HOUSE OF REPRESENTATIVES—*Friday, July 27, 2001*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 27, 2001.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord God, may the prayers of people across this Nation endow this Chamber with Your justice. May right judgement be brought to bear on all issues which affect Your people.

Floods, fire and volcanoes seize our attention. Negotiating war rooms, security chambers, prisons and waiting rooms cannot contain the anxiety of Your people.

Yet You, O Lord, endure like the Sun and the Moon from age to age. Your presence is like soft rain on the meadow, like raindrops on the Earth.

In our own days, justice shall flourish and peace till the Moon fails if You, Lord, rule from sea to sea.

Once again save the children when they cry and the needy who are helpless. Have pity on the weak for You alone have the power to save the lives of all.

Blessed be You, Lord God. You alone work wonders. May Your glorious name be blessed forever. Let Your glory cover the Earth both now and forever. Amen. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SHIMKUS 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minutes at the end of the legislative day.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2620.

□ 0904

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2620) 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, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 26, 2001, the amendment by the gentleman from New York (Mr. LAFALCE) had been disposed of and the bill was open for amendment from page 33, line 5, through page 37, line 9.

AMENDMENT OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK:

In title II, in the item relating to ''COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS ACT'', strike ''That of the total amount provided under this heading, $200,000,000'' and all that follows through ''as amended: *Provided further*,''.

Mr. FRANK. Mr. Chairman, one of the popular and successful innovations in Federal aid to housing in recent years dating back to when the gentleman from Texas (Mr. GONZALEZ) was the Chair of the committee is the HOME program. The HOME program is one of the few programs now existing, perhaps the only one, which allows municipalities that feel the need to do housing construction. Many of us feel that we have a terrible problem in this country because of the increased price of housing, particularly in areas of housing shortage. While we are strong supporters of the section 8 voucher program, there is a large consensus, which you saw in the bipartisan witnesses before our hearings, that the voucher program alone is not enough, that it does not deal with the situation increasingly common in many of our areas, metropolitan areas and others, but particularly metropolitan areas, where economic pressures have driven housing prices so high and where production is so difficult for a variety of reasons.

The HOME program is the premier general production program. It is strongly supported by elected officials. The President proposed to take $200 million of the HOME funds and restrict them, restrict them in a way that they have not previously been restricted. The HOME program has been a genuine block grant with complete flexibility. One of the things you can do under the HOME program if the municipality or the consortium of municipalities wants to is to do a homeownership program. But it is not mandatory. This is part of a flexible approach. The President said, let's take $200 million of this plan and make it mandatory that they use it for that and only that. Now, the committee increased the funding, but it increased the funding by picking up this restriction.

What my amendment does is very simple. It has no offset because it needs no offset. It does not change the dollar amount of the bill, of the HOME program or of anything else. It simply removes from the HOME program as put forward in the bill a restriction on the use of $200 million which restriction would be imposed over the objection of the mayors. It is a restriction which takes a first unfortunate step towards converting a genuine flexible, successful, local-oriented block grant program into a partial categorical program. I stress again that the category which is earmarked in this bill at the President's request is an entirely permissible one. We are not preventing those municipalities that want to do it from doing this. We are saying that if the municipality wants to do it, it should be able to do it, but if it does not wish to do it, it should not have to do it. That is the critical point here.

I want to stress again that this is important because this bill, which fails

because of the tax reductions having taken away the revenue that we need to be responsible, this bill fails entirely to deal with the production problem. We do have some money in the 202 program for the elderly. We just had testimony that there are nine people on the waiting list for every section 202 elderly unit. If you want to know whether these programs are successful or not, look at that consumer satisfaction. Older people, 9 to 1, want to get into what is available. But that is only for the elderly. We have the low-income housing tax credit which does some good. But the primary program by which we can today do production is the HOME program. This bill fails as I said in not responding to the needs for another production program.

The problem of course is that no such program was on the books and so you cannot expect it to be appropriated before it is authorized. I hope we will in this Congress create an increased production program. But one way to do production—the only way—is to increase home funds. So I want Members to be very clear. The only way you can meet even a small part of the need for increased housing production, particularly in those metropolitan areas where the housing shortage makes vouchers unusable, is to free up the money in HOME. A homeownership program might be a useful one in some municipalities. My amendment does not in any way, shape or form restrict the ability to do that. But to impose that and to say to a city, here is a chunk of money that you cannot use for production, you cannot use for rehabilitation, you cannot use for anything else, you can only use it for homeownership, when that city might prefer to do it in different ways is a reversion to a way of thinking about congressional imposition on municipal flexibility that I had thought this Congress was beyond and I thought my friends on the other side were beyond.

