' he said.'' The State, Columbia.

''Children have been left unattended at Indiana's riverboat casinos more than three dozen times while their parents or other guardians were gambling during the past 14 months. A Courier-Journal review of Indiana Gaming Commission records found 37 instances involving an estimated 72 abandoned children since May of 1999 when the State first began compiling reports of such episodes. In one case, an infant had to be revived with oxygen.'' Louisville Courier-Journal.

Gambling affects families. We hear so much talk about family values on this floor. When I think of both political parties taking money from the gambling interests, they should read this story:

''There is an ugly undercurrent that's sweeping away thousands of Missourians, people whose addiction to gambling has led to debt, divorce and crime. This is a world of people like Vicky, 36, a St. Charles woman who regularly left her newborn son with baby sitters to go to the casinos and who considered suicide after losing $100,000. And Kathy, a homemaker and mother of two from Brentwood, who would drop her kids at school and spend the entire day at a casino playing blackjack. She used a secret credit card that her husband didn't know about to rack up more than $30,000 in debt.'' St. Louis Post-Dispatch.

In short, while the explosion of various forms of gambling across America has, of course, generated some revenue for States and for the gambling industry, it has left in its wake human misery that is only now beginning to be understood. This misery ends up costing the State more than it receives and creates a vicious cycle as the needs of social services dramatically increases. Whether it is a State lottery, a casino, or a cruise to nowhere, gambling is a poor bet for funding legitimate social needs.

And soon gambling will be in every home in America with an Internet connection. More than 850 Internet gambling sites worldwide had revenues in 1999 of $1.67 billion, up more than 80 percent from 1998 according to Christiansen Capital Advisors, which tracks the industry. Revenues are expected to top $3 billion by 2002.

I want this Congress, I want this Congress and this country, I want this administration, who talks about family values also to reflect on the seriousness of this issue. Frankly, I have heard no one in this administration speak out on this issue, although to their credit they are new, but we have sent letter after letter and they have not spoken out on this issue. This is not about whether or not one makes a decision of choice to travel to Las Vegas or Atlantic City and gamble for recreation. The reality is that such a choice takes planning and some time. As gambling spreads throughout the country, there is less planning time and much more availability for potential addicts to gamble. Imagine this availability being just one click away. This Congress and this administration needs to consider the seriousness of not passing an Internet gambling ban. Are we really ready to have a virtual casino in every home in America with an Internet connection?

Mr. Speaker, with all this hard evidence, who is speaking out against the spread of gambling? Crime, corruption, family breakdown, suicide, bankruptcy, and yet the silence is deafening. In fact, in this body, they passed a faith-based proposal yesterday which I supported, and the broken bodies will be helped by that faith-based community. Yet the Bush administration, whether it be Secretary Norton at Commerce or the White House itself has not spoken out on this issue. Where is the Bush administration on this issue?

I want to conclude by asking our political leaders, good people on both sides of the aisle, I want to ask our religious leaders, I want to ask those who care about the poor, that care about the poor that Jesus talked about in Matthew 25, I want to ask those who care about the elderly, I want to ask those who are always talking about family values to speak up on this issue, because if you do not speak up on behalf of the Nation's most vulnerable, who will?

VETERANS' HEALTH CARE NEEDS

The SPEAKER pro tempore (Mr. KERNS). The Chair reallocates 5 minutes of the balance of the majority leader's hour to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I am delighted to come to the microphone today. I have been traveling the State of Florida for the past several months meeting with editorial boards trying to enlist their support on an issue that I consider vitally important to veterans in my State and veterans throughout the country. Veterans have fought for our country. Now they are forced to fight for their health care. 1.6 plus million veterans now live in the great State of Florida. Regrettably, with the State with the second largest population of veterans, we have one benefits claims center, in St. Petersburg. The average backlog of cases for veterans processing their claims is anywhere from 170 days to 275 days. As I tell my veterans in the community who are desperate to find answers to their claims, ''The answers you get may not be the ones you want. I cannot guarantee you the answer satisfies your claim. They may reject your claim.''

But, by God, we owe them an answer. We owe them, yes, you are approved for benefits or, no, you are not so they can at least go on to the appeals process. My good friend the gentleman from California (Mr. HUNTER) will be addressing the Congress in a moment on military issues. I am chagrined that people who are brought to this fight to help us take down totalitarian regimes, to protect and provide freedom for our allies, who have fought wars like World War I, in fact, I have a veteran of World War I who lives in my community, 98 years old, Mr. Ross, veterans of World War II, Korea, Desert Storm, Vietnam and others are made to wait in line and wait for months to get answers to very simple questions.

I am thrilled the gentleman from New York (Mr. WALSH) and his committee on the supplemental just passed included at the request of myself and many, many Members of Congress an additional $19 million for veterans benefit administration for unexpected claims processing costs. We should not have considered them unexpected claims processing costs because we should have known that this backlog existed. We have talked about it for months. We have pleaded with the past administration. I am delighted Secretary Principi has been actively involved in this issue.

Mr. Bush, when he campaigned for President and now as our Commander in Chief, spoke eloquently about the need to make certain that our fighting forces were well provided for and that we made troop readiness and troop morale a keystone of this administration. I applaud him for that and I certainly applaud Mr. Principi for his dogged pursuit of revising and providing leadership at the VA. I know he has answered many of my phone calls and letters personally by telling me that he

will be in the forefront of the fight to make certain that the efficiencies that we have long sought will finally come to bear.

The military has often told me that they are having a difficult time in recruiting people to serve in the armed services of our country.

□ 1115

It may be that the veterans who have served before are telling them that it is not all what it is cracked up to be. I think if we decide to emphasize the need to provide these expedited claims processes, we would find more veterans thrilled with the idea that their government is standing by them, as they stood by us. Maybe you would find young recruits thinking about engaging in military service, when they asked a veteran, that they would get that gold-plated assurance that, yes, the government did stand by me after I had served and made my life better.

So I thank the gentlemen and gentlewomen who have participated in increasing the supplemental by this $19 million. I urge us to do more. I urge us to do a lot more, because, again, if we are to be the kind of Nation that leads others to prosperity and peace abroad, if we are to be the Nation that holds the ideals of that flag behind the Speaker's rostrum to the high standards we would expect, if we are that Congress that believes that that flag deserves protection from desecration, that we ought to make certain that this Congress is the one that expedites the appeals process and the claims process for those valiant men and women who have risked their lives to make America strong and secure. We should do nothing less, and we must do much more.

MILITARY NEEDS MORE FUNDING

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I have taken the floor a number of times over the last 8 years during the Clinton administration strongly criticizing the Clinton administration for what I consider to be a weakening of our national security. We had budgets that annually were short in terms of equipment being replaced, low pay for our military personnel, substandard housing for our military families, a lack of readiness, spare parts and training for our forces that might have to move around the world on a moment's notice, and overall shortchanging of national security by substantial amounts each year in the budget.

I want to go through the facts that I have laid out over the last several years with respect to what was then the Clinton administration's defense budget. First I pointed out that we have cut our military forces since 1991–1992, the days of Desert Storm, by about 50 percent, and I pointed out that we had gone from 18 Army divisions to 10, we had gone from 24 fighter air wings to only 13 active air wings, we had gone from 546 Navy ships to 316, now down to less than that and going toward a 300 ship Navy.

I pointed out that we had declining mission-capable rates for our frontline aircraft. A mission-capable rate is if I called up a neighbor who has two cars and I ask him what his mission-capable rate was, and he said wait a minute, DUNCAN, and he went out to try to start them and only one started, he would say 50 percent; one out of two.

The mission-capable rate is the ability of an airplane, whether it is a fighter plane from a Navy carrier deck or an Air Force aircraft from an air base, to be able to fly out, take off, go do its mission, whether it is reconnaissance or escort or fighter duties, and return back to that base and land. Can it do its job? That is a mission-capable rate.

The mission-capable rates of all of our front-line fighters have been dropping dramatically during the last 8 years of the Clinton administration. I pointed out that they have gone down, and this chart represents that fall in mission-capable rates. They have gone down from an average of about 83 percent to 88 percent back in the early nineties to only about 73 percent today. So that means that this small Air Force that we now have, these 13 air wings, actually are less than that, because each of those air wings has fewer aircraft that are ready to go than the air wings of the force of 1992.

I pointed out during the last 8 years of the Clinton administration that our shipbuilding rate was falling; that instead of building the 9 to 10 to 11 ships that we needed each year to maintain at least a 300-ship Navy, we were consistently building only four or five or six or seven ships, building toward a 200-ship Navy. That is compared to Ronald Reagan's 600-ship Navy of the 1980s. I criticized that strongly.

I criticized the fact that the Army, by their own admission, by their own statement from the Chief of Staff of the Army, was $3 billion short of basic ammunition. One thing you do not want to run out of in a war is ammunition; yet we were $3 billion short. I criticized the fact that the Marine Corps was $200 million short of basic ammunition.

At the same time, we criticized the fact that the U.S. Air Force was at one point 700 pilots short. That got up in the Clinton administration to as high as 1,200 pilots short. The last time I talked to Secretary Peters, then-Air Force Secretary under the Clinton administration, right at the end of the administration, at that point it had gone from 700 pilots short to 1,300 pilots short. It had gone back a little bit. We were still 1,200 pilots short in the U.S. Air force.

So, Mr. Speaker, I strongly criticized the Clinton administration as the chairman of the Subcommittee on Military Procurement of the Committee on Armed Services for what I consider to be an inadequate budget that did a disservice to our men and women in uniform, and, more importantly, did a disservice to national security.

Well, today we have a new administration. It is the Bush administration, and it is headed by George W. Bush, a President whom I admire, a President of great personality, great vision, good common sense, and a President whom I think most Members of this House, whether they are Republican or Democrat, have a deep respect for.

But, Mr. Speaker, facts are stubborn things, and if we are going to maintain intellectual honesty in this body, and I think all of us try to do that as much as we possibly can, we have to be consistent. I have looked at this budget that this President has sent over to Congress, and this budget, which is seeking right now to plus-up defense, to add to defense $18 billion, which would take it up to a level $18 billion ahead of the last Clinton budget that was submitted and voted on and increased by this Congress, I find that that budget is still totally inadequate.

Facts are facts. We still have only 10 Army divisions, down from 18. We still have only 13 Air Force divisions, Air Force air wings, down from 24. This year, under this administration's budget, we are only going to build five ships, which is building at a rate that would lower the U.S. Navy to less than 200 ships.

We still have the $3 billion ammo shortage in the U.S. Army. We still have the $200 million ammo shortage in the U.S. Marine Corps. We still have a major gap in pay between our military personnel and the civilian sector.

I checked the other day, Mr. Speaker. I asked the Air Force, where is the pilot shortage now? Are we down from the 1,200 in the Clinton administration? The answer was no, we are still at 1,200, and we might even be shorter over the next several months.

Spare parts, have we got the spare parts that we need? The answer is no. We started something in the Clinton administration, Mr. Speaker, that I thought was an important tool of accountability, and that is that our great chairman, the gentleman from South Carolina (Mr. SPENCE), always asked the military to give their honest answer after we had the Clinton budget. He would say, what do you really need? What is your unfunded requirement? What is that you need in terms of ammo, spare parts, pay, training, that your budget did not give you? They would send over a list.

Well, this year we have continued that practice with my President in the White House, George Bush; and the answer this year is close to $30 billion short from the military.

We had GAO do a report for us, and we asked them if you take all of our ships and tanks and trucks and planes and you figure out about how old they are and how old they will be when they have to retire, figure out how many we have to replace each year so we have a fairly modern force. Could you do that for us?

That is like telling a guy that owns 100 taxicabs, figure out how many taxicabs you have to buy each year. If each of your taxicabs has a 10-year life, how many taxicabs do you have to buy each year so your taxicabs average about 5 years old, so they are not too old, so you do not end up with a bunch of '56 Chevys. The answer is you have to buy about 10 each year to keep that taxicab force fairly modern.

So we asked the GAO, do the same things for our tanks, trucks, ships and planes; and they came back with an answer, and their answer to us was the United States of America needs to spend an additional $30 billion a year to have modern equipment for the people that wear the uniform of the United States to operate in training and in war.

We also asked them to tell us how much more money they thought we needed to spend on training if we wanted our pilots to have enough flying time and our people that operate our ground equipment to get enough training time. They came back with an answer of about $5 billion more a year we have to spend.

We said what is it going to take if we full up our personnel and give them pay that is commensurate with the civilian sector? The answer was it is going to average about $10 billion a year.

We said how much more do we need for missile defense if we really want to have a robust missile defense? We asked a lot of experts that. We figured out we need to have between $2 and $5 billion a year more.

We asked how much for ammunition, because we are about 50 percent short. Along with the Army $3 billion shortage and the Marine Corps $200 million shortage, all the services are short in what we call precision munitions.

That is what Americans watched in the Desert Storm war against Saddam Hussein when they watched the guy that the news stations called the world's luckiest taxicab driver, the car going across a strategic bridge, and we were coming with an aircraft to knock that bridge out, and we launched not a lot of bombs like we had to in the old days, the carpet bombs, and hoped to knock the bridge out; we launched one bomb at one of the struts under that bridge, and we could see on a camera that bomb going in, a laser-guided bomb, hit precisely at that strut just as the taxicab driver got to the end of the bridge, and it blew up that bridge.

That is called a precision munition. It is very important in warfighting. We used it in the Kosovo campaign. So instead of having to carpet bomb with a lot of dumb bombs, you send one in that hits precisely the right point, and you get the same capability.

Well, we are about 50 percent short in those precision munitions across the board. So if you add money for the ammunition account and the munitions account, that is about another $5 billion a year we have to spend.

Mr. Speaker, that adds up to over $50 billion for equipment, for people, for training, for spare parts, for ammunition. I wanted to be able to stand here today and say my President, George Bush, provided that, just like my President Ronald Reagan came in in 1980 and rebuilt national defense and brought down the Russian empire under a motto, under a program that was called Peace Through Strength.

If you are strong, you can help the weaker nations in the world. If you are strong, you can help people to become free. If you are strong, you can protect your own people. If you are strong, you may be able to convince your adversary, which was then the Soviet Union, that the right way in this world is to go to the bargaining table with the United States and make a peace agreement. That happened under Ronald Reagan.

This budget this year submitted by this administration is more than $100 billion less than Ronald Reagan's budget in real dollars in 1985, $100 billion less. Now, it is true we do not need as much money as we needed in 1985, when the Soviets were ringing our allies in Europe with SS–20 missiles, when they were developing high combat-efficient capability in the air and on the land, and when they had a massive ICBM force threatening the United States.

□ 1130

We needed to spend more, but we have cut too much. We cut too much in the Clinton administration, and I am sad to say that this defense budget does not do much above the Clinton administration's level. It does a little, but it does not do much.

That takes me, Mr. Speaker, to my next subject, which is China. I spoke yesterday during the vote to give China Most Favored Nation trading status. That means we are going to give them the same privileges in trade with the United States that we give our best friends around the world.

I argued that, in 1941, we were sending American steel to Japan to build the Japanese fleet, we were sending petroleum to Japan to fuel that fleet, and we had one Congressman, Carl Anderson, who said 6 months before Pearl Harbor: If we have to fight the Japanese fleet, we are going to fight a fleet that is built with American steel and powered with American petroleum. Six months later, we had thousands of Americans dead, lots of planes shot down, lots of ships destroyed by a Japanese fleet fueled with American petroleum and built with American steel.

I analogize that to China. We are sending $80 billion a year more in China than they are sending to us, so they end up with $80 billion more American dollars than we end up with dollars from them. They are taking those dollars, Mr. Speaker, and they are buying and building a war machine that one day may kill Americans on the battlefield. They bought the Sovremenny class missile destroyers from Russia. Those were designed with Sunburn missiles for one purpose: to kill American aircraft carriers. And they bought those after they had been embarrassed over the Taiwan issue by the United States, and they vowed never to be embarrassed again.

So they bought the Sovremenny class missile destroyers. They are buying air-to-air refueling capability from the Russians. They are buying high-performance SU–27 fighter aircraft from the Russians; and, yesterday, as we walked out of the vote giving China Most Favored Nation trading status and guaranteeing this flow of American dollars to China, we walked out to look at a headline in the Washington Post and the newspapers around the country saying China completes $2 billion deal with Russia to now buy 38 SU–30 aircraft. Those are attack aircraft, from Russia. And we also noted that they are now Russia's biggest customer for Russia's war machine.

So we spent trillions of dollars offsetting Russia's war machine during the Cold War, and now we are rebuilding that war machine with American trade dollars in China.

Now, Mr. Speaker, I would like to close on a good note. Hopefully, there is a good note here. One hope, and I think this is the hope of all Members who understand the plight of America's military today, Democrat and Republican, I think certainly all members of the Committee on Armed Services, we need that $18 billion. We are told we might not even get the $18 billion above the Clinton budget that we thought we were going to get and which we made a place for in the budget a few months ago.

If we do not get that $18 billion, Mr. Speaker, we are going to see more planes that cannot get off the ground; we are going to see more empty ammo pouches with the Army and Marine Corps personnel who have to defend this country; we are going to see more spare parts shortages throughout the services; we are going to see more substandard housing for military families; and we are going to see a continued decline of America's military strength.

Now, we did do something very phenomenal last week; and we recognized this in the House of Representatives, Mr. Speaker. That was that we did shoot down a bullet with a bullet in a national missile defense test.

Now, I have put up here, Mr. Speaker, the results of the last eight Patriot 3 tests. That is our smaller defensive system that handles Scud-type missiles, and I put it up here to show that, in fact, we are now hitting a bullet with a bullet with missile defense. We can shoot a Scud missile that goes faster than a .30–06 bullet, that is a high-powered rifle bullet with a Patriot 3 missile that also goes faster than a .30–06 bullet. We have had now eight out of nine successful intercepts.

Mr. Speaker, at about 11:09 on Saturday night last Saturday, 148 miles above the earth in the mid-Pacific, we hit a Minuteman missile launched out of Vandenberg, California, going some 11,000 feet per second. That is about four times the speed of a .30–06 bullet. We hit it with an Interceptor from Kwajalein Island, 4,800 miles from the west. We launched that Interceptor, and it also had a speed about four times faster than a .30–06 bullet, and they collided 148 miles above the earth.

That utilized radar capability, the Beal Air Force station in California, also our ex-band radar on Kwajalein, also radar at Hawaii with hundreds and hundreds of Navy and Air Force assets monitoring that test. And with some 35,000 Americans, whether they were members of the Army that helped develop the radar or the Air Force team that launched the missile from Vandenberg Air Base or the Navy and Coast Guard that provided security, some 35,000 plus Americans, engineers, scientists, technicians, blue collar workers, participated in making that test a success.

It was a great day for the United States, but it was a chart along a very difficult road of trying to achieve missile defense.

The Bush administration has the right idea about missile defense. They know it is necessary because we live in an age of missiles. We found that out when we had a number of our personnel killed in Desert Storm by a ballistic missile launched by Saddam Hussein at an American force concentration. We can defend today, even though we have a weakened defense, we still have defenses against ships, tanks, aircraft. We have no defense against an incoming ICBM coming into this country.

So that is why the administration is working with the Russians to try to develop a cooperation that will allow us to deploy defenses, and it is why also the Bush administration has the right idea, that if we cannot make an agreement with the Russian, it is in our national interests to build a missile defense system, because it is the United States Government that has a constitutional responsibility to its people to provide for national security. National security must now and forever on include defense against incoming ballistic missiles.

So, Mr. Speaker, I would hope that the administration would work overtime to try to increase this defense budget. Let us not look back on this era of relative prosperity when the American people are doing well as an era that was similar to the era immediately preceding Korea, when we decided that there would not be any more wars and that we did not need to have a military that was ready to go. Then, on June 6 of 1950, we found ourselves pushed down the Korean peninsula by a third-rate military; and when the dust had cleared, over 30,000 Americans lay dead because we had underestimated the danger of the world; and we had also underestimated the drawdown of the American military that took place after World War II.

Mr. Speaker, we must keep a strong military. That is the underpinnings of our foreign policy, which is ultimately the underpinnings of our economic policy. So let us try to get that $18 billion, Mr. Speaker. It is crucial to everybody that wears a uniform in the United States, and it is crucial to every American.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRANE (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. GRAVES (at the request of Mr. ARMEY) for today on account of traveling with the Vice President.

Mr. THOMAS (at the request of Mr. ARMEY) for today on account of traveling with the Vice President.

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. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. KERNS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 180. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 39 minutes a.m.), under its previous order, the House adjourned until Monday, July 23, 2001, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2976. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Eighty-Seventh Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 2000, pursuant to 12 U.S.C. 247; to the Committee on Financial Services.

2977. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report, pursuant to P.L. 106–569; to the Committee on Financial Services.

2978. A letter from the Legal Technician, NHTSA, Department of Transportation, transmitting the Department's final rule—Occupant Protection Incentive Grants [Docket No. NHTSA–01–10154] (RIN: 2127–AH40) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2979. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Revisions to the California State Implementation Plan, Kern County Air Pollution Control District, Monterey Bay Unified Air Pollution District, Modoc County Air Pollution Control District [CA032–0241a; FRL–7001–2] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2980. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District, El Dorado County Air Pollution Control District [CA241–0239a; FRL–7005–1] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2981. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office for defense articles and services (Transmittal No. 01–19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2982. A letter from the White House Liaison, Department of Education, transmitting

a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2983. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2984. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2985. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2986. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2987. A letter from the Auditor, District of Columbia, transmitting a report entitled, ''Health and Safety of the District's Mentally Ill Jeopardized by Program Deficiencies and Inadequate Oversight''; to the Committee on Government Reform.

2988. A letter from the Administrator, General Services Administration, transmitting a report on FY 2002 Annual Performance Plan; to the Committee on Government Reform.

2989. A letter from the Acting Director, Office of Personnel Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2990. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revisions to Requirements Concerning Airplane Operating Limitations and the Content of Airplane Flight Manuals for Transport Category Airplanes [Docket No. FAA–2000–8511; Amendment No. 25–105] (RIN: 2120–AH32) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Protection of Voluntarily Submitted Information [Docket No. FAA–1999–6001; Amendment No. 193–1] (RIN: 2120–AG36) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2992. A letter from the the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVII, clause 1, of the House Rules; (H. Doc. No. 107–104); to the Committee on Standards of Official Conduct and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAFALCE:

H.R. 2579. A bill to prevent the use of certain bank instruments for Internet gambling, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on 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. MICA (for himself, Mr. PORTMAN, and Mr. LATOURETTE):

H.R. 2580. A bill to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 2581. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Rules, 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. MICA (for himself, Mr. DAVIS of Illinois, Mr. OSE, Mr. GRAVES, and Mr. KELLER):

H.R. 2582. A bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on 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 Ms. HOOLEY of Oregon:

H.R. 2583. A bill to establish a national clearinghouse for information on incidents of environmental terrorism and to establish a program to reduce environmental terrorism; to the Committee on the Judiciary.

By Mr. UDALL of Colorado (for himself and Ms. DEGETTE):

H.R. 2584. 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. WALDEN of Oregon (for himself, Mr. CALVERT, Ms. HOOLEY of Oregon, Mr. SIMPSON, Mr. DEFAZIO, Mr. HASTINGS of Washington, Mr. POMBO, Mr. HANSEN, and Mr. GIBBONS):

H.R. 2585. A bill to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon; to the Committee on Resources.

By Mrs. KELLY:

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress regarding inflammatory bowel disease; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 156: Mr. BARRETT.
H.R. 303: Mr. HASTINGS of Florida.
H.R. 583: Mrs. MORELLA.
H.R. 638: Mr. LAFALCE.
H.R. 661: Mr. GONZALEZ and Mr. DEMINT.
H.R. 817: Mr. MOORE.
H.R. 827: Mr. CARSON of Oklahoma.
H.R. 902: Mr. BENTSEN.
H.R. 951: Mr. FILNER, Mr. FORD, Mr. FORBES, Mr. ADERHOLT, Mr. CONDIT, Mr. BALLENGER, Mr. PETERSON of Pennsylvania, Mrs. MALONEY of New York, Mr. ENGEL, and Mr. SMITH of New Jersey.
H.R. 975: Mr. ACKERMAN, Mr. HASTINGS of Washington, and Mr. BORSKI.
H.R. 981: Mr. BOEHNER and Mr. STEARNS.
H.R. 1084: Mr. LAHOOD and Mr. NETHERCUTT.
H.R. 1092: Mr. FRANK, Mr. MCINTYRE, Mr. TIERNEY, and Mr. BOEHLERT.
H.R. 1100: Mr. CONDIT.
H.R. 1238: Mr. LEVIN, Mr. BECERRA, and Mr. REHBERG.
H.R. 1266: Mr. ACKERMAN, Mr. GONZALEZ, and Mr. STARK.
H.R. 1293: Mr. SKEEN.
H.R. 1350: Mr. GONZALEZ.
H.R. 1405: Mr. CUMMINGS, Mr. FRANK, and Mr. TOWNS.
H.R. 1462: Mr. GIBBONS and Mr. NETHERCUTT.
H.R. 1506: Mr. BARR of Georgia.
H.R. 1535: Mr. BACHUS.
H.R. 1577: Mr. TAYLOR of North Carolina, Mr. WAMP, Mrs. JONES of Ohio, Mr. PICKERING, Ms. VELÁZQUEZ, Mr. NETHERCUTT, Mr. FLETCHER, Mr. RYAN of Wisconsin, Mr. CLEMENT, and Mrs. CAPITO.
H.R. 1591: Mr. TIERNEY.
H.R. 1600: Ms. MCCARTHY of Missouri.
H.R. 1624: Mr. CAMP, Ms. PELOSI, and Mr. CANTOR.
H.R. 1642: Mr. HOYER.
H.R. 1644: Mr. PLATTS.
H.R. 1680: Mr. MCDERMOTT, Mr. GREENWOOD, Ms. MCCOLLUM, and Ms. MCKINNEY.
H.R. 1711: Mr. WU.
H.R. 1907: Mr. GONZALEZ.
H.R. 1943: Mr. ISAKSON.
H.R. 1956: Mr. BALDACCI and Mr. PETERSON of Pennsylvania.
H.R. 1983: Mr. DAVIS of Florida.
H.R. 1990: Mr. LAFALCE.
H.R. 2018: Mr. GONZALEZ, Mr. OBERSTAR, Mr. MCHUGH, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mrs. CUBIN, Mr. DEMINT, Mr. CAMP, Mr. GRUCCI, and Mr. PORTMAN.
H.R. 2102: Mr. SANDLIN, Mr. BONIOR, and Ms. BROWN of Florida.
H.R. 2143: Mr. PLATTS.
H.R. 2291: Mr. PETERSON of Pennsylvania.
H.R. 2329: Mr. COYNE, Mr. FROST, Mr. WATT of North Carolina, Ms. MCCOLLUM, and Mr. FATTAH.
H.R. 2389: Mr. DOOLITTLE.
H.R. 2442: Mr. MCGOVERN.
H.R. 2478: Mr. DEFAZIO and Ms. LEE.
H.R. 2484: Mr. GOODLATTE and Mr. GOODE.
H.R. 2517: Mr. BAKER and Mr. LAFALCE.
H. Con. Res. 164: Mr. FALEOMAVAEGA.
H. Con. Res. 178: Mr. SHERMAN and Mr. ROHRABACHER.
H. Res. 17: Mr. BLUMENAUER.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. INSLEE on House Resolution 165: Vic Snyder and James H. Maloney.

SENATE—*Friday, July 20, 2001*

The Senate met at 9:15 a.m. and was called to order by the Presiding Officer, the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

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

Loving Father, we want to know You so well, trust You so completely, seek Your wisdom so urgently, and receive Your inspiration so intentionally that we will be people attentive to the guidance of Your Spirit. May we be totally available for the influence of Your Spirit. Help us to be as receptive to Your direction. Alarm us with disquiet in our souls if what we plan is less than Your best. With equal force confirm any convictions that will move forward what You think is best for us. Place Your hand on the Senators' shoulders today. Remind them that You are with them and will guide them. You are Jehovah Shamah: You will be there! Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE 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 20, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF ROGER L. GREGORY TO BE UNITED STATES CIRCUIT JUDGE

NOMINATION OF SAM E. HADDON TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF RICHARD F. CEBULL TO BE UNITED STATES DISTRICT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session to consider en bloc Executive Calendar Nos. 250, 245, and 246, which the clerk will report.

The legislative clerk read the nominations of Roger L. Gregory, to be United States Circuit Judge for the Fourth Circuit; Sam E. Haddon, to be United States District Judge for the District of Montana; and Richard F. Cebull, to be United States District Judge for the District of Montana.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that whatever time I consume not be charged against the two managers of these nominations.

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

Mr. REID. Mr. President, there will be 30 minutes of debate in relation to the three judicial nominations, followed by three rollcall votes beginning at approximately 9:50 a.m.

Mr. President, the first vote will be under the regular order. The next votes will be 10 minutes each. These are the only rollcall votes today. The next rollcall votes will occur Monday at approximately 5:45 p.m.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes for debate, to be equally divided between the Senators from Vermont and Utah or their designees.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair. I see my good friend from Utah is here, as well as the Senators from Montana and Virginia.

Mr. President, it took the Senate the entire month of June to pass S. Res. 120, a very simple resolution in which we organized our committees. As one Senator, I am sorry we lost the month of June to the process of reorganizing the Senate, but I am proud of the very quick start of the Judiciary Committee on holding hearings and reporting nominees.

I sent out official notice of the committee's first hearing on judicial nominations within 10 minutes after the majority leader announced an agreement had been reached on reorganization. The hearing on judicial nominations was held the very first day after committee membership assignments were completed earlier this month.

We expedited committee consideration of the nominees by urging all Senators to propound such followup written questions as they thought necessary as soon as possible after the hearing. I included them on the committee agenda for our business meeting this week.

At that meeting yesterday, the Judiciary Committee voted unanimously to report each of the judicial nominations. Each vote was 19–0, and the other nominations on the calendar were voice voted.

These are the first judicial nominations heard before the committee, the first judicial nominations considered by the committee, and they will now be the first judicial nominations considered by the Senate this year.

I have only served as chairman of the Judiciary Committee since June 5, the Senate did not adopt its reorganizing resolution until June 29, and committee assignments were not made until July 10. So we have been moving pretty rapidly since the Senate allowed us to go forward.

There were no hearings on judicial nominations and no judges confirmed by the Senate during the months in which I was privileged to serve as the ranking Democrat. I chaired the first hearing on July 11. That was the first hearing on judicial nominations all year.

The first judge we confirm today will be the first judge confirmed in the 107th Congress. I heard the rumors that those on our side of the aisle would not hold hearings and would not consider any of President Bush's judicial nominations. We even heard some words that the Democrats might block all judges. Of course, we demonstrated very clearly that is not the case.

We set a pace, one of the fastest paces I have seen in my 25 years on the committee under both Democratic and Republican Chairs. We held a hearing noticed minutes after the Senate's reorganization. We proceeded with nominees of both the court of appeals and district court the day after committee

assignments were made. We proceeded with expedited committee consideration yesterday. We are proceeding today with Senate consideration of what I hope will be the confirmation of the first of President Bush's nominations.

First is the nomination of Judge Roger Gregory. I know Judge Gregory, his family, and indeed all the people who live in the area covered by the United States Court of Appeals for the Fourth Circuit, have been waiting a long time for this day.

Judge Gregory was first nominated for this position in June 2000—more than a year ago. He has the strong bipartisan support of both his home State Senators, John Warner and Chuck Robb, but no hearing was ever scheduled on President Clinton's nomination of Roger Gregory.

President Clinton's attempts to fill a number of vacancies on the Fourth Circuit met with resistance, delaying the inevitable integration of the court. Judge Beaty, a U.S. district court judge for the Middle District of North Carolina, was nominated by President Clinton 6 years ago, in December of 1995, but he never received a hearing. Judge Beaty was renominated in 1997. Again, the committee scheduled no hearing for him. Judge Beaty waited a period of 34 months without a hearing.

President Clinton tried again in 1999, nominating another African-American, James Wynn. Judge Wynn, a North Carolina Court of Appeals judge, was also denied a hearing before the committee, but President Clinton sent him back to the Senate one more time to give the Senate one more opportunity to hear him at the start of the 107th Congress in January of this year. After pending for a total of 16 months without a hearing, Judge Wynn's nomination was among those withdrawn by President Bush in March of this year.

Roger Gregory was initially nominated, as I noted, over a year ago. Like the others, his nomination languished without a hearing. Because there was no action taken by the Senate on Mr. Gregory's nomination, President Clinton used his powers of recess appointment to make Roger Gregory the first African-American judge to sit on the Fourth Circuit and sent his nomination for a permanent position on that court back to the Senate at the beginning of this year.

President Bush initially withdrew Judge Gregory's nomination in March, but after careful reconsideration, President Bush—and I applaud him for this—sent Judge Gregory's name back to us in May. Again, he had the strong support of both Senators from Virginia.

During this time, Virginia was represented by three different Senators, two of whom I am privileged to serve with today—one Democrat, two Republicans. All three strongly supported Judge Gregory. To their credit, all three resisted political importuning from either side.

This makes Judge Gregory actually one of the few nominees ever to be nominated for the same position by Presidents of different parties. He is in the unique position of serving by means of an appointment whose term expires at the end of this session of the Senate unless his nomination to a full lifetime appointment is acted upon before we adjourn this year.

Judge Gregory received his B.A. in 1975 from Virginia State University and his juris doctorate from the University of Michigan in 1978. Prior to his appointment to the Fourth Circuit, he was active in private practice in Virginia.

His law practice was a mix of civil and criminal in both State and Federal courts, including criminal defense, personal injury, domestic cases, real estate, work as general counsel for an urban school district, and defense cases for large insurance companies and large corporations such as General Motors and Kmart. He was an active litigator.

He also taught as adjunct professor of constitutional law at Virginia State University. He was a member of the faculty of the Virginia State Bar Ethics and Professional Responsibility Committee for all recent admittees to the State bar.

Judge Gregory was very active in community and bar activities before he took the bench, including service on the board of directors of the Central Virginia Legal Aid Society, the Richmond Bar Association, and the Virginia Association of Defense Attorneys.

His life and career have been exemplary and his qualifications for this position are stellar. His service on the bench since his appointment has been uniformly praised. He conducted himself with distinction at his confirmation hearing this month.

Based on all these considerations, it seems appropriate that Judge Gregory's nomination be the first considered by the committee and the Senate this year.

As I said before, I commend my good friend, the senior Senator from Virginia, Mr. WARNER, as well as the distinguished Senator, Mr. ALLEN, and Representative BOBBY SCOTT when they appeared before the committee earlier this month to urge Judge Gregory's confirmation, giving him their bipartisan stamp of approval.

At our hearing, Senator WARNER, who is truly the gentleman of the Senate, as we all know, was characteristically generous in praising Senator Robb and Governor Wilder for their efforts on behalf of Roger Gregory as well.

I add my praise of both Presidents, one a Democrat and one a Republican. I praise President Bush for doing the right thing in this case. President Bush deserves great credit for renominating Judge Gregory and allowing the Senate a third chance to consider and confirm this outstanding nominee. Senator ALLEN served with distinction both as Governor of the State of Virginia and now as U.S. Senator from Virginia and knows well the qualifications.

Then we have two nominees to the district court in Montana. They are both well qualified and well respected. My two friends from Montana, the two Senators from Montana, came to me and asked if we could move these judges forward. I thought they had done what is a model. They worked together with the White House to get two well-qualified judges. Senator BAUCUS and Senator BURNS both told me the same thing on different occasions: They had a desperate need for judges. They had one judge handling far more than they should have to, sort of home alone. They said, please send somebody to help.

Recommended to the President, and the President to us, Richard Cebull is currently a United States Magistrate for the District Court of Montana. He spent his career in private practice before his appointment as a magistrate. Judge Cebull received a unanimous well-qualified rating from the ABA Standing Committee on the Federal Judiciary, where the ABA has been helpful to us, to Senators BAUCUS and BURNS, as well as the White House.

Judge Cebull is a native of Billings, Montana. He received his B.S. from Montana State University in 1966, and his J.D. from the University of Montana Law School in 1969. Before his appointment as a magistrate, Judge Cebull spent his career in private practice in Billings, litigating civil cases with an emphasis on insurance defense and medical malpractice defense.

He was active in trial lawyer associations and a speaker at CLE programs on practical litigation issues. He also served as a member of the Montana Pattern Jury Instruction Commission, which wrote civil jury instructions for Montana courts, and was Chairman of the Civil Justice Reform Act Advisory Group, which wrote the District of Montana Local Rules. For a short time in the 1970's, he served as a Trial Judge in the Northern Cheyenne Tribal Court, presiding over criminal trials of tribal members charged with violating tribal ordinances. He has also served as a settlement master in a variety of civil cases. Judge Cebull received a unanimous ''Well Qualified'' rating from the ABA's Standing Committee on the Federal Judiciary.

Sam Ellis Haddon is an attorney in private practice in Missoula, Montana. Mr. Haddon is a 1959 graduate of Rice University and received his J.D. in 1965 from the University of Montana School of Law. He was an immigration patrol inspector for the U.S. Border Patrol,

and a criminal investigator for the Federal Bureau of Narcotics. His legal career has been spent in private practice, focusing primarily on civil litigation in a variety of areas of law.

He has been very active in bar activities and Montana Supreme Court commissions over the years. His many memberships include the ABA, the American College of Trial Lawyers, the American Academy of Appellate Lawyers, the American Judicature Society, the American Law Institute, and he is a fellow of the American Bar Foundation.

As a young attorney he was active in the Montana State Bar, and later on served on an advisory commission making recommendations to the State's Supreme Court about the standards for admission to practice in Montana. He was also chair of a commission to study and suggest revisions to the State's laws of evidence, and since 1986 has served on the Montana Supreme Court's Commission on Practice, screening and hearing ethics complaints against attorneys admitted in the State.

For the last five years he has served as the chair of this Commission. Mr. Haddon has been an adjunct instructor at the University of Montana Law School for nearly 30 years, teaching contracts, professional responsibility and trial practice. Like Judge Cebull, Mr. Haddon also received a unanimous ''Well Qualified'' rating from the ABA's Standing Committee on the Federal Judiciary.

Judge Cebull and Sam Haddon are both strongly supported by their home-state Senators, MAX BAUCUS and CONRAD BURNS, who each testified enthusiastically on behalf of these nominees at their July 11 hearing. The Senators from Montana also echoed the plea we had heard from Chief Judge Molloy, who is the only active Judge for the District of Montana, to quickly confirm these nominees.

I hope the Senate will respond to their plea and approve these nominations today. Confirmation of these nominations for Montana will demonstrate that the Senate can act promptly on consensus nominees with broad bipartisan support. When the White House works closely with home-state Senators of both parties, with both Democrats and Republicans, Senate consideration is made much easier. I commend Senators BAUCUS and BURNS for their constructive approach to filling the vacancies that were plaguing their District Court.

I am happy to support these two nominees for the District Court in Montana as well as Roger Gregory for the U.S. Court of Appeals for the Fourth Circuit, and hope to be able to support many more of the President's judicial nominees.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I know there is tremendous interest in these nominees involving two States and a number of Senators. However, we have received a number of inquiries and we will not be able to extend the time. People are waiting. If there is a request to extend the time for additional speakers this morning, I will have to object.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I am extremely pleased that the Senate today will consider the first of President Bush's nominees for the federal judiciary. The three nominees are Judge Roger Gregory for the United States Court of Appeals for the Fourth Circuit, and Judge Richard Cebull and Mr. Sam Haddon for the United States District Court for the District of Montana.

My review of these nominees has convinced me that they will serve the judiciary with competence, fairness, and honor. Judge Gregory's extensive legal experience, character, and good judgment make him an excellent choice for the Fourth Circuit Court of Appeals. His nomination by President Bush—with the hard work and support of Senators WARNER and ALLEN—is well deserved. It is also, by the way, a clear gesture of bipartisanship by President Bush, which is unprecedented in modern times.

The two nominees for the District of Montana also demonstrate the rewards of bipartisanship. Judge Cebull and Mr. Haddon enjoy the support of both Montana senators—Republican Senator BURNS and Democrat Senator BAUCUS. And it's easy to see why. Judge Cebull has an outstanding record as a lawyer with 28 years of experience in private practice and as a federal magistrate judge. Mr. Haddon has also developed considerable expertise in a broad range of litigation topics—both at the trial and appellate levels. These judges will not only perform their duties with distinction, but also will help ease the excessive caseload currently being handled by Montana's single full-time federal district judge.

So, Mr. President, we have three solid nominees before the Senate, and I hope and expect that all of them will be confirmed today. I also want to take this opportunity to thank Chairman LEAHY for moving these nominees. I must note, however, that there are ten other judicial nominees who have been pending before the committee for more than two months without even a hearing. I urge Senator LEAHY to move forward expeditiously on these and the remaining 26 judicial nominees pending before the committee.

I ask unanimous consent the distinguished senior Senator from Virginia be permitted to speak for 5 minutes, and then the distinguished Senator from Virginia, Mr. ALLEN, be permitted to speak for 5 minutes, and the remaining time be given to the distinguished Senator from Montana.

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

The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished managers. Indeed, we are fortunate here in the Senate to have two such outstanding Senators to head up the very important Judiciary Committee because the third branch of our government is the Federal judiciary.

Throughout the nearly 23 years I have been privileged to serve as a United States Senator, I have taken a very active and conscientious role in making recommendations to our Presidents for nominees to serve on the Federal judiciary.

We are at a historic moment here today with Judge Gregory, as we are about to confirm the first African-American Judge to the United States Court of Appeals on the Fourth Circuit. Virginia, and indeed all the States within the Fourth Circuit, is diverse in its citizenry. Our Judiciary should reflect the broad diversity of the citizens it serves.

Accordingly, I had the privilege and the honor of recommending to President Reagan the first African-American in the nearly 200 year history of the Commonwealth of Virginia to serve on the Federal bench. That judge, Judge James Spencer, a United States district judge, has served with great distinction.

I also had the privilege and honor of recommending to the first President Bush, the first woman to serve on the United States District Court in the Commonwealth of Virginia, Ms. Rebecca Smith. Judge Smith, likewise, has served with great distinction.

And, today, the Senate will confirm Judge Gregory and another chapter of history is documented between the Commonwealth of Virginia and the Federal judiciary.

I remember very well when Roger Gregory's name first came to the United States Senate. I had not known him directly, and shortly after he was nominated, I quickly made arrangements to confer with him.

Soon, we established a close professional relationship and personal friendship; I have stood by his side ever since through a rather challenging and unusual process of confirmation.

Judge Gregory is eminently qualified for a lifetime judgeship on the Fourth Circuit.

Former Governor of Virginia, Governor Douglas Wilder, the only African-American in the history of the United States in this century to serve as chief executive of one of our States, addressed a letter to me, my colleague Senator ALLEN, and Congressman SCOTT, in support of Judge Gregory. I would like to read portions of this letter into the RECORD. I submit the letter

in its entirety for the RECORD. Although the House of Representatives is not directly involved in the judicial confirmation proceedings, Members do play an active role. I thank Congressman SCOTT for his strong support throughout the Gregory confirmation process. And, I also submit a letter of support from Congressman SCOTT to be printed in the RECORD.

Governor Wilder stated:

Gentlemen: I first want to thank you for the strong and unwavering support relative to the nomination of Roger L. Gregory for a position on the United States Fourth Circuit Court of Appeals. It has been invaluable in the process.

I also want to thank the Chairman of the Judiciary Committee, Senator Leahy . . . as well as the former Chairman, Senator Hatch, for the courtesies extended to the nominee.

I also commend Senator Charles S. Robb for starting the process by recommending Judge Gregory to President Clinton for the bench. Needless to say, there are a number of persons who have played a pivotal role in bringing this nomination to this point; but none more outstanding than the nominee himself. I have long felt confident that once a hearing was in place, others would more widely see the sterling qualification of the individual . . .

I have known the judge since his college days at Virginia State University through the present. I have known him as a student, law partner and friend. I know that he enjoys a splendid reputation with the bench and bar, as well as, being an integral part of the community at state and local events. His devotion to family and civic responsibilities is outstanding and his character is beyond reproach. Impartiality, integrity and resourcefulness will guide him in his decision making.

I am confident he will make a very lasting contribution . . .

Mr. President, over the history of the Fourth Circuit, there has been a total of 41 judges who have served on the court. Throughout my 23 years in the United States Senate, I have had the honor of participating in the Senate's ''advise and consent'' constitutional role for 16 of these judges.

In fact, of the 11 active judges currently on the court, I have participated in and supported the confirmation of 10 of these judges. Only Judge Widener, who was confirmed in 1972 and who is a jurist I have come to know and greatly respect, has a confirmation that preceded my Senate service.

Roger Gregory has been a respected member of the Virginia bar since 1980. He has worked for one of Virginia's most respected law firms, Hunton & Williams, and he co-founded his own firm in 1982 with Governor Doug Wilder. Judge Gregory is well known as a skilled litigator.

Judge Gregory, I believe, also has the requisite judicial temperament. Many, if not all Senators are concerned about judicial activism. The Judiciary's role is to interpret the law, not to make law. Judge Gregory assured me he will follow this traditional, constitutional, role.

From my conversations with Judge Gregory, and based on his judicial questionnaire, I am confident that he recognizes the importance of the separation of powers laid out in our Constitution.

Mr. President, Judge Roger Gregory is obviously a very accomplished American. He is well qualified to continue service on this important court, and I am certain that he will continue to serve on this court with honor, integrity, and distinction.

It is time to confirm Judge Gregory to a lifetime appointment. I urge my colleagues to support this fine nominee for confirmation.

I ask unanimous consent that the letter from former Governor Doug Wilder and a letter form Congressman BOBBY SCOTT be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LAURENCE DOUGLAS WILDER,
Richmond, VA, July 6, 2001.

Hon. JOHN WARNER,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. GEORGE ALLEN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

GENTLEMEN: I first want to thank you for the strong and unwavering support relative to the nomination of Roger L. Gregory for a position on the United States Fourth Circuit Court of Appeals. It has been invaluable in the process.

I also want to thank the Chairman of the Judiciary Committee, Senator Leahy, for scheduling the hearings as well as the former Chairman, Senator Hatch, for the courtesies extended the nominee.

I also commend Senator Charles S. Robb for starting the process by recommending Judge Gregory to President Bill Clinton for the bench. Needless to say, there are a number of persons who have played a pivotal role in bringing this nomination to this point; but none more outstanding than the record of the nominee himself. I have long felt confident that once a hearing was in place, others would more widely see the sterling qualification of the individual. I regret very much that due to a previously scheduled vacation starting last Saturday, I will not be in the country to witness and attest in this regard.

I have known the judge since his college days at Virginia State University through the present. I have known him as a student, law partner and friend. I know that he enjoys a splendid reputation with bench and bar, as well as, being an integral part of the community at state and local events. His devotion to family and civic responsibilities is outstanding and his character is beyond reproach. Impartiality, integrity and resourcefulness will guide him in his decision making.

I am confident he will make a very lasting contribution to his state and country and again many thanks for making this happen.

Sincerely,

L. DOUGLAS WILDER,
Former Governor of Virginia.

JULY 20, 2001.

Hon. JOHN W. WARNER,
Senator, U.S. Senate,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR WARNER: I am very pleased to see that the Senate has Scheduled a vote on confirming Judge Roger Gregory's appointment to the United States Court of Appeals for the Fourth Circuit. I want to take this opportunity to express my great appreciation for all of your dedication and commitment to getting Judge Gregory appointed, reappointed, considered and confirmed.

As you know, Judge Gregory is from Richmond, Virginia—a part of which is in the Third Congressional District which I represent. His nomination to the Fourth Circuit Court of Appeals is a source of pride for all Virginians.

Judge Gregory has stellar professional and legal credentials. He is a summa cum laude graduate of Virginia State University and a graduate of the University of Michigan School of Law. After practicing with two law firms, he became a founding member and managing partner of the law firm of Wilder and Gregory in Richmond.

Judge Gregory is truly a consensus candidate for a permanent appointment to the Fourth Circuit Court of Appeals. He has bipartisan support from members of the Virginia Congressional Delegation, the Governor and other political leaders from Virginia. He also has the support of many organizations and individuals across Virginia and beyond. And as a judge sitting on the Fourth Circuit Court of Appeals for the past several months, he has earned the respect of his colleagues on the bench.

I have known Judge Gregory for over 20 years and have worked with him in several organizations, including the Old Dominion Bar Association. I am confident that he will distinguish himself and Virginia as a member of the Court.

With your continued able leadership, Judge Gregory will have an excellent chance for confirmation, and, again, I thank you.

Very truly yours,

ROBERT C. ''BOBBY'' SCOTT,
Member of Congress.

The ACTING PRESIDENT pro tempore. The junior Senator from Virginia.

Mr. ALLEN. Mr. President, I thank my colleague, JOHN WARNER, for his remarks. I reflect on the first statement I made on this Senate floor on January 25 when I rose to address the appointment of Roger Gregory to the United States Court of Appeals for the Fourth Circuit. When I spoke, I asked my colleagues to move the nomination of Judge Gregory on the basis of his qualifications. I asked my colleagues, and indeed the President, to not view Roger Gregory based upon the former President's political manipulations.

Fortunately, President Bush has heeded my advice and the advice of my good friend and colleague, Senator JOHN WARNER, who stood with me on that first speech back in January. Fortunately, President Bush has acted.

As a Virginian and as an American, I am proud to rise again today in support of the confirmation of Judge Roger Gregory. I am also proud to see that Members of both parties in the Senate and President Bush have risen above the past procedural aggravation and have acted in a statesmanlike manner. It is my belief that in Roger Gregory the Fourth Circuit and indeed America have a well-respected and honorable jurist who will administer

justice with integrity and dignity. He will, in my judgment, decide cases based upon and in adherence to duly adopted laws and the Constitution.

He is the first African-American to serve on the Fourth Circuit Court of Appeals. This is a good and historic vote we are about to take. I share the salient reasons I support Roger Gregory, whom we are about to vote to confirm. We hear a lot of inspirational stories. Yesterday, in the Small Business Administration hearings on the nomination of Hector Barreto Jr., JOHN ENSIGN and I thought what an inspirational story about that young man and his father who came to this country. What a success story.

Roger Gregory is an inspirational story, as well. Judge Roger Gregory is a testament to what can be achieved in America through hard work and personal determination. He is the first person in his family to finish high school. He went on to graduate summa cum laude from Virginia State University, where his mother had once worked as a maid. Before his investiture as a judge, he was a founding partner of the firm of Wilder & Gregory, a highly respected litigator representing municipal and corporate clients in the Richmond area. He has been active in civic and community affairs. He and I both served together on the board of the Historic Riverfront Foundation in Richmond. He has an AV rating in Martindale-Hubbell, which is the highest combined legal ability and general recommendation rating given to lawyers.

What is most important to me, what truly impressed me, is he has a proper judicial philosophy. He understands that the role of the judiciary is to administer the law based on the facts and the evidence, administering the law, not legislating from the bench. He will follow the rule of law, not participate—in his words—in an activist court as result-oriented judges are very dangerous.

In particular, I also think it is important he understands, and stated to me an understanding of our Federal system, that the States have broad prerogatives and you apply the Constitution and you do not easily overrule the laws enacted by legislators which ought to be upheld and respected by the courts.

I commend the chairman, Chairman PATRICK LEAHY, the Senator from Vermont, and Senator HATCH for the dispatch in which they have moved the nomination of Roger Gregory. Let me congratulate President Bush for the confidence and good judgment he has shown in nominating Judge Gregory to be the first African-American to hold a permanent seat on the Fourth Circuit U.S. Court of Appeals.

Judge Roger L. Gregory is an exemplary citizen of the Commonwealth of Virginia. He has a sense of the properly restrained role of the judiciary and is eminently qualified to serve with distinction for many years, many decades to come.

I respectfully ask my colleagues to join me in confirming Judge Gregory to the U.S. Court of Appeals for the Fourth Circuit.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, first I thank the President of the United States for his selection, moving the two judges from Montana; I thank Senator LEAHY, my good friend; we have served together in a lot of different capacities, it seems, over the last 12 years; and my good friend Senator HATCH, on the Judiciary Committee, for having the hearings and moving them very quickly. Also, I thank my good friend from Montana, Senator BAUCUS. We worked together in order to get these two judges appointed and confirmed because the workload of the one judge in Montana is very high right now.

I had the honor of presenting both Sam Haddon and Richard Cebull to the Judiciary Committee, and now I have the high honor of speaking for them here on the floor of the Senate. They are without a doubt among Montana's finest. They are men of the land, but they are also men of the law. They come with the highest ratings from their peers, and they fully understand equal justice under law.

Both are outdoorsmen. Both have labored in the vineyards, so to speak, of their profession, and I highly recommend their confirmation. I thank them for their willingness to serve the judiciary system, and I congratulate them and wish them well in their endeavors.

I have no doubt in my mind, and neither should anyone in this body or the President of the United States, that these two men will serve in the highest traditions of the American judiciary. I congratulate them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent I may speak for 30 seconds.

Throughout this procedure I worked hard in this case for Roger Gregory, of course, but I want to extend special recognition to my staff member, Christian Yiahilos, who has been untiring in his efforts in research and other matters relating to this nomination. I think we ought to recognize the valuable support we get from staff, including my chief of staff, Susan Magill.

Mr. REID. Mr. President, this is truly a historic day for the Senate.

For the first time in our history, this body will confirm an African American to serve on the United States Court of Appeals for the Fourth Circuit.

The fact that the Fourth Circuit is home to the highest percentage of African American residents than all of the Circuit Courts of Appeals makes this day even more historic.

More importantly, however, the man that the Senate has confirmed to the Fourth Circuit is truly deserving of this honor.

Roger Gregory is not only a fine legal jurist, he is a good, decent man.

I commend President Clinton for having the courage to make a recess appointment of Roger Gregory last year.

I also commend President Bush for showing leadership by reappointing Judge Gregory earlier this year.

I congratulate the Senate Judiciary Committee for its quick and unanimous action with respect to this nomination.

Last year, I had the privilege and honor of recommending the first African American woman to serve on the U.S. Court of Appeals for the Ninth Circuit.

Judge Johnnie Rawlinson has served the Ninth Circuit with distinction, and I cannot begin to tell you how proud I am, as are so many other fellow Nevadans.

Roger Gregory will also bring honor and distinction to the United States Court of Appeals, and I wish him and his family all the best.

I also congratulate Sam Haddon and Richard Cebull on their confirmation to the United States District Court for the District of Montana.

The Haddon and Cebull nominations were also reported out of the Senate Judiciary Committee by a unanimous vote.

Mr. President, this is so important, because it highlights what the nomination and confirmation process should be—bipartisan.

There are too many vacancies in the Federal judiciary, and Democrats and Republicans—the Senate and the White House—must work together in a bipartisan fashion for the benefit of the federal judiciary and, ultimately, the American people.

That is precisely what happened with these two highly qualified judges from Montana, a State that boasts a Democratic Senator in MAX BAUCUS and a Republican in CONRAD BURNS.

These two Senators, working closely with President Bush and the White House, put aside party differences for the benefit of the federal judiciary in Montana—and ultimately the people of Montana.

They should be commended.

The relationship between Senator BAUCUS and Senator BURNS reminds me of what Senator ENSIGN and I have committed to do for the benefit of Nevada's federal bench.

Recently, Senator ENSIGN recommended to President Bush several

candidates for the federal bench in Nevada: State District Judges Mark Gibbons and Jim Mahan, Las Vegas attorney Walter Cannon, and former Washoe County District Attorney Larry Hicks.

Senator ENSIGN and I discussed every candidate before they were recommended to President Bush, and I fully support his selections.

It has truly been a bipartisan approach with respect to the Federal bench in Nevada.

Mr. President, that is how it should be.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I am prepared to yield the remainder of my time. I know we are committed to a vote.

Mr. LEAHY. Mr. President, I will yield back whatever time I may have, but first I ask unanimous consent it be in order to ask for the yeas and nays on the three judicial nominations and ask for the yeas and nays on all three of them en bloc now.

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

Mr. LEAHY. Mr President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I yield my time.

The ACTING PRESIDENT pro tempore. All time is yielded back. Under the previous order, the Senate will now proceed to vote on Executive Calendar No. 250.

The question is, Will the Senate advise and consent to the nomination of Roger L. Gregory, of Virginia, to be United States Circuit Judge for the Fourth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mrs. LINCOLN) would vote ''aye.''

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote ''yea.''

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 244 Ex.]

YEAS—93

Akaka	Durbin	McConnell
Allard	Edwards	Mikulski
Allen	Ensign	Miller
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Fitzgerald	Nelson (NE)
Bingaman	Frist	Nickles
Boxer	Graham	Reed
Bunning	Gramm	Reid
Burns	Grassley	Roberts
Byrd	Gregg	Rockefeller
Campbell	Hagel	Santorum
Cantwell	Harkin	Sarbanes
Carnahan	Hatch	Schumer
Carper	Helms	Sessions
Chafee	Hollings	Shelby
Cleland	Hutchinson	Smith (NH)
Clinton	Hutchison	Smith (OR)
Cochran	Inouye	Snowe
Collins	Jeffords	Specter
Conrad	Johnson	Stabenow
Corzine	Kennedy	Stevens
Craig	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
Dayton	Landrieu	Torricelli
DeWine	Leahy	Voinovich
Dodd	Levin	Warner
Domenici	Lieberman	Wellstone
Dorgan	Lugar	Wyden

NAYS—1

Lott

NOT VOTING—6

Bond	Brownback	Lincoln
Breaux	Inhofe	McCain

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, I understand the next two votes are 10-minute votes.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. This Senator will ask for regular order as soon as the 10 minutes is up.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on Executive Calendar No. 245.

The question is, Will the Senate advise and consent to the nomination of Sam E. Haddon, of Montana, to be a U.S. District Judge for the District of Montana? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 245 Ex.]

YEAS—95

Akaka	Edwards	McConnell
Allard	Ensign	Mikulski
Allen	Enzi	Miller
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Bennett	Fitzgerald	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Nickles
Boxer	Gramm	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carnahan	Helms	Schumer
Carper	Hollings	Sessions
Chafee	Hutchinson	Shelby
Cleland	Hutchison	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Corzine	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
Dayton	Leahy	Torricelli
DeWine	Levin	Voinovich
Dodd	Lieberman	Warner
Domenici	Lincoln	Wellstone
Dorgan	Lott	Wyden
Durbin	Lugar	

NOT VOTING—5

Bond	Brownback	McCain
Breaux	Inhofe	

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on Executive Calendar No. 246.

The question is, Will the Senate advise and consent to the nomination of Richard F. Cebull, of Montana, to be United States District Judge for the District of Montana? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 246 Ex.]

YEAS—93

Akaka	Edwards	Lugar
Allard	Ensign	McConnell
Allen	Enzi	Mikulski
Baucus	Feingold	Murkowski
Bayh	Feinstein	Murray
Bennett	Fitzgerald	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Nickles
Bunning	Gramm	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carnahan	Hatch	Sarbanes
Carper	Helms	Schumer
Chafee	Hollings	Sessions
Cleland	Hutchinson	Shelby
Clinton	Hutchison	Smith (NH)
Cochran	Inouye	Smith (OR)
Collins	Jeffords	Snowe
Conrad	Johnson	Specter
Corzine	Kennedy	Stabenow
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
Dayton	Landrieu	Thurmond
DeWine	Leahy	Torricelli
Dodd	Levin	Voinovich
Domenici	Lieberman	Warner
Dorgan	Lincoln	Wellstone
Durbin	Lott	Wyden

NOT VOTING—7

Bond	Brownback	Miller
Boxer	Inhofe	
Breaux	McCain	

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I am sorry; I was absolutely unavoidably detained. I did miss the first vote this morning by about 20 seconds and would like to be on record in support of vote No. 244. Had I been here, I would have voted in the affirmative for the nomination of Mr. Gregory.

Mr. HATCH. Mr. President, just prior to the vote on the nomination of Roger Gregory, Chairman LEAHY made a couple of comments that require a response.

Let me make it clear that I agree with President Bush's judgment that Judge Gregory is well qualified to serve as a judge on the Fourth Circuit Court of Appeals. I commend Senators WARNER and ALLEN for their recommendation of Judge Gregory to President Bush. The controversy over his nomination by President Clinton, and his recess appointment in December 2000, had nothing to do with his qualifications. Rather, the controversy was over President Clinton's decision in late June of 2000—in the last 6 months of his Presidency—to nominate a Virginia resident for a Fourth Circuit seat that has been regarded as belonging to North Carolina. In doing so, the President could not have doubted that his action would cause a great deal of discord in the Senate—especially because it was done without consultation with both home-state senators. I worked very hard to resolve the conflicts created by that nomination among the various interested parties. Unfortunately, the discord was only amplified by President Clinton's recess appointment that occurred after George Bush's election as President.

In my view, all these facts are now in the past. President Bush, in a very significant gesture aimed at changing the tone in Washington, focused on Judge Gregory's qualifications and, with the support of Senators WARNER and ALLEN, nominated Judge Gregory to a lifetime appointment. This was a clear gesture of bipartisanship by President Bush which is unprecedented in modern times. In the past 50 years, there has never been a case of which I am aware where a new President of one party has re-nominated a circuit judge originally nominated by the previous President of the other party.

Chairman LEAHY also made some remarks about how quickly he scheduled Judge Gregory's confirmation hearing. Indeed, he did so very soon after the Senate's organizational resolution was passed on June 29. However, this fact does not accurately describe the entirety of the Judiciary Committee's record on judicial nominees. Prior to the organizational resolution, Chairman LEAHY did not hold a single hearing on any of President Bush's executive or judicial nominees. He implies that he could not have held such hearings without the organizational resolution. But that is not true. Between June 5 and June 29, at least seven other Senate committees under Democratic chairmen held a total of 16 confirmation hearings on 44 nominees. One committee—Veterans' Affairs—even held a markup on a nomination. Further, the lack of an organizational resolution did not stop Chairman LEAHY from holding hearings on such topics as the Federal Bureau of Investigation, racial disparities of capital punishment, and counsel competency requirements for death penalty cases. We also had a subcommittee hearing on injecting political ideology into the committee's process of reviewing judicial nominations. From this record, it appears that the decision not to hold hearings on nominees was simply a calculated tactic to delay President Bush's nominees.

The Judiciary Committee's comparative lack of progress continues to this day. Since the reorganization was completed, other committees have considered nominees at a much faster pace. For example, the Foreign Relations Committee on July 10 held a markup on 16 nominees. In contrast, the Judiciary Committee has considered only three of the pending Bush judicial nominees and only three Department of Justice nominees.

As of this morning, we have 111 vacancies in the Federal district and circuit courts, including a number on the Fourth Circuit. I encourage Chairman LEAHY to start scheduling frequent hearings and markups for these nominees. I look forward to working closely with him to review and confirm President Bush's nominees in a timely fashion.

If Chairman LEAHY believes that I, as Chairman, did not move Clinton nominees and was unfair—which the facts and the record clearly show otherwise—then I would hope he would do the right thing and move nominees at a faster pace than I did.

NOMINATION OF RALPH F. BOYD, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL

NOMINATION OF EILEEN J. O'CONNOR, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed en bloc to consider and confirm Executive Calendar No. 247 and No. 249, which the clerk will report.

The legislative clerk read the nominations of Ralph F. Boyd, Jr., of Massachusetts, to be an Assistant Attorney General, and Eileen J. O'Connor, of Maryland, to be an Assistant Attorney General.

The PRESIDING OFFICER. The question is, shall the Senate advise and consent to the nominations?

The nominations are confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, we have moved very rapidly to consider matters before the Judiciary Committee having noticed these hearings within minutes of the time the Senate reorganized, meeting within days. We have five nominations through this morning.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I rise to congratulate Sam Haddon and United States Magistrate Judge Richard Cebull, whom the Senate today confirmed to serve as Montana's U.S. District Court judges. These confirmations are of great importance to my State of Montana. Currently only one of our three judgeships is filled, which has placed a large burden on the shoulders of our remaining judge, Don Malloy.

I thank the Judiciary Committee for taking up these nominations in such a timely manner, especially Senator LEAHY who has been very helpful, and Senator HATCH as well. I also thank them for putting up with the enthusiasm of Senator BURNS and myself as

we, in some sense, pestered or hectored the two Senators for getting up these nominations so quickly.

In addition, I thank the leader for scheduling these nominations to be confirmed this morning, at this time.

I could not think of two men who are more qualified to serve as Montana's Federal judges than Sam Haddon and Magistrate Judge Cebull. We in Montana tend to know each other, or if we do not know each other personally, we tend to know each other by reputation. I know Sam Haddon. I know Richard Cebull. I also know their reputations. They are sterling men and will serve as first-rate, highly distinguished U.S. Federal judges.

Sam Haddon is a graduate of the University of Montana Law School. After serving with the Border Patrol and the Federal Bureau of Narcotics in the late 1950s and early 1960s, he worked in private practice. I know he has dreamed of being a Federal judge. His dream has now come true. I might say, as an example of the hard-working industry of Sam Haddon, he is the first member of his family to go off to college and he now will become, when he is sworn in, a U.S. Federal judge. We are all extremely proud of Sam Haddon.

Before serving as U.S. Magistrate in Great Falls, MT, Richard Cebull served as a Billings attorney for close to 30 years. He was born and raised in our State and has earned the respect of everyone in our State who has had the good fortune and privilege of meeting him, engaging with him as a magistrate or in a nonprofessional capacity. He and Sam Haddon are two people who are just perfect representatives of the quality of the people in our State of Montana.

It is a great honor and with great pride I join in thanking them for wanting to serve, and I thank the Senate for confirming both of them so we in Montana now have all our judgeships filled. We have three wonderful U.S. district court judges. We thank all in the Senate who have made this happen.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2299, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Murray/Shelby amendment No. 1025, in the nature of a substitute.

Mrs. MURRAY. Mr. President, I am pleased to present to the Senate the Transportation appropriations bill for fiscal year 2002.

This bill was reported unanimously by both the Appropriations Subcommittee on Transportation as well as the full Appropriations Committee. This bill has been carefully crafted with the regular input of Senator SHELBY and his staff.

The tradition of this subcommittee has always been one of bipartisanship. So long as I have the privilege of chairing this subcommittee, I intend to continue that tradition.

The bill as approved by the Appropriations Committee totals $60.1 billion in total budgetary resources. That includes obligations released from the highway and airway trust funds as well as appropriations from the general fund. This funding level is higher than the level requested by the President. There are four reasons why this bill exceeds the President's request.

First, the administration's budget—rather than requesting appropriated dollars for railroad safety and hazardous materials safety—asks us to impose new user fees on the transportation industry.

Some opponents of this approach have called these proposals ''George W. Bush's new taxes.'' The committee bill rejects these new user fees and provides the funds necessary for these critical safety functions.

Second, the bill increases funding for highways above the level requested by the President.

Under the administration's budget, the President launches two new initiatives at the expense of highway construction dollars to the States. They are the New Freedom Initiative for the disabled and an investment in new truck safety inspection stations at the United States-Mexico border.

The bill before you fully funds these two new initiatives. In fact, the bill adds $15 million to the level requested by the administration for border truck safety activities.

However, in order to ensure that funding for these initiatives is not provided at the expense of highway construction funds in all 50 States, the bill increases funding for highways to a level that holds all States harmless.

Under the committee bill, every State will receive more highway construction funding than they would receive either under the President's budget or under the levels assumed in TEA–21.

Third, the bill includes a number of small but important safety initiatives that were not included in the President's budget.

Within the Federal Aviation Administration, the bill includes funding to hire an additional 221 safety inspectors.

Following the ValuJet crash in May 1996, the Transportation subcommittee has been increasing the inspection work force every year in order to get to the level of 3,300 inspectors. That was the minimum level identified as necessary by the panel of experts that was convened following that crash. It was also the level identified by the National Civil Aviation Review Commission, which was chaired by now-Secretary Norm Mineta.

While the funds for these additional inspectors were not included in the President's budget this year, the bill as approved by the committee does provide them.

In the area of highway safety, the bill includes funds that were not requested to boost seat belt use, especially among at-risk populations. The Administration has articulated a very aggressive goal to increase seat belt use. Unfortunately, when our subcommittee reviewed the budget, we found no additional resources were requested to match the rhetoric.

Today, it is a tragic fact that African-American children, ages 5 to 12, face almost three times the risk of dying in a car crash than white children.

The bill before us includes additional, unrequested funds to tackle that problem. The committee has also provided funding above the President's request in the area of pipeline safety. I became involved in this issue after a tragic liquid pipeline accident that claimed three young lives in Bellingham, WA.

The bill before us provides funding that is $11 million more than the level provided last year. Increased funding will be available to boost staffing for the Community Right to Know Initiative and other critical safety measures.

I am proud that this bill provides record funding to make pipelines safer. It is the right thing to do.

Finally, the funding in the bill is higher than the administration's request due to my insistence that we address chronic staffing, training, and equipment shortfalls at the Coast Guard's search and rescue stations.

The bill provides the Coast Guard's operating budget with $45 million more than the administration's request in order to address these search and rescue deficiencies and fund the mandatory pay and benefit costs for our Coast Guard service members.

Before I close, I would like to turn to the issue of Mexican trucks, which is explained in detail on page 85 of the committee report. Here, our challenge has been to make sure that commerce can move between our two borders while—at the same time—ensuring the safety of all who use our highways.

President Bush requested $88 million to improve the truck safety inspection capacity at the United States-Mexico border. Unfortunately, the Transportation bill as passed by the House of Representatives does not include even one penny for that request.

The bill before you includes $103 million—$15 million more than the level requested by the President—for these border truck safety activities.

The House bill also includes a provision that prohibits the DOT from granting any Mexican trucking firm an operating certificate to begin the cross-border trucking activity that was anticipated by NAFTA.

I believe we have found a good compromise that will promote free trade and ensure safety on our roads. We crafted a provision based on the serious safety risks cited by the inspector general, the General Accounting Office, and several state law enforcement authorities.

Our provision, which is in this bill, is designed to ensure that a meaningful safety monitoring and enforcement regime is in place before Mexican trucks are allowed to travel anywhere in the United States.

The provision establishes several enhanced truck safety requirements that are intended to ensure that this new cross-border truck activity does not pose a safety risk.

This provision was adopted unanimously by both the Transportation Subcommittee and the full Appropriations Committee.

My door is always open to Secretary Mineta and the White House, and I will of course listen to their concerns. But I believe that my provision—as it currently stands—will allow our mutual goals of free trade and safe highways to proceed side by side.

This provision will substantially raise the safety standards that will have to be in place before cross-border trucking can begin. I believe that this is a far better approach than the one taken by the House bill—which has now drawn a veto threat by the administration.

I want to thank Senator SHELBY for all his input into this bill.

I also want to thank Senator BYRD and Senator STEVENS for granting our subcommittee an allocation that made it possible to fund the important safety initiatives in this bill.

We could not have done it without their help.

I thank the Chair, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I rise in support of the fiscal year 2002 Transportation appropriations bill put before the Senate today by Senator MURRAY. I do support the package reported unanimously from the Committee on Appropriations and just described by the Senator from Washington in pretty good detail.

There is the first year for the Senator from Washington as chairperson of the Appropriations Transportation Subcommittee. I believe she has accounted for herself well on this bill. We have worked together. She has put a lot into it, and I believe this is basically a balanced bill.

I believe that every Member can look at this bill and find a great deal that they can agree with. But, I also think it is safe to say that if you look hard enough, just about everyone can find something they would probably disagree with.

Clearly, that is the case with the Mexican truck issue. I believe that everyone in this body is supportive of ensuring the safety of trucks on our highways. I believe that many in this body consider the approach to Mexican trucks adopted on the House floor as being heavy-handed, and contrary to the goal of improving the safety of trucks at our borders, within the commercial zone, and ultimately, beyond the commercial zone on the balance of our Nation's highways.

Senator MURRAY has crafted a provision, section 343, that takes a different approach. It provides for Mexican truck access to our highways beyond the commercial zone once the Department has an adequate inspection regime in place and can assure that those carriers and trucks meet articulated safety and insurance standards.

The approach of the Senator from Washington moves the debate on this issue forward and allows a resolution of this issue based on safety standards rather than prohibiting any action by the Department to manage the truck safety issues we face at our southern border under NAFTA.

For my colleagues who would support the House language, some of whom may offer a similar provision during consideration of this bill, I would point out that provision does little, if anything, to promote truck safety on our highways. It may keep some unsafe trucks from gaining entry to our country, but it doesn't create a framework or any incentive to improve the safety of Mexican trucks. I have to tell you, that I am probably less troubled by an outright prohibition than is the Senator from Washington. But, I am willing to pursue this issue with her through the Senate and to address my colleagues' concerns during conference to ensure that traffic beyond the commercial zone is safe.

To do that, it is incumbent on us to provide the necessary resources to begin adequately inspecting motor carriers at the border. I am pleased that the bill before us provides a total of $103.2 million to enhance safety at the border—$15 million more than the President requested. Specifically, the bill includes $13.9 million to hire an additional 80 safety inspectors, $18 million for enhanced Motor Carrier Safety Grants to border states, and $71.3 million for motor carrier safety inspection facilities along the United States-Mexican border.

That is a quantum leap forward in terms of ensuring safe transportation of goods across the border for the benefit of American consumers. While we must provide the tools to the Department, we must also provide the Department with the flexibility to put forth a policy for operations beyond the commercial zones, so long as the policy would not undermine the safety of American families on our highways.

The Murray language does just that. It allows the Department to process applications of Mexican-based motor carriers after the Department remedies deficiencies highlighted by the Department of Transportation Inspector General and after Mexican-domiciled carriers meet the strict safety requirements that this bill demands.

Chairman BYRD and Senator STEVENS have provided the Transportation Subcommittee with a generous allocation, and that has allowed this bill to fund the programs and the initiatives that the Senator from Washington has just described. I would like to take a few minutes to highlight a couple of those items.

For the Coast Guard, this bill provides $45 million more than the President's request for operating expenses—and that is in addition to the $92 million that was just agreed to in the supplemental conference report for fiscal year 2001. While the Coast Guard isn't overfunded, it is not underfunded. The resources are in this bill to continue and grow lifesaving, fisheries enforcement, drug interdiction, and migrant interdiction activities in fiscal year 2002.

I believe we need to continue vigorous oversight to make sure that these dollars get to the Coast Guard districts and to the men and women who volunteer to put their lives at risk to save lives, and to meet the Coast Guard's other missions. I continue to be concerned about the growth in overhead at the headquarters. The increasing costs there are troubling.

I would also like to point out the bill provides the $325.2 million for the first year of construction funding for the Coast Guard's Integrated Deepwater Project. This funding represents the first significant installment of a 20-year, $10 billion Coast Guard program to put in place a systems integrator to design, develop, and construct new surface ships, aircraft, sensors, and communications equipment—or modernize legacy assets—used to conduct operations 50 miles offshore and beyond.

I have serious reservations about the long-term funding prospects of this procurement, the inherent schedule and cost risks of the acquisition strategy, and with Coast Guard's ability to manage a contract of this magnitude and complexity. While I am merely raising these concerns now, I intend to discuss them in greater detail later during the consideration of this bill in this Senate Chamber.

The FAA is generously funded in this bill. The funding levels match the AIR

21 levels for the FAA's two capital accounts, and the funding for FAA operations exceeds the President's budget request. While the cost efficiencies from the controller agreement have yet to show up in the operations account, and there continue to be significant slippages and cost escalations in several of the FAA procurement programs that are critical to modernization of the National Airspace System, the bill before the Senate provides badly needed funding to continue the operations and to support an aggressive modernization program.

Accordingly, the committee-reported bill also more than meets the TEA–21 highway and transit funding levels and increases the obligation limitation for highways and provides additional resources for transit new start systems. This funding commitment by the committee bill recognizes the priorities on these accounts reflected in the requests from Members of the Senate. I commend the Senator from Washington, Mrs. MURRAY, for her attention to the interests of the Department and the Senate in constructing the package before the Senate today.

While the bill commits a fair amount of funding for the Appalachian Development Highway System, I would note that a great deal more funding is required to complete the commitment that has been made to this system. The ADH system is far less complete than the National Highway System and many years at these funding levels will be required to improve some of the most deficient and dangerous segments of the rural highway system in all of America.

The bill provides $521 million for Amtrak and authorizes the railroad to immediately use all of these funds in one fiscal year. For the past several years, the bill has limited Amtrak to using 40 percent of its funding in the first year so the balance would be available for the next. Keep in mind that this money is appropriated for capital activities and investments, so the provision and anticipation that it would all spend out is unusual in and by itself. My sense is that this extraordinary action is at best a short-term solution.

Amtrak, as a lot of you know, is engaging in short-term borrowing to cover operational and debt service costs and Amtrak's cash shortfall is growing to unsustainable levels. Allowing the cash-starved Amtrak to spend its entire appropriation for fiscal year 2002 will allow, however, Amtrak to squeak through to the Spring of 2002, when this failed experiment, I believe, will again be out of money.

I hope that we can move this legislation quickly through the Senate and through the conference. During Senate consideration of the Transportation appropriations bill, I will cover some of these issues in more detail, as will Senator MURRAY. But I look forward to working with the Senator from Washington, the chairman and ranking member of the Committee on Appropriations, and with interested Members to consider and pass this legislation.

Mr. HATCH. Mr. President, I rise to applaud the committee for including the $5 million grant for the Eighth Paralympiad for the Disabled cited in this bill. This funding is for the 2002 Paralympic Games not the 2002 Olympic Games. It is important to remember that while the Paralympics are being held in conjunction with the Olympics in Salt Lake City, all the funding for the Paralympic Games has been very carefully and very clearly separated from that for the Olympics. This funding will be spent only for Paralympic costs and includes both Federal and private sources of funding.

This funding supports the disabled athletes who compete at Olympic levels. These elite disabled athletes deliver amazing performances that are wonderful to behold. For example, they ski with one leg or they ski blind. We ask them to perform on Olympic courses, at Olympic levels, and finish in times within Olympic ranges.

The Paralympics and Special Olympics are events our country traditionally recognizes as important priorities. That is, to encourage the development of sports among special populations. Moreover, it has been an advantage to have the Olympic Committee, for the first time, host the Paralympic Games. This ensures that the Paralympic athletes are recognized as Olympic level competitors and ensures they are treated as Olympians. It also allows for synergy in developing operational plans thus making the Paralympics far more efficient.

Note that the Paralympic's association with the Olympic Committee has brought yet another benefit. The Federal funding for these Paralympic games is far less than ever before. For the benefit of my colleagues, let me put this issue in perspective. These games will cost approximately $80 million. The Atlanta Paralympics were also about $80 million. But there the comparison ends. In Atlanta, $32 million were funded by the Federal Government. In the Salt Lake Paralympics, Federal funding will only be $10 million.

Why are the Salt Lake City Paralympics requesting far less Federal funding than the Atlanta Paralympics? The Salt Lake Olympic Committee is paying $40 million of the costs and raising another $30 million from private sources. The Atlanta Olympic Committee paid $15 million and raised $33 million for the Paralympics. Because the Salt Lake Olympic Committee is contributing more to the Paralympics, the amount of Federal funding has been reduced from $32 million for the Atlanta games to $10 million for the Salt Lake games. And, this bill only asks for $5 million for transportation while the Atlanta transportation cost to the Federal Government was $5.6 million.

This is a wise use of Federal funds. The $5 million requested for the Paralympics are well justified. Additionally, these costs are most reasonable when compared to the Atlanta games and given the careful financial management on the part of the 2002 Salt Lake Olympic Committee.

Thank you.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Washington.

AMENDMENT NO. 1029 TO AMENDMENT NO. 1025

Mrs. MURRAY. I send a technical amendment to the desk that has been approved by both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Mr. SHELBY, proposes an amendment numbered 1029.

Mrs. MURRAY. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 20, line 16, strike the numeral and all that follows through the word ''Code'' on page 18 and insert in lieu thereof the following: ''$3,348,128 shall be set aside for the program authorized under section 1101(a)(11) of the Transportation Equity Act for the 21st Century, as amended and section 162 of title 23, United States Code;''

On page 33, line 12, strike the word ''together'' and all that follows through the semi-colon on line 14.

On page 78, strike lines 20 through 24.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1029.

The amendment (No. 1029) was agreed to.

AMENDMENT NO. 1030 TO AMENDMENT NO. 1025

Mrs. MURRAY. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Mr. SHELBY, proposes an amendment numbered 1030.

Mrs. MURRAY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals)

On page 73, strike lines 19 through 24 and insert the following:

''(E) requires—

''(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or

seeking authority, to operate beyond United States municipalities and commercial zones on the United States-Mexico border that do not display a valid Commercial Vehicle Safety Alliance inspection decal, by certified Federal inspectors, or by State inspectors whose operations are funded in part or in whole by Federal funds, in accordance with the requirements for a Level I Inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

''(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

''(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but

nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when a certified Federal or State inspector determines that such a vehicle has a safety violation subsequent to the inspection for which the decal was granted;''.

Mrs. MURRAY. Mr. President, this amendment, I have sent to the desk is offered by Senator SHELBY and myself and it will strengthen the truck safety provisions in the bill as reported by the committee.

It will require the Department of Transportation to implement a rigorous inspection regime under which every Mexican truck seeking to travel beyond the commercial zone will be required to be inspected at least every 90 days.

This inspection system has shown some level of success within the State of California in bringing down the high level of safety noncompliance that has been found in Mexican trucks seeking to cross the border.

We believe that his would improve upon the provisions already in place in the bill as reported by the committee.

I know that Senators MCCAIN and GRAMM have an interest in these provisions. In deference to them, I will not seek adoption of the amendment at this time. I will leave it as the pending amendment to the bill.

If need be, we can temporarily lay the amendment aside and take up amendments on other matters as debate occurs on this bill.

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

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object, I ask that after Senator DODD completes his remarks, that it be possible for me to address the Senate for a period not to exceed 30 minutes. I make the request to respond to an attack that was made on me by Mr. Lindsey, the President's chief economic adviser.

The PRESIDING OFFICER. Does the Senator from Washington so amend her request?

Mrs. MURRAY. I amend my request.

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

The Senator from Connecticut.

VIEQUES

Mr. DODD. Mr. President, I rise to spend a couple minutes talking about an issue that has received some notoriety in recent months and some specific attention over the last few weeks. That is the issue of the island of Vieques in Puerto Rico and the incarceration of a number of people who went down to express their opposition to the continued use of Vieques as a bombing site.

First of all, I say to those who have demonstrated there and have been sentenced to 30 days—in one case, I think 60 days—I think all of these people involved certainly were aware that when you engage in civil disobedience, there will be a price to be paid for that civil disobedience. I will address the underlying issue of Vieques, but my hope is that the authorities will recognize that there is some sense of balance in all of this and that 30 days and 60 days may be a bit excessive, to put it mildly, in light of some of the sentences we see meted out on crimes that are far more serious in our society.

I take particular note of my friend Bobby Kennedy from the State of New York and his wife Mary who are wonderful parents. During this period of incarceration, a new son was born to them. Bobby Kennedy, obviously, could not be there for the birth of his son because of his incarceration in Puerto Rico. I know how difficult and painful this was for him and his family. I want them to know that they have my strong sympathies and expressions of support. My hope would have been that Bobby Kennedy might have been able to be with his family during that important moment, despite the fact that he would be the first one to tell us that he understood fully the implications to the action he would take to express what were not only his views but the views of thousands of others within Puerto Rico and beyond the island over the issue of whether or not Vieques ought to be used as a continued site for targeting practice by the U.S. military.

I express my sympathies for Bobby Kennedy, Dennis Rivera, and others who are in prison at this moment for those actions.

There has been a long history here of divergence of interest with respect to the people of Puerto Rico and the Navy's interest in maintaining the capability for important live training exercises on the island of Vieques. Over the years, efforts have been made to reconcile these different interests. During the Clinton administration, in fact, an agreement was reached with the then-Governor of Puerto Rico, Pedro Rossello, that called for the holding of a referendum in November of the year 2001 to allow the residents of Puerto Rico to choose whether to end the military's use of Vieques by 2003 or to indefinitely permit military exercises to continue after that date.

That seemed at the moment to reduce the tensions over this matter and to provide a way for the people of Puerto Rico to express their views. On the idea of a referendum, I was thinking to myself, living in Connecticut, along Long Island Sound where there are small islands off the coast of Connecticut, that if one of our islands were being used as a target by the military, how long we would allow it to persist if the people of my State felt strongly about it. I see the Presiding Officer from the State of Florida with a huge coastline. In many cases, of course, people have tolerated and supported it in their jurisdictions or States.

This is a matter which has provoked tremendous interest on the island of Puerto Rico, a part of the United States, of course.

Since the inauguration of Sila Maria Calderon, the new Governor of Puerto Rico, in January of this year, the efforts by President Clinton and Pedro Rossello, it has become clear that the resolution calling for the referendum in November of 2001 has been sort of put aside, that the plan did not resolve these tensions, despite the good efforts of those involved in crafting that particular solution.

On June 14, in response to continued tensions, President Bush, in consultation with the U.S. Navy, announced that all military exercises in Vieques would cease by May 1, 2003.

That provoked serious voices of dissent within this Chamber. In fact, there were those who were very disappointed by President Bush's decision. I happen to think he made the right decision. I know it was not an easy one to make, but he did listen to the various sides of this story and decided that, given all the information and facts, this was the right decision to make. Naval training on the island was to proceed between then and May of 2003.

In addition, in accordance with the earlier agreement, the Navy returned

more than a third of its Vieques holdings to the island on May 1, 2001.

Notwithstanding the Bush announcement, a number of issues have led to increasingly vocal opposition to the continued use of Vieques by the Navy in the interim period. Puerto Rican critics of the Navy cite the loss of economic development opportunities on the island because access to most of the island's land is restricted. They also mention the failure of the Navy to live up to pledges to compensate for these lost economic opportunities.

Damage to the environment and ecology have also been mentioned. Most worrisome, concerns have been raised about the impact the Atlantic Fleet Weapons Training Facility has had on the health and safety of the people on the island of Vieques. Were we to put ourselves in the shoes of the mothers and fathers of the children on the island of Vieques, we might better understand to some degree why there is increasing impatience and concern about having to wait 3 years before a potential danger to their loved ones will cease.

The relationship between the Navy and the people of Vieques has been a rocky one, to put it mildly, over the years. More recently the situation has grown from bad to worse. Visits by prominent Members of Congress and other well-known public figures, including the wife of Jesse Jackson and Robert Kennedy Jr., have served to educate Americans writ large about the Vieques issue.

Overly harsh treatment of these protesters by the court has only served to make, in my view, the matter even worse. It seems to me that the time has passed for the relationship between the Navy and the people of Vieques to ever be mended in a satisfactory manner that would allow both to coexist on this little island.

The matter is going to get even more heated, in my view, as the July 29 referendum called for by the Governor of Puerto Rico draws near. It seems fairly obvious what the results of the referendum will be. And while I appreciate President Bush's decision to end the use of Vieques by the year 2003, at this juncture I believe that is not going to be satisfactory. Those are the realities, Mr. President. Many wish it would be otherwise, but I don't think it is going to be so.

As a practical matter, continued civil disobedience is going to make the Navy's use of its facilities impossible. We need to accept it and move on, in my view.

Certainly, we need to find a way for our military to conduct training exercises. That is extremely important, and I don't, in any way, minimize the significance of that particular issue. The question is whether or not there are alternatives to this particular venue which is provoking so much dissent and so many problems for both the Navy and the people of the island of Puerto Rico. A Department of Defense panel has already recommended that the Navy work toward ceasing all training activities on Vieques within 5 years. In light of recent events, that timeframe will clearly have to be accelerated. I find it hard to believe that some interim locations can't be found where much of the necessary training that the Navy needs to conduct could take place. Search for alternative sights needs to be given a much higher priority than was anticipated.

I don't fault those who tried to come up with a time line that would be satisfactory, but the realities are such that I don't think that is any longer possible. The steps I have outlined can begin the process for moving forward on this very difficult and contentious matter that undoubtedly has important implications for the people of Puerto Rico and for our national defense.

Mr. President, again, I salute my friends who have gone down to express not only their views but the views of the overwhelming majority of the people on Vieques. My plea at this particular hour, after having these members serve two weeks in incarceration, is that the courts might find it possible for them to have expressed their obligations by incarcerating these people in light of their civil disobedience, but I think moving on is the best course of action.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

RESPONDING TO LAWRENCE LINDSEY

Mr. CONRAD. Mr. President, I thank the Presiding Officer. Yesterday, Mr. Lawrence Lindsey, the President's chief economic adviser, attacked me in a speech before the Federal Reserve Bank in Philadelphia. In that speech, he repeatedly misrepresented my views, my clear positions, and my record.

Mr. Lindsey, the President's chief economic adviser, for some reason feels compelled to take my positions and twist them into something that is unrecognizable. These are not my positions, not my statements. This is not my voting record. I call on Mr. Lindsey to recant these false statements. This does not improve the level of debate about serious issues and what is to be done about our economy and the management of the fiscal affairs of our country.

Yesterday, Mr. Lindsey, in this speech in Philadelphia before the Federal Reserve, said at one point early in the speech, for example:

> The new chairman of the Senate Budget Committee has alleged the recent tax cuts are driving the country right into the fiscal ditch.

He got that part of it right. I applaud him for that. He then went on to say:

> These views reflect one side of the political debate—one that ultimately favors allocating more of our Nation's resources to government.

Mr. Lindsey, you know better. That was not the proposal of this Senator. The proposal of this Senator in the budget debate this year was to continue to reduce the role of the Federal Government. That was my clear position. That is the clear record, and no attempt by him to distort it can change the facts.

Here are the facts. The spending proposal I put before my colleagues would have continued to reduce the share of our national income going to the Federal Government from 18 percent of gross domestic product to 16.4 percent of gross domestic product, which is the lowest level since 1951. Mr. Lindsey, facts are stubborn things. Mr. Lindsey then went on to say:

> The criticisms of the tax cut and comments on the budget made by Senator Conrad hearken back to views widely held in the 1920s and 1930s.

He went on to describe those views supposedly widely held. He concluded that their solution was to raise taxes. The top income-tax rate was raised from 24 percent to 63 percent. The result, of course, was economic disaster. Mr. Lindsey ascribes those views to me.

Mr. Lindsey, that is false. You know it is false, and that it is a total misrepresentation of the record of this Senator.

Let's turn to what I proposed to our colleagues. These are the charts that were used on the floor of the Senate during the budget debate highlighting the Democratic alternative.

No. 1, we protected the Social Security and Medicare trust funds in every year. Does Mr. Lindsey disagree with that? Let's hear an honest debate about that issue.

No. 2, we paid down the maximum amount of publicly held debt.

Next, we provided for an immediate fiscal stimulus of $60 billion. That was a tax cut, not a tax increase, Mr. Lindsey. That was a tax cut. I was one of the first to propose a significant tax cut—in fact, a tax cut to help stimulate the economy that was far bigger than what the administration proposed.

Let's look at what the administration proposed in terms of a fiscal stimulus for the current year, at a time when we are suffering an economic slowdown. All one has to do is turn to the proposal. This is from the President. Their proposal: No tax cut in 2001. None. Zero. That was their proposal. They had no fiscal stimulus. They had no tax cut at a time of economic slowdown. It was largely Democrats who insisted on providing a bigger tax cut this year to provide a fiscal stimulus to help this struggling economy.

And now, for Mr. Lindsey to twist that around and suggest that I was for a tax increase at a time of economic slowdown, Mr. Lindsey, shame on you. That is false. That is misrepresenting my clear record and my views. Shame on you. You should not engage in debate in that way. You should not take my clear positions, my clear record, and stand them on their head. I am not going to allow it to happen.

Mr. President, I don't know what could be more clear. We provided not only a substantial tax cut this year, but the budget plan I put before my colleagues also provided significant tax relief for all Americans, including rate reduction, marriage penalty relief, and estate tax reform. That is my record—not proposing tax increases at a time of economic slowdown.

That is not my record, that is not my position, and that is not my votes.

We also reserved resources for high-priority domestic needs, including improving education, a prescription drug benefit, strengthening national defense, and funding agriculture, and we provided $750 billion to strengthen Social Security and address our long-term debt. That is my record. Those were my proposals. Those were my positions. And for Mr. Lindsey to go to the Federal Reserve Bank of Philadelphia yesterday and suggest otherwise is flat dishonest.

What has them all fussed up down at the White House? Why do they engage in these ad hominem attacks on the chairman of the Budget Committee and others of us who believe that this administration has put us right into the fiscal ditch?

I think what triggered all of this was a press conference I had after Mr. Lindsey himself said that the revenue they were forecasting this year is going to come in below what they had projected.

What we find, if we follow through this, what some in the media have called this amazing shrinking surplus, is that we started out with a forecast of $275 billion of surplus for this year, but after you take out the trust funds of Social Security and Medicare, the cost of the tax bill, and other related budget items, you get down to only $6 billion available this year, and that is before Mr. Lindsey said the revenue is not coming in as forecast.

That puts us in a negative position. That puts us in a non-trust-fund deficit. That is, when you take out the trust funds of Social Security and Medicare, you see red ink for this year, and I pointed out it is not just this year, this time of economic slowdown, but looking ahead to next year when the administration forecasts strong economic growth that we find the situation is becoming even more serious. This is after the administration promised us a budget plan that could do everything. They said they had a budget plan that would allow for a massive tax cut. They said they could also accommodate a major defense buildup, they could protect Social Security, and they could have maximum paydown of the national debt. They said it all added up. It does not all add up. That is what is becoming more and more clear.

If we look at 2002, the next fiscal year, with a projected surplus of $304 billion, if we take out Medicare and Social Security, we get down to $95 billion. Then take out their tax cut and the budget resolution that passed Congress, and we get down to $25 billion available. But that is before we see a further reduction in the economic forecast because of the economic slowdown.

The economic slowdown this year will mean we have less revenue next year. We had three economists testify before the Budget Committee that we could see a reduction of anywhere from $50 billion to $75 billion next year from what was forecasted in revenue for the Federal Government. That wipes out the available surplus and puts us into a raid on the Medicare trust fund next year, and it even suggests that this administration may be using some of the Social Security trust fund.

That is not at a time of economic slowdown; that is a time in which they are projecting strong economic growth, and yet we see their proposal will be using Medicare and Social Security trust funds to finance other programs of Government at a time they are forecasting—this is the administration's projection—strong economic growth. Yet their proposal will mean we are using Social Security and Medicare trust fund money to finance the other programs of the Federal Government.

This is what I have raised questions about. Does it make sense for this country to use Medicare and Social Security trust fund money to finance the other programs of the Federal Government at a time that the administration is forecasting strong economic growth? I do not think so. I do not think we should finance the other programs of Government, however meritorious, by using the trust funds of Social Security and Medicare at a time of strong economic growth.