So I hope the amendment is adopted. Now, there are other potential uses of the $200 million. We will have that conflict. But at this point I hope we can free this up and let the mayors spend this money as they see it, including on production.

Mr. WALSH. Mr. Chairman, I rise in strong opposition to the gentleman's amendment. The President and the Secretary have made increasing homeownership opportunities for low-income families a top priority, one I believe each and every one of us can and should support. My experience as a city council member in Syracuse and city council president was that the strongest neighborhoods are the ones with the highest percentage of homeownership. Anything that we can do to promote homeownership, we should do.

The program that the President has asked us to support would provide funds for individuals and families to make a down payment in order to get a mortgage on a property. As most of us know who have bought homes, the hardest part is that initial stretch, to meet those initial monthly mortgage payments the first several years, but also to get that money for the down payment. It is essential to the equation of homeownership.

As you know, Mr. Chairman, we have made dramatic changes in this country in recent years through welfare reform. Thousands and thousands of families who have been chained to welfare over the years have now benefited by moving from the strictures of welfare into the workplace. The efforts of the Congress and the administration, in both parties, has given them hope, given them the opportunity and pride of being productive citizens. The next critical step to giving Americans the opportunity to really get a piece of the American dream, is homeownership.

This is a very critical program. This is the President's major initiative in this bill. So while the Administration request proposed an earmark for this initiative out of the HOME program, we did not do that. Instead, we have provided a $200 million increase over the request for the initiative. I want to make sure Members are aware that the down payment assistance is already authorized as a part of the HOME program. In fact, many States and localities are already using their HOME funds for this purpose. However, given the priority that many of us believe should be placed on homeownership, we have targeted the increase provided over the last year for homeownership as the President requested.

While down payment assistance is an authorized HOME activity, targeted funds would require some authorization changes to preserve the prerogatives of the authorization committee on which the gentleman from Massachusetts serves as ranking member by requiring those authorization changes to be made before targeting the funds. Should those changes not be made by next June, which I certainly hope will not be the case, States and localities can use these increased funds for any authorized HOME purpose.

□ 0915

The debate over what changes should be made to bolster home ownership is not an issue for this bill. We leave that to the authorizing committee. However, I believe we should support the President and the Secretary in these efforts.

Mr. Chairman, if this program is implemented properly, we have the opportunity to help over 100,000 American families move from tenantship, rentership, to ownership. What a marvelous concept that is. What better way to use taxpayers dollars than to help people get their piece of the rock, to fulfill their American dream. Anyone who knows the rights and the responsibilities of home ownership knows there is a special feeling that goes with that.

Mr. FRANK. Mr. Chairman, will the gentleman yield for a clarification question?

Mr. WALSH. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I understand the point that says authorizing legislation has to be adopted, but it says until June 30, 2002. The appropriation, I assume, begins October 1st. Does this mean no money can be spent between October 1 and June 30, or that the mandate would not be in effect from October 1 until June 30?

Mr. WALSH. Mr. Chairman, reclaiming my time, my understanding is that the requirement is that the authorization committee do their job this year, pass the authorization. If they do not, then those funds would revert to the States and localities, as with the rest of the program.

Mr. FRANK. Mr. Chairman, if the gentleman would yield further, there is a time gap, because the appropriation kicks in October 1.

The CHAIRMAN. The time of the gentleman from New York (Mr. WALSH) has expired.

(On request of Mr. FRANK, and by unanimous consent, Mr. WALSH was allowed to proceed for 1 additional minute.)

Mr. WALSH. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. FRANK. My question was just this: Since the appropriation begins October 1, but the lapsing of the mandate kicks in June 30, 2002, what happens if the authorizing committee and the Congress do not pass the legislation then as of October 1? Is the mandate in effect and it ends on June 30, or does it never go into effect?

Mr. WALSH. Mr. Chairman, reclaiming my time, if the authorizing committee does its job, there is not a problem. We would expect the authorizing committee to do their job. If they do not do their job, then money reverts back to the States.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, could I ask the distinguished chairman a question, please, because I heard the gentleman from Massachusetts; and I thought he made good sense. And I heard the chairman, the gentleman from New York, I thought he made good sense.