Why? Because we all know that in the next decade the baby boom generation starts to retire and these surpluses in the trust funds turn to big deficits.

I should point out that we see trouble next year in terms of the trust funds of Social Security and Medicare being used to finance other programs of Government before the big increase in defense the President has requested.

If we look at what that will do, and we look at 2002, we see we are already in trouble before the President has requested a substantial increase for defense. That just makes the raid on the trust funds deeper and broader.

When we look ahead and put in the Bush defense request, when we put in new money for education, which just passed nearly unanimously in the Senate but is not in the budget, when we put in money for natural disasters, which is not in the budget—but we just had a natural disaster in Ohio the night before last, we just had a natural disaster in West Virginia, we just had natural disasters in Texas—when we put in money for natural disasters, when we address the tax extenders, the popular expiring provisions of the Tax Code we all know are going to be extended that are not in the budget, when we look at fixing the alternative minimum tax fiasco created by this tax bill, which is going to take us from fewer than 2 million people being caught up in the alternative minimum tax to 35 million people being caught up in the alternative minimum tax, and if we just look at the cost of fixing that problem caused by this tax bill, it costs $200 billion to fix, and if we look at additional economic revisions because of the economic slowdown we are experiencing and the associated interest costs, what we see is that every year for the next 9 years this administration's economic plan will be using Medicare trust funds and Social Security trust funds to pay for the other programs of the Federal Government unless some change is made.

One can look at these and say: Gee, I don't think we are going to add any new money for education. Or one can say: I don't think we are going to pay for natural disasters. Or: I don't think we are going to pay to fix the alternative minimum tax that is going to affect 35 million American taxpayers by the end of this period, nearly 1 in 4 taxpayers in this country. Or one can say: We don't think the Bush defense request will be granted.

Fine. One can use one's own assumptions. I just say to my colleagues, this reveals just as clearly as can be that their economic plan, their budget plan, does not add up, did not add up, and puts us right back into the deficit ditch. That is what I have said and that is what I meant, and I believe the record is clear.

Mr. President, I think they realize they are in trouble, so their response has been: Oh, there really isn't a Medicare trust fund surplus. That has been one of their responses. We have heard it in this Chamber, and we have heard it from people in the administration. That is an interesting idea, but if one looks at the report of the Congressional Budget Office on page 19 of the budget outlook, under ''Trust Fund Surpluses''—this is a report of the Congressional Budget Office—it shows that Social Security has big surpluses every year. Medicare, hospital insurance, Part A: big surpluses every year.

Part B, the administration claims, has a deficit. That is not what the

records show. The records show that it is in rough balance and actually has a slight surplus over the period of the 10 years in this budget. It is not just the Congressional Budget Office documents that show there is a Medicare trust fund surplus; it is the administration's own documents issued by the Office of Management and Budget that show Medicare, Federal hospital insurance, HI trust fund surpluses each and every year.

It is not just Medicare Part A; it is Medicare Part B the administration is now claiming is in deficit. But look at their own reports. Here is Part B, the Federal supplementary medical insurance trust fund; look at the reports they have issued. They show that over the 10-year period of time they are in rough balance in Part B. What they have tried to do is say, because Medicare Part B is financed 25 percent from premiums and 75 percent from the general fund, the general fund contribution represents a deficit. It does not. If we were to apply that standard, every other Federal Government program would be in deficit because they are funded, by and large, by 100-percent contributions from the general fund.

Is this administration claiming the defense budget is in deficit because it is financed 100 percent from the general fund? I have never heard that from them. I never heard from them that education is in deficit because it is funded 100 percent by the general fund. That is precisely how you fund most Government programs.

Medicare Part B physician services actually has an additional funding mechanism. Some of it comes from the general fund, but part of it—25 percent, roughly—comes from the premiums paid by Medicare-eligible people.

Now, is this administration saying that in a deficit they are proposing a big increase in the premiums that senior citizens pay? I would like to hear the answer to that. Is that what they are suggesting? They have a problem because I believe it is wrong to use Medicare and Social Security trust fund money to pay for the other programs of Government. Their own congressional leadership doesn't agree with them.

If they are saying that my views are the views of the 1930s, are they making that same accusation with respect to the Speaker of the House of Representatives—the Republican Speaker of the House of Representatives? This is what he said on that question on March 2 of this year:

> We are going to wall off Social Security trust funds and Medicare trust funds. And consequently, we pay down the public debt when we do that. So we are going to continue to do that. That's in the parameters of our budget and we are not going to dip into that at all.

That is the Republican Speaker of the House of Representatives. Is the White House saying he has 1930s economic views?

It doesn't stop there. This is a quote from the House majority leader, DICK ARMEY, a Republican. He said, this month:

> Let me just be very clear on this. The House of Representatives is not going to go back to raiding Social Security and Medicare trust funds.

Does Mr. Lindsey think DICK ARMEY, the Republican majority leader in the House of Representatives, has 1930s economic views?

It doesn't stop there. Here is a quote from July 11 from the House Budget chairman in the House of Representatives, Mr. JIM NUSSLE:

> This Congress will protect 100 percent of the Social Security and HI trust funds. Period. No speculation. No supposition. No projections. The Congress has voted unanimously, or almost unanimously. There were a few that didn't see it this way for lockboxes and all sorts of different mechanisms to make sure this occurred. Both parties prepared budgets that did so. We will protect 100 percent of Medicare and Social Security.

Does Mr. Lindsey say the Republican House Budget Committee chairman has 1930s economic views? What say you, Mr. Lindsey? It appears to me you are contradicting the elected leadership of your own party in the House of Representatives. And it is not just in the House of Representatives. If we come to the Senate and look at the statement from the former chairman of the Budget Committee, the very distinguished and able Senator PETE DOMENICI, this is his quote:

> For every dollar you divert to some other program, you are hastening the day when Medicare falls into bankruptcy, and you are making it more and more difficult to solve the Medicare problem in a permanent manner into the next millennium.

Mr. Lindsey, does Senator DOMENICI, the former Republican chairman of the Senate Budget Committee, have 1930s economic views?

It is not just the former chairman of the Senate Budget Committee, the former Republican chairman, and not just the elected leadership of the House of Representatives—all Republicans—who have said very clearly that they intend to protect both Social Security and Medicare trust funds. Every Republican Senator, every single one, voted 4 months ago, on language that said the following:

> Preserving the Social Security and Medicare hospital insurance surpluses would restore confidence in the long-term financial integrity of Social Security and Medicare.

That is what they said. They said very clearly the same thing I am saying.

Mr. Lindsey, does every Republican Senator have 1930s economic views? I don't think so.

We ought to have a thorough and honest debate. But Mr. Lindsey, don't misrepresent my view and misrepresent my record. It is there for anybody to check. I proposed not a tax increase this year; I proposed a significant tax reduction, a much bigger tax reduction than this administration proposed for this year. I proposed a real fiscal stimulus at a time of economic downturn. I didn't just propose it; I voted for it. My record is clear.

Interestingly enough, this administration proposed no fiscal stimulus for this year. I am holding up their plan. I will submit it for the RECORD because it is right here. If Mr. Lindsey thinks we have forgotten who proposed what, he is dead wrong. We remember very well.

Who stood where on the question of fiscal stimulus for this year? I not only proposed significant tax relief for this year; I proposed significant tax relief going forward. It is true, not as big a tax cut in future years as the administration proposed, because I could see they were putting us in danger of raiding the Social Security and Medicare trust funds in the future, at times when even they say the economy will be growing strongly. That is their economic plan. That is their budget plan that has put this country in jeopardy, that has put us in a position of violating the trust with the American people. It is their budget plan, it is their tax plan, that has us on a collision course with going back into the deficit ditch.

Mr. Lindsey is the chief economic adviser to the President of the United States and the architect of this failed plan. He will be held accountable by history. He said they had a plan that added up. I confess, I didn't know when I was on the floor day after day after day questioning the wisdom of their plan that it would be revealed in this year how flawed it really was. I did not think we would face a problem until perhaps 2003 or 2004. But already we are in trouble; already this administration is using Medicare and Social Security trust fund money—at least Medicare trust fund money this year, clearly Medicare trust fund money next year and perhaps even Social Security trust fund money—and that is before their request for a substantial increase in defense expenditures.

I am willing to engage in a tough and spirited debate on these issues with any representative of the administration. But I do not expect them to misrepresent my positions and my clear record. That is unacceptable. That is absolutely unacceptable.

All of this is especially ironic, given the headlines in the Washington Post today: ''Social Security Future Grim, Bush Panel Says.'' Here is the first paragraph of that article:

> A commission assigned by President Bush to redesign Social Security yesterday offered a bleak appraisal of a ''broken'' system, warning that deep benefit cuts, tax increases, or ''massive'' federal debt are inevitable unless Congress allows the personal retirement accounts the White House favors.

What irony, warning that:

. . . deep benefit cuts, tax increases, or ''massive'' federal debt are inevitable unless Congress allows the personal retirement accounts the White House favors.

I have always believed it is inappropriate to say I told you so, but, I told you so. When we had the budget debate, the proposal I put before our colleagues protected the Social Security and Medicare trust funds in each and every year, but, more than that, set aside $750 billion out of the surpluses of today to prepay some of the Social Security liability tomorrow. This administration said no. This administration turned their back on an opportunity not only to protect the Social Security and Medicare trust funds in each and every year but, more than that, to set aside money to prepay part of the liability that is coming, which they now say threatens massive debt, tax increases, or deep benefit cuts.

Where were they when just months ago we had that exact debate? They didn't know this? We all knew it. We all knew that is where we were headed. Yet Mr. Lindsey, as the chief economic adviser to the President, and the rest of this economic team, plunged ahead with a budget and tax plan that never added up, that doesn't add up, that risks putting us back into the budget ditch, and now are misrepresenting my record by trying to assert that I favor tax increases at a time of economic downturn when my record shows absolutely to the contrary, that I proposed a far bigger tax cut this year than did the administration.

Finally, for them to assert that my budget plan meant more resources going to the Federal Government—nonsense. The budget proposal I put before our colleagues continued to shrink the role of the Federal Government, from 18 percent of gross domestic product today to 16.4 percent of gross domestic product at the end of this budget period, the lowest level of GDP since 1951.

Mr. Lindsey, that is my record. Those are my positions. No attempt by you to distort them or misrepresent them is acceptable.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Florida, I ask unanimous consent the order for the quorum call be rescinded.

The Chair hears none, and it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Florida, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:09 p.m., recessed subject to the call of the Chair and reassembled at 12:13 p.m. when called to order by the Presiding Officer (Ms. LANDRIEU).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Louisiana, I suggest the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

JACKIE M. CLEGG

Mr. BENNETT. Madam President, I take the floor to join some of my other colleagues on the Banking Committee to express my admiration for and thanks to Jackie Clegg, who is serving her last day as Vice Chairman of the Export-Import Bank. Jackie Clegg might otherwise be known somewhere as Mrs. Chris Dodd. She began her career on the Banking Committee, where she met Senator DODD, as a staffer for my predecessor, Jake Garn from Utah. She is a Utah alumna in Washington, of whom we are all very proud.

She has performed expert service as a member of the Banking Committee staff and now in her new assignment on the Export-Import Bank. We wish her well as she ends her career there.

I wish to note that Jackie has her priorities straight. One of the reasons she is leaving the Export-Import Bank is because she is expecting a child. It will be her first. It will also be Senator DODD's first. I wish them both well in their new anticipated careers as parents.

Jackie understands the importance of a family, and her willingness to give public service has been greatly appreciated, and her willingness now to give a different kind of service that perhaps will have a longer lasting impact as she prepares to bear and raise a child will be something for which she should be congratulated also.

I join with the other members of the Banking Committee in saying to Jackie as she ends her service with the Export-Import Bank: Well done. We are grateful for your service. We are grateful for your leadership. We are grateful for the expenditure of your talents on behalf of your country.

I say to her and CHRIS: Good luck and best wishes as you embark on the sea of parenthood. My wife and I have had six children. We now have 16 grandchildren. And we tell you, Jackie and CHRIS, it is very much worth it.

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

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

The bill clerk proceeded to call the roll.

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

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

DISTRICT OF COLUMBIA APPROPRIATIONS BILL

Ms. LANDRIEU. Mr. President, I wish to rise for a few moments today before we adjourn the Senate for the weekend to speak about one of the appropriations bills that we are going to be dealing with when we return next week and that we will work on through this summer session into the fall. That appropriations bill is the District of Columbia appropriations, which I have the great honor and privilege and opportunity to serve now as Chair, along with my distinguished colleague from Ohio, Senator DEWINE, the ranking member. He and I have worked together very closely for the last several months on that appropriations committee. With the change in leadership, I find myself as Chair of this important committee. I want to spend a minute talking about that role and about some of the responsibilities that I see coming along with that role.

First, let me say that Senator DEWINE and I have been in close communication on many issues that are important to the District. I have great respect for the Mayor and members of the city council, and for Delegate ELEANOR HOLMES NORTON for the great work she does for the District. I look forward to working with them, along with the business leaders, the community leaders, and the labor leaders in the city to help this city be all that it can be and all that it should be.

I am a supporter of home rule and am a supporter of city leaders making decisions for themselves in great measure about how this city should be run, and I have great confidence in the ability of those leaders that I just mentioned.

Particularly, I share the Mayor's vision for this city in large measure. But one of the things that Senator DEWINE and I, and others, have spoken about—there are many Members of the Senate and the House, not the least of whom is the Senator from West Virginia, Mr. ROBERT BYRD, the Senator from Ohio, Mr. VOINOVICH, and the Senator from Illinois, Mr. DURBIN, all of whom play a vital role in the oversight, if you will, of the District of Columbia. I have shared many of my thoughts with them about proceeding in this particular role.

I want to outline a few issues that I would like to focus on and that I will be conducting hearings on—and the many discussions with Members of Congress on some of these issues.

One is the proper role of the chief financial officer. I think it is the cornerstone of our post-Control-Board reform. The District has made tremendous progress—4 years of surpluses, 4

years of better management, and 4 years of developing policies that are helping the District to regain its financial footing.

I think it is very important for us to focus on the role of the chief financial officer to make sure that the new responsibilities he has been given—it is my understanding that about 26 weighty responsibilities for the financial operations of this District have been handed to him by the city council and by our own laws here in Congress—are matched with the proper authority and a proper power to carry out those responsibilities.

I have spent a good bit of this week reading a very excellent report by the DC Appleseed Center, entitled ''After the Control Board: The Chief Financial Officer and Financial Management of the District of Columbia,'' which is the sole focus of this report:

The DC Appleseed Center is an independent non-profit advocacy organization dedicated to making the District of Columbia and the Washington Metropolitan area a better place to live and work, focusing primarily on strengthening the financial health of the District and enhancing the performance of governmental institutions that affect the District.

I ask unanimous consent that the list of the board of directors and staff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOARD OF DIRECTORS

Daniel M. Singer, *Chair*, Fried, Frank, Harris, Shriver & Jacobson
Jacquelyn V. Helm, *Vice-Chair*, Law Office of Jacquelyn V. Helm
Roderic L. Woodson, *Secretary*, Holland & Knight
Peter D. Ehrenhaft, *Treasurer*, Ablondi, Foster, Sobin & Davidow
Nicholas W. Fels, *Past-Chair*, Covington & Burling
Robert B. Duncan, Hogan & Hartson
Bert Edwards, (retired), Arthur Andersen
Gary Epstein, Latham & Watkins
Curtis Etherly, Coca-Cola Enterprises, Bottling Companies
Rev. Graylan S. Hagler, Plymouth Congregational, United Church of Christ
John W. Hechinger, Sr. (retired)
Richard B. Herzog, Harkins Cunningham
Carolyn B. Lamm, White & Case
Edward M. Levin (retired), U.S. Department of Commerce
Claudia L. McKoin, Verizon—Washington
Alan B. Morrison, Public Citizen Litigation Group
John Payton, Wilmer, Cutler & Pickering
Andrew Plepler, Fannie Mae Foundation
Gary M. Ratner, Washington Meeting Facilitators
Michael C. Rogers, Metropolitan Washington, Council of Governments
Lawrence R. Walders, Powell, Goldstein, Frazer & Murphy

Affiliations listed only for purposes of identification

STAFF

Joshua S. Wyner, Executive Director
Lori E. Parker, Deputy Director
Emily Greenspan, Program/Development Associate
Adam I. Lowe, Program Associate
Sara Pollock, Program Associate

Ms. LANDRIEU. Mr. President, it is an outstanding board of directors with a very able staff.

I believe the District of Columbia council and the Mayor have referred very positively to this report. I myself will use it as a guideline as I take responsibility of this committee because there are many terrific suggestions outlined here about this particular issue—about the proper authority and power of the CFO.

It is important that the financial officer who is assuming much of the responsibility of the Control Board be properly balanced between being responsive to the Mayor, the chief executive officer of this city, if you will, and his responsibility to the public generally to give independent, accurate, and timely financial information so we can continue on this road to reform. This report will serve as great guidance, and it will be the subject of much of our discussion.

Second, as I said in a public meeting last week with the Mayor and with Delegate NORTON, I agree with them on the structural changes that the District needs to come to grips with that are necessary to provide long-term financial health and prosperity for the District. There are, indeed, some real problems, some structural flaws and some structural deficits that are preventing the city from gathering the tax base and the revenue base necessary to support such a strong and vibrant community. That will be subject to some of our focus.

In addition, I assure all who look to the District of our continuing push for modernization, streamlining operations of the District, and reform of regulatory operations so that we minimize regulation and maximize good results for everyone who lives and works here. That is important.

I commend the Mayor for his extraordinary vision about what the schools can be and should be in the District of Columbia. We have this challenge everywhere around the Nation—every city, large and small, every community, particularly a community with the large population of citizens who may be under the poverty line; where citizens who may be at some disadvantage economically and are struggling with how to create vibrant, well-run and well-managed schools; where teachers are highly motivated, well paid, and highly skilled; where students are getting the kind of nurturing and support they need as well as a place where time-honed values are presented to children with the right combination of discipline and nurturing for them so they can grow, develop, and be all that God intended when he created them.

I share the Mayor's vision for strengthening of the schools. I look forward to working with the new initiatives on the development of charter schools—with more flexibility and choice for parents and a stronger academic outcome. I commend him for the work he is doing.

Also, of great interest, not only to me but to many Members of the Senate, is the push for reforming the court system in the District. Unfortunately, we have had these problems everywhere in our Nation. There have been some real breakdowns in our child welfare system. We have let many children down. We have not always come to their rescue when they have cried. We have sometimes left children languishing in foster care. We have taken their only parent they knew away from them, and then failed to provide them with another one.

The system in the United States has caused a lot of pain and a lot of grief. We have not supported our courts and our social workers and our front line staffers the way we need to around this Nation. It is no different here in the District.

So I am going to work very closely with Senator DEWINE, the father of eight children, who is a great leader for child welfare on the other side of the aisle, and with Delegate NORTON and Congressman DELAY, who are very focused on this issue, to modernize and strengthen the courts, to create a family- and child-centered court system so we stop letting children fall through the cracks.

I read in a book recently that when we say, oh, well, the children just fall through the cracks, actually that is not true because there are no real cracks for children to fall through. What they fall through are our fingers. They fall through our hands, hands that once held them. They have fallen through. So it is our responsibility to make sure the court system at every level and the child welfare system at every level, as much as we can, are strengthened in the District.

Finally, in terms of issues, because of the great support and feedback I have gotten from a wide variety of people—elected leaders, as well as friends and neighbors of mine as a resident here in the District, and actually living on Capitol Hill—I believe in the importance of the recreational opportunities for children of the District, to enhance those recreational opportunities to be commensurate with the surrounding suburbs. In the State of Maryland and in the State of Virginia, there are outstanding facilities where children of those States are able to participate in first-class and world-class sports and recreational activities. I think that is very important for the children and families of this District. We want them to have the same kinds of opportunities that children have in this region and across the Nation.

I am pleased that the National Soccer Association, the U.S. Chamber of Commerce—a broad bipartisan group of citizens around this city—are rallying to the cause of creating this kind of atmosphere that is not only important to children and families, but it is important to the business community. It gives children something to say yes to.

I think, as adults, we have a responsibility to not just say no to them but to give them some things to say yes to, such as outdoor activities and recreation and team sports that build character and keep children occupied at very positive activities.

So with those issues I just outlined, I want to conclude by simply expressing, again, my support for the concept of home rule, but also to recognize my role as the Chair of this subcommittee, to say that every citizen in our Nation—every citizen, from every walk of life—has a special interest in the District of Columbia. This city has to function, obviously, and be responsive to the residents who live here—the approximately 500,000 residents—but this District has a special responsibility.

Unlike any other city—unlike New York or Philadelphia or New Orleans or San Francisco or Chicago, or smaller communities around the Nation—this city has a particular responsibility to every citizen of the Nation because every citizen of this Nation looks to this city as the Capital. It is part of our democratic heritage that we share as a nation of citizens. So I will be trying to represent the interests of those citizens in this debate as much as my ability will allow.

Finally, in my role as chair, I also see responsibility to the Federal Government as an employer. We are the largest employer in this District. In relation to large employers anywhere—whether it is Boeing in Seattle or another large employer in another city somewhere in America—the Federal Government employs more people in the District of Columbia directly and indirectly, by far, than any other employer.

As an employer, we have an inherent interest in the financial management of the city that we are in about its daily operations, and we have standing in those discussions. So there is a balance between home rule and the Federal Government's proper and legitimate expressions, as the largest employer in this city, of how this community should operate and how it should function.

Then, thirdly, there is a place at the table for the citizens in every State and community about the District. I hope to be able to balance those three truths as carefully as I can as chair.

I want to say one more thing about large employers. If Boeing is dissatisfied with the way the city of Seattle was being run, they have tremendous leverage. They can basically pick up and move their operations. We have seen large corporations use that leverage many times. We have seen employers pick up literally 10,000, 15,000 employees, and move out of a city to another place. They vote with their feet. If they do not like the way things are run, they have that opportunity, and employers everywhere exercise that option.

But I will point out, for this discussion, the Federal Government, as an employer, does not truly have that option. We cannot move the Capital. Some Senators have tried, but the Capital is here, and it is going to stay here. We cannot move the central operation of this Nation.

So while I would not want to use the word ''hostage'' in the wrong way, we are subject to not have the same leverage that other large employers have. So in the role as chair of this committee, I take on extra responsibility to try to communicate, in as constructive a way as possible, the views of the Federal Government as an employer. Particularly in the areas of public safety and transportation, our employees who work in the District, who are employed by the Federal Government, have a legitimate standing in those debates.

So let me say, in closing, that I look forward to working with many of my colleagues. Senator BYRD, himself, the distinguished Senator from West Virginia, served for 7 years in the capacity as chair of this committee. I cannot say at this date that I will serve as chair for 7 years—for as long as Senator BYRD served—but I can promise you, it will be no less than 4 years. If I can make it 7, I may try, because it is a lot of responsibility and it is a lot of work.

But I come to this chair at a time of great promise for this city, and with a great leadership team to work with, the Mayor and the city council, and who are poised for reform, some men and women who have literally given blood, sweat, and tears to lift this District to a place that holds great promise for not only the residents who live here, including every single child who lives here today, but for families everywhere.

So I am looking forward to that with great anticipation and great enthusiasm and will, again, focus on these important issues.

I thank the Presiding Officer. 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. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SUPPLEMENTAL APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. BYRD. Mr. President, today we are considering the conference report on H.R. 2216, the Supplemental Appropriations Act for fiscal year 2001.

My colleague, Senator STEVENS, is momentarily off the floor. He has some constituents. He understands that we are beginning our discussions and has indicated his willingness for me to proceed. But he will come to the floor shortly and have some things to say also about the conference report.

On June 1, 2001, President Bush asked Congress to consider a supplemental request for $6.5 billion primarily for the Department of Defense. The conference report the Senate will adopt later today totals $6.5 billion—not one dime above the President's request.

The conference report contains no emergency designations. The President has said he will not support such emergency designations, so the conferees have not included any emergency designations in this bill. Unrequested items in the bill are offset.

The conference report is the product of the hard work and cooperation of all of the conferees, especially Senator STEVENS, ranking member of the Appropriations Committee in the Senate, and Chairman BILL YOUNG, the House Appropriations Committee chairman, and the ranking member of the Appropriations Committee in the House of Representatives, DAVID OBEY.

I cannot say enough about the cooperation of my friend and colleague, the former chairman of the Appropriations Committee in the Senate and now the ranking member, TED STEVENS. The word really isn't ''cooperation.'' It is better than that. It is ''leadership''—leadership on the part of Senator TED STEVENS. TED STEVENS has been exemplary in his cooperation and support as we have crafted this conference report, as we have crafted this agreement in a bipartisan and collegial way.

The distinguished ranking member is on the floor now. As I indicated earlier, ''cooperation'' is not really the word. There is a better word than that. The word is ''leadership.'' I compliment the distinguished Senator from Alaska, Mr. STEVENS, on his leadership in crafting this agreement.

It was not an easy task to craft an agreement that had no emergency designation, that offset all unrequested items, an agreement which conformed to Senate rule XXVIII and was not one dime over the President's request. I thank all of the conferees for their cooperation.

The conference report includes a number of offsets to pay for unrequested items, and Members should know—and perhaps be reminded—that with passage of the bill, we are at the statutory cap for budget authority in fiscal year 2001.

H.R. 2216 funds the President's defense request for a net increase of $5.5

billion, including $1.6 billion for defense health care, $515 million for military pay and benefits, $3.25 billion for increased military readiness, including the high costs of natural gas and other utilities, for increased military flying hours, and for other purposes. The conference report also includes $278 million for defense-related programs of the Department of Energy.

While the conferees have approved the President's request for the Department of Defense, I stress the importance of accountability for these and future funds. Financial accountability remains one of the weakest links in the Defense Department's budget process. This is no criticism of the Secretary of Defense. He is a new man on the job. He has been there before, but he inherited this. It is an accumulation over years and years.

Recently, the General Accounting Office reported that, of $1.1 billion earmarked for military spare parts in the fiscal year 1999 supplemental, only about $88 million could be tracked to the purchase of spare parts. The remaining $1 billion—or 92 percent of the appropriation—was transferred to operations and maintenance accounts, where the tracking process broke down. We must do better in making sure these dollars that are requested for spare parts go where they are intended.

The conference report includes report language requiring the Secretary of Defense to follow the money and to provide Congress with a complete accounting of all supplemental funds that are appropriated for spare parts. I am gratified that the administration recognizes this problem and included $100 million for strengthening the DOD financial management systems in their recent budget amendment for fiscal year 2002.

The conference report provides $300 million for the Low Income Energy Assistance Program, an increase of $150 million above the President's request, to help our citizens cope with high energy costs. The conference agreement also includes $161 million for grants to local education agencies under the Education for the Disadvantaged Program in response to the most recent poverty and expenditure data. Also provided is $100 million as an initial U.S. contribution to a global trust fund to combat AIDS, malaria, and tuberculosis.

A special request was made to me by our leader on this side of the aisle, Mr. DASCHLE. In conformity with his request, I worked to have $100 million included for that purpose, and it is here in this conference report. In addition, $92 million requested by the President for the Coast Guard is included, as is $115.8 million requested for the Treasury Department for the cost of processing and mailing out the tax rebate checks.

The conference report includes $3 million for the Department of Agriculture for inspection and enforcement activities to protect and promote humane treatment of animals.

The American people are becoming increasingly sensitive to the treatment of animals. In the past few weeks, in the local papers here in Washington—the Washington Post and the Washington Times—I have read reports of animals being processed while still alive—processed for food products while still alive. They were not adequately stunned; they could still feel pain. So we are trying to do something about that on appropriations. The American people are becoming sensitive to it. Reports of cruelty to animals through improper livestock production and slaughter practices have hit a nerve with the American people. So this provision attempts to address their growing concern. Additional inspectors are being provided by moneys that were added in our committee—the $3 million added for additional inspectors to enforce the laws that are already on the books. We expect those laws to be enforced.

The bill includes authority to make payments during fiscal year 2001 from the radiation exposure trust fund to provide compensation to the victims of radiation exposure for individuals who were involved in the mining of uranium ore and those who were downwind from nuclear weapons tests during the cold war. These victims have waited for too long for this, and I compliment the Senator from New Mexico, Mr. DOMENICI, and Senator TED STEVENS for their insistence upon a proper response by the Congress, by the Government, to the needs of these people who have been promised assistance.

The conference agreement includes critical disaster assistance through the Corps of Engineers and the Departments of Agriculture, Interior, Transportation, and Defense in response to recent flooding, ice storms, earthquakes, and other natural disasters across the Nation. These are the kinds of items, certainly, that are eligible to be called emergencies. These are acts of God—not the acts of man but the acts of God—and they ought to be designated emergencies. That is what they are. They are unforeseen and they are very costly—many times in human lives. There has to be help, and there is a certain area of assistance when these disasters come that can only be supplied by the Federal Government. They cost all of the people. So there are times when there must be items in appropriations bills that are properly designated as emergencies. But even so, we don't have any emergencies in this bill; no items are designated emergency. There was $473 million in the House bill designated as emergencies but not in this conference agreement. We helped the House to find offsets for these items.

I am particularly pleased that this supplemental bill does include disaster assistance in response to recent floods in West Virginia. During the weekend of July 7 and 8, communities in eight southern West Virginia counties were ravaged by torrential floodwaters. Entire towns were buried in mud. For many families, this latest flood came just weeks after cleanup efforts were completed from heavy rains in May that prompted a Federal disaster declaration. In this latest round of devastating flooding, more than 3,000 homes were damaged or destroyed, and the severe impact on the infrastructure in the southern part of my State—from roads, bridges, water and sewer, to power sources—has brought a normal way of life to a screeching halt.

The U.S. Department of Agriculture funding of $8 million is provided in the supplemental to remove debris and obstruction from waterways and to protect property. Additionally, $8 million is provided in the supplemental for the Corps of Engineers to assist in the recovery effort. FEMA estimates that its costs of cleanup and recovery in West Virginia will be at least $180 million. FEMA funding is available through existing appropriations, and the committee has included $2 billion for FEMA in the fiscal year 2002 VA-HUD appropriations bill. We did that yesterday in our Senate Appropriations Committee.

I am very appreciative and grateful for the cooperation my colleagues have demonstrated with regard to the funding that has been added, which will accelerate the pace of recovery in West Virginia. West Virginia is not the only State that has been hurt in this regard. But true to the nature and character of the people of West Virginia, West Virginians immediately began to reclaim their communities. I have seen this happen time after time after time over the long years in which I have served in the Senate—the mud, the muck, the misery that accompanies these sudden storms. West Virginia is prone to these things because we have these steep mountains that run up suddenly from the deep hollows, which lend themselves to these sudden storms and floods.

This aid will help to repair the state's injured infrastructure and clear the debris that has clogged our waterways.

The conference agreement does not include additional funding for FEMA disaster relief or Forest Service firefighting programs. On July 17, 2001, OMB Director Mitch Daniels sent the Appropriations Committee a letter which indicates that the Administration believes that these programs have adequate funding through the end of this fiscal year. We will closely monitor this situation and if there is need for additional resources, we will address those needs in the fiscal year 2002

appropriations bills, which as I say we already began yesterday. We began addressing many of these needs that exist in several States by including $2 billion for FEMA.

In its June 19, 2001 Statement of Administration Policy on House action on the supplemental, the Administration states that, ''emergency supplemental appropriations should be limited to extremely rare events.'' So I say again and again and again, this conference agreement contains no emergency designations. I do believe that it is appropriate for Congress and the President to use the emergency authority from time to time in response to natural disasters and other truly unforseen events. How rare such events may be, is up to a power greater than the Congress or the White House. There is such a power.

Mr. President, during debate on the recent tax-cut bill, I argued that the tax cuts contained in that bill could return the Federal budget to the deficit ditch. I stressed that the tax cuts were based on highly suspect 10-year surplus estimates and that if those estimates proved illusory, the tax-cut bill would result in spending the Medicare surplus.

While we are confronted with this problem, we on the Appropriations Committee are very sensitive to it. We are very sensitive to it. We are trying to be responsible. We are trying to be responsive to the needs of the country, and I think the action by the conferees, and particularly by this Senate and more especially by our committee, has indicated that we know how to be responsive and we know how to be responsible.

I thank my colleagues. Again, I thank the benign hand of destiny for allowing me to work with a Senator of the stature of TED STEVENS. This is not the first time I have said things like this, and it ought not be the last time, either.

I have been on the committee 43 years. This is my 43rd year. No Senator in history has ever served on the Appropriations Committee 43 years, other than I. I have seen chairmen come and I have seen them go and, in the main, they have all been good chairmen.

When we are in a time such as this when we have to scrimp and save and hold on to every penny, as it were, and I find myself chairman of the committee, I would be an ungrateful wretch if I did not thank my colleague, Senator STEVENS, and the other members of the committee on both sides of the aisle for my good fortune.

I thank them for my good fortune in having them on board that committee at a time when responsibility of being chairman devolves upon me.

Again, I say this bill has not one thin dime—not one thin dime, not one Indian head copper penny—above the President's request; not one penny, not one thin Indian head copper penny above the President's request. Do you hear me down there at the other end of the avenue? We are not one thin dime above the White House request.

I think that is something to ponder upon. This bill is within the statutory spending limits. It is a responsible bill. I urge Members to support it.

We had planned to have this matter before the Senate on Monday, but the administration has indicated its need for action on this bill today. Senator STEVENS has responded. He is here at his post of duty. We are working with the leaders on both sides of the aisle who also have implored us to move on this, and we are doing that.

Mr. President, I shall shortly turn to my colleague Senator STEVENS, but first, we are moving just a little bit ahead of calling up the conference report. Let me do that now.

I ask unanimous consent that the Senate now proceed to the conference report to accompany H.R. 2216, the supplemental appropriations bill; that once Senator STEVENS has concluded his remarks, the conference report be adopted; that the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD.

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

The clerk will report the conference report.

The senior assistant bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2216, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of July 19, 2001.)

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I certainly commend our chairman, Senator BYRD, for taking the action he has taken and the leadership of the Senate, Senator DASCHLE in particular. We did have an urgent plea from the military that we act today on this bill rather than wait for Monday. We have responded to that request. It is a supplemental. It is primarily concerned with Defense appropriations, and it is vitally needed. We hope these supplementals will not be long needed, as Senator BYRD has indicated.

If we plan our bills properly and they are executed properly by the executive branch of our Government, we would not have requests for supplementals unless because of an act of God or because of an unforeseen event we were called upon to provide additional moneys for the current fiscal year. This is money for this current fiscal year.

Because of the practices of the past, moneys have been diverted from the operation and maintenance account. We tried to account for those. It has not really been possible to account for them as much as we would like. Senator BYRD has indicated we want greater specificity of how the money is spent, particularly from the supplemental, so we can determine whether they are needed in the future.

This one, I am confident, is needed. If Members of the Senate will remember the long delays in the last part of last year and the basic problem of utilizing some of the moneys from the O&M account, as I indicated for peacekeeping and other matters, we have gotten into the habit by the time we reach the fourth quarter of the fiscal year of the Department of Defense needing more money.

We hope we are addressing that situation in the bill for 2002 so that will not happen. I join Senator BYRD in saying we do not look forward to holding the Senate up on Friday afternoons dealing with a supplemental unless it truly is for an emergency or for an unforeseen situation. This is not that bill. This is a supplemental because enough money was not provided for the Department of Defense for the current fiscal year. These moneys are necessary.

I do believe this conference report meets the needs as defined by the President in the submission he made in a request for supplemental. It was an urgent defense supplemental but not an emergency bill that we received. As Senator BYRD said, there is no emergency money in this bill. No account required emergency spending. It provides additional resources for critical readiness and for quality of life and medical programs.

At the end of the last Congress, we passed two bills, one dealing with health care and another dealing with pay affecting the Department of Defense. In order to fund those, they had to take money out of the first three quarters of this calendar year and use it for the programs, meaning the other programs, particularly the readiness programs which are involved in the steaming hours, the flying hours, the use of tanks in the field, the maneuvers. These cost money. This bill is to fund those. That is why it was urgent we finish this bill today.

However, there are other priorities, some of which Senator BYRD has mentioned. He mentioned the radiation compensation. I point out also there is money for the new problems that have come up with regard to the Salt Lake City Olympics, for the defense nuclear programs. I commend Senator BYRD particularly for calling to the attention of the committee the President's request for additional money to respond to the international AIDS crisis.

There is money here. That is a legitimate supplemental request. It may even come under the heading of being an emergency one of these days. It is a near world emergency. At least we have jumped the gun and made moneys available now, which the President actually requested for 2002, and the President has indicated an appreciation of that action, and I am sure he will be pleased to sign this bill.

We have started off under a new management. A slight revolution went on here and we changed positions, but this bill demonstrates we can work together in a bipartisan fashion. I think the supplemental conference we had with our friends in the House, the chairman of the House committee, Congressman BILL YOUNG, and the ranking member, Congressman OBEY, had probably the best—there is no other word for it than ambience, the best feeling I have had in a long time. We all realized we had a lot to do in a short time to do it. We are behind the curve as far as our bills are concerned. This bill came through conference between the House and Senate in record time.

It does represent a lot of things. As Senator BYRD mentioned, there are some things for his State, there are a couple things that affect my State. I will point that out.

Over the Fourth of July recess, I went home and examined the area and talked to the Forest Service about that area of our State where a controlled fire got out of control, a fire on Forest Service lands that actually had gone into the beetle kill area. We have an enormous amount of our forests in Alaska that have already been killed by beetles. This fire left the Federal lands and swooped into an area that already had been planned for scheduled harvest of timber from State lands. We had provided for that. It is not emergency money, but it is money to assist the Forest Service to deal with the Kenai Spruce Bark Beetle Task Force, allowing them to respond to the wildfires that are taking place now in Alaska due to this problem, the enormous fire in the kill area where the beetles have killed so many of our trees.

It also has a provision to allow funds that we previously appropriated for the State of Alaska to construct a seed laboratory in Palmer, our agricultural area. The law had to be changed so that those funds could be used. The money was made available, but there was a defect in the previous law. It makes permanent a provision that Congress has included in previous bills recognizing those tribes in our State of Alaska that are entitled to tribal priority allocations, and also makes some corrections regarding legislation previously funded, when there were banned inadvertently 11 of our crab vessels from participating in our fishing operations.

When we handled these, we were able to make technical changes in the law, enabling previously appropriated funds to be used as we intended them to be used. There are several of those technical corrections in this bill that affect my State. Again, I express my appreciation to Senator BYRD and other members of the committee for being willing to address those and to allow making these small changes that are necessary so these funds already appropriated for this year can be used this year. That is why the provisions are in this bill.

Mr. President, the Supplemental Appropriations conference report contains two provisions that are very important to the North Pacific fishing industry. The first provision makes changes to the American Fisheries Act to ensure that U.S. lenders may continue to offer financing to fishermen and fishing companies after October 1, 2001. The second provision makes changes to a fishing vessel capacity reduction program to ensure that all vessels which meet the standards set by the North Pacific Fishery Management Council may participate in the Bering Sea crab fisheries.

The American Fisheries Act, AFA, helped ''Americanize'' the domestic fisheries by requiring that U.S. fishing vessels be 75 percent owned and controlled by U.S. citizens at all tiers of ownership and in the aggregate. The AFA also limits the class of lenders that may hold a preferred mortgage on a fishing vessel to ''fisheries citizens'' who meet the 75 percent standard, state- or federally-chartered financial institutions which meet the controlling interest (51 percent) requirement in section 2(b) of the Shipping Act of 1916, or lenders using a mortgage trustee which qualifies as a fisheries citizen. These standards apply to the more than 36,000 U.S. fishing vessels in our domestic fleets. The Maritime Administration's implementing regulations give special scrutiny to vessels 100 feet in length or greater.

Since these regulations were promulgated, Congress has been told that most large lenders cannot prove that they are U.S. citizens under Marad's rules. Proof can only be made through an examination of shareholder records, which is a practical impossibility for widely-held companies. Shares in these lending institutions are traded thousands of times a day, and are often held by mutual funds on behalf of the real equity owners. The same proof problems have discouraged financial institutions from acting as mortgage trustees.

Section 2202(a) moves the provisions defining a mortgage trustee from Chapter 121 of title 46, which deals with vessel documentation, to chapter 313, which deals with vessel mortgages. This will prevent the loss of a fishery endorsement by a vessel if that vessel's mortgage trustee falls out of compliance with the statute.

Section 2202(b) expands the class of lenders eligible to hold a preferred mortgage to include state- or federally-chartered financial institutions insured by the Federal Deposit Insurance Corporation, farm credit lenders, specific banks created under state law, and eligible commercial lenders. This provision more accurately reflects the types of lenders currently making loans to the fishing industry.

Section 2202(c) expands the class of eligible mortgage trustees to include any entity eligible to hold a preferred mortgage directly, provided that it also meets other requirements. Marad will specifically analyze the trust arrangements of beneficiaries which are not commercial lenders, or are not eligible to hold preferred mortgages directly.

Section 2202(d) delays the effective date of these changes until 2003 to give Marad time to develop new regulations. I strongly encourage Marad to promulgate draft regulations by March 1, 2002, and final regulations not less than 180 days later, so that Congress may review the new rules before they take effect. Additionally, Congress's significant concern over foreign control of fishing vessels that led to the AFA has not lessened since it was enacted in 1998. In promulgating new rules that take into account the specific legislative changes made by this provision, Marad should also take every step necessary to ensure that foreign capital is neither impermissibly invested in nor controlling our fisheries.

Finally, Section 2202(e) addresses commerce treaties between the United States and certain foreign countries. After consultation with the State Department, Marad recently determined that these treaties exempt foreign ownership of U.S. fishing vessels from the AFA's 75 percent U.S. ownership standards. Section 213(g) of the AFA as enacted would exempt additional foreign investments made between now and October 1, 2001. This provision closes that window, and freezes the foreign ownership at today's levels.

The other provision in the Supplemental Appropriations Act, section 2201, corrects an interpretation of law that inadvertently disqualified several vessels from the crab fisheries. This provision restores the eligibility of those permit holders which used the fishing history from multiple vessels to meet the qualifying periods agreed to by the North Pacific Council.

My last comment is that we have expressed a desire from our majority leader that we try to move nine bills before the August recess. That is 2 weeks away. I am committed to try and work with Senator BYRD and other Members to achieve that goal. I think it is important to do it, if possible.

The fact this is a fair and balanced agreement and one that has come out

of our committees on a bipartisan basis is a harbinger of good things ahead. I hope we can work on the other bills the way we have on this one and demonstrate our commitment to catch up on the appropriations process and deliver on the request of the majority leader: that we report out and get to conference prior to the time we leave for the August recess the nine bills that have been outlined by the chairman.

Again, I am grateful and humbled by the comments of my friend from West Virginia, having been my mentor for so many years. To have him make the comments he did concerning me is a humbling matter. It is more than a privilege to serve with Senator BYRD. It is really a great honor. To be able to stand here now as the ranking Republican is something I wasn't sure would ever occur to me, just as I am not sure I would become chairman, but I fervently hope some day I might become chairman again.

(Ms. STABENOW assumed the chair.)

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. BYRD. Upon his completing his statement, the Senate will have acted on this conference report.

Let me refer to some things I inadvertently overlooked. One is the splendid staff work that was demonstrated in bringing this conference report to the floor and bringing the meeting of the minds of conferees in both Houses, the meeting of the minds together. It was the most remarkable display of statecraft that I have seen in my service on committees in the Senate, the way our staffs worked.

The Senate appropriations staff on both sides is a class act, a class act.

I thank Terry Sauvain and Chuck Kieffer and Steve Cortese. These are remarkable men in the way they worked together and the way they worked in the House. I want to extend the same expressions of thanks and admiration to the House staff, Jim Dyer and Scott Lily. It is remarkable. This is a real class act to watch. I also want to thank our ranking members, Mr. STEVENS and others on that side of the aisle, THAD COCHRAN and the other Members on the Republican side of the aisle in committee. These are fine people to work with, never a hint of partisanship. None.

In closing, I also inadvertently omitted the name of Senator BINGAMAN when I spoke about the authority to make payments during fiscal year 2001 from the reparation exposure trust fund.

I mentioned the leadership of Senator STEVENS and Senator DOMENICI in this area. I inadvertently overlooked the name of Senator BINGAMAN. He was an original Senate sponsor of this effort. He is not on the committee, but he certainly attends to his duties and responsibilities toward the people of New Mexico. In this instance they can be proud of him, likewise.

Madam President, I thank the Chair. My, ''how sweet it is,'' as Jackie Gleason used to say, how sweet it is to serve with men and women like we have on our Appropriations Committee.

I yield the floor.

Mr. STEVENS. Madam President, I thank Senator BYRD for his comments in honor of Terry Sauvain who is now staff director of the full committee. This is his first bill in that capacity. This demonstrates his basic approach, and we are blessed by his presence and knowledge, that he also has decided to proceed, as Senator BYRD and I have, on a bipartisan basis. He has been very gracious to all Members on our side. I thank Senator BYRD for commenting about Steve Cortese, a brilliant former staff director, now staff director for the minority. He really is a key man in the Senate as far as I am concerned; and Andy Givens here, working with me along with Lisa Sutherland; and I am pleased Senator BYRD mentioned Senator THAD COCHRAN, who is here, who was a member of our conference and has really contributed greatly to the outcome of this bill.

It is my understanding when I yield the floor the bill will pass; is that correct, Madam President?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Will the Senator yield. Forgive me for asking him to yield one more time. In speaking of our ranking member, I must not overlook the splendid work of the paradigm of patriotism that is constantly and consistently and always and never-endingly shown by DANNY INOUYE, the ranking member of our committee on this side of the aisle, and how fortunate we are to have, in this particular bill which deals mostly with defense, how fortunate we are to have the guidance and the leadership of the chairman, TED STEVENS, and the ranking member, DANNY INOUYE of the Defense Appropriations Committee subcommittee.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. Yes.

Mr. STEVENS. Turn that over. We have just changed seats.

Mr. BYRD. Yes. OK.

Mr. STEVENS. Chairman INOUYE and Ranking Member STEVENS.

Mr. BYRD. The Senator is correct. But those two, TED STEVENS and DANNY INOUYE, are just like TED STEVENS and ROBERT BYRD. It really doesn't make a difference. If it weren't for the fact that I am expected, if I leave the Chair momentarily, to call on a Democrat, I would just be as sure and as confident and secure if I turned it over to TED STEVENS. It would not make a bit of difference to me personally. I would say: TED, I have to go out for a moment to see some constituents. Would you take over?

We are fortunate, though, in having TED STEVENS and DANNY as the two key members on national defense, active at the helm in our development and managing of this supplemental. I thank the Senator.

Mr. STEVENS. I was going to mention Senator INOUYE because he mentioned to me earlier we ought to do something to try to see if we can get this bill finished today. So we have met Senator INOUYE's request.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the conference report?

If not, under the previous order, the conference report is agreed to. The motion to reconsider is laid upon the table.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from West Virginia.

COMPLIMENTING SENATOR STABENOW AND HER FRESHMEN COLLEAGUES

Mr. BYRD. Madam President, I would not want this beautiful July afternoon to pass without my paying compliments to the Senator who is presiding over the Senate at this point. She presides with a dignity and bearing and manner and presence that are so rare as a day in June.

Just look at that smile. I have never seen a more beautiful smile than that the Presiding Officer today constantly wears.

Walt Whitman said:

> A man is a great thing upon the earth and throughout eternity, but every jot of the greatness of man is unfolded out of woman. . . .