Is there a disconnect here that has not been made clear to me? I did not hear the gentleman from New York (Mr. WALSH) say anything about what the gentleman from Massachusetts (Mr. FRANK) said. I would like to yield for the gentleman to explain that.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

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

Mr. WALSH. Mr. Chairman, my response was that this program is not authorized. We expect it to be authorized. If it is not authorized, the money would revert to the States as the rest of the formula for the HOME program already does.

Mr. CONYERS. Mr. Chairman, reclaiming my time, we can authorize it ourselves. Do we not have at least that much power? I thought we could do that. Who is this supreme authorizing body in Washington, D.C., that I do not know much about?

Mr. WALSH. If the gentleman would yield further, I would hope that the authorization committee would respect that this is the President's number one priority in housing this year and honor that request by doing the authorization.

Mr. CONYERS. So that is the gentleman's only reservation? That is the complaint?

Mr. WALSH. If the gentleman will continue to yield, we would expect the authorizing committee to get their work done. There is sufficient time in the year.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, there is a technical point and a more substantive one. The technical point is this: the gentleman from New York says that if the legislation is not authorized, then the money does go back to the recipient municipalities the way my amendment says.

The problem is that that does not happen in the bill until June 30, 2002, and this appropriation becomes effective on October 1. So from October 1 of 2001 until June 30, the money will be mandated and not available freely. The gentleman said well, he would hope, recognizing it was the President's priority, they would authorize it.

I know that motivates many on the gentleman's side. But the President's priority was not to have the Patients' Bill of Rights of Ganske-Norwood-Dingell, and the President's priority has been a different campaign finance reform.

I am pleased to say from time to time this House constitutionally differs with Presidential priorities, and the argument that something is not a Presidential priority, as my friend from Michigan has said, is not an argument.

So I think if the gentleman concedes that we should not be doing this without authorization, then he has it backwards, because his amendment language says as of October 1, if my amendment does not pass, there is this mandate and the mandate stays in effect for most of the fiscal year. I think that is the wrong way to deal with it.

Mr. CONYERS. Reclaiming my time, I do too. I think the subcommittee chairman is of good heart and great cheer and wonderful spirit, and I think the Frank amendment to this, notwithstanding what the President wished and wanted earlier on, maybe if we went back to the President, he would say this is not such a bad idea either. I do not know if we have time to do that, but I think the gentleman from Massachusetts (Mr. FRANK) has come up at least with a good idea.

Mrs. KELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to my friend from Massachusetts's amendment to strike the earmark for the Down Payment Assistance Initiative program in the HOME program. As a member of the Committee on Financial Services Subcommittee on Housing and Community Opportunity, on which I serve with my friend from Massachusetts, I believe that the President's proposal for low-income downpayment assistance must be a top priority.

When I read the Frank amendment, I was a little surprised, since I know my friend from Massachusetts to be a knowledgeable individual on issues concerning housing. Hence, I assumed he would realize the down payment assistance program is already an authorized purpose of the HOME program and is one that is in current use in towns and cities across the country.

In the past few months, we have both participated in a number of hearings on the lack of affordable housing in our Nation. We have been told again and again of the crisis we face.

The HOME program is important to housing production. It is an important housing production program, and I believe the gentleman from Massachusetts wants to facilitate as much new housing as possible. However, I also believe my friend from Massachusetts would recognize the real need to help low-income families with their down payments for their purchase of first home.

Let me be clear: the down payment initiative is not a solution to all the problems we face, but it is one important step that will greatly assist the families who use it.

In addition, in order to target this excess $200 million solely to down-payment assistance, we are required to take this issue up in our committee to target the assistance. I will do everything possible to work with my friend from Massachusetts and all of the other members of our committee to ensure we make these changes. However, if we fail to do this by next June, the funding will be utilized as regular HOME funds would.

With this in mind, I would hope that my friend from Massachusetts would withdraw his amendment so that we can join together to work on this issue and craft a program in the committee. I believe that our Subcommittee on Housing and Community Opportunity has a solid bipartisan approach to the housing programs that our Nation uses. This initiative will require us to work together to bring it into reality.

I also hope that my friend and all of our colleagues on this subcommittee will join us in working on this issue. As the gentleman from Massachusetts (Mr. FRANK) is the ranking member of the committee, I hope he will work to help craft a program to help more people own their own homes.

Mr. FRANK. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, first, I would point out the ranking member does not set the committee agenda. The committee has been in existence since January or February. The majority has not brought this item forward for us to debate.

Secondly, I thought the gentlewoman was making my argument. Of course I understand it is already authorized. That is why I do not think we need to force communities to do it. It is fully authorized. Some communities are doing it.

The difference between us is not whether this is not in some places a good idea, but whether Congress should retreat from the notion of a block-granted HOME program with reliance on local judgment and take for the first time the wrong step, I think, of mandating the specifics.

I would be glad to have the committee bring it up, but I do want to point out to the gentlewoman, she is a member of the majority. It is up to them to bring something forward.

The problem is this says the committee and House and Senate. It is not only up to the committee. If we do not get legislation through as of October 1, this gets mandated and the communities cannot enjoy the previous flexibility, and that is what I object to.

Mrs. KELLY. Mr. Chairman, reclaiming my time, I believe very strongly that this is a program that we must authorize very quickly. I believe very strongly that this is a program that will allow people to own their own homes. The more people at the low-income level that are able to do that, the better we all are, for our communities and across the Nation.

I urge my colleagues on both sides of the aisle to join me in opposition to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on

the amendment offered by the gentleman from Massachusetts (Mr. FRANK) will be postponed.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that amendments numbered 44, 45 and 46 may be offered at any point during further consideration of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I reserve the right to object only to explain the purpose for this unanimous consent request is to try to help us get an organized schedule today so we can move along expeditiously. This would simply allow these three amendments to be taken up early in the day. They will tend to be the more controversial amendments. We would like to get this process organized.

In addition, I would like to suggest that Members that have amendments that they wish to offer really should let us know what they are quickly, so that we can try to organize the balance of the day so we can complete this legislation.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I have first a question and then a comment.

If this request is granted, it is my understanding that this in no way affects the rights of other amendments to be offered, even though when we consider some of these amendments we would be moving ahead in the bill.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, the gentleman is correct. However, as we proceed through the bill, I think the gentleman and I both agree that Members that have amendments at a particular place in the bill should be here to offer them, because, as we announced several days ago, we are not going to be able to go back to the bill once we have passed that point.

Mr. OBEY. Mr. Chairman, if the gentleman will yield further, I will simply reemphasize that. If Members have amendments, they have a responsibility to be here in a timely fashion. It is not the committee's responsibility to protect Members who are not protecting themselves.

Mr. YOUNG of Florida. The gentleman is correct.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT NO. 44 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment concerning the Public Housing Drug Elimination Program.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Ms. KAPTUR:

At the end of title II, insert the following new section:

SEC. 2____. For carrying out the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) and the functions of the clearinghouse authorized under section 5143 of the Drug-Free Public Housing Act of 1988 (42 U.S.C. 11922), and the aggregate amount otherwise provided by this title for the ''HOME INVESTMENT PARTNERSHIPS PROGRAM'' is hereby reduced by, and the amount provided under such item for the Downpayment Assistance Initiative is hereby reduced by, $175,000,000.

Ms. KAPTUR. Mr. Chairman, the amendment I am proposing would restore a program that the majority party has zeroed out in this legislation for the Public Housing Drug Elimination Program. This program has been in operation since President Reagan signed the legislation in his last administration, and was first appropriated, funds were first let around the country, by the first Bush Administration back in 1988.

Our amendment has been scored by CBO as budget neutral, both in outlays and budget authority, because of offsets from the HOME program and the Down Payment Assistance Initiative, which has not been authorized.

Last year Congress provided over $310 million to over 1,100 housing authorities across the country for this very, very successful program, which aims at keeping criminal activity down in some of the most vulnerable neighborhoods in our country where seniors, low-income families, and the disabled live on a daily basis.

□ 0930

It is a worthy program; it is a successful program that has been supported by both Republican and Democratic administrations. Frankly, I am rather perplexed, I am mystified, as to why any administration or any subcommittee would zero out a program with this rate of success.

Over 118 Members of this Congress have signed a letter to the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) supporting the continuation of this program, and with me here at the desk I have a list of Members' districts that include over 1,100 Housing Authorities where this program has been in operation and so successful.

Now, there is no question that crime has dropped nationwide and, in particular, in some of the most vulnerable areas of our cities, so let me explain what used to happen. What used to happen is that drug lords in places like Chicago literally controlled the roofs. I was in the housing field long before I was elected to Congress. I know what it is like to stand on the roof of a building and watch as mothers cannot leave a housing project to go buy milk because the drug lords control the streets, and if they had a deal coming down, you could not live your life.