How fortunate we are to have had a degree of presiding professionalism as we see in the new Members of this Senate as they are called upon to preside every day. It is a chore. They have to take their valuable time away from their office and desk where they may be reading letters from constituents, signing letters to constituents, dictating letters to constituents, or working in a hundred other ways every day in the service of the Nation, the service of the people of their State. Yet they give their time to come here and preside.

This group of Presiding Officers in this new class of Senators is the best overall group I have seen in my 43 years of service in the foremost upper body in the world today. This is a good example.

The Presiding Officer, DEBBIE STABENOW from Michigan, is not reading a magazine. She is not sitting up there reading the newspapers. She is not sitting up there signing mail. There used to be a telephone up there. When I became majority leader, I yanked that telephone out so people who are presiding cannot sit there and talk on the telephone. I urge all new Members when they sit up there and preside to pay attention to the Senate. Please don't be signing your mail up there. Please don't be reading a magazine. Please don't be reading newspapers. Be alert to what is being done on the Senate floor.

It is a suggestion that goes over very well at first, but then so many times I have noticed they lapse into the same old habit of reading and signing their mail. It just kind of makes my spirit fall. But I do not see these new Senators doing that. They do not bring their mail up there. They sit there, very alert. And when they ask for order, they get it.

I will have more to say about this on Monday, I promise you. But I just couldn't let this occasion pass or this fleeting moment go by without complimenting the Senator from Michigan, DEBBIE STABENOW, who sets a fine example as a Senator and as a Presiding Officer.

Madam 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. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

COMMENDATION OF THE PRESIDING OFFICERS

Mr. DASCHLE. Madam President, I know the distinguished chairman of the Appropriations Committee just complimented the Presiding Officer, and I, too, want to add my commendation. She is an outstanding Presiding Officer, and she is willing to spend the time and make the commitment to preside over the Senate. As the chairman has indicated, we have a number of extraordinary Senators who are spending the time and making that kind of commitment. I applaud all of them and I appreciate the way in which they are presiding. I commend especially the distinguished Senator from Michigan.

I am disappointed that beginning next week we will not have bipartisan Presiding Officers. I appreciate the importance of the job of the Presiding Officer, especially late in the day on a Friday.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

MODIFICATION TO AMENDMENT NO. 1024

Mr. DASCHLE. Madam President, I ask unanimous consent that the amendment found on page 56 of the managers' amendment numbered 1024 to H.R. 2311, the energy and water appropriations bill, be modified with the technical correction to the instruction line which I now send to the desk.

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

The modification is as follows:

On page 11, after line 16, insert the following:

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

AMENDMENT NO. 1029, AS MODIFIED

Mr. DASCHLE. Madam President, I ask unanimous consent that the previously agreed to amendment numbered 1029 be modified with the language at the desk in order to vitiate action on the last division of the amendment.

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

The amendment (No. 1029), as modified, was agreed to, as follows:

On page 20, line 16, strike the numeral and all that follows through the word ''Code'' on page 18 and insert in lieu thereof the following: ''$3,348,128 shall be set aside for the program authorized under section 1101(a)(11) of the Transportation Equity Act for the 21st Century, as amended and section 162 of title 23, United States Code;''

On page 33, line 12, strike the word ''together'' and all that follows through the semi-colon on line 14.

LEGISLATIVE APPROPRIATIONS ACT, 2002

OFFICE OF TECHNOLOGY ASSESSMENT

Mr. BINGAMAN. Mr. President, my amendment intends to restore a lost capability to assess the effects of science and technology on our Congressional policymaking process.

Mr. DURBIN. Is the Senator proposing to restart the former Office of Technology Assessment?

Mr. BINGAMAN. I am not proposing to restart Office of Technology Assessment (or OTA). But, I feel that today we lack the analytical insight of its technology assessment process.

Mr. DURBIN. How is the Senator proposing that these funds be used?

Mr. BINGAMAN. I am proposing a one year pilot program to utilize technology assessment methodology to analyze current science and technology issues affecting our Congress. I am proposing to implement this by contracting with outside non-profit agencies such as the National Academy of Sciences. My intent was for the Congressional Research Service to manage this activity as I feel they are better suited to conduct and oversee this type of long term research activity. In doing so. I was hoping that oversight would be provided by the Senate Rules and House Administration Committees and through these Committees, the Joint Committee on the Library of Congress.

Mr. DURBIN. Who is the Senator now proposing to manage this activity?

Mr. BINGAMAN. It has been suggested that the General Accounting Office can better serve this function. I feel that the General Accounting Office may not be suited for such a long term research activity. The GAO is investigative in nature. However, it is better to start an initial pilot program utilizing the OTA technology assessment method rather than no pilot program at all. So, I offer this amendment to use the General Accounting Office. But, I ask the Chairman that during conference, serious consideration be given to my request of having the Congressional Research Service manage this pilot program.

Mr. DURBIN. How will the initial studies be chosen for the pilot program and how will it be reported?

Mr. BINGAMAN. The General Accounting Office should submit a listing of Congressionally relevant technology assessment studies to its oversight committees, the Senate Committee on Governmental Affairs and the House Committee on Government Reform. From this list, two projects should be chosen, one by each Committee no later than October 31st, 2001. The technology assessment studies should then begin with a report given to both Committees, and the House and Senate Appropriations Committee, no later than June 15, 2002. At that time the decision can be made as to whether this technology assessment process was beneficial enough to continue it a second year. If this pilot program is to continue, I recommend that the funding be executed using the Office of Technology Assessment authorization language. Rather than OTA's 200 person, $20 million budget, the organization would be a small legislative branch staff using outside non-profit groups to perform the in-depth research.

ACCESS TO VA HEALTH CARE IN WEST VIRGINIA

Mr. ROCKEFELLER. Madam President, as chairman of the Committee on Veterans' Affairs, I want to share with my colleagues some of the concerns voiced by veterans at a recent field hearing in my state of West Virginia.

On July 16, the Committee held a hearing in Huntington, West Virginia, to examine the challenges facing veterans from rural areas who receive health care through the Department of Veterans Affairs. The Committee held its last West Virginia field hearing on access to rural VA health care in 1993.

Since then, profound changes in VA's health care delivery—a rapid increase in community clinics, eligibility reform that opened the system to more veterans, and the reorganization of VA into 22 service networks—have affected how veterans access basic and specialized medical care.

The challenges that face VA in providing the best health care possible to our Nation's veterans are often magnified in rural areas, where veterans and VA caregivers must stretch already limited resources over long distances. West Virginia contends with a unique situation: each of our four VA medical centers belongs to a different VA service network. While this partitioning creates problems for West Virginians, it also offers the Committee the opportunity to study in microcosm the problems facing veterans throughout the VA health care system.

Regrettably, many of the problems discussed at the 1993 field hearing remain with us: the struggles with an inadequate budget, long waiting times for care, too few VA personnel to provide specialized care, insufficient long-term care services, and transportation problems for veterans traveling to or between VA medical centers. And, with the aging of the veterans population and continued absence of meaningful prescription drug coverage under Medicare, veterans' concerns about access to, and copayments for, prescription drugs grow even more pressing.

It will not be easy to solve these problems; after the President's recent tax cut, there is simply not enough money available—either in the President's budget or the Budget Resolution adopted by the Congress—for veterans' health care. That said, we must do our best to improve access to rural health care with the resources that we have.

On July 16, West Virginia veterans talked to me about the obstacles they face just to get an appointment at a VA health care facility, and then in getting to that appointment for care. Veterans report to the State Veterans Coalition that they regularly wait months for an appointment for basic VA medical care—or even longer for a first visit. After veterans have finally seen a doctor for a first exam, they may wait weeks or months longer for a referral to needed specialty care.

For veterans in rural areas, referrals frequently require a transfer to distant VA medical centers. After hours of driving, veterans may sit for many more hours in a waiting room, without meals or a safe place to rest. A shocking number of veterans disabled by spinal cord injuries neglect basic medical checkups to avoid travel. One West Virginia veteran described making more than 30 round trips to the VA hospital at Richmond for tests based on a single referral; and his story, unfortunately, is not unique. This is not only inconvenient for the veteran, but a waste of VA resources.

VA must focus on coordination and management of care between facilities—both to provide the best health care and to consider the practical needs of veterans. For veterans who must drive long distances or depend on van services, appointments could be scheduled to accommodate their traveling times. VA could coordinate tests to compress them into the shortest time span possible, with lodging arranged when an overnight stay is required. Veterans who served this country should not be expected to sleep in waiting room chairs and to go hungry when simple attention to details can prevent excessive traveling and long waits. At the very least, VA should have a systemwide plan for communicating how transfers work, and what resources are available, to veterans and their families.

Although it is impossible to expect that every veteran in the Nation's vast rural areas can access every health care service close to home, it is essential that—should they require care at distant VA or private facilities—their transfers happen as simply and efficiently as possible. VA's network and hospital directors must eliminate barriers to coordinating and managing care between medical centers or between networks. I will continue to work with VA to find better ways to communicate with veterans and to make transfers as seamless as possible.

The Millennium Act, which VA has been shamefully slow to implement, will provide veterans with access to noninstitutional long-term care services. As I heard from the son of a World War II ex-prisoner of war, now being cared for at home at his family's expense, aging veterans suffering from PTSD need caregivers who understand the legacies of war-time experiences. The Committee will continue to oversee VA's efforts to bring long-term care services—both nursing beds and noninstitutional services—to the veterans who need it.

I have advocated the opening of community-based outpatient clinics, which bring basic primary health care closer to the veteran. These outpatient clinics are enormously important to veterans in rural areas, and I will continue to urge VA to make these clinics the best they can possibly be—without sacrificing the specialized programs at which VA has excelled.

We have to count more than just the number of clinics and hospitals when we talk about access to health care—we must consider waiting times for an appointment. Many of the delays in appointments, referrals, and transfers that veterans experience stem from inadequate staffing, especially the increasingly critical shortage of skilled nurses. I have recently introduced legislation to improve VA's ability to recruit and retain nurses, whose skills are essential to providing high quality health care in a timely fashion.

Finally, I would like to take this opportunity to acknowledge the efforts of the many volunteers who help bring rural veterans closer to health care. Disabled American Veterans (DAV) operates a nationwide Transportation Network that helps sick and disabled veterans reach VA medical facilities for care. Since its inception, DAV volunteers in West Virginia have dedicated more than 700,000 hours of time to driving veterans to medical appointments, often in vans donated by DAV to the VA. Nationally, DAV Hospital Service Coordinators operate 185 such programs, where 8,000 volunteers donated almost 2 million hours last year alone. Although this program does not replace VA's obligation to bring services close to the veteran where possible and to smooth transfers between medical centers, this service is certainly indispensable to disabled veterans who must reach a VA medical center for necessary medical care.

Mr. President, in closing, I look forward to working with VA and my colleagues in the Senate to find the best ways to extend health care more efficiently—and effectively—to veterans in our Nation's rural areas. We owe our veterans nothing less.

IN RECOGNITION OF THE SIXTH NAVAL BEACH BATTALION

Mr. DOMENICI. Madam President, I rise today to recognize the bravery and fortitude of the Sixth Naval Beach Battalion, many of whom gave their lives for their country on D-Day, June 6, 1944. Recently, a small group of the living members of the Battalion gathered in Normandy, France to unveil a commemorative plaque dedicated to their fellow sailors who paid the ultimate price for the defense of liberty. This memorial will serve as a small reminder of the tremendous sacrifice that these men made in order to secure the freedoms that we, as a nation, now enjoy.

Unfortunately, for many years, the Sixth Naval Beach Battalion was known as the ''Forgotten Sailors.'' While many of its members were individually recognized for their bravery, the Battalion as a whole had never been recognized. However, thanks to the persistent efforts of its living members, the Battalion was finally honored last year with the Presidential Unit Citation. This great honor was presented to the Battalion at its annual reunion last year, and I am proud that the valiance of these men has finally been recognized.

The World War II generation is frequently referred to as America's ''Greatest Generation,'' and this is no more true of the Sixth Naval Beach Battalion. They landed on Omaha Beach early in the morning of June 6 and faced extraordinary peril on that

historic day. Yet, the Battalion demonstrated its courage and fought gallantly despite overwhelming odds. We owe a tremendous debt of gratitude to all of the members of the Battalion, both living and deceased, for the hard-fought victory over tyranny that was achieved on that day.

I would like to share my gratitude for the bravery and selflessness of the Sixth Naval Beach Battalion. I would hope that America never forgets the great sacrifice that the Battalion's members made in the defense of our liberty. Mr. President, I ask unanimous consent that the speech given by Lieutenant Commander Joseph Vaghi at the unveiling of the commemorative plaque be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEDICATION ADDRESS OF THE 6TH NAVAL BEACH BATTALION PLAQUE AT OMAHA BEACH—NORMANDY, FRANCE

(By LCDR Joseph P. Vaghi, USNR (Ret.))

We are here today this 5th day of June 2001, to unveil a plaque dedicated in memory of the men of the 6th Naval Beach Battalion who gave their lives on D-Day, June 6, 1944.

A small remnant of living members of our Battalion is also here today to pay tribute to their comrades, who have fallen and paid the ultimate price by giving their lives.

Each and every person here for this unveiling shares in the victory of freedom over tyranny by the selfless action which took place 57 years ago on this sacred soil of Omaha Beach.

You will remember that for four long years the fate of freedom flickered in the shadow of the world's aggressions.

We watched as the war in Europe spread across the English Channel to Britain. Then came Pearl Harbor. We as a nation were at war.

It was on these beaches of Normandy that the 6th Naval Beach Battalion made its contribution in the fight for liberty and against tyranny. This became the greatest military operation in all of history.

The men of the 6th Naval Beach Battalion had great faith that what was head of us was right and just. We knew what we were doing had to be done.

It made little difference if we were 18 or 38 years of age. We knew that what we were about to do was in some manner exactly what God wanted us to do.

The men of the 6th Naval Beach Battalion prepared for D-Day at Camp Bradford, VA., and Fort Pierce, FL., on the beaches of Slapton Sands, England, and in training with the 5th Engineer Special Brigade in Swansea, Wales.

At each step, we become more aware of the responsibility we would be asked to assume as we landed on the shores of France.

Elements of our battalion who were part of the Underwater Demolition Team landed at H-Hour (6:30 in the morning) with the main body of the battalion coming ashore an hour and five minutes after H-Hour at 7:35 a.m.

Of the thousands of men who came ashore that day, 9386 are at rest in the cemetery above the cliffs behind us.

This plaque we dedicate today is in memory of our comrades, and in extension is in memory of all who were laid to rest in the hallowed ground of the Normandy Cemetery. The plaque will be a perpetual reminder of the sacrifices made here on this beach, not only the 6th Naval Beach Battalion but the Coast Guard and Army too.

Last year at the 12th annual reunion of our battalion we were presented with the Presidential Unit Citation. It had been recommended by the Joint Command of Operation Overlord, which was the code name for the invasion of France, both the Army and Navy issued approval and recommendations that the 6th Naval Beach Battalion be honored with the citation.

When inquiries were made by some of our men, the Defense Department began looking into the situation and in September of last year there followed a full ceremony for the presentation of the award.

For 56 years we of the 6th Naval Beach Battalion were known by writers as the ''Forgotten Sailors.'' Many of the officers and men of the Battalion had been recognized for individual heroism but not the Battalion as a unit.

Our being here today is the cap-stone of our reśon d'etre, the 6th Naval Beach Battalion stands with all the great body of men who have been immortalized here on these beaches. Permit me to close by quoting President Roosevelt, ''The quality of our American fighting men is not all a matter of training, or equipment, or organization. It is essentially a matter of Spirit. That Spirit is expressed in their faith in America!''

That was the faith we had then and the faith we have today. Thank you, may God bless America.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 27, 1990 in Grand Chute, WI. Two policemen, from Marathon County and Blanchardville, were accused of disorderly conduct in the beating of a gay man. Witnesses said the officers, who were in a local nightclub, began taunting the victim on the dance floor with anti-gay slurs. Witnesses said they later saw the officers beat and kick the man in the parking lot. The victim was treated for bruised ribs and internal injuries.

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.

DEPARTMENT OF JUSTICE NOMINATIONS

Mr. LEAHY. Mr. President, I am pleased that the Judiciary Committee has reported another group of executive branch nominees and that the Senate will be acting on the President's nominations to head the Civil Rights Division and the Tax Division of the Department of Justice so promptly.

Just as the committee proceeded promptly with the consideration of the President's nomination of John Ashcroft to be Attorney General, when I temporarily chaired the committee in January, we are continuing to move promptly on other nominations this month. In January, the Senate did not receive the nomination of John Ashcroft until January 19 and reported it to the Senate the very next day. In deference to the President, the committee had moved ahead with hearings on the nomination the week of January 16 in advance of receiving the nomination by the President.

The Senate has confirmed the President's nominations of the Attorney General, the Deputy Attorney General and a controversial nomination to serve as Solicitor General. The President has yet to nominate anyone to be Associate Attorney General, the third highest ranking position at the Department of Justice. We have confirmed nominees to serve as Deputy Attorneys General to head the Criminal Division, the Antitrust Division, the Office of Legislative Affairs, and the Office of Legal Policy.

In late May, Chairman Hatch conducted a hearing on the nomination of Ralph F. Boyd, Jr., to be the Assistant Attorney General in charge of the Civil Rights Division. I had included Mr. Boyd's nomination on the agenda for a business meeting of the Judiciary Committee last week, our first week in session after the adoption of a Senate organizing resolution and the assignment of committee membership. But less than half of the Republican members of the committee showed up for the business meeting on July 12. We were unable to reach a quorum last week to report out the President's nominations to the Justice Department. Yesterday, at our next business meeting of the Judiciary Committee, we reported that nomination to the Senate.

It took the Senate the entire month of June to pass S. Res. 120, a simple resolution reorganizing the committees. It was only last Tuesday that assignments to committees were completed. Last Wednesday, the first day after the committee membership was set, we proceeded to hold a confirmation hearing including an additional executive branch nominee, Eileen O'Connor, to be Assistant Attorney General for the Tax Division of the Department of Justice. Today the Senate has that nomination before it because we were able to expedite its consideration by the committee at our business meeting yesterday. I expect the Senate will confirm Ms. O'Connor, another of the President's nominations to a key post at the Department of Justice. I am glad to be able to accommodate the

request of the Attorney General to expedite her consideration.

This week the Judiciary Committee proceeded with back-to-back days of hearing on the important nominations of Asa Hutchinson to head the Drug Enforcement Administration and James Ziglar to head the Immigration and Naturalization Service. I have noticed another hearing for next Tuesday for judicial and executive branch nominees, including the President's nominees to be Assistant Attorney General to head the Office of Justice Programs and to be the Director of the National Institute of Justice.

The Senate received the President's nomination of a new FBI Director on Wednesday of this week and I proceeded that same day to notice hearings on that important nomination to begin a week from Monday. It is my hope that with the cooperation of all Members and the administration we should be able to make progress and work toward Senate consideration of the nomination of Robert Mueller to be Director of the Federal Bureau of Investigation before the August recess, if possible. I have asked for the cooperation of all members of the committee, on both sides of the aisle. I noticed the hearings on Robert Mueller's nomination to begin on July 30. We will see if it is possible for the committee to act on that nomination before the August recess, which would be my preference.

I regret that Senators and their staffs will have not have more time to prepare for so important a hearing as that on the nominee to be the next Director of the FBI. It is my hope that the series of oversight hearings regarding the FBI in which we have been engaged, including our hearing this week, have helped and that Senators will be able to adhere to an expedited schedule for the hearing, a very brief turnaround time for written follow up questions and immediate Committee consideration.

We have set an ambitious schedule of five confirmation hearings this month on the President's nominees. We have completed three of those confirmation hearings and have another scheduled for each of the next two weeks. We have also reported a number of nominees, including the three Judicial Branch and two Executive Branch nominees before the Senate for consideration today.

The nomination of Ralph Boyd, Jr., to head the Civil Rights Division was reported unanimously and without objection by the Judiciary Committee. Senator KENNEDY, in particular, has been a strong and consistent advocate for this nomination and I thank him for his efforts. This will be one of the least contentious paths for a nominee to head the Civil Rights Division in some time. Indeed, the Judiciary Committee refused for the last three years of the Clinton administration even to report to the Senate President Clinton's nomination to head the Civil Rights Division. The handling of this nomination and the treatment of the nominee by Members not from the President's party stand in sharp contrast to the treatment of Bill Lann Lee.

I join with Senator KENNEDY in urging the Senate to act favorably on the nomination of Ralph Boyd, Jr.

NOMINATION OF JOHN D. GRAHAM

Mr. TORRICELLI. Mr. President, I rise today to express my opposition to the confirmation of John D. Graham, Ph.D. to direct the Office of Information and Regulatory Affairs, (OIRA), at the Office of Management and Budget, (OMB).

As Administrator of OIRA, Dr. Graham would be the gatekeeper for all Federal regulations. In my view, Dr. Graham, with his anti-regulatory views, is simply the wrong choice to serve in this important policy making position.

In enacting the Occupational Safety and Health Act, the Clean Air Act and other safety and health and environmental laws, Congress made a clear policy choice that protection of health and the environment was to be paramount consideration in setting regulations and standards. Dr. Graham's views and opinions are directly at odds with these policies.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO THE MONTGOMERY HIGH SCHOOL CLASS OF 1951

• Mr. ROCKEFELLER. Madam President, I believe that it is our families, friends and communities that create the very essence of our beings. They serve as our roots, instilling the values that shape our personal relationships and our professional careers.

In youth, we often fail to realize the crucial role that these people play, and we often lose touch with the people who mold us into whom we are today. With the passage of time, we can only wonder what path we might have otherwise taken had we maintained contact. Today, I would like to join a very special group of West Virginians—the Montgomery High School class of 1951—as its members renew the bonds of youth in celebrating the 50th anniversary class reunion.

As the members of Montgomery High School class of 1951 gather for their 50th anniversary reunion, they will recall the carefree days of their youth. Once again, they will refer to themselves as the Greyhounds of Montgomery High. Visions of victorious football games and summer vacations will waft through their collective memory as they join in singing their beloved Alma Mater.

They'll reminisce about Saturday nights at the Rockette and spending afternoons with friends at Kelly's Drug Store. More importantly, they will remember the diversity that makes Montgomery such a very special place. Communities such as Cannelton, Kimberly, Powellton, Smithers, and Deep Water joined together, creating a unique bond that remains today.

The Class of 1951 should be commended for renewing the bonds fostered more than 50 years ago. In celebrating this occasion, its members remind us of the importance of community in our own lives.

In honor of Montgomery High School class of 1951, on the occasion of its 50th anniversary, I am reminded that ''between the lofty mountains where the great Kanawha flows, in a valley that is magic and the seed of wisdom grows. Hail Montgomery.''•

MESSAGE FROM THE HOUSE

At 10:42 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2500. An act 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.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2957. A communication from the Acting Director of the Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the Strategic Plan for Fiscal Years 2001 to 2007; to the Committee on the Judiciary.

EC–2958. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for May 2001; to the Committee on Governmental Affairs.

EC–2959. A communication from the Acting Director of the United States Office of Personnel Management, transmitting, pursuant

to law, a report relative to the Physicians' Comparability Allowance Program Presidential Report for 2001; to the Committee on Governmental Affairs.

EC–2960. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Health and Safety of the District's Mentally Ill Jeopardized by Program Deficiencies and Inadequate Oversight''; to the Committee on Governmental Affairs.

EC–2961. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''Medicare Contracting Reform Amendments of 2001''; to the Committee on Finance.

EC–2962. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2000 Differential Earnings Rate'' (Rev. Rul. 2001–33) received on July 18, 2001; to the Committee on Finance.

EC–2963. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief from Nondiscrimination Rules for Certain Church Plans and Federal/International Plans'' (Notice 2001–46) received on July 18, 2001; to the Committee on Finance.

EC–2964. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, a draft of proposed legislation entitled ''Defense Production Act Amendments of 2001''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2965. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a Determination to allow the Export-Import Bank to finance the sale of defense articles to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC–2966. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the semiannual Monetary Policy Report dated July 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2967. A communication from the Deputy Secretary of the Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Policy Statement on the Establishment and Improvement of Standards Related to Auditor Independence'' received on July 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2968. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital'' (RIN2550–AA02) received on July 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2969. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''To authorize the Secretary of Agriculture to prescribe, adjust, and collect fees to cover the costs incurred by the Secretary for activities related to the review and maintenance of licenses and registrations under the Animal Welfare Act''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2970. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulations Under the Federal Insecticide, Fungicide, and Rodenticide Act for Plant-Incorporated Protectants (Formerly Plant-Pesticides)'' (RIN2070–AC02) received on July 16, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2971. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues Derived Through Conventional Breeding From Sexually Compatible Plants of Plant-Incorporated Protectants (Formerly Plant-Pesticides)'' (RIN2070–AC02) received on July 16, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2972. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues of Nucleic Acids that are Part of Plant-Incorporated Protectants (Formerly Plant-Pesticides)'' (RIN2070–AC02) received on July 16, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2973. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Plant-Incorporated Protectants (Formerly Plant-Pesticides), Supplemental Proposal'' (RIN2070–AC02) received on July 16, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2974. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues Derived Through Conventional Breeding From Sexually Compatible Plants of Plant-Incorporated Protectants (Formerly Plant-Pesticides)'' (FRL6057–6) received on July 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2975. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues of Nucleic Acids that are Part of Plant-Incorporated Protectants (Formerly Plant-Pesticides)'' (FRL6057–5) received on July 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2976. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulations Under the Federal Insecticide, Fungicide, and Rodenticide Act for Plant-Incorporated Protectants (Formerly Plant-Pesticides)'' (FRL6057) received on July 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2977. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Research and Promotion Branch, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled ''Blueberry Promotion, Research, and Information Order; Amendment No. 1'' (Doc. No. FV–00–706–FR) received on July 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2978. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL7015–8) received on July 16, 2001; to the Committee on Environment and Public Works.

EC–2979. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL7015–9) received on July 16, 2001; to the Committee on Environment and Public Works.

EC–2980. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emission from Organic Chemical Production'' (FRL7014–1) received on July 17, 2001; to the Committee on Environment and Public Works.

EC–2981. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of VOCs from Wood Furniture Manufacturing, Surface Coating Processes and Miscellaneous Revisions'' (FRL7013–7) received on July 17 , 2001; to the Committee on Environment and Public Works.

EC–2982. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL7016–4) received on July 17, 2001; to the Committee on Environment and Public Works.

EC–2983. A communication from the Deputy Administrator of the General Service Administration, transmitting, pursuant to law, a Report of Building Project Survey for Canton, OH; to the Committee on Environment and Public Works.

EC–2984. A communication from the Acting General Counsel, Office of the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''Coast Guard Authorization Act of 2001''; to the Committee on Commerce, Science, and Transportation.

EC–2985. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Inc Model 205–A1, 205B, 212, 412, 212CF and 412 04'' ((RIN2120–AA64)(2001–0335)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2986. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–7001GW Series Airplanes Modified by Supplemental Type Certificate ST09100AC–D, ST09704AC–D, ST09105AC–D, or ST09106AC–D'' ((RIN2120–AA64)(2001–0316)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2987. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives:

Boeing Model 767–200 Series Airplanes; request for comments'' ((RIN2120–AA64)(2001–0313)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2988. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Requirements Concerning Airplane Operating Limitations and the Content of Airplane Flight Manuals for Transport Category Airplanes'' (RIN2120–AH32) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2989. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAe Systems Limited Model BAe 146 and Model Avro 146–RJ Series Airplanes'' ((RIN2120–AA64)(2001–0330)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2990. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Luftfahrt GMBH Models 228–100, –101, –200, –201, –202, and –212 Airplanes'' ((RIN2120–AA64)(2001–0331)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2991. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerospatiale Model ATR42–500 Series Airplanes'' ((RIN2120–AA64)(2001–0332)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2992. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330–301, 321, 322, and 342 Series Airplanes and Airbus Model A340 Series Airplanes'' ((RIN2120–AA64)(2001–0336)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2993. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lockheed Model L 1011–385 Series Airplanes'' ((RIN2120–AA64)(2001–0337)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2994. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: CFM International, SA CFM56–3, –3B, and –3C Series Turbofan Engines'' ((RIN2120–AA64)(2001–0322)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2995. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: British Aerospace HP137 Mk1, Jetstream Models 3101 and 3201 Airplanes'' ((RIN2120–AA64)(2001–0328)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2996. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: GE Company CF6–50 Series Turbofan Engines'' ((RIN2120–AA64)(2001–0333)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2997. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney Cancada Model PW305 and PW305A'' ((RIN2120–AA64)(2001–0334)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2998. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: DG Glubzeugbau GmbH Model DG–500MB Sailplanes'' ((RIN2120–AA64)(2001–0325)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2999. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9 80 Series Airplanes; and Model MD 88 Airplanes'' ((RIN2120–AA64)(2001–0326)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3000. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Hartzell Propeller Inc. Y Shank Series Propellers'' ((RIN2120–AA64)(2001–0327)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3001. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200 and 300 Series'' ((RIN2120–AA64)(2001–0329)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3002. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: SOCATA Groupe AEROSPATIALE Model TBM 700 Airplanes'' ((RIN2120–AA64)(2001–0321)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3003. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney, request for comments'' ((RIN2120–AA64)(2001–0320)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3004. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pilatus Aircraft Ltd. Model PC–7 Airplanes'' ((RIN2120–AA64)(2001–0323)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3005. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: DG Flugzeugbau GmbH Model DG–800B Sailplanes'' ((RIN2120–AA64)(2001–0324)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3006. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8–100, –200, and –300 Series Airplanes'' ((RIN2120–AA64)(2001–0317)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3007. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: VALENTIN GmbH Model 17E Sailplanes; request for comments'' ((RIN2120–AA64)(2001–0318)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3008. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopters Textron Canada Model 430 Helicopters'' ((RIN2120–AA64)(2001–0319)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3009. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplanes'' ((RIN2120–AA64)(2001–0314)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3010. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Lockheed Model L–1011 Series Airplanes; request for comments'' ((RIN2120–AA64)(2001–0315)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3011. A communication from the Legal Technician of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Occupant Protection Incentive Grants'' (RIN2127–AH40) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3012. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Protection of Voluntarily Submitted Information'' (RIN2120–AG36) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Appropriations, without amendment:

S. 1215: An original bill 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 (Rept. No. 107–42).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 1216: An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations and offices for the fiscal year ending September 30, 2002, and for other purposes (Rept. No. 107–43).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KERRY for the Committee on Small Business and Entrepreneurship.

*Hector V. Barreto, Jr., of California, to be Administrator of the Small Business Administration.

By Mr. ROCKEFELLER for the Committee on Veterans' Affairs.

*Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee'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. CAMPBELL (for himself, Mr. INOUYE, Mr. DASCHLE, Mr. JOHNSON, and Mr. BURNS):

S. 1210. A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Indian Affairs.

By Ms. CANTWELL (for herself and Mr. SMITH of Oregon):

S. 1211. A bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 1212. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for qualified energy management devices, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL:

S. 1213. A bill to authorize a short-term program of grants to certain electric utilities to be passed through, in the form of credits toward electric bills, to consumers that reduce electric energy consumption and to establish an Electric Energy Conservation Fund to provide loans to utilities and nonprofit organizations to fund energy productivity projects; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself and Mr. GRAHAM):

S. 1214. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS:

S. 1215. An original bill 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; from the Committee on Appropriations; placed on the calendar.

By Ms. MIKULSKI:

S. 1216. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations and offices for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DODD (for himself, Mr. DEWINE, Ms. SNOWE, Mr. KENNEDY, Mr. ROBERTS, Mr. JOHNSON, Mr. EDWARDS, Mrs. FEINSTEIN, Ms. COLLINS, Mr. WELLSTONE, Mr. BINGAMAN, and Mrs. MURRAY):

S. 1217. A bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 312

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 409

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 761

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 761, a bill to provide loans for the improvement of telecommunications services on Indian reservations.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 1042

At the request of Mr. INOUYE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1048

At the request of Mr. DEWINE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1048, a bill to amend the Internal Revenue Code of 1986 to provide relief for payment of asbestos-related claims.

S. 1082

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1082, a bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs.

S. 1116

At the request of Mr. INOUYE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1116, a bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control.

S. 1134

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1134, a bill to amend the Internal Revenue Code of 1986 to modify the rules applicable to qualified small business stock.

S. 1140

At the request of Mr. HATCH, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. DURBIN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S.J. RES. 18

At the request of Mr. SARBANES, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S.J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. DASCHLE, Mr. JOHNSON, and Mr. BURNS):

S. 1210. A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senators INOUYE, DASCHLE, JOHNSON, and BURNS in introducing a bill that reauthorizes

the Native American Housing Assistance and Self-Determination Act, NAHASDA, of 1996, P.L. 104–330. As many of my colleagues know, NAHASDA promotes tribal self-determination and self-sufficiency as it builds upon the government-to-government relationship that exists between Indian tribes and the Federal Government.

NAHASDA became effective on October 1, 1997 and provides a single, flexible block grant for tribes or tribally-designated housing entities, TDHE, to administer Federal housing assistance. Under this block grant system, NAHASDA empowers tribes to determine local needs and authorizes tribal decision making when it comes to Indian housing policy.

Before NAHASDA, the Federal Government dictated the planning, financing and building of Indian housing. Since NAHASDA's enactment, tribes are in the ''driver's seat,'' and have the right to make certain decisions with regard to resource allocation; and also have the responsibility to determine the needs of their members and to make every effort to satisfy those needs.

In the past five years, NAHASDA has assisted tribes in making great strides in the quality and quantity of housing provided to Indian and Alaska Native communities. In fact, HUD estimates that over 25,000 new units of housing have been placed in Indian and Alaska Native communities under NAHASDA. This number is 10 times the maximum annual number of units provided for Indian communities under the previous Indian housing program.

Even with all the success of NAHASDA, Indian communities continue to live in the worst housing conditions in the United States. In fact, Indian housing is often and justifiably compared to the conditions present in Third World countries. Some of the startling statistics that characterize housing in Indian communities show that: 1 out of every 5 Indian homes lacks complete plumbing; 40 percent of homes on Indian lands are overcrowded and have serious physical deficiencies; and 69 percent of homes on Indian lands are severely overcrowded with up to 4 or 5 families living in the same two bedroom house.

These statistics illustrate that there is still much work to be done. NAHASDA has been a good first step in improving living conditions in Indian and Alaska Native communities, however there is still a tremendous need for adequate housing in these communities.

In the first few years of NAHASDA implementation, some bumps in the road were experienced. To provide a better transition from the old HUD dominated regime to the new policies of NAHASDA, I introduced a bill to provide technical amendments to strengthen and clarify NAHASDA. These technical amendments were necessary to ensure the proper implementation and enforcement of NAHASDA. With the recent enactment of the Native American Housing Assistance and Self-Determination Act Amendments of 1999, P.L. 106–568, NAHASDA is better suited to meet its goals and responsibilities.

The bill I am introducing today will extend NAHASDA for an additional five years. With the groundwork now laid, both Indian tribes and HUD should be able to provide improved housing assistance to Indian and Alaska Native communities.

Moreover, the extension of NAHASDA will encourage greater utilization of NAHASDA programs including its Title VI Loan Guarantee program, designed to aid tribes in leveraging federal funds in partnership with the private sector.

As Chairman of the Committee on Indian Affairs, I am committed to ensuring that NAHASDA is implemented in a fair, efficient and productive manner. It is my hope that the enactment of certain technical amendments in P.L. 106–568, and the reauthorization of NAHASDA will ensure improved housing assistance to all Indian and Alaska Native communities for years to come.

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. 1210

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2001''.

SEC. 2. REAUTHORIZATION OF THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.

(a) BLOCK GRANTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended by striking '', 1999, 2000, and 2001'' and inserting ''through 2006''.

(b) FEDERAL GUARANTEES.—Subsections (a) and (b) of section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) are each amended by striking '', 1998, 1999, 2000, and 2001'' and inserting ''through 2006''.

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking '', 1998, 1999, 2000, and 2001'' and inserting ''through 2006''.

By Mr. HOLLINGS (for himself and Mr. GRAHAM):

S. 1214. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to introduce the Port and Maritime Security Act of 2001. This legislation is long overdue. It is needed to facilitate future technological and advances and increases in international trade, and ensure that we have the sort of security control necessary to ensure that our borders are protected from drug smuggling, illegal aliens, trade fraud, threats of terrorism as well as potential threats to our ability to mobilize U.S. military force. I introduced similar legislation in the last Congress, but time did not allow us to proceed any further with the legislative process. However, this is just too important an issue to let it go by, and I intend to work with Senator GRAHAM, and others to try and craft a policy to help protect our maritime borders.

The Department of Transportation recently conducted an evaluation of our marine transportation needs for the 21st Century. In September 1999, then Transportation Secretary Slater issued a preliminary report of the Marine Transportation System, (MTS) Task Force—An Assessment of the U.S. Marine Transportation System. The report reflected a highly collaborative effort among public sector agencies, private sector organizations and other stakeholders in the MTS.

The report indicates that the United States has more than 1,000 channels and 25,000 miles of inland, intracoastal, and coastal waterways in the United States which serve over 300 ports, with more than 3,700 terminals that handle passenger and cargo movements. These waterways and ports link to 152,000 miles of railways, 460,000 miles of underground pipelines and 45,000 miles of interstate highways. Annually, the U.S. marine transportation system moves more than 2 billion tons of domestic and international freight, imports 3.3 billion tons of domestic oil, transports 134 million passengers by ferry, serves 78 million Americans engaged in recreational boating, and hosts more than 5 million cruise ship passengers.

The MTS provides economic value, as waterborne cargo contributes more than $742 billion to U.S. gross domestic product and creates employment for more than 13 million citizens. While these figures reveal the magnitude of our waterborne commerce, they don't reveal the spectacular growth of waterborne commerce, or the potential problems in coping with this growth. It is estimated that the total volume of domestic and international trade is expected to double over the next twenty years. The doubling of trade also brings up the troubling issue of how the U.S. is going to protect our maritime borders from crime, threats of terrorism, or even our ability to mobilize U.S. armed forces.

Security at our maritime borders is given substantially less Federal consideration than airports or land borders.

In the aviation industry, the Federal Aviation Administration (FAA) is intimately involved in ensuring that security measures are developed, implemented, and funded. The FAA works with various Federal officials to assess threats direct toward commercial aviation and to target various types of security measures as potential threats change. For example, during the Gulf War, airports were directed to ensure that no vehicles were parked within a set distance of the entrance to a terminal.

Currently, each air carrier, whether a U.S. carrier or foreign air carrier, is required to submit a proposal on how it plans to meet its security needs. Air carriers also are responsible for screening passengers and baggage in compliance with FAA regulations. The types of machines used in airports are all approved, and in many instances paid for by the FAA. The FAA uses its laboratories to check the machinery to determine if the equipment can detect explosives that are capable of destroying commercial aircrafts. Clearly, we learned from the Pan Am 103 disaster over Lockerbie, Scotland in 1988. Congress passed legislation in 1990 ''the Aviation Security Improvement Act,'' which was carefully considered by the Commerce Committee, to develop the types of measures I noted above. We also made sure that airports, the FAA, air carriers and law enforcement worked together to protect the flying public.

Following the crash of TWA flight 800 in 1996, we also leaped to spend money, when it was first thought to have been caused by a terrorist act. The FAA spent about $150 million on additional screening equipment, and we continue today to fund research and development for better, and more effective equipment. Finally, the FAA is responsible for ensuring that background checks, employment records/criminal records, of security screeners and those with access to secured airports are carried out in an effective and thorough manner. The FAA, at the direction of Congress, is responsible for certifying screening companies, and has developed ways to better test screeners. This is all done in the name of protecting the public. Seaports deserve no less consideration.

At land borders, there is a similar investment in security by the Federal Government. In TEA–21, approved $140 million a year for five years for the National Corridor Planning and Development and Coordinated Border Infrastructure Program. Eligible activities under this program include improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicles and cargo movements; construction of highways and related safety enforcement facilities that facilitate movements related to international trade; operational improvements, including improvements relating to electronic data intercharge and use of telecommunications, to expedite cross border vehicle and cargo movements; and planning, coordination, design and location studies.

By way of contrast, at U.S. seaports, the Federal Government invests nothing in infrastructure, other than the human presence of the U.S. Coast Guard, U.S. Customs Service, and the Immigration and Naturalization Service, and whatever equipment those agencies have to accomplish their mandates. Physical infrastructure is provided by state-controlled port authorities, or by private sector marine terminal operators. There are no controls, or requirements in place, except for certain standards promulgated by the Coast Guard for the protection of cruise ship passenger terminals. Essentially, where sea ports are concerned, we have abrogated the Federal responsibility of border control to the state and private sector.

I think that the U.S. Coast Guard and Customs Agency are doing an outstanding job, but they are outgunned. There is simply too much money in the illegal activities they are seeking to curtail or eradicate, and there is too much traffic coming into, and out of the United States. For instance, in the latest data available, 1999, we had more than 10 million TEU's imported into the United States. For the uninitiated, a TEU refers to a twenty-foot equivalent unit shipping container. By way of comparison, a regular truck measures 48-feet in length. So in translation, we imported close to 5 million truckloads of cargo. According to the Customs Service, seaports are able to inspect between 1 percent and 2 percent of the containers, so in other words, a drug smuggler has a 98 percent chance of gaining illegal entry.

It is amazing to think, that when you or I walk through an international airport we will walk through a metal detector, and our bags will be x-rayed, and Customs will interview us, and may check our bags. However, at a U.S. seaport you could import a 48 foot truck load of cargo, and have at least a 98 percent chance of not even being inspected. It just doesn't seem right.

For instance, in my own state, the Port of Charleston which is the fourth largest container port in the United States, just recently we got our first unit even capable of x-raying intermodal shipping containers, and we have the temporary deployment of a canine unit. By way of comparison, the Dallas/Fort Worth is the fourth largest airport in the United States, it would be inconceivable that an airport of this magnitude have just one single canine, and one piece of screening equipment. This is simply not sufficient.

The need for the evaluation of higher scrutiny of our system of seaport security came at the request of Senator GRAHAM, and I would like to commend him for his persistent efforts in addressing this issue. Senator GRAHAM has had problems with security at some of the Florida seaports, and although the state has taken some steps to address the issue, there is a great need for considerable improvement. Senator GRAHAM laudably convinced the President to appoint a Commission, designed similarly to the Aviation Security Commission, to review security at U.S. seaports.

The Commission visited twelve major U.S. seaports, as well as two foreign ports. It compiled a record of countless hours of testimony and heard from, and reviewed the security practices of the shipping industry. It also met with local law enforcement officials to discuss the issues and their experiences as a result of seaport related crime.

For instance, the Commission found that the twelve U.S. seaports accounted for 56 percent of the number of cocaine seizures, 32 percent of the marijuana seizures, and 65 percent of heroin seizures in commercial cargo shipments and vessels at all ports of entry nationwide. Yet, we have done relatively little, other than send in an undermanned contingency of Coast Guards and Customs officials to do whatever they can.

Drugs are not the only criminal problem confronting U.S. seaports. For example, alien smuggling has become increasingly lucrative enterprise. To illustrate, in August of 1999, INS officials found 132 Chinese men hiding aboard a container ship docked in Savannah, GA. The INS district director was quoted as saying; ''This was a very sophisticated ring, and never in my 23 years with the INS have I seen anything as large or sophisticated''. According to a recent GAO report on INS efforts on alien smuggling RPT-Number: B–283952, smuggling collectively may earn as much as several billion dollars per year bringing in illegal aliens.

Another problem facing seaports is cargo theft. Cargo theft does not always occur at seaports, but in many instances the theft has occurred because of knowledge of cargo contents. International shipping provides access to a lot of information and a lot of cargo to many different people along the course of its journey. We need to take steps to ensure that we do not facilitate theft. Losses as a result of cargo theft have been estimated as high as $12 billion annually, and it has been reported to have increased by as much as 20 percent recently. The FBI has become so concerned that it recently established a multi-district task force, Operation Sudden Stop, to crack down on cargo crime.

The other issues facing seaport security may be less evident, but potentially of greater threat. As a Nation in general, we have been relatively lucky

to have been free of some of the terrorist threats that have plagued other nations. However, we must not become complacent. U.S. seaports are extremely exposed. On a daily basis many seaports have cargo that could cause serious illness and death to potentially large populations of civilians living near seaports if targeted by terrorism. Most of the population of the United States lies in proximity to our coastline.

The sheer magnitude of most seaports, their historical proximity to established population bases, the open nature of the facility, and the massive quantities of hazardous cargoes being shipped through a port could be extremely threatening to the large populations that live in areas surrounding our seaports. The same conditions in U.S. seaports, that could expose us to threats from terrorism, could also be used to disrupt our abilities to mobilize militarily. During the Persian Gulf War, 95 percent of our military cargo was carried by sea. Disruption of sea service, could have resulted in a vastly different course of history. We need to ensure that it does not happen to any future military contingencies.

As I mentioned before, our seaports are international borders, and consequently we should treat them as such. However, I am realistic about the possibilities for increasing seaport security, the realities of international trade, and the many functional differences inherent in the different seaport localities. Seaports by their very nature, are open and exposed to surrounding areas, and as such it will be impossible to control all aspects of security, however, sensitive or critical safety areas should be protected. I also understand that U.S. seaports have different security needs in form and scope. For instance, a seaport in Alaska, that has very little international cargo does not need the same degree of attention that a seaport in a major metropolitan center, which imports and exports thousands of international shipments. However, the legislation we are introducing today will allow for public input and will consider local issues in the implementation of new guidelines on port security, so as to address such details.

Substantively, the Port and Maritime Security Act establishes a multi-pronged effort to address security needs at U.S. Seaports, and in some cases formalizes existing practices that have proven effective. The bill authorizes the Department of Transportation to establish a task force on port security and to work with the private sector to develop solutions to address the need to initiate a system of security to protect our maritime borders.

The purpose of the task force is to implement the provisions of the act; to coordinate programs to enhance the security and safety of U.S. seaports; to provide long-term solutions for seaport safety issues; to coordinate with local port security committees established by the Coast Guard to implement the provisions of the bill; and to ensure that the public and local port security committees are kept informed about seaport security enhancement developments.

The bill requires the U.S. Coast Guard to establish local port security committees at each U.S. seaport. The membership of these committees is to include representatives of the port authority, labor organizations, the private sector, and Federal, State, and local government officials. These committees will be chaired by the U.S. Coast Guard's Captain-of-the-Port, and will be used to establish quarterly meetings with local law enforcement and attempt to coordinate security and help facilitate law enforcement.

The bill also requires the Coast Guard to develop a system of providing vulnerability assessments for U.S. seaports. After completion of the assessment, the seaport would be required to submit a security program to the Coast Guard for review and approval. The assessment shall be performed with the cooperation and assistance of local officials, through local port security committees, and ensure the port is made aware of and participates in the analysis of security concerns. I continue to believe there is a need to perform background checks on transportation workers in sensitive positions to reveal potential threats to facilitate crime or terrorism. While the bill is silent on this matter, we will continue our discussions with law enforcement and transportation workers to develop a system that facilitates law enforcement but focuses more narrowly on those employees who have access to sensitive information.

The bill authorizes MarAd to provide loan guarantees to help cover some of the costs of port security infrastructure improvements, such as cameras and other monitoring equipment, fencing systems and other types of physical enhancements. The bill authorizes $8 million, annually for four years, to cover costs, as defined by the Credit Reform Act, which could guarantee up to $320 million in loans for security enhancements. The bill also establishes a grant program to help cover some of the same infrastructure costs. Additionally, the bill provides funds for the U.S. Customs Service to purchase screening equipment and other types of non-intrusive detection equipment. We have to provide Customs with the tools they need to help prevent further crime.