This program aims to get rid of that, to set up police substations in many of these housing projects in some of the most dangerous parts of America to let the children in those areas have a chance at a decent life. This is a program with a track record, and it is a good one, and it should not be zeroed out.

Mr. SAWYER. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Chairman, I would like to take a moment to thank the gentlewoman for her enormous effort with regard to this program.

I am in support of this amendment. This amendment will help make sure that children living in our Nation's public housing, over 1 million of them, have safe and secure environments in which they can grow and succeed. They deserve this opportunity.

This amendment restores funds to the Public Housing Drug Elimination Program. These are programs that are disparate all across the country. Local authorities use these funds to supplement law enforcement activities in some cases, while others create drug intervention programs and new social support services. This program has a sterling record of success.

One reason is it allows housing authorities to tailor their programs to fit their individual needs and the needs of their residents. All over the country, children living in public housing who have participated in drug prevention activities have higher self-esteem, higher grades and fewer school absences.

Mr. Chairman, the gentlewoman talks about this program coming into effect under Ronald Reagan and being administered by President George Bush and HUD Secretary Jack Kemp. Earlier this session, the gentlewoman pointed out that more than a quarter of us, from one end of the political spectrum to the other, signed a letter to the leaders of this subcommittee to ask to continue funding for this program. That is because I suppose, in the end, children are not a partisan issue. The Public Housing Drug Elimination Program has never been a partisan issue, and neither is this amendment. Many Members have indicated their support for continued funding for this program. The amendment gives us the opportunity to show our support. It is drugs, and not this effective undertaking, that needs to be eliminated.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I would say to the gentleman from Akron, Ohio (Mr. SAWYER), thank you so very much. The gentleman was mayor of Ohio long before he was elected to this Congress

and understands the importance of this program. He took time from a markup in another committee to be here this morning. We thank him so very, very much for his leadership and interest on this issue.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would just like to begin my portion of this debate by stating that I am not aware that there has ever been a study to show that this drug elimination program is successful as a national policy. There are lots of anecdotal comments and individual programs around the country that have had some degree of success, but this program has never been declared a success by the Federal Government.

I am also not aware that there is a higher degree or a higher percentage of drug use or drug abuse in public housing than anywhere else in this country. I think, to a degree, it is a negative statement about the Federal Government's view of public housing to have a program specifically for drug elimination in public housing.

Having said that, the HOME program, as I have said before, will help Americans to move from tenantship, rentership, to homeownership. I think it is important that we provide specific funds for that purpose, and I hope the authorizing committee will make this authorization a reality.

Let me just talk a little bit about the drug elimination program. First of all, the program has $700 million of unspent funds. When this program began 13 years ago, it was funded at $8 million. It was designed to address a gap in services that State and local governments were not filling for public housing. A lot has changed since then. The crime bill, for example, provided somewhere in the neighborhood of $9 billion to States and localities to hire over 100,000 additional police officers, to fund 1,000 new Boys and Girls Clubs in public housing, as well as a variety of other juvenile crime prevention activities.

State and local governments have been provided the resources in public housing. Residents should be receiving the benefit of those Federal programs like everyone else.

Currently, less than one-third of all public housing authorities receive drug elimination funds. Just four of the public housing authorities in the country are receiving 25 percent of all of these funds. In New York City, where they receive somewhere in the neighborhood of $35 million to $40 million, half of the money, half of it, is going to pay the salaries of New York City police officers. That is what the crime bill was for.

So they are getting Federal funds through the crime bill to hire additional police. They are also using these drug elimination funds to pay police salaries, and that just is not what these funds were for.

All of the PHAs that have received money have not been able to spend it. The gentlewoman's hometown of Toledo, Ohio, is only now in the process of spending 1999 funds. In my hometown, in Syracuse, there is about $2 million in the pipeline for drug elimination programs. They can continue to use that money under this bill if they have pipeline funds and they have a program that they believe is effective. In Syracuse there are several that they believe are effective, so they can continue to use those funds.

In addition, we have increased the public housing operating fund by a little more than 8 percent, a very substantial increase. Under the law, public housing authorities can use those operating expenses for drug elimination programs or, basically, for any other program that they see fit. So they have the flexibility there to continue to do this sort of activity.