The bill requires a report to be attached on security and a revision of 1997 document entitled ''Port Security: A National Planning Guide.'' The report and revised guide are to be submitted to Congress and are to include a description of activities undertaken under the Port and Maritime Security Act of 2001, in addition to analysis of the effect of those activities on port security and preventing acts of terrorism and crime.

The bill requires the Department of Transportation, to the extent feasible, to coordinate reporting of seaport related crimes and to work with state law enforcement officials to harmonize the reporting of data on cargo theft and alternatively, the feasibility of utilizing private data on cargo theft. Better data will be crucial in identifying the extent and location of criminal threats and will facilitate law enforcement efforts combating crime. The bill also requires the Secretaries of Agriculture, Treasury, and Transportation, as well as the Attorney General to work together to establish shared dockside inspection facilities at seaports for federal and state agencies, and provides $1 million, annually for four years, to carry out this section. Currently there are some U.S. ports that do not have inspection space in the organic port area. It is crucial that inspections occur as close to the point of entry as possible.

The bill also establishes a program to train personnel involved in maritime transportation and maritime security. A better prepared security force will help enable us to more effectively combat potential threats of crime and terrorism. The bill also requires the Customs Service to improve reporting of imports at seaports to help ensure that Customs will have adequate information in advance of having the entry of cargo, and to do so in a manner consistent with their plans for the Automated Commercial Environmental ACE program.

Finally, the bill reauthorizes an extension of tonnage duties through 2006, and makes the proceeds of these collections available to carry out the Port and Maritime Security Act. These fees currently are set at certain levels, and are scheduled to be reduced in 2002. The legislation reauthorizes and extends the current fee level for an additional four years, but dedicates its use to enhancing our efforts to fight crime at U.S. seaports and to facilitating improved protection of our borders, as well as to enhance our efforts to ward off potential threats of terrorism.

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. 1214

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Port and Maritime Security Act of 2001''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) There are 361 public seaports in the United States which have a broad range of characteristics, and all of which are an integral part of our Nation's commerce.

(2) United States seaports conduct over 95 percent of United States overseas trade. Over the next 20 years, the total volume of imported and exported goods at seaports is expected to more than double.

(3) The variety of trade and commerce that are carried out at seaports has greatly expanded. Bulk cargo, containerized cargo, passenger cargo and tourism, intermodal transportation systems, and complex domestic and international trade relationships have significantly changed the nature, conduct, and complexity of seaport commerce.

(4) The top 50 seaports in the United States account for about 90 percent of all the cargo tonnage. Twenty-five United States seaports account for 98 percent of all container shipments. Cruise ships visiting foreign destinations embark from 16 seaports.

(5) In the larger seaports, the activities can stretch along a coast for many miles, including public roads within their geographic boundaries. The facilities used to support arriving and departing cargo are sometimes miles from the coast.

(6) Seaports often are a major locus of Federal crime, including drug trafficking, cargo theft, and smuggling of contraband and aliens. The criminal conspiracies often associated with these crimes can pose threats to the people and critical infrastructures of seaport cities. Seaports that accept international cargo have a higher risk of international crimes like drug and alien smuggling and trade fraud.

(7) Seaports are often very open and exposed and, by the very nature of their role in promoting the free flow of commerce, are susceptible to large scale terrorism that could pose a threat to coastal, Great Lake, or riverain populations. Seaport terrorism could pose a significant threat to the ability of the United States to pursue its national security objectives.

(8) United States seaports are international boundaries, however, unlike United States airports and land borders, United States seaports receive no Federal funds for security infrastructure.

(9) Current inspection levels of containerized cargo are insufficient to counter potential security risks. Technology is currently not adequately deployed to allow for the non-intrusive inspection of containerized cargo. Additional promising technology is in the process of being developed that could inspect cargo in a non-intrusive and timely fashion.

(10) The burgeoning cruise ship industry poses a special risk from a security perspective. The large number of United States citizens sailing on international cruises provides an attractive target to terrorists seeking to cause mass casualties. Approximately 80 percent of cruise line passengers are United States citizens and 20 percent are aliens. Approximately 92 percent of crewmembers are aliens.

(11) Effective physical security and access control in seaports is fundamental to deterring and preventing potential threats to seaport operations, cargo shipments for smuggling or theft or other cargo crimes.

(12) Securing entry points, open storage areas, and warehouses throughout the seaport, controlling the movements of trucks transporting cargo through the seaport, and examining or inspecting containers, warehouses, and ships at berth or in the harbor are all important requirements that should be implemented.

(13) Identification procedures for arriving workers and deterring and preventing internal conspiracies are increasingly important.

(14) On April 27, 1999, the President established the Interagency Commission on Crime and Security in United States Seaports to undertake a comprehensive study of the nature and extent of the problem of crime in our seaports, as well as the ways in which governments at all levels are responding.

(15) The Commission has issued findings that indicate the following:

(A) Frequent crimes in seaports include drug smuggling, illegal car exports, fraud (including Intellectual Property Rights and other trade violations), and cargo theft.

(B) Data about crime in seaports have been very difficult to collect.

(C) Internal conspiracies are an issue at many seaports, and contribute to Federal crime.

(D) Intelligence and information sharing among law enforcement agencies needs to be improved and coordinated at many seaports.

(E) Many seaports do not have any idea about the threats they face from crime, terrorism, and other security-related activities because of a lack of credible threat information.

(F) A lack of minimum physical, procedural, and personnel security standards at seaports and at terminals, warehouses, trucking firms, and related facilities leaves many seaports and seaport users vulnerable to theft, pilferage, and unauthorized access by criminals.

(G) Access to seaports and operations within seaports is often uncontrolled.

(H) Coordination and cooperation between law enforcement agencies in the field is often fragmented.

(I) Meetings between law enforcement personnel, carriers, and seaport authorities regarding security are not being held routinely in the seaports. These meetings could increase coordination and cooperation at the local level.

(J) Security-related equipment such as small boats, cameras, and vessel tracking devices is lacking at many seaports.

(K) Detection equipment such as large-scale x-ray machines is lacking at many high-risk seaports.

(L) A lack of timely, accurate, and complete manifest (including in-bond) and trade (entry, importer, etc.) data negatively impacts law enforcement's ability to function effectively.

(M) Criminal organizations are exploiting weak security in seaports and related intermodal connections to commit a wide range of cargo crimes. Levels of containerized cargo volumes are forecasted to increase significantly, which will create more opportunities for crime while lowering the statistical risk of detection and interdiction.

(16) United States seaports are international boundaries that—

(A) are particularly vulnerable to threats of drug smuggling, illegal alien smuggling, cargo theft, illegal entry of cargo and contraband;

(B) may present weaknesses in the ability of the United States to realize its national security objectives; and

(C) may serve as a vector for terrorist attacks aimed at the population of the United States.

(17) It is in the best interests of the United States—

(A) to be mindful that United States seaports are international ports of entry and that the primary obligation for the security of international ports of entry lies with the Federal government;

(B) to be mindful of the need for the free flow of interstate and foreign commerce and the need to ensure the efficient movement of cargo in interstate and foreign commerce;

(C) to increase United States seaport security by establishing a better method of communication amongst law enforcement officials responsible for seaport boundary, security, and trade issues;

(D) to formulate guidance for the review of physical seaport security, recognizing the different character and nature of United States seaports;

(E) to provide financial incentives to help the States and private sector to increase physical security of United States seaports;

(F) to invest in long-term technology to facilitate the private sector development of technology that will assist in the non-intrusive timely detection of crime or potential crime;

(G) to harmonize data collection on seaport-related and other cargo theft, in order to address areas of potential threat to safety and security;

(H) to create shared inspection facilities to help facilitate the timely and efficient inspection of people and cargo in United States seaports; and

(I) to improve Customs reporting procedures to enhance the potential detection of crime in advance of arrival or departure of cargoes.

SEC. 3. PORT SECURITY TASK FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Port Security Task Force—

(1) to help implement the provisions of this Act;

(2) to help coordinate programs to enhance the security and safety of United States seaports;

(3) to help provide long-term solutions for seaport security issues;

(4) to help coordinate the security operations of local seaport security committees;

(5) to help ensure that the public and local seaport security committees are kept informed about seaport security enhancement developments;

(6) to help provide guidance for the conditions under which loan guarantees and grants are made; and

(7) to consult with the Coast Guard and the Maritime Administration in establishing port security program guidance.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall include representatives of the Coast Guard and the Maritime Administration.

(2) OTHER AGENCIES.—The Secretary shall consult with the Secretary of the Treasury to invite the participation of the United States Customs Service, and may invite the participation of other departments and agencies of the United States with an interest in port security, port security-related matters, and border protection issues.

(3) REQUIRED PRIVATE SECTOR REPRESENTATIVES.—The Task Force shall include representatives, appointed by the Secretary of—

(A) port authorities;

(B) coastwise management units;

(C) longshore labor organizations;

(D) ocean shipping companies;

(E) trucking companies;

(F) railroad companies;

(G) transportation workers;

(H) ocean shippers;

(I) freight forwarding companies; and

(J) other representatives whose participation the Secretary deems beneficial.

(c) SUBCOMMITTEES.—The Task Force may establish subcommittees to facilitate consideration of specific issues, including port security border protection and maritime domain awareness issues.

(d) LAW ENFORCEMENT SUBCOMMITTEE.—The Task Force shall establish a subcommittee comprised of Federal, State, and local government law enforcement agencies to address port security issues, including resource commitments and law enforcement sensitive matters.

(e) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Task Force.

(f) ACCEPTANCE OF CONTRIBUTIONS; JOINT VENTURE ARRANGEMENTS.—In carrying out its responsibilities under this Act, the Task Force, or a member organization or representative acting with the Task Force's consent, may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately.

(g) FUNDING.—Of the amounts made available under section 17(b) there shall be made available to the Secretary of Transportation for activities of the Task Force $1,000,000 for each of fiscal years 2003 through 2006 without further appropriation.

SEC. 4. ESTABLISHMENT OF LOCAL PORT SECURITY COMMITTEES.

(a) IN GENERAL.—The United States Coast Guard shall establish seaport security committees—

(1) to utilize the information made available under this Act;

(2) to define the physical boundaries within which to conduct vulnerability assessments in recognition of the unique characteristics of each port;

(3) to review port security vulnerability assessments promulgated under section 5;

(4) to implement the guidance promulgated under section 7;

(5) to help coordinate planning and other necessary security activities by conducting meetings no less frequently than 4 times each year, to disseminate information that will facilitate law enforcement activities; and

(6) to conduct an exercise at least once every 3 years to verify the effectiveness of each port authority and marine terminal security plan.

(b) MEMBERSHIP.—In establishing those committees, the United States Coast Guard may utilize or augment any existing harbor safety committee or seaport readiness committee, but the membership of the seaport security committee shall include representatives of—

(1) the port authority;

(2) Federal, State and local government;

(3) Federal, State, and local government law enforcement agencies;

(4) labor organizations and transportation workers;

(5) local management organizations; and

(6) private sector representatives whose inclusion is deemed beneficial by the Captain-of-the-Port.

(c) CHAIRMAN.—The local seaport security committee shall be chaired by the Captain-of-the-Port.

(d) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a local seaport security committee.

(e) ACCEPTANCE OF CONTRIBUTIONS; JOINT VENTURE ARRANGEMENTS.—In carrying out its responsibilities under this Act, a local seaport security committee, or a member organization or representative acting with the committee's consent, may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately.

(f) FUNDING.—Of the amounts made available under section 17(b) there shall be made available to the Commandant $3,000,000 for each of fiscal years 2003 through 2006 without further appropriation to carry out this section, such sums to remain available until expended.

SEC. 5. COAST GUARD PORT SECURITY VULNERABILITY ASSESSMENTS.

(a) IN GENERAL.—The Commandant of the Coast Guard, in consultation with the Defense Threat Reduction Agency, the Center for Civil Force Protection, and other appropriate public and private sector organizations, shall develop standards and procedures for conducting seaport security vulnerability assessments.

(b) INITIAL SCHEDULE.—The Coast Guard, in cooperation with local port authority committee officials with proper security clearances, shall complete no fewer than 10 seaport security vulnerability assessments annually, until it has completed such assessments for the 50 ports determined by the Commandant to be the most strategic or economically strategic ports in the United States. If a seaport security vulnerability assessment has been conducted within 5 years by or on behalf of a port authority or marine terminal authority, and the Commandant determines that it was conducted in a manner that is generally consistent with the standards and procedures developed under subsection (a), the Commandant may accept that assessment rather than conducting another seaport security vulnerability assessment for that port.

(c) REVIEW BY PORT AUTHORITY.—The Commandant shall make the seaport security vulnerability assessment for a seaport available for review and comment by officials of the port authority with proper security clearances or marine terminal operator representatives with proper security clearances.

(d) MAPS AND CHARTS.—

(1) COLLECTION AND DISTRIBUTION.—The Commandant and the Administrator shall, working through local seaport security committees where appropriate—

(A) collect, store securely, and maintain maps and charts of all United States seaports that clearly indicate the location of infrastructure and overt-security equipment;

(B) make those maps and charts available upon request, on a secure and confidential basis, to—

(i) the Maritime Administration;

(ii) the United States Coast Guard;

(iii) the United States Customs Service;

(iv) the Department of Defense;

(v) the Federal Bureau of Investigation; and

(vi) the Immigration and Naturalization Service.

(2) OTHER AGENCIES.—The Coast Guard and the Maritime Administration shall establish a process for providing relevant maps and charts collected under paragraph (1), and other relevant material, available, on a secure and confidential basis, to appropriate Federal, State, and local government agencies, and seaport authorities, for the purpose of obtaining the comments of those agencies before completing a seaport vulnerability assessment for each such seaport.

(3) SECURE STORAGE AND LIMITED ACCESS.—The Coast Guard and the Maritime Administration shall establish procedures that ensure that maps, charts, and other material made available to Federal, State, and local government agencies, seaport authorities, and local seaport security committees are maintained in a secure and confidential manner and that access thereto is limited appropriately.

(e) ANNUAL STATUS REPORT TO CONGRESS.—Notwithstanding section 7(c) of the Ports and Waterways Safety Act (33 U.S.C. 1226(c)), the Coast Guard and the Maritime Administration shall report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of seaport security in a form that does not compromise, or present a threat to the disclosure of security-sensitive information about, the seaport security vulnerability assessments conducted under this Act. The report may include recommendations for further improvements in seaport security measures and for any additional enforcement measures necessary to ensure compliance with the seaport security plan requirements of this Act.

(f) FUNDING.—Of the amounts made available under section 17(b) there shall be made available to the Commandant $10,000,000 for each of fiscal years 2003 through 2006 without further appropriation to carry out this section, such sums to remain available until expended.

SEC. 6. MARITIME TRANSPORTATION SECURITY PROGRAMS.

(a) IN GENERAL.—The Commandant and the Administrator shall jointly initiate a rulemaking proceeding to prescribe regulations to protect the public from threats originating from vessels in maritime transportation originating or terminating in a United States seaport against an act of crime or terrorism. In prescribing a regulation under this subsection, the Commandant and the Administrator shall—

(1) consult with the Secretary of the Treasury, the Attorney General, the heads of other departments, agencies, and instrumentalities of the United States Government, State and local authorities, and the Task Force; and

(2) consider whether a proposed regulation is consistent with—

(A) protecting the public; and

(B) the public interest in promoting maritime transportation and commerce.

(b) SECURITY PROGRAMS.—

(1) PROGRAM TO BE ESTABLISHED.—Each port authority and marine terminal authority for an area designated under section 4(a)(2) at which a port security vulnerability assessment has been conducted under this Act shall establish a maritime transportation security program within 1 year after the assessment is completed.

(2) GENERAL REQUIREMENTS.—A security program established under paragraph (1) shall provide a law enforcement program and capability at that seaport that is adequate to ensure the safety of the public from threats of crime and terrorism.

(3) SPECIFIC REQUIREMENTS.—A security program established under paragraph (1) shall be linked to the Captain-of-the-Port authorities for maritime trade and shall include—

(A) provisions for establishing and maintaining physical security for seaport areas and approaches;

(B) provisions for establishing and maintaining procedural security for processing passengers, cargo, and crewmembers, and personnel security for the employment of individuals and service providers;

(C) a credentialing process to limit access to sensitive areas;

(D) a process to restrict vehicular access to seaport areas and facilities;

(E) restrictions on carrying firearms and other prohibited weapons; and

(F) a private security officer certification program, or provisions for using the services of qualified State, local, and private law enforcement personnel.

(c) INCORPORATION OF MARINE TERMINAL OPERATOR'S PROGRAM.—Notwithstanding the requirements of subsection (b)(3), the Captain-of-the-Port may approve a security program of a port authority, or an amendment to an existing program, that incorporates a security program of a marine terminal operator tenant with access to a secured area of the seaport, if the program or amendment incorporates—

(1) the measures the tenant will use, within the tenant's leased areas or areas designated for the tenant's exclusive use under an agreement with the port authority, to carry out the security requirements imposed by the Commandant and the Administration on the port authority; and

(2) the methods the port authority will use to monitor and audit the tenant's compliance with the security requirements.

(d) INCORPORATION OF OTHER SECURITY PROGRAMS AND LAWS.—Notwithstanding the requirements of subsection (b)(3), the Captain-of-the-Port may approve a security program of a port authority, or an existing program, that incorporates a State or local security program, policy, or law. In reviewing any such program, the Captain-of-the-Port shall—

(1) endeavor to avoid duplication and to recognize the State or local security program or policy; and

(2) ensure that no security program established under subsection (b)(3) conflicts with any applicable provision of State or local law.

(e) REVIEW AND APPROVAL OF SECURITY PROGRAMS.—

(1) IN GENERAL.—The Captain-of-the-Port shall review and approve or disapprove each security program established under subsection (b). If the Captain-of-the-Port disapproves a security program, then—

(A) the Captain-of-the-Port shall notify the port authority or marine terminal authority in writing of the reasons for the disapproval; and

(B) the port authority or marine terminal authority shall submit a revised security plan within 6 months after receiving the notification of disapproval.

(f) 5-YEAR REVIEWS.—Whenever appropriate, but in no event less frequently than once every 5 years, each port authority or marine terminal operator required to develop a security program under this section shall review its program, make such revisions to the program as are necessary or appropriate, and submit the results of its review and the revised program to the Captain-of-the-Port.

(g) NO EROSION OF OTHER AUTHORITY.—Nothing in this section precludes any agency, instrumentality, or department of the United States from exercising, or limits its authority to exercise, any other statutory or regulatory authority to initiate or enforce seaport security standards.

SEC. 7. SECURITY PROGRAM GUIDANCE.

(a) IN GENERAL.—The Commandant and the Administrator, in consultation with the Task Force, shall develop voluntary security guidance that will serve as a benchmark for the review of security plans that—

(1) are linked to the Captain-of-the-Port authorities for maritime trade;

(2) include a set of recommended ''best practices'' guidelines for the use of maritime terminal operators; and

(3) take into account the different nature and characteristics of United States seaports and the need to promote commerce.

(b) REVISION.—The Commandant and the Maritime Administrator shall review the guidelines developed under subsection (a) not less frequently than every 5 years and revise them as necessary.

(c) AREAS COVERED.—The guidance developed under subsection (a) shall include the following areas:

(1) GENERAL SECURITY.—The establishment of practices for physical security of seaport areas and approaches, procedural security for processing passengers, cargo, and crewmembers, and personnel security for employment of individuals and service providers.

(2) ACCESS TO SENSITIVE AREAS.—The use of a credentials process, administered by public or private sector security services, to limit access to sensitive areas.

(3) VEHICULAR ACCESS.—The use of restrictions on vehicular access to seaport areas and facilities, including requirements that seaport authorities and primary users of seaports implement procedures that achieve appropriate levels of control of vehicular access and accountability for enforcement of controlled access by vehicles.

(4) FIREARMS.—Restrictions on carrying firearms.

(5) CERTIFICATION OF PRIVATE SECURITY OFFICERS.—A private security officer certification program to improve the professionalism of seaport security officers.

SEC. 8. INTERNATIONAL SEAPORT SECURITY.

(a) COAST GUARD; INTERNATIONAL APPLICATION.—The Commandant shall make every effort to have the guidance developed under section 7(a) adopted by appropriate international organizations as an international standard and shall, acting through appropriate officers of the United States Government, seek to encourage the development and adoption of seaport security standards under international agreements in other countries where adoption of the same or similar standards might be appropriate.

(b) MARITIME ADMINISTRATION; PORT ACCREDITATION PROGRAM.—The Administrator shall make every effort to have the guidance developed under section 7(a) adopted by appropriate organizations as security standards and shall encourage the establishment of a program for the private sector accreditation of seaports that implement security standards that are consistent with the guidance.

(c) INTERNATIONAL PORT SECURITY IMPROVEMENT ACTIVITIES.—

(1) IN GENERAL.—The Administrator shall establish a program to assist foreign seaport operators in identifying port security risks, conducting port security vulnerability assessments, and implementing port security standards.

(2) IDENTIFICATION OF STRATEGIC FOREIGN PORTS.—The Administrator shall work with the Secretary of Defense and the Attorney General to identify those foreign seaports where inadequate security or a high level of port security vulnerability poses a strategic threat to United States defense interests or may be implicated in criminal activity in the United States.

(3) DISSEMINATION OF INFORMATION ABROAD.—The Administrator shall work with the Secretary of State to facilitate the dissemination of seaport security program information to port authorities and marine terminal operators in other countries.

(d) FUNDING.—Of the amounts made available under section 17(b) there shall be made available to the Administrator $500,000 for each of fiscal years 2003 through 2006 without further appropriation to carry out this section, such sums to remain available until expended.

SEC. 9. MARITIME SECURITY PROFESSIONAL TRAINING.

(a) IN GENERAL.—The Secretary shall establish a program, in consultation with the Federal Law Enforcement Center, the United States Merchant Marine Academy's Global Maritime and Transportation School, and the Maritime Security Council, and the International Association of Airport and Seaport Police, to develop standards and procedures for training and certification of maritime security professionals.

(b) ESTABLISHMENT OF SECURITY INSTITUTE.—The Secretary shall establish the Maritime Security Institute at the United States Merchant Marine Academy's Global Maritime and Transportation School to train and certify maritime security professionals in accordance with internationally recognized law enforcement standards. Institute instructors shall be knowledgeable about Federal and international law enforcement, maritime security, and port and maritime operations.

(c) TRAINING AND CERTIFICATION.—The following individuals shall be eligible for training at the Institute:

(1) Individuals who are employed, whether in the public or private sector, in maritime law enforcement or security activities.

(2) Individuals who are employed, whether in the public or private sector, in planning, executing, or managing security operations—

(A) at United States ports;

(B) on passenger or cargo vessels with United States citizens as passengers or crewmembers;

(C) in foreign ports used by United States-flagged vessels or by foreign-flagged vessels with United States citizens as passengers or crewmembers.

(d) PROGRAM ELEMENTS.—The program established by the Secretary under subsection (a) shall include the following elements:

(1) The development of standards and procedures for certifying maritime security professionals.

(2) The training and certification of maritime security professionals in accordance with internationally accepted law enforcement and security guidelines, policies, and procedures.

(3) The training of students and instructors in all aspects of prevention, detection, investigation, and reporting of criminal activities in the international maritime environment.

(4) The provision of offsite training and certification courses and certified personnel at United States and foreign ports used by United States-flagged vessels, or by foreign-flagged vessels with United States citizens as passengers or crewmembers, to develop and enhance security awareness and practices.

(e) ANNUAL REPORT.—The Institute shall transmit an annual report to the Senate Committee on Commerce, Science, and

Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the training and other activities of the Institute.

(f) FUNDING.—Of the amounts made available under section 17(b), there shall be made available to the Secretary, without further appropriation, to carry out this section—

(1) $2,500,000 for each of fiscal years 2003 and 2004, and

(2) $1,000,000 for each of fiscal years 2005 and 2006,

such amounts to remain available until expended.

SEC. 10. PORT SECURITY INFRASTRUCTURE IMPROVEMENT.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) is amended by adding at the end thereof the following:

"SEC. 1113. LOAN GUARANTEES FOR PORT SECURITY INFRASTRUCTURE IMPROVEMENTS.

''(a) IN GENERAL.—The Secretary, under section 1103(a) and subject to the terms the Secretary shall prescribe and after consultation with the United States Coast Guard, the United States Customs Service, and the Port Security Task Force established under section 3 of the Port and Maritime Security Act of 2001, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for seaport security infrastructure improvements for an eligible project at any United States seaport involved in international trade.

''(b) LIMITATIONS.—Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws, requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under this title.

''(c) TRANSFER OF FUNDS.—The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 61a)) of making guarantees or commitments to guarantee loans entered into under this section.

''(d) ELIGIBLE PROJECTS.—A project is eligible for a loan guarantee or commitment under subsection (a) if it is for the construction or acquisition of—

''(1) equipment or facilities to be used for seaport security monitoring and recording;

''(2) security gates and fencing;

''(3) security-related lighting systems;

''(4) remote surveillance systems;

''(5) concealed video systems; or

''(6) other security infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

"SEC. 1114. GRANTS.

''(a) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance for eligible projects (within the meaning of section 1113(d).

''(b) MATCHING REQUIREMENTS.—

''(1) 75-PERCENT FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project. In calculating that percentage, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

''(2) EXCEPTIONS.—

''(A) SMALL PROJECTS.—There are no matching requirements for grants under subsection (a) for projects costing not more than $25,000.

''(B) HIGHER LEVEL OF SUPPORT REQUIRED.—If the Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

''(c) ALLOCATION.—The Secretary shall ensure that financial assistance provided under subsection (a) during a fiscal year is distributed so that funds are awarded for eligible projects that address emerging priorities or threats identified by the Task Force under section 5 of the Port and Maritime Security Act of 2001.

''(d) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

''(1) The name of the individual or entity responsible for conducting the project.

''(2) A succinct statement of the purposes of the project.

''(3) A description of the qualifications of the individuals who will conduct the project.

''(4) An estimate of the funds and time required to complete the project.

''(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted.

''(6) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

''(7) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this title.''.

(b) ANNUAL ACCOUNTING.—The Secretary of Transportation shall submit an annual summary of loan guarantees and commitments to make loan guarantees under section 1113 of the Merchant Marine Act, 1936, and grants made under section 1114 of that Act, to the Task Force. The Task Force shall make that information available to the public and to local seaport security committees through appropriate media of communication, including the Internet.

(c) FUNDING.—Of amounts made available under section 17(b), there shall be made available to the Secretary of Transportation without further appropriation—

(1) $8,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006 as guaranteed loan costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990; 2 U.S.C. 661a(5)),

(2) $10,000,000 for each of such fiscal years for grants under section 1114 of the Merchant Marine Act, 1936, and

(3) $2,000,000 for each such fiscal year to cover administrative expenses related to loan guarantees and grants,

such amounts to remain available until expended.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under subsection (c)(2), there are authorized to be appropriated to the Secretary of Transportation for grants under section 1114 of the Merchant Marine Act, 1936, $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006.

SEC. 11. SCREENING AND DETECTION EQUIPMENT.

(a) FUNDING.—Of amounts made available under section 17(b), there shall be made available to the Commissioner of Customs without further appropriation for the purchase of non-intrusive screening and detection equipment for use at United States seaports—

(1) $15,000,000 for fiscal year 2003,

(2) $16,000,000 for fiscal year 2004,

(3) $18,000,000 for fiscal year 2005, and

(4) $19,000,000 for fiscal year 2006,

such sums to remain available until expended.

(b) ACCOUNTING.—The Commissioner shall submit a report for each such fiscal year to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of funds appropriated pursuant to this section.

SEC. 12. ANNUAL REPORT ON MARITIME SECURITY AND TERRORISM.

Section 905 of the International Maritime and Port Security Act (46 U.S.C. App. 1802) is amended by adding at the end thereof the following: ''Beginning with the first report submitted under this section after the date of enactment of the Port and Maritime Security Act of 2001, the Secretary shall include a description of activities undertaken under that Act and an analysis of the effect of those activities on seaport security against acts of terrorism.''.

SEC. 13. REVISION OF PORT SECURITY PLANNING GUIDE.

The Secretary of Transportation, acting through the Maritime Administration and after consultation with the Task Force and the United States Coast Guard, shall publish a revised version of the document entitled ''Port Security: A National Planning Guide'', incorporating the guidance promulgated under section 7, within 3 years after the date of enactment of this Act, and make that document available on the Internet.

SEC. 14. SECRETARY OF TRANSPORTATION TO COORDINATE PORT-RELATED CRIME DATA COLLECTION.

(a) IN GENERAL.—The Secretary of Transportation shall—

(1) require, to the extent feasible, United States government agencies with significant regulatory or law enforcement responsibilities at United States seaports to modify their information databases to ensure the collection and retrievability of data relating to crime at or affecting such seaports;

(2) evaluate the feasibility of capturing data on cargo theft offenses (including such offenses occurring outside such seaports) that would indicate the port of entry, the port where the shipment originated, where the theft occurred, and maintaining the confidentiality of shipper and carrier unless voluntarily disclosed, and, if feasible, implement its capture;

(3) if feasible, and in conjunction with the Task Force, establish an outreach program to work with State law enforcement officials to harmonize the reporting of data on cargo theft among the States and with the United States government's reports;

(4) if the harmonization of the reporting of such data among the States is not feasible, evaluate the feasibility of using private data bases on cargo theft and disseminating confidential cargo theft information to local port security committees for further dissemination to appropriate law enforcement officials; and

(5) in conjunction with the Task Force, establish an outreach program to work with local port security committees to disseminate cargo theft information to appropriate law enforcement officials.

(b) REPORT ON FEASIBILITY.—The Secretary of Transportation shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of

enactment of this Act on the feasibility of each activity authorized by subsection (a).

(c) INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER.—

(1) IN GENERAL.—Section 659 of title 18, United States Code, is amended—

(A) by striking ''with intent to convert to his own use'' each place it appears;

(B) by inserting ''trailer,'' after ''motortruck,'' in the first undesignated paragraph;

(C) by inserting ''air cargo container,'' after ''aircraft,'' in the first undesignated paragraph;

(D) by inserting a comma and ''or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,'' after ''air navigation facility'' in the first undesignated paragraph;

(E) by striking ''one year'' and inserting ''3 years'' in the fifth undesignated paragraph;

(F) by adding at the end of the fifth undesignated paragraph the following: ''Notwithstanding the preceding sentence, the court may, upon motion of the Attorney General, reduce any penalty imposed under this paragraph with respect to any defendant who provides information leading to the arrest and conviction of any dealer or wholesaler of stolen goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment.'';

(G) by inserting after the first sentence in the penultimate undesignated paragraph the following: ''For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.''; and

(H) by adding at the end the following:

''It shall be an affirmative defense (on which the defendant bears the burden of persuasion by a preponderance of the evidence) to an offense under this section that the defendant bought, received, or possessed the goods, chattels, money, or baggage at issue with the sole intent to report the matter to an appropriate law enforcement officer or to the owner of the goods, chattels, money, or baggage.''.

(2) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 2 levels for any offense under section 659 of title 18, United States Code, as amended by this section.

(3) REPORT TO CONGRESS.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code.

(d) Funding.—Out of amounts made available under section 17(b), there shall be made available to the Secretary of Transportation, without further appropriation, $1,000,000 for each of fiscal years 2003, 2004, 2005, and 2006, to modify existing data bases to capture data on cargo theft offenses and to make grants to States to harmonize data on cargo theft, such sums to remain available until expended.

SEC. 15. SHARED DOCKSIDE INSPECTION FACILITIES.

(a) IN GENERAL.—The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Transportation, and the Attorney General shall work with each other, the Task Force, and the States to establish shared dockside inspection facilities at United States seaports for Federal and State agencies.

(b) FUNDING.—Of the amounts made available under section 17(b), there shall be made available to the Secretary of the Transportation, without further appropriation, $1,000,000 for each of fiscal years 2003, 2004, 2005, and 2006, such sums to remain available until expended, to establish shared dockside inspection facilities at United States seaports in consultation with the Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General.

SEC. 16. IMPROVED CUSTOMS REPORTING PROCEDURES.

In an manner that is consistent with the promulgation of the manifesting and in-bond regulations and with the phased-in implementation of those regulations in the development of the Automated Commercial Environment Project, the United States Customs Service shall improve reporting of imports at United States seaports—

(1) by promulgating regulations to require, notwithstanding the second sentence of section 411(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)), all ocean manifests to be transmitted in electronic form to the Service in sufficient time for the information to be used effectively by the Service;

(2) by promulgating regulations to require, notwithstanding sections 552, 553, and 1641 of such Act (19 U.S.C. 1552, 1553, and 1641), all entries of goods, including in-bond entries, to provide the same information required for entries of goods released into the commerce of the United States to the Service before the goods are released for shipment from the seaport of first arrival; and

(3) by distributing the information described in paragraphs (1) and (2) on a real-time basis to any Federal, State, or local government agency that has a regulatory or law-enforcement interest in the goods.

SEC. 17. 4-YEAR REAUTHORIZATION OF TONNAGE DUTIES.

(a) IN GENERAL.—

(1) EXTENSION OF DUTIES.—Section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) is amended by striking ''through 2002,'' each place it appears and inserting ''through 2006,''.

(2) CONFORMING AMENDMENT.—The Act entitled ''An Act concerning tonnage duties on vessels entering otherwise than by sea'', approved March 8, 1910 (36 Stat 234; 46 U.S.C. App. 132) is amended by striking ''through 2002,'' and inserting ''through 2006,''.

(b) AVAILABILITY OF FUNDS.—Amounts deposited in the general fund of the Treasury as receipts of tonnage charges collected as a result of the amendments made by subsection (a) shall be made available in each of fiscal years 2003 through 2006 to carry out this Act, as provided in sections 3(g), 4(f), 5(f), 8(d), 9(f), 10(c), 11(a), 14(d), and 15(b).

SEC. 18. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Maritime Administration.

(1) CAPTAIN-OF-THE-PORT.—The term ''Captain-of-the-Port'' means the United States Coast Guard's Captain-of-the-Port.

(2) COMMANDANT.—The term ''Commandant'' means the Commandant of the United States Coast Guard.

(1) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Transportation.

(2) TASK FORCE.—The term ''Task Force'' means the Port Security Task Force established under section 3.

By Mr. DODD (for himself, Mr. DEWINE, Ms. SNOWE, Mr. KENNEDY, Mr. ROBERTS, Mr. JOHNSON, Mr. EDWARDS, Mrs. FEINSTEIN, Ms. COLLINS, Mr. WELLSTONE, Mr. BINGAMAN, and Mrs. MURRAY):

S. 1217. A bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I am pleased to join with my colleague from Ohio, Senator DEWINE, in introducing the Child Care Facilities Financing Act. We are also joined by Senator SNOWE, Senator KENNEDY, Senator ROBERTS, Senator JOHNSON, Senator EDWARDS, Senator FEINSTEIN, Senator COLLINS, Senator WELLSTONE, Senator BINGAMAN, and Senator MURRAY as original cosponsors.

According to the Bureau of Labor Statistics, about 13 million children under age 6 and 31 million children between the ages of 6 and 17 have both parents or their only parent in the work force.

The demand for quality child care is exploding. But the supply of care has not kept pace, particularly in low-income communities where demand has been stimulated by a strong economy and employment requirements under welfare reform.

Studies show that the supply of home-based and center-based child care is far more abundant in affluent areas than in low-income areas. Moreover, despite increased child care spending by states and the expansion of Head Start, physical space continues to remain scarce or unaffordable in low-income communities.

Existing child care programs in too many low-income neighborhoods are crammed into inadequate, temporary quarters, leaky church basements, apartments, and other locations that were never designed for this purpose. Between the overall shortage of child care and inadequate existing facilities, parents have limited choices among inferior quality care, at times unsafe care for children.

The United States has carried out the most extensive systematic, and rigorous research on investing in early education and child care programs. This research has shown that brain development is fastest during a child's earliest years.

We know that quality child care can significantly assist in preparing children for school. The shortage in the supply of quality child care too often translates to inferior quality care for children.

One of the contributing factors to the child care shortage is the difficulty

that would-be providers face in financing child care facility development. Financial institutions often view child care providers as high risks for loans.

In low-income neighborhoods, child care providers face severely restricted revenues and low real estate values. In urban areas, would-be child care providers must contend with buildings in poor physical condition and high property costs.

In all areas, reimbursement rates for child care subsidies are generally too low to cover the recovery cost of purchasing or developing facilities, especially after allowing for the cost of running the program. In addition, new providers often have no business training, and may need to learn how to manage their finances and business.

The Child Care Facilities Financing Act would provide grants to intermediary organizations, enabling them to provide financial and technical assistance to existing or new child care providers—including both center-based and home-based child care.

The financial assistance may be in the form of loans, grants, investments, or other assistance, allowing for flexibility depending on the situation of the child care provider. The assistance may be used for acquisition, construction, or renovation of child care facilities or equipment. It may also be used for improving child care management and business practices.

Grant funds under our legislation are required to be matched 50–50, further enhancing local capacity by leveraging Federal funding and creating valuable public/private partnerships. The added benefit in providing this kind of assistance is that it will spur further community and economic development by building local partnerships.

Reducing parental anxiety about child care means that parents can become more reliable and productive workers. An evaluation of California's welfare-to-work program found that mothers participating in the program were twice as likely to drop out during the first year if they expressed dissatisfaction with the child care provider or facility they were using.

Let me share with you an example from my state of Connecticut. In the Hill neighborhood of New Haven, one of the most underserved areas of the city, there are more than 2,500 children under the age of five, but just 200 licensed child care spaces, including family care.

LULAC Head Start has been serving the Hill neighborhood since 1983, operating a part-day, early childhood program out of a cramped and poorly lit church basement. This basement program could no longer be licensed by the state and recently closed. The 54 children being served were moved to another location which is overcrowded.

Thanks to a collaboration between the Hill Development Corporation, LULAC Head Start and the New Haven Child Development Program, low-income families in the Hill community will have more access to affordable and high-quality child care services.

A new facility, the Hill Parent Child Center, is under construction and will provide multicultural child care, school readiness, and Head Start services for 172 low-income children in New Haven.

Fortunately for this Hill Community, Connecticut has a new child care financing program. Connecticut multi-Cities Local Initiatives Support Corporation and the National Child Care Initiative joined forces with the State of Connecticut to design a program to finance the development of child care facilities.

Unfortunately, there are many more children in New Haven and other parts of Connecticut as well as across the Nation who still need child care. Sadly, most States do not have a child care financing system in place.

We should do all we can to ensure that safe, affordable, quality child care is available for more families, particularly low-income families, so that we can truly leave no child behind. When the economic situation of families improve, distressed communities become revitalized.

Expanding the supply of quality child care is an important step in investing in the needs of families with young children.

I hope that you will join with Senator DEWINE and me in supporting this legislation to ensure that parents have as many choices as possible in selecting child care while they work. It is hard enough for low-income families to make ends meet without the additional anxiety of poor choices of care for their children.

I ask unanimous consent that a brief summary of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CHILD CARE FACILITIES FINANCING ACT

THE PROBLEM

Many low-income communities face a severe shortage of child care and equipment.

Child care providers in low-income areas often lack the access to capital and management expertise to expand the capacity and the quality of their programs.

A lack of affordable child care threatens the ability of low-income parents to find and maintain stable employment.

Quality child care can really make a difference in a child's ability to start school ready to learn.

THE SOLUTION

The Child Care Facilities Financing Act authorizes $50 million annually to fund grants to non-profit intermediaries to enhance the ability of home- and center-based child care providers to serve their communities. Funds will be used to provide:

Financial assistance by intermediaries, in the form of loans, grants, and interest subsidies, for the acquisition, construction, or improvement of facilities for home- and center-based child care and technical assistance to improve business management and entrepreneurial skills to ensure long-term viability of child care providers.

The Child Care Facilities Financing Act requires that the federal investment be matched, dollar for dollar, by funds from the private sector, stimulating valuable public/private partnerships.

BUILDING ON A PROVEN MODEL

The Child Care Facilities Financing Act draws from the community development model—using small, seed-money investments to leverage existing community resources.

Tested in communities across the nation, this approach has been proven to be successful in expanding child care capacity:

In New Haven, Connecticut, the Local Initiatives Support Corporation (LISC) established the Community Investment Collaborative for Kids—closing on $3.6 million in public-private financing to construct a new 10 room, 171 child Head Start and child care center on a vacant lot in a low-income neighborhood.

The Ohio Community Development Finance Fund offers stable resources for planning, technical assistance and funding for the development of expanded quality child care space. It leverages $26.11 for every $1.00 in public funding and has touched the lives of over 13,000 Ohio children. Wonder World, an urban child car center in Akron, Ohio, was operating in a dingy and poorly lit space of an old church. Despite these conditions the center had a waiting list. With help from the Ohio Community Development Finance Fund, a new eight room child care facility was constructed serving approximately 200 children.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1028. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1029. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1030. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1031. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1028. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 8, after the word ''bus'', insert the following phrase: '', as that term is defined in section 301 of the American with Disabilities Act of 1990 (42 U.S.C. §12181)'';

On page 66, line 9 strike ''; and '' and insert in lieu thereof ''.''; and

On page 66, beginning with line 10, strike all through page 70, line 14.

SA 1029. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 20, line 16, strike the numeral and all that follows through the word ''Code'' on page 18 and insert in lieu thereof the following: ''$3,348,128 shall be set aside for the program authorized under section 1101(a)(11) of the Transportation Equity Act for the 21st Century, as amended and section 162 of title 23, United States Code;''.

On page 33, line 12, strike the world ''together'' and all that follows through the semi-colon on line 14.

On page 78, strike line 20 through 24.

SA 1030. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 73, strike lines 19 through 24 and insert the following:

''(E) requires—

''(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority, to operate beyond United States municipalities and commercial zones on the United States-Mexico border that do not display a valid Commercial Vehicle Safety Alliance inspection decal, by certified Federal inspectors, or by State inspectors whose operations are funded in part or in whole by Federal funds, in accordance with the requirements for a Level I Inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

''(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

''(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but

nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when a certified Federal or State inspector determines that such a vehicle has a safety violations subsequent to the inspection for which the decal was granted.''.

SA 1031. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 350. INCREASED GOVERNMENT SHARE.

(a) IN GENERAL.—Section 47109 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(d) SPECIAL RULE FOR CERTAIN AIRPORTS.—

''(1) IN GENERAL.—Notwithstanding subsection (b), in the case of a qualifying airport, the Government's share of allowable project costs shall be increased by the greater of—

''(A) the percentage determined under subsection (b); or

''(B) one-half of the percentage that the area of Federal land in the State where the airport is located is of the total area of that State.

''(2) LIMITATION.—The percentage increase of the Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage of the Government's share applicable to any project in any State under subsection (b).

''(3) QUALIFYING AIRPORT.—In this subsection, the term 'qualifying airport' means an airport that—

''(A) has less than .25 percent of the total number of passenger boardings at all commercial service airports during the calendar year used for calculating the most recent apportionments made under section 47114; and

''(B) is located in a State in which more than 40 percent of the total area of the State is Federal lands.

''(4) FEDERAL LANDS.—In this subsection, the term 'Federal lands' means nontaxable Indian lands (individual and tribal) and all lands owned by the Federal Government including, without limitation, appropriated and unappropriated lands and reserved and unreserved lands.''.

(b) CONFORMING AMENDMENT.—Section 47109(a) of title 49, United States Code, is amended by inserting ''or subsection (d)'' after ''subsection (b)''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to project grant agreements entered into pursuant to section 47108 of title 49, United States Code, on or after the date of enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 24, 2001 in SR–328A at 9:00 a.m. The purpose of this hearing will be to discuss livestock issues for the next Federal farm bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Friday, July 20, 2001, to hear testimony on Trade Adjustment Assistance.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Friday, July 20, 2001, for a markup on the nomination of Gordon H. Mansfield to be Assistant Secretary for Congressional Affairs at the Department of Veterans Affairs. The meeting will take place in the Senate Reception Room after the first rollcall vote of the day.

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

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Denise Matthews and Cyndi Stowe, Fellows on the staff of the Committee on Appropriations, be granted the privileges of the floor during debate on the fiscal year 2002 Transportation appropriations bill and the conference report thereon.

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2002

On July 19, 2001, the Senate amended and passed H.R. 2311, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2311) entitled ''An Act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $152,402,000, to remain available until expended, of which not less than $500,000 shall be used to conduct a study of Port of Iberia, Louisiana, and of which such sums as are necessary shall be used by the Secretary of the Army to conduct and submit to Congress a study that examines the known and potential environmental effects of oil and gas drilling activity in the Great Lakes (including effects on the shorelines and water of the Great Lakes): Provided,

That during the fiscal years 2002 and 2003, no Federal or State permit or lease shall be issued for oil and gas slant, directional, or offshore drilling in or under 1 or more of the Great Lakes (including in or under any river flowing into or out of the lake): Provided further, That using $100,000 of the funds provided herein for the States of Maryland, Virginia, Pennsylvania and the District of Columbia, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a Chesapeake Bay shoreline erosion study, including an examination of management measures that could be undertaken to address the sediments behind the dams on the lower Susquehanna River: Provided further, That the Secretary of the Army, using $100,000 of the funds provided herein, is directed to conduct studies for flood damage reduction, environmental protection, environmental restoration, water supply, water quality and other purposes in Tuscaloosa County, Alabama, and shall provide a comprehensive plan for the development, conservation, disposal and utilization of water and related land resources, for flood damage reduction and allied purposes, including the determination of the need for a reservoir to satisfy municipal and industrial water supply needs: Provided further, That within the funds provided herein, the Secretary may use $300,000 for the North Georgia Water Planning District Watershed Study, Georgia.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,570,798,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, and Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

Red River Emergency Bank Protection, AR, $4,500,000;

Indianapolis Central Waterfront, Indiana, $5,000,000;

Southern and Eastern Kentucky, Kentucky, $2,500,000:

Provided, That using $200,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,300,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That with $800,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Brunswick County Beaches, North Carolina-Ocean Isle Beach portion in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 15, 1998: Provided further, That $2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 to undertake the Bowie County Levee Project, which is defined as Alternative B Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: Provided further, That the Secretary of the Army is directed to use $4,000,000 of the funds provided herein for Dam safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,500,000 of the funds appropriated herein to proceed with the removal of the Embrey Dam, Fredericksburg, Virginia: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $41,100,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the following elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project:

$4,500,000 for the Clover Fork, Kentucky, element of the project;

$1,000,000 for the City of Cumberland, Kentucky, element of the project;

$1,650,000 for the town of Martin, Kentucky, element of the project;

$2,100,000 for the Pike County, Kentucky, element of the project, including $1,100,000 for additional studies along the tributaries of the Tug Fork and continuation of a Detailed Project Report for the Levisa Fork;

$3,850,000 for the Martin County, Kentucky, element of the project;

$950,000 for the Floyd County, Kentucky, element of the project;

$600,000 for the Harlan County element of the project;

$800,000 for additional studies along tributaries of the Cumberland River in Bell County, Kentucky;

$18,600,000 to continue work on the Grundy, Virginia, element of the project;

$450,000 to complete the Buchanan County, Virginia, Detailed Project Report;

$700,000 to continue the Dickenson County, Detailed Project Report;

$1,500,000 for the Lower Mingo County, West Virginia, element of the project;

$600,000 for the Upper Mingo County, West Virginia, element of the project;

$600,000 for the Wayne County, West Virginia, element of the project;

$3,200,000 for the McDowell County element of the project:

Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That, with respect to the environmental infrastructure project in Lebanon, New Hampshire, for which funds are made available under this heading, the non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed before the date of execution of the project cooperation agreement, if the Secretary determines the work is integral to the project: Provided further, That within the funds provided herein, $250,000 may be used for the Horseshoe Lake, Arkansas feasibility study.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $328,011,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,833,263,000, to remain available until expended, of which not less than $300,000 shall be used for a study to determine, and develop a project that would make, the best use, on beaches of adjacent towns, of sand dredged from Morehead City Harbor, Carteret County, North Carolina; of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities, and of which not less than $400,000 shall be used to carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire: Provided, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between May 12, 1997 and September 30, 2002. Reimbursement costs shall not exceed $1,277,000: Provided further, That the Secretary of the Army is directed to use $2,000,000 of funds appropriated herein to remove and reinstall the docks and causeway, in kind, at Astoria East Boat Basin, Oregon: Provided further, That $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia: Provided further, That $500,000 of the funds appropriated herein shall be available for the conduct of activities related to the selection, by the Secretary of the Army in cooperation with the Environmental Protection Agency, of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island: Provided further, That the project for the Apalachicola, Chattahoochee and Flint Rivers Navigation, authorized by section 2 of the Rivers and Harbor Act of March 2, 1945 (Public Law 79–14; 59 Stat. 10) and modified by the first section of the River and Harbor Act of 1946 (60 Stat. 635, chapter 595), is modified to authorize the Secretary, as part of navigation maintenance activities to develop and implement a plan to be integrated into the long-term dredged material management plan being developed for

the Corley Slough reach as required by conditions of the State of Florida water quality certification, for periodically removing sandy dredged material from the disposal area known as Site 40, located at mile 36.5 of the Apalachicola River, and from other disposal sites that the Secretary may determine to be needed, for the purpose of reuse of the disposal areas, by transporting and depositing the sand for environmentally acceptable beneficial uses in coastal areas of northwest Florida to be determined in coordination with the State of Florida: Provided further, That the Secretary is authorized to acquire all lands, easements, and rights-of-way that may be determined by the Secretary, in consultation with the affected State, to be required for dredged material disposal areas to implement a long-term dredge material management plan: Provided further, That the long-term management plan shall be developed in coordination with the State of Florida no later than 2 years from the date of enactment of this legislation: Provided further, That, $5,000,000 shall be made available for these purposes and $8,173,000 shall be made available for the Apalachicola, Chattahoochee and Flint Rivers Navigation.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $128,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, $153,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 103. The Secretary may not expend funds to accelerate the schedule to finalize the Record of Decision for the revision of the Missouri River Master Water Control Manual and any associated changes to the Missouri River Annual Operating Plan. 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.

SEC. 104. The non-Federal interest shall receive credit towards the lands, easements, relocations, rights-of-way, and disposal areas required for the Lava Hot Springs restoration project in Idaho, and acquired by the non-Federal interest before execution of the project cooperation agreement: Provided, That the Secretary shall provide credit for work only if the Secretary determines such work to be integral to the project.

SEC. 105. Of the funds provided under title I, $15,500,000 shall be available for the Demonstration Erosion Control project, Mississippi.

SEC. 106. Of the funds made available under Operations and Maintenance, a total of $3,000,000 may be made available for Perry Lake, Kansas.

SEC. 107. GUADALUPE RIVER, CALIFORNIA. The project for flood control, Guadalupe River, California, authorized by section 401 of the Water Resources Development Act of 1986, and the Energy and Water Development Appropriation Acts of 1990 and 1992, is modified to authorize the Secretary to construct the project substantially in accordance with the General Reevaluation and Environmental Report for Proposed Project Modifications, dated February 2001, at a total cost of $226,800,000, with an estimated Federal cost of $128,700,000, and estimated non-Federal cost of $98,100,000.

SEC. 108. Of the funds provided under Operations and Maintenance for McKlellan-Kerr, Arkansas River Navigation System dredging, $22,338,000 is provided: Provided, That of that amount, $1,000,000 shall be for dredging on the Arkansas River for maintenance dredging at the authorized depth.

SEC. 109. DESIGNATION OF NONNAVIGABILITY FOR PORTIONS OF GLOUCESTER COUNTY, NEW JERSEY. (a) DESIGNATION.—

(1) IN GENERAL.—The Secretary of the Army (referred to in section as the ''Secretary'') shall designate as nonnavigable the areas described in paragraph (3) unless the Secretary, after consultation with local and regional public officials (including local and regional planning organizations), makes a determination that 1 or more projects proposed to be carried out in 1 or more areas described in paragraph (2) are not in the public interest.

(2) DESCRIPTION OF AREAS.—The areas referred to in paragraph (1) are certain parcels of property situated in the West Deptford Township, Gloucester County, New Jersey, as depicted on Tax Assessment Map #26, Block #328, Lots #1, 1.03, 1.08, and 1.09, more fully described as follows:

(A) Beginning at the point in the easterly line of Church Street (49.50 feet wide), said beginning point being the following 2 courses from the intersection of the centerline of Church Street with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(i) along said centerline of Church Street N. 11°28′50″ E. 38.56 feet; thence

(ii) along the same N. 61°28′35″ E. 32.31 feet to the point of beginning.

(B) Said beginning point also being the end of the thirteenth course and from said beginning point runs; thence, along the aforementioned Easterly line of Church Street—

(i) N. 11°28′50″ E. 1052.14 feet; thence

(ii) crossing Church Street, N. 34°19′51″ W. 1590.16 feet; thence

(iii) N. 27°56′37″ W. 3674.36 feet; thence

(iv) N. 35°33′54″ W. 975.59 feet; thence

(v) N. 57°04′39″ W. 481.04 feet; thence

(vi) N. 36°22′55″ W. 870.00 feet to a point in the Pierhead and Bulkhead Line along the Southeasterly shore of the Delaware River; thence

(vii) along the same line N. 53°37′05″ E. 1256.19 feet; thence

(viii) still along the same, N. 86°10′29″ E. 1692.61 feet; thence, still along the same the following thirteenth courses

(ix) S. 67°44′20″ E. 1090.00 feet to a point in the Pierhead and Bulkhead Line along the Southwesterly shore of Woodbury Creek; thence

(x) S. 39°44′20″ E. 507.10 feet; thence

(xi) S. 31°01′38″ E. 1062.95 feet; thence

(xii) S. 34°34′20″ E. 475.00 feet; thence

(xiii) S. 32°20′28″ E. 254.18 feet; thence

(xiv) S. 52°55′49″ E. 964.95 feet; thence

(xv) S. 56°24′40″ E. 366.60 feet; thence

(xvi) S. 80°31′50″ E. 100.51 feet; thence

(xvii) N. 75°30′00″ E. 120.00 feet; thence

(xviii) N. 53°09′00″ E. 486.50 feet; thence

(xix) N. 81°18′00″ E. 132.00 feet; thence

(xx) S. 56°35′00″ E. 115.11 feet; thence

(xxi) S. 42°00′00″ E. 271.00 feet; thence

(xxii) S. 48°30′00″ E. 287.13 feet to a point in the Northwesterly line of Grove Avenue (59.75 feet wide); thence

(xxiii) S. 23°09′50″ W. 4120.49 feet; thence

(xxiv) N. 66°50′10″ W. 251.78 feet; thence

(xxv) S. 36°05′20″ E. 228.64 feet; thence

(xxvi) S. 58°53′00″ W. 1158.36 feet to a point in the Southwesterly line of said River Lane; thence

(xxvii) S. 41°31′35″ E. 113.50 feet; thence

(xxviii) S. 61°28′35″ W. 863.52 feet to the point of beginning.

(C)(i) Except as provided in clause (ii), beginning at a point in the centerline of Church Street (49.50 feet wide) where the same is intersected by the curved northerly line of Pennsylvania-Reading Seashore Lines Railroad right-of-way (66.00 feet wide), along that Railroad, on a curve to the left, having a radius of 1465.69 feet, an arc distance of 1132.14 feet—

(I) N. 88°45′47″ W. 1104.21 feet; thence

(II) S. 69°06′30″ W. 1758.95 feet; thence

(III) N. 23°04′43″ W. 600.19 feet; thence

(IV) N. 19°15′32″ W. 3004.57 feet; thence

(V) N. 44°52′41″ W. 897.74 feet; thence

(VI) N. 32°26′05″ W. 2765.99 feet to a point in the Pierhead and Bulkhead Line along the Southeasterly shore of the Delaware River; thence

(VII) N. 53°37′05″ E. 2770.00 feet; thence

(VIII) S. 36°22′55″ E. 870.00 feet; thence

(IX) S. 57°04′39″ E. 481.04 feet; thence

(X) S. 35°33′54″ E. 975.59 feet; thence

(XI) S. 27°56′37″ E. 3674.36 feet; thence

(XII) crossing Church Street, S. 34°19′51″ E. 1590.16 feet to a point in the easterly line of Church Street; thence

(XIII) S. 11°28′50″ W. 1052.14 feet; thence

(XIV) S. 61°28′35″ W. 32.31 feet; thence

(XV) S. 11°28′50″ W. 38.56 feet to the point of beginning.

(ii) The parcel described in clause (i) does not include the parcel beginning at the point in the centerline of Church Street (49.50 feet wide), that point being N. 11°28′50″ E. 796.36 feet, measured along the centerline, from its intersection with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(I) N. 78°27′40″ W. 118.47 feet; thence

(II) N. 15°48′40″ W. 120.51 feet; thence

(III) N. 77°53′00″ E. 189.58 feet to a point in the centerline of Church Street; thence

(IV) S. 11°28′50″ W. 183.10 feet to the point of beginning.

(b) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—

(1) IN GENERAL.—The designation under subsection (a)(1) shall apply to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities.

(2) APPLICABLE LAW.—All activities described in paragraph (1) shall be subject to all applicable Federal law, including—

(A) the Act of March 3, 1899 (30 Stat. 1121, chapter 425);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) TERMINATION OF DESIGNATION.—If, on the date that is 20 years after the date of enactment of this Act, any area or portion of an area described in subsection (a)(3) is not bulkheaded, filled, or otherwise occupied by permanent structures (including marina facilities) in accordance with subsection (b), or if work in connection with any activity authorized under subsection (b) is not commenced by the date that is 5 years after the date on which permits for the work are issued, the designation of nonnavigability under subsection (a)(1) for that area or portion of an area shall terminate.

SEC. 110. NOME HARBOR TECHNICAL CORRECTIONS. Section 101(a)(1) of Public Law 106–53 (the Water Resources Development Act of 1999) is amended by—

(1) striking ''$25,651,000'' and inserting in its place ''$39,000,000''; and

(2) striking ''$20,192,000'' and inserting in its place ''$33,541,000''.

SEC. 111. The Secretary of the Army shall not accept or solicit non-Federal voluntary contributions for shore protection work in excess of the minimum requirements established by law; except that, when voluntary contributions are tendered by a non-Federal sponsor for the prosecution of work outside the authorized scope of the Federal project at full non-Federal expense, the Secretary is authorized to accept said contributions.

SEC. 112. Section 211 of the Water Resources and Development Act of 2000 (P.L. 106–541; 114 Stat. 2592–2593) is amended by adding the following language at the end of subsection (d):

''(3) ENGINEERING RESEARCH AND DEVELOPMENT CENTER.—The Engineering Research and Development Center is exempt from the requirements of this section.''.

SEC. 113. Section 514(g) of the Water Resources and Development Act of 1999 (113 Stat. 343) is amended by striking ''fiscal years 2000 and 2001'' and inserting in lieu thereof ''fiscal years 2000 through 2002''.

SEC. 114. (a)(1) Not later than December 31, 2001, the Secretary shall investigate the flood control project for Fort Fairfield, Maine, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s); and

(2) determine whether the Secretary is responsible for a design deficiency in the project relating to the interference of ice with pump operation.

(b) If the Secretary determines under subsection (a) that the Secretary is responsible for the design deficiency, the Secretary shall correct the design deficiency, including the cost of design and construction, at 100 percent Federal expense.

SEC. 115. The Corps of Engineers is urged to proceed with design of the Section 205 Mad Creek Flood Control Project in Iowa.

SEC. 116. CERRILLOS DAM, PUERTO RICO. The Secretary of the Army shall reassess the allocation of Federal and non-Federal costs for construction of the Cerrillos Dam, carried out as part of the project for flood control, Portugues and Bucana Rivers, Puerto Rico.

SEC. 117. RARITAN RIVER BASIN, GREEN BROOK SUBBASIN, NEW JERSEY. The Secretary of the Army shall implement, with a Federal share of 75 percent and a non-Federal share of 25 percent, a buyout plan in the western portion of Middlesex Borough, located in the Green Brook subbasin of the Raritan River basin, New Jersey, that includes—

(1) the buyout of not to exceed 10 single-family residences;

(2) floodproofing of not to exceed 4 commercial buildings located along Prospect Place or Union Avenue; and

(3) the buyout of not to exceed 3 commercial buildings located along Raritan Avenue or Lincoln Avenue.

SEC. 118. STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE. Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by striking ''(b) The Secretary'' and inserting the following:

''(b) PROJECTS.—

''(1) IN GENERAL.—The Secretary''; and

(3) by striking ''The non-Federal share of the cost of any project under this section shall be 25 percent.'' and inserting the following:

''(2) COST SHARING.—

''(A) IN GENERAL.—The non-Federal share of the cost of any project under this subsection shall be 25 percent.

''(B) FORM.—The non-Federal share may be provided through in-kind services, including the provision by the non-Federal interest of shell stock material that is determined by the Chief of Engineers to be suitable for use in carrying out the project.

''(C) APPLICABILITY.—The non-Federal interest shall be credited with the value of in-kind services provided on or after October 1, 2000, for a project described in paragraph (1) completed on or after that date, if the Secretary determines that the work is integral to the project.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,918,000, to remain available until expended, of which $10,749,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account of the Central Utah Project Completion Act and shall be available to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,310,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $732,496,000, to remain available until expended, of which $4,000,000 shall be available for the West River/Lyman-Jones Rural Water System to provide rural, municipal, and industrial drinking water for Philip, South Dakota, in accordance with the Mni Wiconi Project Act of 1988 (102 Stat. 2566; 108 Stat. 4539), of which $14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and $31,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $8,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102–250; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting ''2001, and 2002'' in lieu of ''and 2001'': Provided further, That of the funds provided herein, $1,000,000 may be used to complete the Hopi/Western Navajo Water Development Plan, Arizona: Provided further, That using $500,000 of the funds provided herein, shall be available to begin design activities related to installation of electric irrigation water pumps at the Savage Rapids Dam on the Rogue River, Oregon: Provided further, That of such funds, not more than $1,500,000 shall be available to the Secretary for completion of a feasibility study for the Santa Fe Regional Water System, New Mexico: Provided further, That the study shall be completed by September 30, 2002.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $7,215,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): 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

these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $26,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $280,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,039,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $52,968,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. The Secretary of the Interior is authorized and directed to use not to exceed $1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i)).

SEC. 204. LOWER COLORADO RIVER BASIN DEVELOPMENT FUND. (a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court on May 3, 2000, in Central Arizona Water Conservation District v. United States (No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–OHX–EHC (Consolidated Action)) is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) is not met by the date that is 3 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.

SEC. 205. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 206. The Secretary of the 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 15 years.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $736,139,000, to remain available until expended, of which not less than $3,000,000 shall be used for the advanced test reactor research and development upgrade initiative, and of which $1,000,000 may be available for the Consortium for Plant Biotechnology Research.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $228,553,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $408,725,000, of which $287,941,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, $3,268,816,000, to remain available until expended: Provided, That within the funds provided, molecular nuclear medicine research shall be continued at not less than the fiscal year 2001 funding level.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $25,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for

litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $208,948,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $137,810,000 in fiscal year 2002 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues 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 $71,138,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 11 for replacement only), $6,062,891,000, to remain available until expended: Provided, That, $30,000,000 shall be utilized for technology partnerships supportive of the National Nuclear Security Administration missions and $3,000,000 shall be utilized at the NNSA laboratories for support of small business interactions including technology clusters relevant to laboratory missions: Provided further, That $1,000,000 shall be made available for community reuse organizations within the Office of Worker and Community Transition.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $880,500,000, to remain available until expended: Provided, That not to exceed $7,000 may be used for official reception and representation expenses for national security and nonproliferation (including transparency) activities in fiscal year 2002.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $688,045,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $15,000), $15,000,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles, of which 27 shall be for replacement only, $5,389,868,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,080,538,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $157,537,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $564,168,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $250,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. 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 subsequent annual appropriations, to remain outstanding at any given time: Provided, That the obligation of such borrowing authority shall not exceed $0 in fiscal year 2002 and that the Bonneville Power Administration shall not obligate more than $374,500,000 of its permanent borrowing in fiscal year 2002.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $4,891,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $8,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,038,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $5,200,000 in reimbursements, to remain available until expended: Provided, That up to $1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $169,465,000, to remain available until expended, of which $163,951,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,091,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That up to $152,624,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That of the amount herein appropriated, not less than $200,000 shall be provided for corridor review and environmental review required for construction of a 230 kv transmission line between

Belfield and Hettinger, North Dakota: Provided further, That these funds shall be nonreimbursable: Provided further, That these funds shall be available until expended: Provided further, That within the amount herein appropriated not less than $200,000 shall be provided for the Western Area Power Administration to conduct a technical analysis of the costs and feasibility of transmission expansion methods and technologies: Provided further, That WAPA shall publish a study by July 31, 2002 that contains recommendations of the most cost-effective methods and technologies to enhance electricity transmission from lignite and wind energy: Provided further, That these funds shall be nonreimbursable: Provided further, That these funds shall be available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,663,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $187,155,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $187,155,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2002 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues 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: Provided further, That the Commission is authorized to hire an additional 10 senior executive service positions.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $20,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. Of the funds in this Act or any other Act provided to government-owned, contractor-operated laboratories, not to exceed 6 percent shall be available to be used for Laboratory Directed Research and Development.

SEC. 307. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the ''Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site''.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term ''covered nuclear weapons production plant'' means the following:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Y–12 Plant, Oak Ridge, Tennessee.

(3) The Pantex Plant, Amarillo, Texas.

(4) The Savannah River Plant, South Carolina.

SEC. 309. Notwithstanding any other law, and without fiscal year limitation, each Federal Power Marketing Administration is authorized to engage in activities and solicit, undertake and review studies and proposals relating to the formation and operation of a regional transmission organization.

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 311. DEPLETED URANIUM HEXAFLUORIDE. Section 1 of Public Law 105–204 is amended in subsection (b)—

(1) by inserting ''except as provided in subsection (c),'' after ''1321–349),''; and

(2) by striking ''fiscal year 2002'' and inserting ''fiscal year 2005''.

SEC. 312. (a) The Secretary of Energy shall conduct a study of alternative financing approaches, to include third-party-type methods, for infrastructure and facility construction projects across the Department of Energy.

(b) The study shall be completed and delivered to the House and Senate Committees on Appropriations within 180 days of enactment.

SEC. 313. (a) IN GENERAL.—The Secretary of Energy shall provide for the management of environmental matters (including planning and budgetary activities) with respect to the Paducah Gaseous Diffusion Plant, Kentucky, through the Assistant Secretary of Energy for Environmental Management.

(b) PARTICULAR REQUIREMENTS.—(1) In meeting the requirement in subsection (a), the Secretary shall provide for direct communication between the Assistant Secretary of Energy for Environmental Management and the head of the Paducah Gaseous Diffusion Plant on the matters covered by that subsection.

(2) The Assistant Secretary shall carry out activities under this section in direct consultation with the head of the Paducah Gaseous Diffusion Plant.

SEC. 314. (a) The Senate finds that:

(1) The Department of Energy's Yucca Mountain program has been one of the most intensive scientific investigations in history.

(2) Significant milestones have been met, including the recent release of the Science and Engineering Report, and others are due in the near future including the Final Site Suitability Evaluation.

(3) Nuclear power presently provides 20 percent of the electricity generated in the United States.

(4) A decision on how to dispose of spent nuclear fuel and high level radioactive waste is essential to the future of nuclear power in the United States.

(5) Any decision on how to dispose of spent nuclear fuel and high level radioactive waste must be based on sound science and it is critical that the Federal Government provide adequate funding to ensure the availability of such science in a timely manner to allow fully informed decisions to be made in accordance with the statutorily mandated process.

(b) It is the sense of the Senate that the conferees on the part of the Senate should ensure that the levels of funding included in the Senate bill for the Yucca Mountain program are increased to an amount closer to that included in the House-passed version of the bill to ensure that a determination on the disposal of spent nuclear fuel and high level radioactive waste can be concluded in accordance with the statutorily mandated process.

SEC. 315. The Department of Energy shall consult with the State of South Carolina regarding any decisions or plans related to the disposition of surplus plutonium located at the Department of Energy Savannah River Site. The Secretary of Energy shall prepare not later than September 30, 2002, a plan for those facilities required to ensure the capability to dispose of such materials.

SEC. 316. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST,

NEW YORK. No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2002 or thereafter.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, $20,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $40,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $516,900,000, to remain available until expended: Provided, That of the amount appropriated herein, $23,650,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $468,248,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That, $700,000 of the funds herein appropriated for regulatory reviews and other assistance to Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $48,652,000: Provided further, That, notwithstanding any other provision of law, no funds made available under this or any other Act may be expended by the Commission to implement or enforce 10 C.F.R. Part 35, as adopted by the Commission on October 23, 2000.

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, $5,500,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,280,000 in fiscal year 2002 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $220,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,500,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 502. (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.

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2002''.

EXECUTIVE CALENDAR

Mr. DASCHLE. Madam President, as in executive session, I now ask unanimous consent that the Agriculture Committee be discharged from further consideration of the following nominees to be members of the board of directors of the Commodity Credit Corporation, and that they be placed on the Executive Calendar: Eric Bost, William Hawks, Joseph Jen, James Mosely, and, J.B. Penn.

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

The nominations are as follows:

DEPARTMENT OF AGRICULTURE

Eric M. Bost, of Texas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

William T. Hawks, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Joseph J. Jen, of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James R. Moseley, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.

J.B. Penn, of Arkansas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

SENATE WORK

Mr. DASCHLE. Madam President, this is the end of the week. I thank my colleagues for the effort that has been made to get as much accomplished as we were able to achieve. We passed the energy and water appropriations bill. We passed the legislative branch appropriations bill. We just now passed the supplemental appropriations conference report. We appointed conferees to the bankruptcy reform legislation. We confirmed 23 nominations, including 3 judicial nominees this week. And we began consideration of the Transportation appropriations bill.

While I wish we could have gone further with regard to our work on the Transportation bill, I am pleased that as a result of a bipartisan effort to achieve this success at the end of the week I think we have accomplished a good deal.

I thank the distinguished Republican leader for his efforts in allowing this kind of accomplishment to be noted. I appreciate very much the hard work of the Appropriations Committee and the appropriations subcommittees that were very involved in the work of this week; that of Senator DOMENICI, the ranking member of the energy and water appropriations subcommittee, and Senator REID in particular for his outstanding leadership in bringing about the successful conclusion of his bill. Senator DURBIN has done an outstanding job with his legislative branch appropriations bill.

As my colleague just noted, so much work went into the supplemental appropriations bill. I am very pleased that Senator BYRD and Senator STEVENS once again were able to complete their work as expeditiously as they did. I was contacted earlier today by the Vice President who asked if we could move this bill today. It was originally my intention to hold the bill over the weekend in order to give Senators more of a chance to examine the results. The bill was just presented to us this morning. But in order to accommodate a request by the administration, we chose to take up the bill, given the fact that no one had made a request for a rollcall vote. I thank my colleagues for their cooperation in not asking for a rollcall on this particular bill so we could move it ahead to accommodate the administration's request.

I am also very pleased with the success we have had in confirming 23 additional nominations; as I said, including 3 judicial nominees. That means that in the last 2 weeks we have now confirmed 77 nominations. I don't know what kind of a record that is, but it has to be one of the largest numbers of appointments confirmed in the shortest

period of time. And we will continue to work at achieving just as impressive results in the coming weeks.

Madam President, we have had a good week. I look forward to a very successful week again next week working on, first, the Transportation appropriations bill, and, secondly, other available appropriations bills, in addition, of course, to other nominations.

ORDERS FOR MONDAY, JULY 23, 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 2 o'clock on Monday, July 23. I further ask unanimous consent that on Monday, 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 be in a period for morning business until 4 p.m. with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator KYL, or his designee, from 2 p.m. until 3 p.m.; and Senator BYRD, from 3 p.m. until 4 p.m.; and, further, that at 4 p.m. the Senate resume consideration of H.R. 2299, the Transportation Appropriations Act.

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

PROGRAM

Mr. DASCHLE. Madam President, Members of the Senate, on Monday the Senate will convene under this request at 2 p.m. with 2 hours of morning business. At 4 p.m, we will resume consideration of the Transportation Appropriations Act. There will be no rollcall votes until 5:45 p.m. on Monday. There will be a rollcall vote at that time. I expect there could be additional rollcall votes on Monday evening.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JULY 23, 2001

Mr. DASCHLE. Madam President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 2:30 p.m., adjourned until Monday, July 23, 2001, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 20, 2001:

THE JUDICIARY

SAM E. HADDON, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

RICHARD F. CEBULL, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

DEPARTMENT OF JUSTICE

RALPH F. BOYD, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL.

EILEEN J. O'CONNOR, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

ROGER L. GREGORY, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

EXTENSIONS OF REMARKS

IN HONOR OF THE REPUBLIC OF LATVIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the mark of the 10th anniversary of Latvia's adoption of the constitutional law ''On the Statehood of the Republic of Latvia''.

On August 21, 1991, the Supreme Council of the Republic of Latvia took advantage of the political situation in the country and passed the law ''On the Statehood of the Republic of Latvia'' providing for the full restoration of Latvia's independence. This revoked the transition period set on May 4, 1990 for the de facto rejuvenation of the state power of the Republic of Latvia.

In order to commemorate the anniversary of this very significant event, the Saeima of the Republic of Latvia will host a ceremonial meeting of the Parliament on August 21, 2001. There, they will lay flowers at the Freedom monument and organize a festive concert and garden party in Jurmala.

The Republic of Latvia has always been a strong pillar of cultural heritage and exchange. Tradition and true faith drove this State to independence, and now, 10 years later, we are celebrating this important and distinguished anniversary.

Please Join me in celebrating the 10th anniversary of such a joyous occasion. The Republic of Latvia is a true stronghold for political freedom and independence.

TRIBUTE TO MARY JANE TURNIPSEED

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. HUTCHINSON. Mr. Speaker, I rise today to pay tribute to Mrs. Mary Jane Turnipseed for her outstanding service as an educator at Van Buren High School in Van Buren, Arkansas. Recently, I received a heartfelt e-mail message from one of Mrs. Turnipseed's students. This student was searching for a way to recognize his teacher because she had truly made an impact in his life. After reading his email, I think it appropriate to recognize Mrs. Turnipseed today on the floor of the House of Representatives.

For more than twenty years Mrs. Turnipseed has dedicated herself to her profession, to her school, and most of all, to her students. As a teacher, Mrs. Turnipseed has demonstrated her diligence and desire to make learning an exalting experience. Her student described her teaching by saying, ''Mrs. Turnipseed combines teaching with real-life experiences in an attempt to bring history alive. Not only does she allow us to teach on some days and assign hands-on projects, but also uses class discussion and physical demonstrations to allow us to not just study history, but experience it.''

Mrs. Turnipseed is a remarkable teacher, but she doesn't stop at simply doing her job. Her student remarked, ''Mrs. Turnipseed has been more than a teacher to me; she has been a mother, counselor, mentor, and most importantly a friend. When she finds a way to connect with a student, she uses the link to build a relationship like none other. We have formed a once in a lifetime relationship that I will never forget.''

Mrs. Turnipseed represents the type of educator we, as parents, want to teach our children. In an era of drugs and violence in schools around the nation, Mrs. Turnipseed provides a calm and safe environment for her students. In her class, students can forget the pressures waiting outside in the hallway and focus on learning.

Mr. Speaker and fellow colleagues, please join me in recognizing Mrs. Mary Jane Turnipseed for the truly remarkable impact she has made on the teaching profession and her students.

STATEMENT ON THE LOSS OF MRS. KATHARINE GRAHAM

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to pay tribute to a great lady, Katharine Graham, former chairman and CEO of the Washington Post Co., who passed away on Tuesday, July 17th, from head injuries sustained after she fell on a sidewalk in Sun Valley, Idaho. My heart goes out to Mrs. Graham's family and those who became part of her extended family.

Mrs. Graham was a gutsy pioneer. She was not intimidated by power or titles and created, with the utmost integrity, her own fulcrum to help move the world. And the world came to know she was here.

Katharine Graham found the best people and backed them to the hilt. In any controversy she always came down on the side of principle. And she did so with style, grace, and good cheer. ''Think no little thoughts, do no little deeds'' could have served as Katharine Graham's motto.

When faced with tragic situations in her own life that would have destroyed most others, Mrs. Graham reached deep down and discovered strength. She could have lived a carefree life, going down an easy, well-traveled road. But by the sheer force of her indomitable will and genius Katharine Graham took the road less traveled. And she made it her own.

Katharine Graham's passing saddens me in a very personal way—because she was so much a part of this town and this region. Her death leaves a void. When I say ''this town'' I mean this great city, the District of Columbia, our Nation's Capital, and the Washington Region. Most of the tributes to Mrs. Graham have properly noted her immense role in our great national adventure as a country, and her key part in the stewardship of one of the greatest newspapers in American history, The Washington Post. Those tributes are fully justified, as she breathed new life into the First Amendment, without which our democratic republic would be unthinkable.

But the Katharine Graham I will always remember so vividly and personally is the Katharine Graham who loved this city and who soared above the crowd in her devotion to, and involvement in, the lifeblood of Washington, D.C.

Less than 2 years ago I had the honor of being a guest in her home upon the occasion of congressional passage of the District of Columbia Tuition Act, landmark legislation I was pleased to sponsor as Chairman of the D.C. Subcommittee. Mrs. Graham and her son, Don Graham, took a keen interest in that legislation, which has provided unprecedented educational opportunities for D.C. students. Likewise with other local issues, Mrs. Graham as publisher of The Washington Post helped to insure that there would always be a very sharp focus on the real city that lies just beyond the Monumental Core of the Nation's Capital.

So this week this town is in mourning. We grieve the passing of one of the most significant people ever to reside in our midst.

Mr. Speaker, Katharine Graham's legacy is one of unshakeable courage and enduring accomplishment. Our institutions of freedom and fairness have lost a great friend. May God grant us others who emulate the shining example of Katharine Graham.

TRIBUTE TO ELSIE RICH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Elsie Rich. As we prepare to celebrate Elsie's one hundredth birthday, we can be inspired by a life that embraces joyful energy, thoughtful discussion, and a positive approach to overcoming obstacles.

Born Elsa Shiffman in Vienna Austria in August, 1901, Elsie was one of five children in a Jewish family that owned a textile factory. In 1932 she married Henry Reich (later Rich), and the two lived in Vienna until 1938. After

hearing Hitler announce his plans to exterminate all the Jews in Europe, Elsie and Henry applied for visas to America. They left a few months after Hitler's troops invaded Austria, sending many Jews to concentration camps.

In America, the Rich family lived in New York before moving to Santa Rosa, California, in 1943. They eventually bought a ranch and became U.S. citizens. "Coming to America was the best thing that ever happened to me," according to Elsie. "We should enjoy the freedom, because we need to remember that we are lucky to live in such a wonderful nation."

Since arriving in Santa Rosa, Elsie Rich has been an active member and generous financial supporter of Congregation Beth Ami and the entire Jewish community. She is a woman of active participation and strong faith who always attends weekly services. Since Henry's death in 1976, Elsie's life has also included exercise classes, reading, cooking, discussing world affairs, using public transportation, and enjoying nearby casinos. For the last two years, she has been the oldest person to attend the Sonoma County Fair. Her upbeat energy and resilience have continued to inspire those around her.

Mr. Speaker, Elsie Rich's one hundredth birthday is a fitting occasion to remember, in her words, that "life is like a river. You have to go with your best stream and pick out what's best for you." Elsie has truly exemplified that approach.

SERIOUS QUESTIONS ON STAR WARS REMAIN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I commend the following editorial to my colleagues that ran in the July 18, 2001, edition of the Contra Costa Times, a suburban newspaper which serves my 7th Congressional district in California. The Contra Costa Times has a circulation of 185,000 readers.

This editorial emphasizes a reality that should not be overlooked; the success of the recent missile defense test does nothing to change the fundamental arguments against deployment of a national missile defense system. Call it NMD, Star Wars II, or whatever you want. It still remains a bad idea that promises to divert needed funding toward a risky gambit that will certainly worsen our relations with our international partners and our own national security.

[From the Contra Costa Times (CA), July 18, 2001]

IT IS STILL A BAD IDEA

After the U.S. Military shot down a mock intercontinental ballistic missile Saturday night as part of its missile defense plan, a Pentagon spokesman urged everyone not to get too excited about it. "We've got a long road ahead," cautioned Lt. Gen Ronald Kadish, director of the Pentagon's Missile Defense Organization.

Let us translate that for you: Kadish is saying that the Pentagon intends to spend scads more of the taxpayers' dollars on this hare-brained scheme, a plan that, despite Saturday's apparent success, is unworkable, prohibitively expensive, does incalculable damage to international relations, and threatens to bring back the Cold War.

On Saturday, a prototype interceptor fired from Kwajalein Atoll in the Marshall Islands struck and destroyed a dummy warhead 140 miles above the Pacific. It was not seduced by a round, reflective decoy balloon sent up with the target. The test cost $100 million. Two previous tests had failed.

Military backers of the test, in a self-congratulatory mood, were slapping each other on the back after the hit. But the truth is that this test doesn't mean much militarily. The only decoy used for the test was easily identifiable and in the highly unlikely event that an enemy nation were to attack it would use multiple decoys shaped like real warheads.

Nor should anyone take the cost lightly. The Pentagon plans 17 more of these tests in the next 18 months. At $100 million each, you're talking serious money. In a faltering economy, the United States does not have the cash to waste.

Additionally, continued work on the missile defense system will increase international tensions. Russia already is nervous at the prospect of the United States trying to make itself into the only superpower, and has been making threatening rumbles about building up its own military. As we have said before, these tests torpedo decades of work toward undoing the danger to the planet created by the proliferation of nuclear weapons.

In any event, the tests are pointless. The so-called rogue nations that the military complex says might attack—North Korea, Iran and Iraq are usually mentioned—are not going to send a missile against the United States or its allies, because they know it would invite nuclear annihilation. The memory of Hiroshima and Nagasaki remain in the world's collective consciousness.

Finally, these war games, which have the military capering over their computers like teenagers playing "Space Invaders," do not address the way an enemy nation, organization or individuals actually would attack the United States: with weapons they could carry into the country. How about defending us against that?

We have said it before, and there is no reason to change our position: This so-called missile defense system is a dangerous, costly exercise in foolishness.

GAMBLING ATM AND CREDIT/DEBIT CARD REFORM ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. LAFALCE. Mr. Speaker, two years ago the National Gambling Impact Study Commission released the final report from its three-year study of gambling in the United States. The Commission took on one of the most difficult and divisive issues in America today and produced an extremely thoughtful report with more than 70 recommendations for changes in gambling policy. Unfortunately, none of the Commission's recommendations requiring federal legislation have yet been enacted by Congress.

I am today reintroducing legislation to implement one of the more important recommendations of the National Gambling Impact Study Commission to help lessen the potential financial losses of compulsive gambling for individuals and families. My legislation, the "Gambling ATM and Credit/Debit Card Reform Act", amends federal law to reduce the ready availability of cash and credit for gambling by removing credit card terminals, debit card point-of-sale machines, automated transfer machines (ATMS) and other electronic cash dispensing devices from the immediate area of gambling activities.

A major finding of the Commission is that America has been transformed during the past 20 years from a nation in which legalized gambling was localized and limited to one in which it is almost omnipresent and a major economic and entertainment activity. Some form of legalized gambling is now permitted in 47 states and the District of Columbia. Thirty-seven states officially sponsor gambling through state lotteries. Americans now spend an estimated $650 billion a year on legalized gambling—more than they spend on movies, records, theme parks, professional sports and all other forms of entertainment combined.

The Commission also found that while legalized gambling can produce positive economic benefits for the communities in which it is introduced, it also produces significant negative consequences for millions of individuals and families—consequences such as bankruptcy, crime, divorce, abuse and even suicide. A specific concern of the Commission has been the dramatic increase in problem and pathological gambling. Studies suggest that more than 5 million Americans are pathological or problem gamblers, and that another 15 million have been identified as "at-risk" or compulsive gamblers. The rapid growth of compulsive gambling has been particularly noticeable among women and includes growing numbers of teenagers.

The Commission identified the ready availability of cash and credit in and around gambling establishments as a major factor contributing to irresponsible gambling and to problem and pathological gambling behavior. Between forty and sixty percent of all money wagered by individuals in casinos, for example, is not physically brought into gambling facilities but is obtained by gamblers after their arrival. Much of this money derives from credit markers extended by casinos, but a sizable and growing portion involves cash derived from ATM and debit cards and cash advances on credit cards.

Credit cards, debit cards and ATMs have long been used within gambling resort hotels and near other gambling facilities. But their availability and use on gambling floors for purposes of making bets or purchasing playing chips was generally prohibited. This changed in 1996 when the New Jersey Casino Control Commission approved the use of credit card point-of-sale machines at gambling tables for direct purchases of playing chips and slot tokens. The action was immediately recognized by gambling experts as one of the "most potentially dramatic changes" in gambling in decades that would result in more impulse gambling by consumers and higher revenues for casinos. Since then, ATM machines have been moved from outside casinos and other gambling establishments to locations near

gambling floors. Credit and debit card point-of-sale terminals have been installed directly at gambling tables.

Allowing gamblers to use credit or debit/ATM cards directly for gambling removes one of the last remaining checks on compulsive or problem gambling—the need to walk away to find more cash to gamble. This separation helps break the excitement of the moment and permits many gamblers to walk away. Providing immediate electronic cash transfers not only feeds compulsive behavior, but makes it easier for problem gamblers to bet all their available cash, draw down their bank accounts, and then tap into the available credit lines of their credit cards as well. Financial institutions become unwitting accomplices in encouraging gamblers to bet more money than they intended and more than most can afford.

My legislation addresses this problem in a number of ways. It amends the Truth in Lending Act (TILA) to prohibit gambling establishments from placing credit card terminals, or accepting credit cards for payment or cash advances, in the immediate area where any form of gambling is conducted. It also amends the Electronic Funds Transfer Act (EFTA) to impose a similar prohibition on the placing of any automated teller machine, point-of-sale terminal or other electronic cash dispensing device in the immediate area where gambling occurs. Contrary to statements by the gambling industry, this will not deny people use of the credit, debit and ATM cards, only move access terminals for these cards a short distance away from gaming tables or machines.

The bill directs the Federal Reserve Board to publish and enforce rules for assuring that all electronic transfers of cash and credit are physically segregated to the extent possible from all gambling areas. And it provides for comparable civil liability as provided elsewhere in TILA and EFTA to permit individuals to file private actions against gambling establishments that violate these restrictions.

Mr. Speaker, the National Commission study confirmed that legalized gambling has become a national phenomenon. While it is unreasonable to think we can put the gambling genie back in the bottle, we can take reasonable measures to help minimize the potential financial strain and anguish for American families. My legislation does not prohibit casinos, racetracks and other gambling facilities from providing or using credit card, ATM and debit card devices. It merely requires that these devices be used for the purposes they were intended and not to encourage irresponsible or problem gambling.

I believe this is reasonable and worthwhile legislation. I urge its adoption by the Congress.

TRIBUTE TO THE ALLIANCE FOR AMERICA

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. POMBO. Mr. Speaker, the Alliance for America (AFA) was organized in 1991 as a national non-profit grassroots coalition. Over the years, AFA has worked diligently to curb excessive government environmental regulations and to ensure the Constitutional rights of compensation for property owners.

AFA networks its mission in fifty states working with hundreds of organizations with a combined membership in the millions. These groups represent a variety of vocational, cultural and political interests including: (1) farming; (2) ranching; (3) grazing; (4) forestry; (5) commercial fisherman; (6) mining; (7) recreation; (8) energy; and (9) animal welfare.

In May 2001, AFA held its 11th Annual Fly-In for Freedom conference in Washington, DC. At the meeting, various measures were addressed and passed by the Alliance, including resolutions dealing with renewable whaling resources and the Marine Mammal Protection Act of 1972.

Mr. Speaker, at this time, I hereby submit to the RECORD RECORD for my colleagues consideration two resolutions unanimously adopted by AFA at its conference—the Resolution on Renewable Whale Resources and the Resolution to amend the Marine Mammal Protection Act.

Let me conclude by saying that although there are many different opinions on these issues, I applaud the efforts of AFA and I truly believe they do make a positive difference in our society.

ALLIANCE FOR AMERICA, FLY-IN FOR FREEDOM, WASHINGTON, DC, MAY 19–23, 2001

RESOLUTION ON RENEWABLE WHALE RESOURCES

Whereas, the United States recognizes the sustainable use of renewable wildlife and marine resources under professional and scientific management; and

Whereas, the Law of the Sea, the United Nation's Earth Summit and the Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security recognize that marine resources are to be managed to secure food for human nutritional needs as well as traditional and cultural objectives; and

Whereas, the Charter of the International Convention for the Regulation of Whaling (ICRW recognizes that consumptive use of renewable whale resources by ''proper conservation of whale stock [to] make possible the orderly development of the whaling industry,'' and

Whereas, the Scientific Committee of the International Whaling Commission (IWC), the governing body of the ICRW, has stated that limited harvest of certain whale stocks is scientifically justified and would have no adverse impact on those populations, and

Whereas, contrary to the mandate of the ICRW requiring a scientific basis for action, in 1994 the IWC adopted as Resolution to create a Southern Ocean Sanctuary and is currently considering a proposal for the adoption of a Resolution to create a Pacific Ocean Sanctuary, again, without scientific justification; and

Whereas, certain coastal and island nations are currently undertaking legal limited harvests of non-endangered whale stocks under scientific guidelines for valid scientific research and for human food consumption, as these nations have done for thousands of years; now, therefore, be it

Resolved, That the Alliance for America, representing over ten (10) million American citizens, at its 2001 Fly-In for Freedom Conference request the United States government:

To recognize and support the cultural, economic and dietary traditions of island and coastal nations who seek to undertake limited harvests of non-endangered whale species, and

To be guided by scientific evidence in deliberations at the Annual Meetings of the International Whaling Commission and the Conference of the Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) rather than following any unscientific political policy; and

To permit these sovereign nations to undertake limited harvests of whales without the threat of economic sanction or censure.

ALLIANCE FOR AMERICA 11TH ANNUAL FLY-IN FOR FREEDOM, WASHINGTON, DC, MAY 20, 2001

RESOLUTION

The key observation arising from the Alliance for America 11th Annual Fly In For Freedom is that the promotion of animal-rights beliefs has produced unacceptable consequences that include ongoing violations of fundamental human rights.

The representative of the Inuit people from Arctic Canada has eloquently described how their culture, livelihoods and society are being devastated by the animal rights-inspired Marine Mammal Protection Act (MMPA)—a law which contradicts accepted principles of sustainable use and environmental conservation.

This outdated legislation arbitrarily bans the import of seal products from an abundant species, and violates the American ideal of individual freedom and the rights of the people to self-determination, including the right to use and trade abundant local resources.

We believe that the American people would be shocked and distressed to discover that the MMPA has so severely harmed so many people and cultures. Indigenous people attempt to live in harmony with the environment as active practitioners of sustainable use. The MMPA disrupts this ecological relationship.

Seals are abundant in Arctic Canada and other regions and provide a vital source of food in Arctic communities, but provisions of the MMPA prevent Inuit and other people from fully utilizing animals upon which they depend for their survival, because trade is prohibited.

Therefore this assembly of the Alliance for America:

(I) Calls for the amendment of the MMPA to allow for the import of seal products, to protect US commercial and recreational fisheries, and to bring the MMPA into accord with the Convention on International Trade in Endangered Species (CITES) as implemented by the Endangered Species Act and Agreements under the WTO; and:

(II) Resolves to work to inform the American public and legislators about the injustice which has been done by this law; and,

(III) Calls upon all people and organizations that respect human rights to join us in our efforts to right the wrongs that have been done.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

The House in Committee of the Whole House on the State of the Union had under consideraton 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. MORELLA. Mr. Chairman, over the years we have heard a number of contentious arguments about the viability of the Advanced Technology Program (ATP). As a consistent ATP supporter, I understand these discussions are difficult to resolve and stem from fundamental questions about the proper role of government in the development of technology. While government should, and must, contribute to funding our basic research enterprise, there is fair ambivalence about the government taking on the role of private investors and picking the ''winners and losers'' of the market by targeting funds to specific projects. While I also question the superiority of government over Adam Smith's ''invisible hand'' of the marketplace, I think this argument is severely flawed when it comes to ATP.

The Advanced Technology Program is not public financing of established technologies. It should not be seen as speculative investment nor should its success be measured in the same economic terms as private investment. Framing the debate in these terms is fundamentally wrong and misses the point of the program. The ATP is a research and development program, not an exercise in government venture capital.

The program seeks to provide a critical bridge for the ''funding gap'' from innovation to the marketplace of pre-competitive, emerging technologies. ATP seeks to smooth the transition from invention to commercialization, the so-called ''valley of death'' or ''Darwinian Sea.'' The United States has the greatest research effort in the world. Our universities and industries develop more ideas and discover more innovations than everywhere else combined. We also understand capital markets and have used our knowledge to produce the world's most vibrant and robust economy. Yet we are still not very good at turning raw ideas into commercial products. While it is tempting to believe that this process is straightforward and should be understandable from basic social and economic principles, it is not and cannot. The relationship between the private sector and this intermediate stage between research and venture capital investment is poorly understood and the subject of intense scrutiny. It would be wrong to treat it as a mature, fully-formed, capital arena.

As such, there is a role for government to play. What's more, the ATP has been largely successful in carrying out that role. The purpose of the ATP is to develop and disseminate high-risk technologies with the potential for broad-based economic benefits. It is devoted to technical research; research that is more directed that basic proof-of-principle work, but not to product development. And more often than not, it involves matching funds from industry. This process has worked. In a recent review of the first 50 ATP awards, 32 projects have been successful in bringing 61 products or processes to market.

Despite this success, H.R. 2500, the Fiscal Year 2002 Commerce-Justice-State Appropriations bill, only provides enough funds to fulfill existing commitments and halts new awards. While I understand the rationale to suspend new ATP grants is due to the on-going program re-evaluation efforts conducted by the Secretary of Commerce, I am concerned that this may ultimately lead to a zeroing out of the program. The ATP is one of the most closely reviewed government programs of all time. In addition, the National Research Council has just completed the most comprehensive review of ATP to date and the review is extremely positive. The report calls ATP an ''effective federal partnership program'' and claims that it ''appears to have been successful in achieving its core objective.'' It also cites its ''exceptional assessment effort'' and compliments its review and awards process. These are extremely strong statements for a non-partisan group that tries to avoid making policy judgments.

The Academy report, however, does not say the program is perfect and does take issue with certain aspects of the ATP. It also makes recommendations for changes and improvements. These concerns should be taken seriously, but the report is still a strong endorsement for continuing the program. Effective programs that produce measurable long-term economic benefits should not be sacrificed on the altar of short-term budget constraints. The success of the ATP speaks for itself and the program should be continued. At the very least, I hope that when this legislation is considered in conference, there will be adequate funding to continue the program pending the Secretary's reevaluation.

TRIBUTE TO THE HORNETTES OF NASHVILLE HIGH SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the Hornettes of Nashville High School on their recent state softball championship. The Hornettes defeated the Stanford Olympia Spartans 3–0 to win their first ever Class A State Softball Championship.

In addition to being crowned state champs, the Nashville Hornettes tied the state record for most wins in a season with 41 victories and only 2 losses. The team gave Nashville softball fans a thrill throughout their historic season.

I would like to personally commend the team members and coaches for a job well done. They are: Cara Pries, Lindsay Henry, Tessa Schmale, Amy Harre, Amber Fark, Linda Maschhoff, Amy Rybacki, Ashley Schaeffer, Mallory Ruggles, Krystal Stein, Kristen Klingler, Danielle Kaufman, Chelsi Boatright, Nicole Richard, Danielle Chambers, Heather Guest, Sara Skibinski, Nicole Asberry, and Stephanie Niedbalski. Their coaches are: Neil Hamon, Wayne Harre, Charlie Heck, and Head Coach Chad Malawy. I am very proud of you all.

TRIBUTE TO THE LATE POLICE CHIEF CECIL GURR

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. CANNON. Mr. Speaker, I rise today with a heavy heart to pay tribute to a fallen police chief from Roosevelt, Utah. Police Chief Cecil Gurr was ''off duty'' in his car en route to the grocery store to run family errands when he heard a police dispatch about a domestic dispute at a nearby convenience store. As he had countless other times, he responded to the call. Drawing attention away from his officers, Chief Gurr deliberately placed himself in the line of fire to protect his men. Caught in the exchange of gunfire, Gurr died Friday, July 6, 2001 in the line of duty for the Duchesne County community. I send my prayers and condolences to his family, neighbors, and the community as a whole.

Cecil Gurr had been Roosevelt's police chief since 1978. He grew up in Roosevelt and joined its police force in 1974 after a tour of duty in Vietnam and a short stint with the FBI. Nearly 30 years of his life was devoted to protecting his hometown of 4,000 residents. He is survived by his wife, Lynnette, his three children, and four grandchildren. Left behind are neighbors and a community that will greatly miss his unconditional self sacrifice, kindness, generosity, and quiet demeanor. And, now those left behind must unite to support and strengthen one another during the coming months and years as they heal.

''He was very fair and firm and always had the best interests of the community at hand . . . He'd do anything for you. He never asked for anything in return,'' stated Roosevelt Police Officer Brad Draper. The National Law Enforcement Officer Memorial says that ''it is not how these officers died that made them heroes, it is how they lived.''

We may never truly comprehend the latent danger associated with the daily routines of our law enforcement officers. They continually put themselves in danger as they stop a vehicle, respond to an incident or a suspicious circumstance. The dangers, risks, and violence they encounter each day are very real. Sorrowfully, at such times we pause to honor the brave law enforcement officers who serve and protect our communities. I hope they will routinely be given the honor, respect and thanks they deserve—not only when life's fragile nature is revealed.

Mr. Speaker, today I ask that you and our colleagues join me in remembering this fine man and the selfless life he lived. On behalf of the residents of the Third District of Utah, we extend our prayers and most heartfelt sympathy to his family and loved ones.

IN TRIBUTE TO KATHARINE GRAHAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. WOLF. Mr. Speaker, our nation has lost one of the true giants of American journalism. Katharine Graham, 84, the former chairman and chief executive officer of The Post Co. and former publisher of The Washington Post, died on July 17 from head injuries she sustained in a fall while on a business trip in Idaho.

Mrs. Graham was a remarkable woman of courage, grace and integrity who lead the Post through what has been called two of the most celebrated episodes in American journalism: the publication in 1971 of the Pentagon Papers and the Watergate scandal. She is credited with transforming the Post into one of the nation's leading newspapers.

Mr. Speaker, to our colleagues who spend so much time in Washington, D.C., The Washington Post is required daily reading if we want to stay on top of the news of the nation and world. To the handful of us who are privileged to represent congressional districts in the Washington metropolitan region, The Washington Post is our hometown newspaper and we today share in the loss of its legendary leader.

I would like to share with our colleagues the July 18 editorial from The Washington Post in tribute to Katharine Graham.

[From the Washington Post, July 18, 2001]

KATHARINE GRAHAM 1917–2001

It's one of the wonderful mysteries of journalism that, though a thousand people's labor may be necessary to produce each day's issue, every newspaper takes on an identity of its own. That character is shaped by people you may have heard of—the top editor, an advice columnist, a chief political correspondent, your county's school reporter—and by many whose names you probably don't know: the copy editors, the ad sellers, the press operators and distributors. Few of those who work here, though, would dispute that at The Post a single person is responsible first and foremost for making our newspaper what it is today. That person is Katharine Graham, who died yesterday at the age of 84.

Mrs. Graham's imprint was the product both of her values, which suffused the paper, and of the crucial decisions she made about its leadership and direction. At The Post and Newsweek, she chose great editors, such as The Post's Benjamin Bradlee, and then gave them the independence and resources they needed to produce strong journalism. She also supported them at crucial moments, when their work was doubted or under attack by powerful forces in and outside of government. Two of those cases helped define her career, and The Post: her refusal to bow to the government's efforts to block publication of the Pentagon Papers and her backing of the paper's coverage of the Watergate scandal.

Her decision in 1971 to publish the Pentagon's secret history of the Vietnam War, after a federal court already had blocked the New York Times from doing so, was even harder than it appears in retrospect. There was nothing harmful to national security in the papers, but the Nixon administration claimed otherwise, and its henchmen were not above threatening The Washington Post Co.'s television licenses. Mrs. Graham's lawyers advised against publication; they said the entire business could be ruined. But after listening to the arguments on both sides, Mrs. Graham said, ''Let's go. Let's publish.'' In those circumstances, she didn't believe that the government ought to be telling a newspaper what it could not print.

She proved that again the following year, when The Post again came under enormous government pressure as it pursued, almost alone, the story behind the Watergate break-in. The White House insisted that The Post's reporting was false, and launched a series of public and private attacks against the newspaper—and, on occasion, against Mrs. Graham. Such pressure would have caused many publishers to rein in their newsrooms, but Mrs. Graham did not; instead, she strongly backed Mr. Bradlee and his team. Some two years later, partly because of the paper's persistence, Mr. Nixon was forced to resign.

No less important to the paper's success was the fact that Mrs. Graham was a tough-minded businesswoman who never lost sight of the fact that high-quality journalism depended on running a newspaper that turned a profit. She concentrated on the business success of the newspaper, leading it through a difficult strike by pressmen in the mid-'70s, even as she oversaw the diversification and expansion of The Post Co., which added new broadcast television stations and cable networks under her leadership.

All those decisions would have been lonely and frightening for any chief executive; given Mrs. Graham's unusual position, they were all the more so. It's hard now to recall how extraordinary it was for a woman to occupy her job, but for years she was the only female head of a Fortune 500 corporation. You get a sense of how anomalous this was when you realize that she was a brainy University of Chicago graduate with journalism experience, both at this paper and elsewhere; and yet when the time came for her father to bequeath The Post to the next generation, it was her husband, Philip Graham, who took over. No one, least of all Katharine, found this strange. Only when her husband died did Mrs. Graham take over the paper; her insecurities in doing so are well documented in her Pulitzer Prize-winning autobiography, ''Personal History.''

One of Mrs. Graham's public faces over time became that of the society figure. Both in Georgetown and in her summer home in Martha's Vineyard, she hosted presidents (including the incumbent) and generals and secretaries of state. She liked doing these things—Mrs. Graham knew the pleasures of gossip, and she believed, among other things, that Washington should be fun—but there was a serious aspect to them too. Beneath the high-society vener was an old-fashioned patrotism: a belief that liberals and conservatives, Republicans and Democrats, even politicians and journalists, shared a purpose higher than their differences and ought to be able to break bread together. Her credentials for bringing people together were strenghtened by her scrupulous refusal to use her position (not to mention this editorial page) to advance her personal or corporate financial interests; she gave generously to many institutions and causes in and outside of Washington, yet sought little credit for it.

In what she amusingly called retirement, Mrs. Graham seemed only to become more active. With the publication of her autobiography, so astonishingly honest and unsentimental about herself, the well-known publisher became an even better-known author. And yet, as public a figure as she was, we here at The Post flattered ourselves to think that we saw an essential side of her that others did not. We were the beneficiaries of her investment, year after year, in a superior product: in new sections, new local, domestic and foreign bureaus, new and diverse talent. We were the beneficiaries of her gradual and graceful passing of the baton to the next generation, a transition that she made seem easy but that—as the experience of other great newspaper families shows—can work only with the greatest of care. We got to hear her brutally frank assessments of puffed-up Washington celebrities, delivered in salty language that forever altered the pearls-and-Georgetown image for anyone who heard them. Most of all, we got to see the respect she brought, and the high expectations she held, day in and day out, for fair-minded journalism. The respect was more than reciprocated. We will miss her very much.

VETERANS HIGH SCHOOL DIPLOMA

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. SIMPSON. Mr. Speaker, As the graduation season comes to a close, I would like to recognize a few special graduates from the state of Idaho. Local high school students presented about 50 World War II veterans with high school diplomas they never received due to the war. These men put their education on hold, joined arms, and fought valiantly for our beautiful country. The high school diplomas are well deserved and long overdue.

Retired servicemen appreciate the homage that high school students are giving, and I am pleased to see the youth in Idaho recognizing the great deeds of past generations. The Greek historian Herodotus once wrote, ''Great deeds are usually wrought at great risks.'' When faced with the dangers of war, our American soldiers proved their valor and accomplished the greatest deed of all: heroism. How can we allow Americans to forget the heroic efforts of veterans more than 50 years ago?

As Memorial Day passes and Veterans' Day quickly approaches, we as a country cannot escape our obligation toward our American heroes. World War II veterans have never asked for a monument and were content without it, but it is time for us to say thank you for their courage and sacrifice through gestures such as a memorial. I am grateful that Americans have finally pulled together to honor these brave men and women of World War II with a national memorial.

High school students throughout Idaho have discovered a way to say thank you to the saviors of our country. As young Idahoans helped veterans to don the traditional cap and gown this year, it reminded me that throughout these 50 years we have not forgotten these men or their important role in our American history. Through the ongoing construction of

the World War II Memorial, high school diplomas, and many other events, we are demonstrating our deep reverence to the heroes of our nation and keeping their memories alive.

DEPENDENT CARE TAX CREDIT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. MURTHA. Mr. Speaker, the long-term care debate continues to grow as a key health care issue and it will continue to grow more in the coming decade as Americans live longer.

Fortunately, more attention is starting to be focused on long-term care; the bad news is that there is a tremendous gap in ideas and solutions to make sure every family has access to affordable, quality long-term care when it is needed. In Pennsylvania already 1.9 million seniors and nearly 220,000 individuals with disabilities rely on Medicare to meet long-term costs, and 84,743 Pennsylvanians are in nursing homes.

In the next decade, the first of the ''baby boomers'' will reach 65 sending the need for long-term care much higher very quickly.

While long-term care is usually thought of in terms of the elderly, two of every five Americans will need long-term care at some point in their lives, often because of an injury or disability as well as advanced age. It is therefore, essential that the health care system provide families with affordable, available options for long-term care—options that provide the kind of quality everyone wants to see for a family member or friend.

A major trend in long-term care is away from nursing homes, to keep people in their homes or with family as long as possible, to look at alternative living arrangements and to stress community support and involvement. As we sort through this issue, it is imperative that long-term care promote individual dignity, maximize independence and self-sufficiency and be provided in the least restrictive setting—that includes providing home and community based, flexible, benefits and services.

The trend in long-term care is moving away from institutions like nursing homes. This is well illustrated in Pennsylvania where most people, particularly the elderly, dread the idea of leaving their home and family and moving to a nursing home. Consumers have become more sophisticated and are looking for alternatives of service and care that will allow people to retain their independence, including staying in their home or with family-member care givers.

Research suggests that a highly important cultural change is at work—a trend toward home and community based long-term care services. This means that government must recognize this important shift and encourage the expansion of home and community-based care programs and services.

While current government policies support and promotes public funding for institutionalized care (the type of care that those in need do not prefer) society has come to rely almost exclusively on informal family-care givers to provide the type of care desired by the majority of care recipients.

Researchers estimate that the value of care giving responsibilities regularly assumed by family members and friends exceeded $200 billion in 1997. In comparison, federal spending for formal home care in 1997, was $32 billion, with an additional $83 billion for nursing home care.

Informal or family-care givers provide more long-term care and support, free of charge and with limited support, than the federal government in all settings combined.

The obvious question becomes: how about paying or providing relief to the informal or family-care giver? I am taking steps to do just that by introducing legislation to amend the Internal Revenue Code of 1986 to provide a $1,200.00 tax credit for care givers of individuals with long-term care needs.

A $1,200.00 tax credit is the logical first step designed to recognize and compensate care givers for the long-term cost associated with informal or family-care giving.

CAPTIVE NATIONS WEEK, 43RD OBSERVANCE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. CALVERT. Mr. Speaker, I rise today with a deep sense of personal conviction and pride to submit for the RECORD a proclamation on the 43rd Observance of Captive Nations Week. It was in memory of the millions who perished under authoritarian regimes and remain under authoritarian regimes still that the 86th Congress and President Dwight D. Eisenhower began the tradition of paying tribute to their fight for freedom, democracy, free market economy, human rights and national independence, with Public Law 86–90. President Ronald Reagan served to more forcibly imprint this need several years later when he called history's most powerful authoritarian regime, the Soviet Union, an ''evil empire.''

I am convinced that Captive Nations Week has served a vital role in the fight against authoritarian governments. This one week a year has provided, and continues to provide, a level of focused pressure and attention on those nations that utilize force, coercion and fear to maintain control over the individual. As a result, we no longer witness Germany fascism, Soviet Stalinism, the Nazi concentration and work camps of World War II and more. In time, I believe that remaining Captive Nations, such as China, will also join the community of democratic states.

China in particular provides us visible daily evidence of the human rights violations that continue to be perpetuated in the world. In this country the authoritarian government continues to deny men and women their inalienable rights, including freedom of speech, freedom of movement and assembly, freedom of the press and the right to practice their religious beliefs without fear of persecution.

Captive Nations Week recalls our obligation to speak out for captive peoples around the world. During this one week in July, we may reaffirm our support for peaceful efforts to secure their right to liberty and self-determination. Thomas Jefferson's timeless words on the 50th Anniversary of our Nation's Independence in 1826 best highlight the goals of Captive Nations Week:

''All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights and an undiminished devotion to them. . . .''

Therefore, Mr. Speaker, I add my prayers and hopes to the millions said each and every day for the ''rights of man'' to be secured for all peoples around the world and that Americans are privileged to experience with each breath that they breathe. And I also applaud those who would not be victimized, the individuals who refused to be swayed by untruths and promises of power—the ones who fought tyranny and prevailed. In 2001 there remain many Captive Nations, but our hope remains that one day there will be none.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. WELLER. Mr. Speaker, I rise today to give my strong support to H.J. Res. 36, the Flag Protection Amendment.

Our flag is the symbol of the free world. It is the symbol that men and women have given their lives to protect and preserve. Thanks to these sacrifices, we are at peace today and are able to return the favor to the brave soldiers and sailors who stood guard to our flag and freedom from Lexington & Concord to the shores of Kuwait.

Mr. Speaker, the United States flag stands for freedom, equality, and patriotism. These qualities are embodied in the true, tried waves of the flag as she flies proudly above this building, the United States Capitol. To protect the flag is not only the right thing to do, it is the necessary action to pursue.

Mr. Speaker, I commend Mr. CUNNINGHAM and Mr. SENSENBRENNER on their hard work on this amendment and I urge my colleagues to support this meaningful and necessary piece of legislation.

SUBCHAPTER S MODERNIZATION ACT OF 2001

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. SHAW. Mr. Speaker, today over 2 million businesses pay taxes as S corporations

and the vast majority of these are small businesses. The Subchapter S Modernization Act of 2001 is targeted to these small businesses by improving their access to capital, preserving family-owned businesses, and lifting obsolete and burdensome restrictions that unnecessarily impede their growth.

Even after the relief provided in 1996, S corporations face substantial obstacles and limitations not imposed on other forms of entities. The rules governing S corporations need to be modernized to bring them more on par with partnerships and limited liability companies. For instance, S corporations are unable to attract the senior equity capital needed for their survival and growth. This bill would remove this obsolete prohibition and also provide that S corporations can attract needed financing through convertible debt.

Additionally, the bill helps preserve family-owned businesses by counting all family members as one shareholder for purposes of S corporation eligibility. The bill also increases the limit on the number of shareholders from 75 to 150. Also, nonresident aliens would be permitted to be shareholders under rules like those now applicable to partnerships.

The Subchapter S Modernization Act of 2001 includes the following provisions to help: improve capital formation opportunities for small businesses, preserve family-owned businesses, and eliminate unnecessary and unwarranted traps for taxpayers.

TITLE I—ELIGIBLE SHAREHOLDERS OF AN S CORPORATION

SECTION 101. MEMBERS OF FAMILY TREATED AS ONE SHAREHOLDER

The Act provides for an election to count family members that are not more than six generations removed from a common ancestor as one shareholder for purposes of the number of shareholder limitation (currently 75 shareholders). The election requires the consent of a majority of all shareholders. The provision helps family-owned S corporations plan for the future without fear of termination of their S corporation elections.

SECTION 102. NONRESIDENT ALIENS ALLOWED TO BE SHAREHOLDERS

The Act would permit nonresident aliens to be S corporation shareholders. To assure collection of the appropriate amount of tax, the Act requires the S corporation to withhold and pay a tax on effectively connected income allocable to its nonresident alien shareholders. The provision enhances an S corporation's ability to expand into international markets and expands an S corporation's access to capital.

SECTION 103. EXPANSION OF BANK S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE IRAS

The Act permits Individual Retirement Accounts (IRAs) to hold stock in a bank that is an S corporation. Additionally, the Act would exempt the sale of bank S corporation stock in an IRA from the prohibited transaction rules. Currently, IRAs own community bank stock, which results in a significant obstacle to banks that want to make an S election. The provision allows an IRA to own bank S stock, and thus, avoids transactions to buy back stock, which drains the bank's resources.

SECTION 104. INCREASE IN NUMBER OF ELIGIBLE SHAREHOLDERS TO 150

Currently a corporation is not eligible to be an S corporation if it has more than 75 shareholders. The Act increases the number of permitted shareholders to 150. The provision will enable S corporations to raise more capital and plan for the future without endangering their S corporation status.

TITLE II—QUALIFICATION AND ELIGIBILITY REQUIREMENTS

SECTION 201. ISSUANCE OF PREFERRED STOCK PERMITTED

The Act would permit S corporations to issue qualified preferred stock (QPS). QPS generally would be stock that (i) is not entitled to vote, (ii) is limited and preferred as to dividends and does not participate in corporate growth to any significant extent, and (iii) has redemption and liquidation rights which do not exceed the issue price of such stock (except for a reasonable redemption or liquidation premium). Stock would not fail to be treated as QPS merely because it is convertible into other stock. This provision increases access to capital from investors who insist on having a preferential return and facilitates family succession by permitting the older generation of shareholders to relinquish control of the corporation but maintain an equity interest.

SECTION 202. SAFE HARBOR EXPANDED TO INCLUDE CONVERTIBLE DEBT

The Act permits S corporations to issue debt that may be converted into stock of the corporation provided that the terms of the debt are substantially the same as the terms that could have been obtained from an unrelated party. The Act also expands the current law safe-harbor debt provision to permit nonresident alien individuals as creditors. The provision facilitates the raising of investment capital.

SECTION 203. REPEAL OF EXCESSIVE PASSIVE INVESTMENT INCOME AS A TERMINATION EVENT

The Act would repeal the rule that an S corporation would lose its S corporation status if it has excess passive income for three consecutive years. A corporate-level ''sting'' (or double) tax would still apply, as modified in Section 204 below, to excess passive income.

SECTION 204. MODIFICATIONS TO PASSIVE INCOME RULES

The Act would increase the threshold for taxing excess passive income from 25 percent to 60 percent (consistent with a Joint Tax Committee recommendation on simplification measures). In addition, the Act removes gains from the sales or exchanges of stock or securities from the definition of passive investment income for purposes of the sting tax.

SECTION 205. STOCK BASIS ADJUSTMENT FOR CERTAIN CHARITABLE CONTRIBUTIONS

Current rules discourage charitable gifts of appreciated property by S corporations. The Act would remedy this problem by providing for an increase in the basis of shareholders stock in an amount equal to excess of the value of the contributed property over the basis of the property contributed. This provision conforms the S corporation rules to those applicable to charitable contributions by partnerships.

TITLE III—TREATMENT OF S CORPORATION SHAREHOLDERS

SECTION 301. TREATMENT OF LOSSES TO SHAREHOLDERS

In the case of a liquidation of an S corporation, current law can result in double taxation because of a mismatch of ordinary income (realized at the corporate level and passed through to the shareholder) and a capital loss (recognized at the shareholder level on the liquidating distribution). Although careful tax planning can avoid this result, many S corporations do not have the benefit of sophisticated tax advice. The Act eliminates this potential trap by providing that any portion of any loss recognized by an S corporation shareholder on amounts received by the shareholder in a distribution in complete liquidation of the S corporation would be treated as an ordinary loss to the extent of the shareholder's ordinary income basis in the S corporation stock.

SECTION 302. TRANSFER OF SUSPENDED LOSSES INCIDENT TO DIVORCE

The Act allows for the transfer of a pro rata portion of the suspended losses when S corporation stock is transferred, in whole or in part, incident to divorce. Under current IRS regulations, any suspended losses or deductions are personal to the shareholder and cannot, in any manner, be transferred to another person. Accordingly, if a shareholder transfers all of his or her stock in an S corporation to his or her former spouse as a result of divorce, any suspended losses or deductions with respect to such stock are permanently disallowed. This result is inequitable and unduly harsh, and needlessly complicates property settlement negotiations.

SECTION 303. USE OF PASSIVE ACTIVITY LOSS AND AT-RISK AMOUNTS BY QUALIFIED SUBCHAPTER S TRUST INCOME BENEFICIARIES

The Act clarifies that, if a QSST transfers its entire interest in S corporation stock to an unrelated party in a fully taxable transaction, the income beneficiary's suspended losses from S corporation activity under the passive activity loss rules would be freed up for use by the income beneficiary.

The Act further provides that the income beneficiary's at-risk amount with respect to S activity would be increased by the amount of gain recognized by the QSST on a disposition of S stock. These provisions clarify a troublesome area under current law, and so, eliminate traps for the unwary taxpayer.

SECTION 304. DEDUCTIBILITY OF INTEREST EXPENSE INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK

The Act provides that interest expense incurred by an ESBT to acquire S corporation stock is deductible by the S portion of the trust. Recently issued proposed regulations would provide that interest expense incurred by an ESBT to acquire stock in an S corporation is allocable to the S portion of the trust, but is not deductible. This result is contrary to the treatment of other taxpayers, who are entitled to deduct interest incurred to acquire an interest in a pass through entity. Further, Congress never intended to place ESBTs at a disadvantage relative to other taxpayers.

SECTION 305. DISREGARD OF UNEXERCISED POWERS OF APPOINTMENT IN DETERMINING POTENTIAL CURRENT BENEFICIARIES OF ESBT

The Act revises the definition of a ''potential current beneficiary'' in the context of the ESBT eligibility rules by providing that powers of appointment should only be evaluated when the power is actually exercised. Current law provides that postponed or nonexercisable powers will not interfere with the making of an ESBT election. However, proposed regulations provide that, once such powers become exercisable, the S election will automatically terminate if the power could potentially be exercised in favor of an ineligible individual—whether it was actually exercised in favor of the ineligible individual or not. The application of this rule

would prevent many family trusts from qualifying as ESBTS.

The Act expands the existing method to cure a potential current beneficiary problem. Under the Act, an ESBT will have a period of up to one year (currently 60 days) to either dispose of all of its S stock or otherwise cause the ineligible potential current beneficiary's position in the trust to be eliminated without causing the ESBT election or the corporation's S election to fail.

SECTION 306. CLARIFICATION OF ELECTING SMALL BUSINESS TRUST DISTRIBUTION RULES

The Act clarifies that, with regard to ESBT distributions, separate share treatment applies to the S and non-S portions under section 641 (c).

SECTION 307. ALLOWANCE OF CHARITABLE CONTRIBUTIONS DEDUCTION FOR ELECTING SMALL BUSINESS TRUSTS

The Act permits a deduction for charitable contributions made by an ESBT, while taxing the charity on its share of the S corporation's income as unrelated business taxable income. Current law discourages charitable contributions by S corporation shareholders by preventing an ESBT from claiming a charitable contribution deduction. The Act encourages philanthropy by permitting a charitable deduction while at the same time effectively taxing the S corporation's income in the hands of the recipient chairty to the extent of the deduction.

SECTION 308. SHAREHOLDER BASIS NOT INCREASED BY INCOME DERIVED FROM CANCELLATION OF S CORPORATION'S DEBT

The Act provides that cancellation of indebtedness (COD) income excluded from the gross income of an S corporation, i.e. due to the S corporation's insolvency, does not increase shareholder's basis in S corporation stock. The Act changes the result reached in the recent U.S. Supreme Court decision in Gitlitz v. Comm'r (2000).

SECTION 309. BACK-TO-BACK LOANS AS INDEBTEDNESS

The Act clarifies that a back-to-back loan (a loan made to an S corporation shareholder who in turn loans those funds to his S corporation) constitutes ''indebtedness of the S corporation to the shareholder'' so as to increase such shareholder's basis in the S corporation. The provision would help many shareholders avoid inequitable pitfalls encountered where a loan to an S corporation is not properly structured, even though the shareholder has clearly made an economic outlay with respect to his investment in the S corporation for which a basis increase is appropriate.

TITLE IV—EXPANSION OF S CORPORATION ELIGIBILITY FOR BANKS

SECTION 401. EXCLUSION OF INVESTMENT SECURITIES INCOME FROM PASSIVE INCOME TEST FOR BANK S CORPORATIONS

The Act clarifies that interest and dividends on investments maintained by a bank for liquidity and safety and soundness purposes shall not be ''passive'' income. By treating all bank income as earned from the active and regular conduct of a banking business, banks will no longer face the conundrum of evaluating investment decisions based on tax considerations rather than on more important safety and economic soundness issues.

SECTION 402. TREATMENT OF QUALIFYING DIRECTOR SHARES

The Act clarifies that qualifying director shares of bank are not to be treated as a second class of stock. Instead, the qualifying director shares are treated as a liability of the bank and no income or loss from the S corporation will be allocated to these qualifying director shares. The provision clarifies the law and removes a significant obstacle unique among banks contemplating a S corporation election.

SECTION 403. BAD DEBT CHARGE OFFS IN YEARS AFTER ELECTION YEAR TREATED AS ITEMS OF BUILT-IN LOSS

The Act permits bank S corporations to recapture up to 100 percent of their bad debt reserves on their first S corporation tax return and/or their last C corporation income tax return prior to the effective date of the S election. Banks that convert to S corporation status must change from the reserve method of accounting to the specific charge off method. The resulting recapture income is treated as built-in gain subject to tax at both the shareholder and the corporate level. The Act allows banks to accelerate the recapture of bad debt reserve to their last C corporation tax year. The corporate level tax would still be paid on the recapture income, but the recapture would no longer trigger a tax for the bank's shareholders.

TITLE V—QUALIFIED SUBCHAPTER S SUBSIDIARIES

SECTION 501. RELIEF FROM INADVERTENTLY INVALID QUALIFIED SUBCHAPTER S SUBSIDIARY ELECTIONS AND TERMINATIONS.

The Act provides statutory authority for the Secretary to grant relief for invalid QSub elections, and terminations of QSub status, if the Secretary determines that the circumstances resulting in such ineffectiveness or termination were inadvertent. This would allow the IRS to provide relief in appropriate cases, just as it currently does in the case of invalid or terminated S corporation elections.

SECTION 502. INFORMATION RETURNS FOR QUALIFIED SUBCHAPTER S SUBSIDIARIES

The Act would help clarify that a Qualified Subchapter S Subsidiary (QSSS) can provide information returns under their own tax ID number to help avoid confusion by employers, depositors, and other parties.

SECTION 503. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY

The Act treats the disposition of QSub stock as a sale of the undivided interest in the QSub's assets based on the underlying percentage of stock transferred followed by a deemed contribution by the S corporation and the acquiring party in a nontaxable transaction. Under current law, an S corporation may be required to recognize 100 percent of the gain inherent in a QSub's assets if it sells as little as 21 percent of the QSub's stock. IRS regulations suggest this result can be avoided by merging the QSub into a single member LLC prior to the sale, then selling an interest in the LLC (as opposed to stock in the QSub). The Act achieves this result without any unnecessary merger and thus removes a trap for the unwary.

SECTION 504. EXCEPTION TO APPLICATION OF STEP TRANSACTION DOCTRINE FOR RESTRUCTURING IN CONNECTION WITH MAKING QUALIFIED SUBCHAPTER S SUBSIDIARY ELECTIONS

The Act provides that the step transaction doctrine does not apply to the deemed liquidation resulting from QSub elections. Application of the step transaction doctrine, in the context of making a QSub election, introduces complexity and uncertainty in what should be a simple matter. The doctrine requires knowledge of decades of jurisprudence and administrative interpretations, and poses an unnecessary trap for the unwary.

TITLE VI—ADDITIONAL PROVISIONS

SECTION 601. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS

The Small Business Job Protection Act of 1996 eliminated certain pre-1983 earnings and profits of S corporations that had S corporation status for their first tax year beginning after December 31, 1996. This provision should apply to all corporations (C and S) with pre-1983 S earnings and profits without regard to when they elect S status. There seems to be no policy reason why the elimination was restricted to corporations with an S election in effect for their first taxable year beginning after December 31, 1996.

SECTION 602. NO GAIN OR LOSS ON DEFERRED INTERCOMPANY TRANSACTIONS BECAUSE OF CONVERSION TO S CORPORATION OR QUALIFIED S CORPORATION SUBSIDIARY

The Act makes clear that any gain or income from an intercompany transaction is not taxed at the time of the S corporation or QSub elections.

SECTION 603. TREATMENT OF CHARITABLE CONTRIBUTION AND FOREIGN TAX CREDIT CARRYFORWARDS

The Act provides that charitable contribution carryforwards and other carryforwards arising from a taxable year for which the corporation was a C corporation shall be allowed as a deduction against the net recognized built-in gain of the corporation for the taxable year. This provision is consistent with the legislative history of the 1986 Act.

SECTION 604. DISTRIBUTION BY AN S CORPORATION TO AN EMPLOYEE STOCK OWNERSHIP PLAN

An ESOP will usually borrow from the sponsoring corporation to fund its acquisition of employer securities. In the case of a C corporation, the tax code provides that an ESOP will not be treated as engaging in a ''prohibited transaction'' if it uses any ''dividend'' on employer securities purchased with loan proceeds to make payments on the loan regardless of whether such employer securities have been pledged as collateral to secure the loan. The policy facilitates the payment of ESOP loans and thereby promotes employee ownership. Because S corporation distributions are technically not ''dividends'', the Act provides that S corporation distributions are treated as dividends. This clarification is necessary to ensure that the policy of facilitating the payment of ESOP loans applies equally to S corporation and C corporation ESOPs.

SECTION 605. SPECIAL RULES OF APPLICATION

The effective dates of some amendments made by the Act may occur in years in which it is too late to file a claim for refund arising in such years from applying the amendments. The Act grants a 1-year extension beginning on the date of enactment in which to file such claims for these closed years.

Mr. Speaker, I urge my fellow members to review and support the S Corporation Modernization Act, which will help create a level playing field for small businesses. I look forward to working with my colleagues on the Ways and Means Committee to enact this bill.

GIVING PRAISE TO ZION EVANGELICAL LUTHERAN CHURCH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. BARCIA. Mr. Speaker, I rise today to sing the praises of Zion Evangelical Lutheran Church in Bay City, Michigan, as Reverend William H. Allwardt, his family and the congregation celebrate the 100th anniversary of its founding. Since its humble beginnings in 1901 in a small wood-frame building, Zion has grown to become a stronghold of faith for over 2,000 members in and around Bay City.

In 1901, Zion members first gathered to worship in a wooden building that once had been the Salzburg Band Hall. As the congregation grew, so did the need for a larger forum, resulting in the building in November 1930 of the present-day church. From the beginning, church leaders also recognized that religious education doesn't take place only on Sundays, so they built a schoolhouse. The commitment to Christian education continues today inside the Zion Memorial Building, named to honor the men and women of Zion who served in World War II. During the last school year, 170 students studied and learned at Zion.

Tradition and a sense of continuity have always been important elements in Zion's spiritual mission. In keeping with those practices, the church has had just seven pastors in a century's time. The present pastor, Reverend Allwardt, his wife, Paulette, and children, Will and Charice, have been part of the Zion family since 1978 and have contributed greatly to its rich history and Christian undertaking to spread the word of God to people near and far.

A fruitful church cannot multiply the ranks of the faithful without reaching out and Zion's congregation has always opened its doors and expanded its influence well beyond the sanctuary and into the surrounding community. Over the years, Zion has led by Christian example with their involvement in many social organizations, including the Saginaw Valley Blood Program, the Boy Scouts and Girl Scouts of America, the Bay County Food Pantry and the CROP Walk.

Mr. Speaker, I ask my colleagues to join me in honoring Zion Evangelical Lutheran Church for a century of Christian service, fellowship and leadership from the pulpit, the pews and among the greater community and in wishing them another hundred years of success.

SALUTE TO VERNA SMALL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. NADLER. Mr. Speaker, I rise today to laud the incredible and enduring community activism of Verna Small. Verna has been active in the Greenwich Village community of New York City for over half a century, however she got her start right here in Washington, D.C. A 1937 graduate of George Washington University, Verna soon began working for the United States Department of Labor, which took her on assignments all across this nation. Thankfully for us New Yorkers she landed in the heart of New York City, Greenwich Village, and immediately made it her home.

During her early years in the nation's Capital, Verna grew to love the Potomac River and other waterways, a love that would signal a passion that would last a lifetime. In New York, Verna recognized the beauty and splendor of the Hudson River and its vital relationship to Greenwich Village. She decided to make it part of her life's work to preserve this relationship and save the history of this neighborhood from disappearing at the hands of developers. Throughout the 1960's Verna, along with her comrade in arms Ruth Wittenberg, spearheaded an epic movement that culminated in the astounding creation of the New York City Landmarks Law in 1965 and the designation of the Greenwich Village Historic District in 1969, which remains today the city's largest historic district. Throughout this time Verna founded organizations that stand today to fight for the preservation of our city's neighborhoods, including the Association of Village Homeowners, the Historic Districts Council, the Greenwich Village Society for Historic Preservation, and the Federation to Preserve the Greenwich Village Waterfront & Great Port, Inc.

In 1964 Verna became a member of Manhattan Community Board 2. During her nearly forty-year tenure on the Community Board, she served as Chair of the Landmarks Committee for ten of those years. In 1994 she received the Elliot Willinsky Award from New York City's Landmarks Preservation Commission. Even today, Verna is fighting hard to preserve the history of the Village during the creation of the Hudson River Park.

Amidst all of her community activism, Verna led a full life as a wife, a mother, editor and author. She is truly a dynamic woman who has had a profound impact on those she has touched.

Mr. Speaker, I salute Verna Small and all of her accomplishments. I am happy to know her and am in constant awe of her passion and fortitude. It is my hope that she will continue to fight for what she believes in for a long time to come.

BISHOP TIMLIN CELEBRATES 50 YEARS IN PRIESTHOOD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 50th anniversary of the ordination to the priesthood of Bishop James C. Timlin of the Catholic Diocese of Scranton, Pennsylvania, which includes much of my Congressional District. Bishop Timlin is an institution in Northeastern Pennsylvania, known not only for his spiritual guidance but also for his leadership in a broad range of social issues.

Bishop Timlin, the eighth bishop of Scranton and the first native-born son of the diocese to become its bishop, celebrated his 50th anniversary on July 16. On September 21, he will celebrate the 25th anniversary of his elevation to the rank of bishop.

He was born in 1927 in the High Works section of Scranton to the late James C. and Helen Norton Timlin. He attended St. John the Evangelist and Holy Rosary schools in Scranton and graduated from Holy Rosary High School and St. Charles College in Catonsville, Md.

Those who knew him in childhood sensed he was on the path to the priesthood, as his face bore a radiant expression while he served Mass and he had already joined the Future Priest Club by the time he entered eighth grade at Holy Rosary. He attended St. Mary's Seminary in Baltimore before completing his studies for the priesthood at the North American College in Rome.

Bishop Timlin was ordained in 1951 in Rome by the Most Rev. Martin J. O'Connor, D.D., then-Rector of North American College, who ordained him a year early because of the speed with which he managed his studies. He continued studies in Theology there before returning to the diocese where in 1952 he was appointed assistant pastor at St. John the Evangelist Parish, Pittston.

On June 12, 1953, he became assistant pastor of St. Peter's Cathedral Parish, Scranton, where he served until September 12, 1966, when he was named assistant chancellor of the diocese and secretary to Bishop J. Carroll McCormick, D.D., the sixth Bishop of Scranton.

Other papal honors and diocesan appointments followed as he was named Chaplain to His Holiness, Pope Paul VI, on August 3, 1967, Chancellor of the diocese on December 15, 1971, and Prelate of Honor of His Holiness on April 23, 1972.

Earlier in his ministry, Bishop Timlin served as chairman of the Diocesan Liturgical Commission and the Priests' Education Committee, as well as librarian and secretary at St. Pius X Seminary, Dalton. In 1972, he was appointed to the Diocesan Board of Consultors, and three years later, was elected President of the Board of Directors of The Catholic Light.

He was named Auxiliary Bishop of Scranton on August 3, 1976. He was ordained in St. Peter's Cathedral on September 21, when he also became Vicar General of the diocese. In September, 1979, he became pastor of the Church of the Nativity of Our Lord, Scranton.

In the summer of 1983, Cardinal John J. O'Connor, the seventh Bishop of Scranton, appointed him chairman of the Board of Advisors for St. Pius X Seminary, and chairman of the Preparatory Commission for the Diocesan Synod. Following the Cardinal's transfer to the Archdiocese of New York in March, 1984, Bishop Timlin was elected Diocesan Administrator by the Diocesan Board of Consultors. His Holiness, Pope John Paul II, appointed him the eighth Bishop of Scranton on April 24, 1984, and his installation followed on June 7.

Bishop Timlin has served two terms as a member of the National Conference of Catholic Bishops' Administrative Board and the National Advisory Council. He also served as a member of the Board of the North American

College, as well as a consultor on the Liturgy Committee.

He is presently a consultant to the NCCB's Ecumenical and Migration committees. He is well known for his commitment to ecumenism. To give just two examples, he led the Jewish Federation United Jewish Campaign's Super Sunday Telethon in 1984 and accepted an invitation to the Polish National Catholic Church's 100th anniversary banquet in 1997, where he addressed the crowd, sharing their joy and seeking to restore unity between them.

He has also served a five-year term as Episcopal Moderator of the National Association of Holy Name Societies. A long-time licensed pilot, the bishop is the Episcopal Moderator of the National Association of Catholic Airport Chaplains.

When he was appointed bishop, he chose the motto ''Fides Spes Caritas,'' faith, hope, love. I think also serves as a fine summary of Bishop Timlin's life and work.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long and dedicated service of Bishop James C. Timlin and to wish him all the best as he continues to serve Northeastern Pennsylvania.

GUAM'S STUDENT MUSICAL GROUP

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. UNDERWOOD. Mr. Speaker, I rise before you today to bring attention to the outstanding accomplishments of Guam's student musical group, the Silhouettes. Started in 1996–1997 by Michael Song in his first year as music instructor at JFK High School in Tamuning, Guam, the Silhouettes have overcome difficult obstacles on their road to success and recognition. Originally composed of 13 females, 3 male voices, 1 accompanist and an outdated piano, the Silhouettes struggled to earn the community's respect in their inaugural year. Due to their unrelenting desire to succeed and tremendous hard work, the Silouettes not only excelled in gaining the local community's respect, but also attained international recognition. They toured Korea and Japan, and eventually traveled to the U.S. mainland, where they were selected as champions in the ''Show Choir'' division of the 1999–2000 MusicFest Orlando. This year, the Silhouettes have successfully defended their title, and have additionally placed first in the ''Concert Choir'' division, thereby earning the title of ''Grand Champions'' in the competition.

The attributes setting the Silhouettes apart are the group's tremendous ambition and will to succeed. In their inaugural year, without any community or government assistance, the group raised $17,000 and went on a tour to Korea, where they became the first foreign school students ever allowed to perform on the prestigious campus of EWHA Girls High School. The success greatly magnified their reputation, but the Silhouettes continued to struggle while trying to obtain financial support. Through extensive fund-raising efforts, the group managed to raise the necessary funds to tour Japan and perform at 9 schools and for the mayor of Gifu, who awarded the group Honorary Citizenship of his city. Their diligence, dedication, hard work paid off. Due mainly to their growing reputation, Government of Guam funds were appropriated enabling the Silhouettes to fulfill their dream and compete against some of the highest rated U.S. High Schools at the Orlando MusicFest 1999–2000 and 2000–2001.

Their magnificent talent led the Silhouettes to place first in the ''Show Choir'' division, in which pop music is played using drums and other musical instruments accompanying the piano. In 2000–2001, the group not only defended their ''Show Choir'' title, but also won the ''Concert Choir'' division, playing classical music relying solely on the piano. To win both titles, the Silhouettes defeated a total of 47 schools, and were selected as ''Grand Champions'' by the committee of judges. Due to their success, the Silhouettes have produced their first CD, earned two resolutions in the Guam Legislature, and garnered the appreciation and pride of the entire island of Guam. I, therefore, ask that you join me in commending this outstanding group of students for their phenomenal success.

I additionally wish to submit for the RECORD, the names of the members of the Silhouettes: Michael Song (Music Director), Troy Taitano (Accompanist), Brian Machie (Drummer), Ray Yoshida (Sound Technician), Charleen Remotigue, Verna Ventura, Karen Ikeno, Kim Solomon, Emily Servino, Tara Atencio, Gwen Nolos, Lucretio San Nicolas, Anselma Reyes, Azusa Hanashima, Sheena Hess, Michelle Ganadam, Krystal Abaya, Lily Tizon, Geneva McCoy, Kris Tiongzen, Eugene Guillermo, Daryl Muya, Calvin Huynh, Jeff Moreno, Steve Terlaje, Robert Brito.

NATIONAL GUARD YOUTH CHALLENGE PROGRAM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. BAKER. Mr. Speaker, I am introducing legislation to provide additional Federal funding for the National Guard Youth ChalleNGe Program and invite all my colleagues to join me in sponsoring this legislation.

Our Nation is facing an epidemic in juvenile crime and education delinquency of historical proportion. Over 2,806 students drop out of high school each day, while another 17,297 students are expelled. Dropping out of school and failing to identify or working toward achieving personal goals is leading young people down a path of self-destruction. The National Guard Youth ChalleNGe Program was created in order to help these young people enhance their life skills, increase their educational levels, improve their employment potential, and provide tools and experience for success.

Since 1993, over 27,800 at-risk youth have graduated from the program, and more than 19,170 of the graduates received their high school diploma or GED. The Youth ChalleNGe Program helps 16 to 18 year-old male and female high school dropouts complete their high school education; prepare for employment, higher education, or a career in the military; and obtain the skills necessary to succeed in life.

All troubled youth should have an opportunity to turn their lives around and realize success. Unfortunately, because of federal funding restraints, only 24 states and Puerto Rico can offer this program. In addition, of the states that offer the program, only 37 percent of interested young adults who have applied have been able to participate because of the lack of funding. Currently, federal law caps federal spending for the Youth ChalleNGe Program at $62.5 million. States must share 35 percent of the cost while the federal government assumes 65 percent. By lifting the cap and adjusting the matching requirements, thousands of youths could be given the opportunity to participate in this program annually.

The legislation I have drafted will completely eliminate the $62.5 million cap on Youth ChalleNGe Program spending, remove the mandate that directs excess Youth ChalleNGe Program funding to JROTC, and adjust the federal/state match from 65/35 to 75/25. I believe this is the right thing to do to help America's at-risk youth. This program is a success, and its performance outshines virtually every other federal program that targets at-risk youth. The benefits are proven and substantial. I invite my colleagues to review my legislation, and I respectfully request their support.

TRIBUTE TO TOM PHILLIPS AND WILLIAM RUSHER

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. PAUL. Mr. Speaker, on Saturday, August 4th Young Americans for Freedom (YAF) will hold its National Convention in Newport Beach, California. At this event the organization will honor two fine people. Mr. Tom Phillips, Chairman of Phillips International, will receive the organization's highest award, the Guardian of Freedom. Mr. Phillips has been a strong supporter of YAF and is involved in various other entities engaged in the fight for liberty. As publisher of ''Human Events,'' he has helped to further a publication steeped in the tradition of freedom. Mr. Phillips has also shown a particular interest in the kind of private preservation activities I so frequently advocate. Rather than leave it to the taxpayers to fund and the federal government to manage, Mr. Phillips has personally helped to fund the preservation of President Reagan's Ranch by the Young America's Foundation so that it might be used as a training ground for young people dedicated to the individual liberty which President Reagan spoke of so often.

Also, at this event, Mr. William Rusher will receive a lifetime achievement award. Mr. Rusher was instrumental in the founding of YAF in 1960 around those set of principles enunciated in the Sharon Statement, a great document explicating the philosophy of freedom. In addition, Mr. Rusher was instrumental

in many other important activities such as the Draft Goldwater Committee and the National Review Magazine.

Mr. Speaker, I wanted to take this opportunity to honor YAF as it prepares for its 41st year of training young men and women in the philosophy of freedom and holds its National Convention, as well as to offer my congratulations to these honorees.

HONORING CHAMPION WRESTLER JOEL EDWARDS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, I would like to take a moment to congratulate an extremely accomplished high school athlete from my congressional district, in Upper Darby, PA. Joel Edwards, a recent graduate of Upper Darby High School, recently won the Pennsylvania State wrestling championship in his weight class.

Joel Edwards has proven himself to be one of the best, if not the best, wrestler, Upper Darby High has ever had. Joel has a long list of accomplishments: a two-time Sectional champion, two-time District champion, two time Regional champion, and the 2001 State Champion. In addition, Joel recently placed eighth in the nation in the National High School Senior Wrestling Championship, earning him All-American honors. These accomplishments are but a few, but show Joel's remarkable wrestling talent. Numerous honors and awards have been bestowed on Joel for his accomplishments. The Philadelphia Inquirer and the Delaware County Daily Times named him "Wrestler of the Year", and he was also a three-time All-League and All-County selection. His career record was a phenomenal 116–23.

Joel is now on his way to a great institution of higher learning, Penn State University, where he has been given a full scholarship to pursue his wrestling career for the Nittany Lions. It is my pleasure to represent Joel Edwards in Congress and to see his accomplishments. He has been a great source of community spirit and pride in the entire Upper Darby area. I wish Joel continued success at Penn State and again wish to congratulate him on his remarkable achievements.

IN HONOR OF WILLIAM HAMBRECHT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Ms. PELOSI. Mr. Speaker, I rise today to celebrate a business pioneer, a philanthropist, and a long time friend, Bill Hambrecht. Bill is being inducted into the Bay Area Business Hall of Fame today, Thursday, July 19. I can think of no worthier gentleman to receive such a distinct honor.

William R. Hambrecht is Founder, Chairman, and CEO of WR Hambrecht & Co., an investment banking, entrepreneurial investment firm headquartered in San Francisco. In 1968, he co-founded Hambrecht & Quist which he headed until the late 1990s.

William Hambrecht is a legendary trailblazer in investment banking. Through his "West Coast-style" investing, he has engineered major success stories such as Genentech, Apple Computers, and Amazon.com. By bringing fresh ideas to the financial world such as its innovative auction-style OpenIPOs, WR Hambrecht & Co. has been recognized as a groundbreaking investing company.

His philanthropic work demonstrates his concern for the community and the environment. He serves as a Director of Beacon Education Management, an education management company. He also sits on the board of KQED, San Francisco's public television and radio station and is a trustee of the Sierra Club.

William Hambrecht is dedicated to education and business growth. He serves on the Advisory Board of the Haas School of Business at UC Berkeley. As a member and former Chairman of the Council on Competitiveness, he is committed to improving U.S. economic competitiveness and leadership in world markets. The Council, composed of corporate CEOs, university presidents, and labor leaders, focuses on strengthening U.S. competitiveness through innovation and technology.

William Hambrecht is an inspiration and a friend to many. His brilliant leadership has changed the face of California business and philanthropy. It is my honor to recognize the achievements of my constituent, and to join with his wife Sally and the Bay Area Council in acknowledging his contributions and ongoing dedication to social justice and the advancement of the Bay Area's wellbeing. I applaud his commitment to his community and cherish his friendship.

BROWNSVILLE TEXAS IS ALL AMERICAN CITY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. ORTIZ. Mr. Speaker, I rise to share my pride today in the beautiful South Texas city of Brownsville which was chosen by the National Civic League and Allstate Insurance Company as an "All American City." Brownsville was one of 10 municipalities named All American Cities.

This is a recognition for civic excellence honoring communities where citizens, government, businesses, non-profits and others demonstrate successful partnerships to resolve critical challenges before the community. Brownsville is a great example of this dynamic.

Brownsville's unique location "On the Border by the Sea," with its multi-cultural, historical and natural resources, is a good look at what America will be, and should be, over the next decades. It is a friendly city, populated by smart, visionary people which borders both the Gulf of Mexico and Mexico itself.

Brownsville's rich history includes: Karankawa Indians, Spanish explorers, vaqueros (Mexican cowboys), ranchers, soldiers, prospectors and present day captains of business and industry. The City of Brownsville was incorporated in 1853, taking its name from Fort Brown Post Commander Major Jacob Brown.

But of all the natural resources, easily the most valuable, most often-cited natural treasure is the people of Brownsville themselves. The nicest people I know live in the Rio Grande Valley. The life is easy, but the work is hard. So often, the border area is seen by both the United States and Mexico as a separate region, a place unto itself.

But the people there find ways to deal with the challenges that face them . . . the challenge of finding the water the community needs, keeping up with the rapidly-growing population, and supporting infrastructure for the international trade that flows across the U.S.-Mexico border.

This bi-cultural city, which is big, but not too big, is a family oriented place of beauty. The unique plants and wildlife, resacas, proximity to the beach and to the neighboring country of Mexico, all bring tourists to this area of the country in droves.

This leading border city whose people come together when the mission or purpose calls is most deserving of this award. All the people who participated in the award process are to be commended.

I ask my colleagues to join me in honoring the community of Brownsville on this outstanding achievement.

TAIWAN PRESIDENT CHEN SHUI-BIAN CHAMPIONS HUMAN RIGHTS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. PAYNE. Mr. Speaker, President Chen Shui-bian of Taiwan recently completed his first year of service as head of state, and I would like to take this occasion to congratulate him and comment on a few of Taiwan's achievements.

Taiwan has long been a friend of the United States. Over the last decades, Taiwan has made great strides towards becoming a model of rapid political reform. Taiwan subscribes to the private enterprise system and offers its people one of the highest standards of living in Asia. In terms of its trading relations with us, Taiwan represents our seventh largest export market, thus providing many jobs for our manufacturers. In addition, more than 30,000 Taiwan students are studying at U.S. colleges and universities. The U.S. is the number one destination for most of Taiwan travelers. Taiwan and the United States share many values in common such as attachment to freedom, democracy, and human rights.

One of the most notable feature of President Chen's administration is his championing of human rights. For many decades, human rights had been a taboo subject in Taiwan until Taiwan's martial law was repealed in 1987. In recent years, the government has been cooperating with civic groups to recognize the government's past mistakes and has

taken concrete steps to help raise human rights awareness. Under the sponsorship of the Human Rights Foundation, in 1999 a monument was erected in Green Island, off the southeast coast of Taiwan, opposite Taitung County. The monument was to help people remember the many victims who were imprisoned and died in Green Island, a notorious prison camp. To prevent future violations of human rights, Chen's government has made every effort to guarantee its people the most basic human rights—freedom of expression, the right to assemble peacefully, and freedom of association. There will be no more prisoners of conscience and no more extrajudicial killings. Civil liberties are to be respected at all times.

In his inaugural address delivered on May 20, 2000, President Chen committed Taiwan to upholding the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Declaration and Action Program of 1993 Vienna Conference on Human Rights. In essence, President Chen believes that every citizen ought to enjoy the right to work, the right to freedom of thought, conscience and religion, the right to an education, the right to medical care, the right to participate in elections, and the right to social security in the event of unemployment, illness, and disability. Also, President Chen has urged the Taiwan legislature to consider drafting legislation to protect the rights of women, children, the elderly, and the indigenous people, laborers, and soldiers. Clearly, there is a long way to go and human rights work is a never ending effort.

It is appropriate that we applaud Taiwan's many efforts in upholding and maintaining human rights for its people. Taiwan is indeed fortunate to have its president as its foremost human rights champion.

PERSONAL EXPLANATIO)N

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber when rollcall votes Nos. 206, 213, 214 were cast. I want the RECORD to show that had I been present in this Chamber at the time these votes were cast, I would have voted "yes" on rollcall vote No. 206, "yes" on rollcall vote 213, "yes" on rollcall vote 214.

IN HONOR OF AMBASSADOR JAMES C. HORMEL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a distinguished, accomplished man who by devoting his life to public service has become a champion for social justice, a leader in his community, and an example of courage for us all. Today, Thursday, July 19 in my district in San Francisco, the American Civil Liberties Union will honor Ambassador James C. Hormel with the 2001 On The Frontline Award. He is most deserving of this award and I am proud to acknowledge his contributions on this occasion.

Ambassador Hormel graduated from Swarthmore College and received his J.D. from the University of Chicago Law School where he later served as the Dean of Students. He also established the James C. Hormel Public Service Program at the University, which encourages law students to venture into public service.

Ambassador Hormel has spent a lifetime fighting sexual orientation discrimination. He helped originate the Human Rights Campaign, the country's largest gay and lesbian political organization. For the last two decades, Mr. Hormel has assisted many local and national AIDS organizations, including San Francisco AIDS Foundation, Project Open Hand, AIDS Emergency Fund and Shanti Project.

In 1996, the San Francisco Public Library opened the James C. Hormel Gay & Lesbian Center. Mr. Hormel's generous donation kicked off a major fundraising campaign and created an endowment to ensure the center's continuing development.

Ambassador Hormel was nominated to serve as Ambassador to Luxembourg. Mr. Hormel lived in the glare of the spotlight but he did not shy away from the intense inspection of his personal life. He remained graceful, poised and courageous. On June 29, 1999 James Hormel was sworn in as U.S. Ambassador to Luxembourg by Secretary of State Madeleine Albright, thus becoming the first and only openly gay Ambassador in United States history. He served his term with great distinction. Mr. Hormel is an inspiration to us all.

I join Jim's partner, Timothy Wu, and his five children, Alison, Anne, Diz, Sarah, and James Jr. in recognizing the achievements of my constituent and dear friend, Ambassador James C. Hormel, and acknowledging his contributions and on-going commitment to human rights, social justice and the betterment of our nation.

TOM KNITTER LEAVES MILWAUKEE'S THOMAS MORE HIGH SCHOOL AFTER 33 YEARS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. KLECZKA. Mr. Speaker, I would like to publicly thank Mr. Tom Knitter, an outstanding educator and community leader from my district, who is moving on to a new set of challenges and opportunities in California.

Tom Knitter first began teaching social studies and physical education at Pio Nono High School in 1968. Ten years later, when Pio Nono merged with my alma mater, Don Bosco, Tom settled in at the newly formed Thomas More High School, where he became the assistant principal. With Tom as its wrestling coach from 1973 to 1982, the school brought home three state championships. In 1987 he was named principal of Thomas More, and seven years later he became the school's first president.

Since that time Tom has worked tirelessly as the school's chief executive officer. He has been responsible for its strategic planning, development, finances, and marketing for the better part of a decade. On July 21, 2001, Tom celebrates his 33-year association with Thomas More High School, and says goodbye, as he leaves for a position with Garces High School in Bakersfield, California.

Tom is leaving behind many friends, memories, and most importantly, many lives that were touched by his unparalleled dedication to molding today's students of Thomas More High School into tomorrow's leaders. The people of Bakersfield are privileged to gain the services of a talented educator with such a passion for his work.

The void left by the departure of Tom and Josie, his wife of 30 years, will not be easily filled. In addition to his responsibilities as the head of a National Blue Ribbon School, he has worked with groups such as the Healthier Communities Initiative, the Archdiocese of Milwaukee Marketing Committee, and the National Catholic Education Association.

And so, it is with both great appreciation and sadness that I join the entire community at Thomas More High School in thanking Tom Knitter for his 33 years of exemplary service, and wishing him all the best in his future endeavors.

TRIBUTE TO MATTHEW ALEXANDER ENGEL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Matthew Alexander Engel. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while leaming self-reliance and teamwork.

This award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless

others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Mr. Engel, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Matthew and his family.

TRIBUTE TO JUDGE VIRGINIA MAE DAYS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2001

Ms. LOFGREN. Mr. Speaker, I rise to congratulate Judge Virginia Mae Days, who is retiring after more than 20 years on the bench of the Santa Clara County Superior Court. When Governor Edmund Brown Jr. appointed her in 1981, Judge Mae Days was the first Latina on the bench in Santa Clara County.

A lifelong resident of the Bay Area, Virginia Mae Days was born in San Jose in 1934. She served in the US Navy WAVES during the Korean War, earning both the National Defense Service Ribbon and the Good Conduct Medal. After the war, Judge Days attended the University of California at Berkeley for both her undergraduate and graduate years, earning her law degree there in 1963.

Judge Days' long record of service to Santa Clara County includes 6 years as the mayor of Morgan Hill and terms on Santa Clara County's drug abuse commission, regional criminal justice planning board and human relations commissions. Immediately prior to her appointment to the bench, Judge Days was the Director of the California Department of Veterans Affairs.

Throughout her tenure on the Court, Judge Virginia Mae Days has been a strong role model for the community. She summed this philosophy up best in March of 2000 at a dinner honoring the groundbreaking women jurists of Santa Clara County: ''The more the bench reflects the community, the fairer the process.''

I want to thank Judge Mae Days for her many years of service to our community and wish her nothing but the best in this next phase of her life.

IN HONOR OF HERBERT AND MARION SANDLER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Ms. PELOSI. Mr. Speaker, I rise to salute Herbert and Marion Sandler for their longstanding entrepreneurial and philanthropic commitment to the San Francisco community. Today, Thursday, July 19 in my district, Herbert and Marion Sandler will be inducted into the Bay Area Business Hall of Fame. They are most deserving of this honor and I am proud to acknowledge their contributions on this occasion.

Herbert and Marion Sandler co-founded Golden West Financial Corporation in Oakland, California in 1963. As Chief Executive Officers and Chairmen of the Board, they have had phenomenal success in building Golden West Financial into a Fortune 500 company. With 420 offices and $57 billion in assets, it is the third largest savings and loan in the country today.

Marion Sandler has been recognized by Fortune Magazine as one of the most powerful women in business today. By being one of the first women to break through the Fortune 500 glass ceiling, her accomplishments are an inspiration to businesswomen everywhere. Golden West Financial Corporation has the significant distinction of being one of the very few major companies with more women on its Board of Directors than men.

Herbert Sandler serves on numerous advisory boards sharing his expertise with others. He was elected to the Board of Directors of the Federal Home Loan Bank of San Francisco. He also serves as a member of the board of directors of the Success for All Foundation and of the Center For Real Estate and Urban Economics of the University of California at Berkeley.

The Sandlers are committed to philanthropy and community activism. Through the Sandler Family Supporting Foundation, they support nonprofit and community organizations in the Bay Area and nationwide. Among the numerous recipients of their generosity are the Sandler Program for Asthma Research, the Human Rights Center at the University of California at Berkeley, and the National Women's Law Center. They also fund many research grants in the fields of medicine and social work. In addition, Herbert and Marion have donated generously to worthy causes such as Human Rights Watch.

It is with personal and civic pride that I celebrate with my dear friends on this festive occasion. The Sandler's dedication to the people of the Bay Area has had a significant, lasting effect on Californians. Their service to our country and our community is indeed a cause for celebration.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. SHAYS. Mr. Speaker, during recorded vote 248, on final passage of H.R. 2500, the Departments of Commerce, Justice, and State Appropriations Act for Fiscal Year 2002, a technical error resulted in my vote not being recorded.

I had intended to vote ''yes'' on this measure.

TRIBUTE TO THE BALLISTIC MISSILE DEFENSE ORGANIZATION

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. REYES. Mr. Speaker, I rise today to congratulate the men and women of the Ballistic Missile Defense Organization for the successful ballistic missile defense test that took place late Saturday night over the Pacific Ocean. The first success since 1999, the ballistic missile interceptor that shot down a dummy warhead used a ''hit to kill'' technology and was able to destroy its target hundreds of miles away from launch point. This test demonstrates our commitment to defending against the threat of Intercontinental Ballistic Missile launches and once again shows that this ''bullet to bullet'' method of target destruction is technologically feasible. Further, it justifies our need to continue with vigorous testing as we aggressively move forward with maturing our ballistic missile defense capabilities. We must continue to develop, test and fund missile defense technologies to create a defensive system to protect this nation and our allies against missile threats worldwide. Mr. Speaker, I yield back the balance of my time.

TRIBUTE TO DEBBY O'CONNOR

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of Debby O'Connor of Diamond Bar, California.

Mrs. O'Connor served as Mayor of the City of Diamond Bar for the year 2000. In that position she demonstrated civic leadership, responsibility and deep personal commitment to her community. She previously served as Mayor Pro Tem, and served a two-year term on the Parks and Recreation Commission.

Mrs. O'Connor is Co-Chair of the City Community/Civic Task force. She is the City of Diamond Bar's voting delegate on the Wildlife Corridor Conservation Authority and on the San Gabriel Valley Economic Partnership of Commerce and Cities. She is one of the City Council's liaisons to the volunteer planning committee behind the City's successful anniversary celebrations and, is also very involved with the Diamond Bar Community Foundation. In addition to her Council duties, she has demonstrated her long time support and concern for the community by being actively involved in the Friends of the Diamond Bar Library, Diamond Bar Improvement Association, Lorbeer Middle School PTSA, Diamond Ranch High School Boosters and Diamond Point Elementary School Safety Site and Technology committees. She is a youth soccer referee and board member for the Region 311, American Youth Soccer Organization. Mrs. O'Connor has been a dedicated fundraiser for the Diamond Bar/Walnut YMCA since 1996, and has also served on the board for the Diamond Bar Community Nursery School and Diamond Point Swim and Racquet Club.

Mrs. O'Connor's leadership in strong economic development programs and her impressive record of civic and volunteer community involvement have earned the admiration and respect of those who have had the privilege of working with her. I would like to congratulate Debby O'Connor on these accomplishments and thank her for her outstanding service to her community.

ENVIRONMENTAL TERRORISM REDUCTION ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Ms. HOOLEY of Oregon. Mr. Speaker, America has a long tradition of civic activism. From the anti-slavery movement to women's suffrage to the civil rights era, citizen activists have accomplished many important social reforms by working together through peaceful means to influence their friends and neighbors and building support for change.

We Americans fight for change at the ballot box and in the halls of legislatures—not with incendiary devices and pipe bombs.

Mr. Speaker, unfortunately violent acts in the name of protecting the environment are growing in alarming numbers throughout the western United States. Earlier this month I visited a timber company facility in Monmouth, Oregon that had been burned down in an arson perpetrated by the Earth Liberation Front.

In the Monmouth attack, which roused firefighters out of bed on Christmas morning, the arson caused the roof to collapse only minutes after those who were fighting the fire pulled out. Paul Evans, the mayor of Monmouth and a volunteer firefighter who fought the blaze that Christmas day, told me he narrowly escaped injury or death in the fire. Ironically, Paul, who is now serving a military tour of duty in the Persian Gulf, was probably in more danger in his own town than he now is in Kuwait.

Mr. Speaker, these are not victimless crimes, and they must be halted. That is why I'm introducing the Environmental Terrorism Reduction Act.

The most challenging aspect of these crimes is that the perpetrators have been difficult to apprehend, leaving most of these crimes unsolved because with limited resources and manpower, local law enforcement officials have little success closing these cases.

The Environmental Terrorism Reduction Act closes this gap by requiring the Attorney General to establish a national clearinghouse for information on incidents of eco-terrorism to help investigators stay ahead of the curve in preventing additional acts of terror.

In addition, this bill establishes the Environmental Terrorism Reduction Program in the Department of Justice. This program would authorize the Attorney General, upon consultation with the heads of Federal, State, and local law enforcement agencies and the Governor of each applicable State, to designate any area as a high intensity environmental terrorism area. After making such a designation local law enforcement agencies could access funding to assist them in solving and preventing these types of crimes in the future.

Mr. Speaker, I believe the provisions in the Environmental Terrorism Reduction Act will greatly aid our communities and industries that are vulnerable to eco-terrorism. It is high time the federal government addressed this situation, and I urge my colleagues to join me in sponsoring this measure and enacting it into law.

INTRODUCTION OF COLORADO SCHOOL LANDS BILL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to modify the 1875 Act—usually referred to as the Colorado Enabling Act—that provided for admission of Colroado to the Union. The bill is cosponsored by my colleague, Representative DEGETTE. I greatly appreciate her support.

The purpose of this bill is to remove any possible conflict between a decision of the people of Colorado and that original federal legislation under which some 3 million acres of federal lands were granted to our state.

In granting the lands to Colorado, Congress provided that they were to be used as a source of revenue for the public schools—and for many years they were managed for that purpose.

However, over the years the revenue derived from these lands has become a less and less significant part of the funding for Colorado's schools, while there has been an increasing appreciation of the other values of these lands.

As a result, in 1996 the people of Colorado voted to amend our state constitution to permit part of these school trust lands to be set aside in a "stewardship trust" and managed to preserve their open space, wildlife and other natural qualities.

To assure that this decision of the voters can be implemented, my bill would amend the original Colorado Enabling Act to eliminate the requirement that the state must raise revenue from the school-trust lands that are set aside for their natural resource values and qualities.

Similar legislation has been introduced by other Members of Colorado's delegation in the Congress. However, those bills include a specific limit on the acreage that could be placed in the stewardship trust.

The 1996 state legislation does set such a limit. I supported that part of the state legislation. However, I think that whether that limit should be retained or revised should be decided solely by the people of Colorado, and not determined by Congress. So, the bill I am introducing today does not include a specific acreage limit. That would be left to Colorado law to control.

Mr. Speaker, Colorado is experiencing rapid population growth. That is putting increasing pressure on all our undeveloped lands. In response, the people of Colorado have voted to allow some of these school-grant lands to remain as open spaces to be managed for their wildlife and other natural resources and values. This bill will keep faith with that decision by our votes by removing any conflict with federal law. I will do all I can to press for its speedy enactment.

For the information of our colleagues, I submit a recent newspaper editorial on this subject:

[From the Denver Post, May 28, 2001]

ENABLE LAND-BOARD FIXES

Disputes over State Land Board deals arise partly because the board's narrow mandate may no longer fit Colorado's needs. But altering the board's focus literally may take an act of Congress.

As Uncle Sam welcomed new states into the union, the federal government set aside entire sections of land to raise money for public education through grazing leases, mineral rights, etc. The federal law that granted Colorado statehood in 1876, called the Enabling Act, included a similar provision.

But during the past 125 years, Colorado has found other ways to fund public education. Colorado's school acres now supply less than 2 percent of the state's annual K–12 budget.

Today, some school sections offer tremendous public value as open space or recreational land. Emerald Mountain forms the scenic backdrop to Steamboat Springs.

In 1996, Colorado voters put Amendment 16 in the state Constitution, aiming to give the State Land Board, which manages the school lands, flexibility to preserve open space and wildlife habitat, as well as support public education. The amendment told the land board to set aside 300,000 acres of the 3 million school acres as a Stewardship Trust. Note that 90 percent of the school acres still raise money for education.

But soon after the amendment's passage, a federal court firmly said the land board is obligated always to fund schools first, under the federal law that granted Colorado statehood. That means the State Land Board might have to accept profitable offers even on lands now in the Stewardship Trust.

Clearly, public school funding is of utmost importance. But taken together, the court decsision and statehood act mean the Stewardship Trust that voters thought they were putting in place might prove ephemeral. Instead of preserving the cherished 300,000 acres, Amendment 16 simply may have run up their utlimate real estate development value.

To solve the problem, Colorado must ask Congress to amend our statehood act. The 10 percent of state lands held in the Stewardship Trust then could be permanently set aside.

However, the state could only ask the federal government to do so if the legislature guaranteed an equally secure funding source for public education.

Moreover, the Stewardship Trust will work in the long run only if the legislature also patches an obvious and troubling gap in Amendment 16, which we'll discuss tomorrow.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. REYES. Mr. Speaker, I rise today in support of House Joint Resolution 36, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the United States flag. I urge all Members to support this resolution. This is a positive step toward finally taking necessary accountability in protecting

the integrity and sanctity of our most precious national symbol.

I understand that this issue has experienced years of contentious debate involving constitutional challenges. Rather than focus on these arguments, I would rather take this time to share parts of a story written in my local newspaper, the El Paso Times. The story concerns a local shopping center that proudly flies a 30-by-30 foot American flag that has recently been taken from its flag pole for the first time in several years in order to have its windtorn, tethered appearance repaired so that it may return with a new and fully restored appearance. Since its removal, motorists and pedestrians, inhabitants of the neighborhood of where the flag resides, tourists and travelers, every single person that has come in contact with this flag have missed its presence. As one person stated, ''People love it when they notice it, and they notice when it's gone.''

And the people who love this symbol, not just the people in my district who give directions to their homes based on the shopping center flag, but people all over the country will notice when their symbol is destroyed. We have traditional codes and customs that encourage utmost respect for the American flag, yet we have never protected this symbol with the strength of our laws. We have sent soldiers to wars who fought and sometimes died in defense of the flag, carrying it honorably and proudly into battle. We have erected monuments all over this country and around the world that fly the American flag. We have placed the American flag on places where Americans have claimed victory in battle and scientific achievement, including one place that is not even on this Earth. I ask the Members to consider what protest would be profound, what speech should be protected and what principle is to be defended if the American flag flying over the Iwo Jima memorial is burned, or the flag flying over the Memorial at Normandy, or the flag that adorns the casket of a fallen soldier, or the flags that fly proudly over our international embassies, or the flag that flies in a shopping center in my district of El Paso, Texas. People will certainly notice it when it is gone.

Mr. Speaker, the brilliance of our constitutional laws is that they are amendable, they can change with the will of the people. And I believe and encourage that the will of Congress is to finally protect the symbol that flies over this House.

INTRODUCTION OF THE EXPORT ADMINISTRATION ACT OF 2001

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. GILMAN. Mr. Speaker, I have today introduced the ''Export Administration Act of 2001'', H.R. 2581.

This bill is identical to counterpart legislation that has been reported by the Senate Committee on Banking, Housing, and Urban Affairs, S. 149, except that it includes two additional sections relating to nuclear transfers to North Korea. These additional sections are substantively identical to legislation that Congressman ED MARKEY and I introduced last year, H.R. 4251 (106th Congress), the ''Congressional Oversight of Nuclear Transfers to North Korea Act of 2000''.

H.R. 4251 was intended to ensure that congress will be fully involved in the decision our nation may have to make in several years to either permit or delay the transfer to North Korea of key components for the two light water nuclear reactors that are being built in North Korea pursuant to the 1994 Agreed Framework with North Korea. H.R. 4251 commanded broad bipartisan support in the House of Representatives and was approved on May 15, 2000, by a vote of 374–6. Regrettably, the Senate did not approve H.R. 4251 before final adjournment of the 106th Congress last year.

Last year's vote demonstrates that the two additional sections I have added to the text of S. 149 are essentially non-controversial. I have included them in the text of the bill I am introducing today because they relate the control of dual-use exports and should, in my opinion, be included in any Export Administration Act enacted this year.

I would note that I have based the bill I am introducing today on S. 149 because that measure commands strong support in the Senate and elsewhere. I have reservations about certain aspects of the Senate bill, however, and accordingly anticipate that I will support some amendments to this legislation as it moves forward in the legislative process.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mrs. MYRICK. Mr. Speaker, since I was unexpectedly called away from the Capitol, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 17, 2001:

Rollcall vote 233, on H. Amdt. 169 to H.R. 2500, increasing funding by $11.7 million for the methamphetamine lab seizures program by the DEA, I would have voted ''nay.''

Rollcall vote 234, on H. Amdt. 170 to H.R. 2500, increasing funding for the Economic Development Administration by $73 million, I would have voted ''nay.''

Rollcall vote 235, on H. Amdt. 171 to H.R. 2500, striking Section 103 from the bill which prohibits the use of funds to pay for abortions services in federal prisons, I would have ''nay.''

July 18, 2001:

Rollcall vote 236, on approving the Journal, I would have vote ''yea.''

Rollcall vote 237, on the motion to disagree to the Senate amendment and agree to a conference on H.R. 1, I would have voted ''yea.''

Rollcall vote 238, on the motion to table the motion to instruct conferees to H.R. 1, I would have voted ''yea.''

IN RECOGNITION OF THE 27TH BLACK ANNIVERSARY OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mrs. MALONEY of New York. Mr. Speaker, it is my distinct honor and privilege to commemorate the 27th anniversary of the 1974 illegal Turkish invasion of Cyprus. I have commemorated this day each year since I have become a Member of Congress and unfortunately, each year the occupation continues. The continued presence of Turkish troops represents a gross violation of human rights and international law.

Since their invasion of Cyprus in July of 1974, Turkish troops have continued to occupy 37% of Cyprus. This is in direct defiance of numerous United Nations resolutions and has been a major source of instability in the eastern Mediterranean. Recent events, however, have created an atmosphere where there is now no valid excuse to avoid resolving this long-standing problem.

Peace in this region cannot happen without committed and sustained U.S. leadership, which is why I am heartened that President Bush, like his predecessor President Clinton, is committed to working towards the reunification of Cyprus. He recently stated (and I quote): ''I want you to know that the United States stands ready to help Greece and Turkey as they work to improve their relations. I'm also committed to a just and lasting settlement of the Cyprus dispute.''

I was also encouraged to read last week that the European Union considers the status quo in Cyprus unacceptable and has called on the Turkish Cypriot side to resume the U.N.-led peace as soon as possible with a view to finding a comprehensive settlement.

Now is the time for a solution. More than twenty years ago, [in 1977 and 1979] the leaders of the Greek and Turkish Cypriot communities reached two high level agreements which provided for the establishment of a bicommunal bizonal federation. Even though these agreements were endorsed by the U.N. Security Council Resolution 649 of 1990, there has been no action on the Turkish side to fill in the details and reach a final agreement. Instead, for the last 27 years, there has been a Turkish Cypriot leader presiding over a regime recognized only by Turkey and condemned as ''legally invalid'' by the U.N. Security Council in resolution 541 (1989) and 550 (1984).

Cyprus has been divided by the green line—a 113-mile barbed wire fence that runs across the island and Greek-Cypriots are prohibited from visiting the towns and communities where their families have lived for generations. With 35,000 Turkish troops illegally stationed on the island, it is one of the most militarized areas in the world. This situation has also meant the financial decline of the once rich northern part of Cyprus to just one quarter of its former earnings. Perhaps the single most destructive element of Turkey's fiscal and foreign policy is its nearly 27 year occupation of Cyprus.

We now have an atmosphere where there is no valid excuse for not resolving this long-

standing problem. Cyprus is set for accession to the European Union in 2004, and I am hopeful that this reality will act as a catalyst for a lasting solution of the Cyprus problem.

EU membership for Cyprus will clearly provide important economic, political, and social benefits for all Cypriots, both Greek and Turkish alike. This is why both sides must return to the negotiating table without any conditions. There is also a new climate of cooperation between Turkey's Ismail Cem and Greece's George Pappandreou is a positive sign. More has been achieved in a year than what has been achieved in the past 40 years, but his cooperation needs to extend to the resolution of the Cyprus occupation. While the U.S., the EU, Greece and Cyprus have all acted to accommodate Turkish concerns, however, it remains to be seen whether Turkey will put pressure on Rauf Denktash to bargain in good faith. And make no mistake about it, if Turkey wants the Cyprus problem resolved, it will not let Denktash stand in the way.

Now is the time for a solution to the Cyprus problem. It will take diligent work by both sides, but with U.S. support and leadership, I am very hopeful that we will reach a peaceful and fair solution soon. Twenty-seven years is too long to have a country divided. It is too long to be kept from your home. It is too long to be separated from family. We have seen many tremendous changes around the world in the last several years; it is now time to add Cyprus to the list of places where peace and freedom have triumphed.

IN HONOR OF BISHOP MARTIN JOHN AMOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Bishop Martin John Amos. He was made a Bishop in the Cathedral of Saint John the Evangelist in Cleveland, Ohio on June 7, 2001. His tremendous faith and giving nature have brought hope and joy to many lives.

Son of William and Mary Amos, Bishop Amos's life began on December 8, 1941 in Cleveland. After graduating from James Ford Rhodes High School, he attended Borromeo Seminary in Wickliffe and St. Mary Seminary in Cleveland. Following this period of spiritual growth and learning, Bishop Amos was ordained on May 25, 1968 in St. John Bosco Parish of Parma Heights, Ohio.

Thirty-three years later, Bishop Amos was ordained as Auxiliary Bishop of Cleveland and Titular Bishop of Meta on June 7, 2001 in the Cathedral of Saint John the Evangelist. In the interim, he served many distinguished roles in the Catholic Church in the Cleveland area. He was Assistant or Associate Pastor at various churches and served as an instructor and Assistant Principal at Borromeo Seminary High School. Friends, I am sure that you will agree that there are few honors greater than that of teaching. Bishop Amos has most recently held the position of Pastor at St. Dominic Parish in Shaker Heights for the past sixteen years.

My distinguished colleagues, please join me in honoring this outstanding citizen of Ohio. His spiritual leadership throughout his life will serve him well as a Bishop.

TRIBUTE TO TRINITY SENIOR, AMANDA RIVAL, NCAA DIVISION III HEPTATHLON CHAMPION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. LARSON of Connecticut. Mr. Speaker, today I pay tribute to Trinity College senior Amanda Rival of Berlin, Connecticut. On May 25, 2001, Rival won the heptathlon in the National Collegiate Athletic Association (NCAA) Division III Outdoor Track and Field Championships, Rival won with 4,603 points, edging out the competition by 24 points.

This is the latest, and perhaps the most prestigious award that Amanda Rival has received in the years that she has dedicated to athletics. As a student at Berlin High School, she won numerous state titles and set many school records. She also concluded her successful youth career, by winning the Connecticut High School State Open in the long jump and high jump events.

Amanda Rival continued her success in the track and field arena throughout her college years. In indoor tack, she was a four time All-New England pentathlete, a three time All-Eastern College Athletic Conference (ECAC) selection, and the winner of the New England Pentathlon Championship title for the past three years. Amanda was also extremely successful in outdoor track. She was a three time All-New England selection, a two time All-NESCAC selection, and an All-ECAC member in 1999. Amanda Rival also competed well enough to earn All-American honors in 1999. This year, Rival recorded the team's season best results in the shot put, long jump, high jump, javelin, 100-meter high hurdles and the 200-meter dash.

In addition to her many athletic achievements, Amanda Rival has also thrived as a student at Trinity College. She was acknowledged for her success as a student-athlete by receiving the prestigious Trinity Club of Hartford award this year. Amanda also received Trinity's award for architecture for her academic achievements in that field of study. Amanda Rival graduated from Trinity College this past spring with a 3.0 G.P.A.

I commend Amanda Rival for the determination and dedication she has shown throughout her life as a student-athlete. I urge my colleagues to join me in wishing her nothing but the best of luck in the next chapter of her life, as I am sure she will continue to maintain a strong work ethic throughout her life.

SUPPORT OF THE PATIENT BILL OF RIGHTS IN ORDER TO IMPROVE QUALITY OF HEALTH CARE FOR HISPANICS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. REYES. Mr. Speaker, every American is concerned with good health and accessing quality health care. However, far too many Americans including many Hispanics do not have adequate health care options. When Health Maintenance Organizations, HMOs, were first introduced, they were promoted as cost-saving revolutions in preventative health care. However, what subscribers did not anticipate is that their health care options would be restricted. It is dangerous for health related decisions to be taken away from doctors and health care professionals and assigned to HMOs, insurance companies, and corporate bureaucrats.

With 37 percent of the Hispanic population lacking health insurance, access is a huge issue. However, access to coverage does not always translate into access to quality health care. Many Latinos with health insurance experience numerous barriers to quality health care. Anyone who deals with the bureaucracy of managed care plans knows that it is daunting; for those with limited English skills, it is overwhelming. Two-thirds of privately-insured Latinos are enrolled in managed care, while only about half of privately-insured Whites are in managed care. Hispanics are thus, more likely to be the victim of care delayed, or more even disturbing, care denied. In addition, Hispanics are more likely to have limited provider options and limited treatment options.

We must enact patient protections for all Americans in managed care plans. In so doing, we are not only protecting Hispanics, but all Americans. We must pass the bipartisan Patients' Bill of Rights and return medical decision to patients and their doctors.

Again, I encourage my colleagues to support this important legislation.

AARP CRITICIZES BUSH SOCIAL SECURITY PRIVATIZATION PLAN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Ms. SCHAKOWSKY. Mr. Speaker, Next week, the President's handpicked Social Security Commission will issue an interim report, a version of which is already circulating among Commission members, the media and Social Security experts.

It is disappointing, but far from unexpected, that the interim report is attempting to "spin" the American public by claiming that there is a "crisis" in Social Security. The Commission and the Bush Administration are laying the groundwork for next fall's final report, which will call for privatization and individual retirement accounts.

Privatizers are trying to claim that the sky is falling—the only way that they can justify the drastic changes that they are proposing. But the facts are different. Even without any changes, Social Security will be able to pay full benefits through 2038 and, after that, it will be able to pay 73 percent of benefits. Moderate changes are needed but not a privatization plan that will take $1 trillion out of the Trust Fund and reduce future benefits by up to 54 percent. It's also reasonable to ask President why, if he thinks the situation is so dire, he decided to give a $1.7 trillion tax break, the majority of which goes to the wealthiest Americans, before taking steps to protect Social Security.

I want to draw my colleagues' attention to a statement by AARP on the interim plan, which I think says it best: the Commission is out of the ''mainstream'' and the interim report is just a ''public relations'' ploy to undermine the basic guarantee of Social Security that will lead to ''a dramatic overhaul of Social Security that would lead to cuts in guaranteed benefits and shift financial risk to individuals.''

STATEMENT BY AARP EXECUTIVE DIRECTOR WILLIAM D. NOVELLI ON THE DRAFT INTERIM SOCIAL SECURITY COMMISSION REPORT

WASHINGTON, July 19.—The following is a statement by AARP Executive Director William D. Novelli on the Draft Interim Social Security Commission Report:

The President's Social Security Commission continues to work toward a predetermined outcome—a dramatic overhaul of Social Security that would lead to cuts in guaranteed benefits and shift financial risk to individuals.

Today's draft interim report puts forward a fundamentally flawed and biased view of the nature and purpose of Social Security. It implies that the program is riskier than private investment. It recycles old alarmist arguments that portray the financial shape of Social Security in the worst possible light. The rhetoric in the report demonstrates how far outside the mainstream the Commission appears to be headed, referring to Social Security as a ''novelty'' and calling the system ''broken.''

The draft report lays the public relations groundwork for a campaign to change the fundamental nature of Social Security. It argues for turning Social Security into a system of wealth-building. But Social Security was designed to provide income protection and a floor of financial security. For many, especially women and minorities, Social Security is the only income-protection they will have, providing them with a lifetime, guaranteed benefit that is adjusted annually for inflation. The report ignores the fact that other vehicles currently exist for wealth-building through personal savings and employer provided pensions.

Individual accounts do not address Social Security's long-term financing issues. Add-on accounts—which have merit—can add value on top of Social Security, but taking money from workers' Social Security contributions to fund new private accounts only worsens Social Security's ability to pay today's retirees and advances the date of insolvency.

Social Security is the bedrock of our nation's income security system. To preserve this benefit for future generations, the Commission should focus on all potential options and tradeoffs, rather than a narrow and fundamental restructuring of the program. The sooner the nation begins to address the program's long-term financing needs, the more moderate the changes that are needed and the more time provided for those affected to adjust their plans.

INTERNET GAMBLING PAYMENTS PROHIBITION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. LAFALCE. Mr. Speaker, two years have passed since the Congressional-mandated National Gambling Impact Study Commission released its final report on gambling in the United States. A major recommendation of the report, adopted unanimously by the Commission, was a Federal prohibition on Internet gambling. The Commission determined that the traditional approach of state regulation of gambling was inadequate to address the problem of Internet gambling and that Federal legislation was needed.

The bill I am introducing today, the ''Internet Gambling Payment Prohibition Act,'' seeks to implement this important Commission recommendation. However, it does not propose an outright prohibition of Internet gambling, since outright prohibition presents significant technical and enforcement difficulties. Instead, the bill would restrict the electronic payments that permit online betting and, thus, make Internet gambling possible. Regulation of electronic payment transfers and the most traditional check clearance system are Federal responsibilities that, in my view, offer the most effective means to address the unique challenges of Internet gambling.

Any American with a computer and a credit card can find numerous opportunities for high stakes gambling on the Internet. The number of Internet gambling sites has grown geometrically in recent years. The Internet Gaming Council has identified some 1,400 web sites that entice people to engage in some form of gambling. The typical Internet gambling site or virtual casino operates from locations outside the United States, in places such as Antigua or the Netherlands Antilles that impose little regulatory scrutiny other than collecting licensing fees. And Internet gambling is proving to be extremely lucrative for both site operators and their host countries. Between 1999 and 2001, combined annual revenues received by Internet gambling sites nearly tripled, from $1.3 billion to $3.1 billion. Industry experts expect annual revenues to double to more than $6 billion by 2003.

The problems presented by these lucrative and poorly regulated Internet gambling operations are numerous. There is no meaningful way to limit participation in gambling by adolescents or by problem gamblers. There is no assurance as to the integrity of the web site operators or the honesty of their games. There are little or no protections against security breaches, hacking, diversion of credit card payments or identity theft. And there is a strong chance that many off-shore gambling operations will be used as part of money laundering and other criminal operations.

Perhaps my greatest concern with Internet gambling is the fact that the problems created by compulsive gambling, which in the past were largely localized to areas with legal gambling, will be experience almost anywhere, but without any added public revenues to help address these problems. The National Commission identified a very strong correlation between the availability of high stakes gambling opportunities and the incidence of problem or pathological gambling. Current estimates of compulsive gamblers range from 1.5% of the adult population to over 5%, depending on the amount of legal gambling in the state. Add to this another 15 million people which the Commission identified as also being at risk at any time of becoming addicted gamblers, the potential universe of problem gamblers is significant. Psychologist estimate that more than 5 percent of people develop a gambling problem at some time, twice the rate of cocaine of other serious drug addiction.

Like alcoholism or any other addiction, the problems of compulsive gambling are not limited to individual gamblers, but affect entire families and communities. At a minimum, compulsive gambling leads to severe indebtedness and often bankruptcy. By the time most problem gamblers seek help they have debts exceeding $120,000 and their families are in shambles. Compulsive gamblers have a high incidence of broken families and lost homes, poor work productivity and job terminations, health problem and related alcohol or drug addiction. Most alarming is the high suicide rate among problem gamblers. The New York Times reported in 1999 that more than 80 percent of compulsive gamblers seriously consider suicide and nearly 20 percent attempt or succeed in killing themselves. This is considerably higher than the suicide rate for major depression.

With the Internet rapidly expanding access to high-stakes gambling, the number of compulsive and pathological gamblers can only increase. This poses a serious problem for our nation's youth. A number of factors converge to make today's adolescents particularly vulnerable to the lure of Internet gambling. Today's teenagers are far more experienced and comfortable with computers than many of their parents. They have grown up playing a wide variety of video and computer games. Most have broad access to the Internet. And large numbers of adolescents now have access to some form of credit, debit or stored value cards to make on-line bets. Banks and credit card companies have aggressively marketed credit cards on college campuses for years and have recently initiated new programs to market stored-value cards to high school aged youth.

While youth involvement in sports betting and other forms of gambling has increased in recent years, the heightened accessibility of Internet gambling, the ability to gamble in private and the ability to gamble with credit cards all place teenagers at greater risk. A young person sitting alone at home or in a college dormitory can gain access to hundreds of gambling sites and can easily run up the credit line on their own or their parent's credit cards on games that appear little different than the computer card games they have played for years. What seems an easy opportunity to win a big jackpot could result in financial losses that could harm their families and destroy their future plans.

The issue Congress must address is how we can protect our nation's youth from the growing availability and potential negative consequences of Internet gambling. To me, the answer is simple. We cut off Internet gambling at its source by prohibiting the primary payment vehicles that make on-line betting possible. My legislation, the ''Internet Gambling Payment Prohibitions Act,'' would prohibit known Internet gambling sites from accepting any check, credit card, debit card or other form of electronic transfer as payment of any bet or wager over the Internet. The effect of this prohibition is to deny known Internet gambling sites from being approved for credit card, debit and other electronic transfer accounts. While liability for accepting prohibited payments would be on Internet site operators, credit card issuers, banks and money transmitting services would also be liable if it is determined that they knowingly participated in transferring payments to known Internet gambling operations. The benefit of this approach is that it is equally effective in denying payment of whether they are based within a state of half way around the world.

Other bills have been introduced that propose to prohibit payments only to ''unlawful'' Internet gambling operations. While this approach may be appealing politically, it is of little practical benefit. The open and unrestricted nature of the world wide web makes distinctions between legal or unlawful gambling extremely difficult, if not impossible. We cannot distinguish with any certainty the location of most Internet gambling sites, nor the location of persons attempting to access these sites. If Internet gambling is legal anywhere in the world, it will be available to people everywhere in the world. Proposals that only restrict payments to ''unlawful'' Internet gambling sites would, in effect represent an actual expansion of legalized gambling under Federal law. For once the Internet gambling is sanctioned in any jurisdiction, domestic or international, the restrictions on electronic funds transfer, would be inoperative. We would, in effect, be legally sanctioning such gambling—the exact opposite of what we portend to do.

Mr. Speaker, I believe the bill I am offering today provides the only effective approach for prohibiting Internet gambling and eliminating its potentially disastrous consequences for millions of American families. I urge adoption of this needed legislation.

SUPPORT FOR H.R. 1954

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Ms. SANCHEZ. Mr. Speaker, I rise today in strong support of H.R. 1954 which extends the Iran and Libya Sanctions Act until 2006. I have previously co-sponsored similar legislation and remain an advocate of trade sanctions on Iran and Libya. I look forward to the President's report in 18 months on the effectiveness of these actions. I am also extremely interested in examining the impact of this law on humanitarian interests and on national security, foreign policy, and the economic interests of the United States. Again, Mr. Speaker, I want to affirm my strong support of H.R. 1954 to extend the Iran and Libya Sanctions Act for an additional 5 years and look forward to its favorable consideration by this body.

IN RECOGNITION OF TIMOTHY JOHN LYNCH, SR.

HON. FORTNEY PETE STARK

OF CALIFORNIA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. STARK. Mr. Speaker, Mrs. TAUSCHER, Mr. GEORGE MILLER of California and myself would like to take this time to mourn the passing and celebrate the life of a very special man, Timothy John Lynch, Senior. His memory will be honored this weekend, when a memorial redwood and plaque will be dedicated to him at the 50th anniversary celebration of the Pleasant Hill Parks and Recreation District.

Born July 20, 1917 in San Francisco to Irish immigrant parents, Timothy grew up in the Irish Castro District of the City. He left his home state during World War II and served as captain and bombardier instructor in the U.S. Army Air Corps. He was married for 57 years to Mary-Louise Leach, and was the proud father of seven children, eighteen grandchildren, and nine great-grandchildren.

In 1950, Timothy moved his family from San Francisco to Pleasant Hill, California. During that very same year, he helped to build a community fit for his family and friends. He realized the need for a community park and worked alongside two other Pleasant Hill citizens to help raise funds to purchase the original land known today as the Pleasant Hill Park. Active in the Catholic Church his entire life, he also helped to establish Christ the King Catholic Parish, which is celebrating its fiftieth anniversary this year.

Shortly after settling in Pleasant Hill, Timothy served as a member and chairman of the Founding Board. He was elected and reelected to serve on the board of trustees for the Pleasant Hill Parks & Recreation Department. Appointed to the Contra Costa Planning Commission, he made history as the first to represent the area that would later become the City of Pleasant Hill. Timothy also made efforts to contribute to education. He served as a member on both the President's Advisory Council and the College President's Fundraising Committee at St. Mary's College of California.

Timothy worked in the private sector as Vice President of a major San Francisco Bay Area wholesale liquor distributor. After retiring, he volunteered thirty hours per week in his community at Kaiser Hospital, and at the Contra Costa Regional Medical Center as head liaison for surgery and recovery until his death.

A lifelong active member of the Democratic Party, he placed his ideals alongside those of Franklin Delano Roosevelt. He served on Representative Jerome Waldie's ''kitchen cabinet'' during Waldie's terms in the California State Legislature and United States Congress. He continued to work for Waldie during his campaign for governor of California.

Timothy John Lynch, Sr. was an example of a model citizen for all. His tireless efforts to make a positive impact in his community, his state, and his country are evident. We ask our colleagues to join us in paying tribute to this great person, wonderful character, and community leader.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Ms. MILLENDER-McDONALD. Mr. Chairman, I am submitting the following letter that I received from the U.S. Agency for International Development pertaining to my amendment on HIV/AIDS in the Foreign Operations Appropriations Act, 2001.

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, DC, July 19, 2001.

Hon. JUANITA MILLENDER-McDONALD,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MILLENDER-McDONALD: Enclosed is a copy of our recent report to Congress on the U.S. Agency for International Development's efforts to prevent mother-to-child transmission of HIV/AIDS. It describes the vital role of mother-to-child transmission prevention activities and the complex issues that must be addressed as we and others expand our efforts in this important area.

Thank you for your interest in these programs.

Sincerely,

ROBERT M. LESTER,
Acting Deputy Asst. Administrator,
Bureau for Legislative and Public Affairs.

Enclosure: a/s.