Secretary Martinez and President Bush asked us to eliminate this program. Secretary Martinez is a new Secretary. Just as we did with Secretary Cuomo when he had policy initiatives, we tried to honor those public policy initiatives; and the Congress, in most cases, complied. I would ask my colleagues to comply with Secretary Martinez. He does not believe that criminal justice is part of the core business of HUD. He wants HUD to get out of the criminal justice business.

As I said, if individual public housing authorities want to continue the programs that they feel are effective, they can use the pipeline funds, and they can use their HUD operating expenses which we have provided for a very strong increase.

Mr. Chairman, to close, I have a letter here signed by the Enterprise Foundation, the National Council of State Housing Agencies, the National League of Cities, the National Association of Counties, National Community Development Association which says, we need these home funds. We do not want them used for any other program. So they would oppose this amendment.

I urge my colleagues to oppose this amendment.

Ms. KILPATRICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the tragedy in this whole HUD bill is that it is underfunded. I rise to support the amendment to keep the Public Housing Drug Elimination Program in operation.

Last night we discussed until 11 o'clock that there is $640 million cut out of the Section 8 Program. There is $240 million cut out of the Community Development Block Program. There is $445 million cut out now, in this budget, out of the Housing Modernization Program. There is $97 million less this year in the Homeless Assistance Program, and now we come to the Public Housing Drug Elimination Program, which has not been cut back but eliminated.

This program was started and signed into law in 1988 by President Reagan. President Bush won and continued the program. President Clinton increased the program, and last year it had a $310 million appropriation. This budget gives it zero.

So not only have we reduced those other categories of housing needed, one of the most-needed categories behind education and health in our country, moderate safe, clean housing does not exist for many Americans, and what this Republican Congress does, it has decimated that in this HUD budget even more.

What my colleagues need to also know is that last week this Congress passed a bill that gave $675 million to Colombia. Last year, this Congress gave $1.3 billion to Colombia, where it is documented that 90 percent of the cocaine and heroin comes from.

So I say to my colleagues, this drug elimination for public housing program, which does work well; and, the chairman ask for a study, do not zero it out. It is doing marvelous things. It is hiring people who live in public housing to take care, to guide, and to monitor their own living conditions so that the children can be safe, so that the seniors can have opportunity.

On the one hand, we can give Colombia $2 billion and cannot find $175 million for those who live in public housing to try to eradicate drugs, keep drugs down, and keep their housing safe. Something is wrong with that equation.

Mr. Chairman, I thank the gentlewoman from Ohio for introducing the amendment. Our offices have worked closely on this. This is not the time to cut public housing funds. Perhaps we should send the money to Colombia so we can stop the interdiction, but, quite certainly, we also ought to have treatment on demand, which none of these budgets address. Quite certainly, we ought to have a minimum of $175 million for people who live in public housing, again, not to eliminate the program. We need to ask for the testimony. We have testimonies to tell the gentleman that it works, and the study will prove that, too. It works.

Mr. Chairman, $2 billion to Colombia, and we cannot give $175 million to public housing who want to help themselves, to do what it takes to live in clean and safe housing. I think we can do better than that as a Congress. We are a much better Nation than that.

All of us do not agree with the Andean Colombia program, but we do support eradicating drugs in our society. The way we do that is to stop the flow, yes, and also treatment on demand.

When somebody who is addicted, whose life is in chaos finally gets ready for treatment and goes to a center in my district, they say, okay, fine, we are glad you are here. Come back in 3 months, and we will find a slot for you.

Come on. That is not how it works, America. My colleagues on both sides of the aisle, they have it in their districts, and I have it in mine. It is an American problem. We cannot give Colombia $2 billion on the one hand and not give a few million for the American citizens who Colombia has strung out.

Mr. Chairman, it is important that we adopt this amendment. It is important that we talk about what is really happening here. The HOME Program is a marvelous program. We want the Downpayment Program as well. The most important thing a person can do, a family can have, is a home. The stability, the consciousness, the being somebody really is defined in America by their home and their home conditions and how they live.

So I hope the Congress will think deeply about this amendment. Mr. Chairman, this is $175 million, on top of all of the cuts I already mentioned in Section 8, community development block grants, housing modernization and homeless assistance. We are going in the wrong direction. Vote ''yes'' on the Kaptur amendment.

□ 0945

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment of the gentlewoman from Ohio (Ms. KAPTUR) to strike the $200 million from the President's down payment assistance initiative and add it to the drug elimination program.

This amendment would make two changes to this legislation we have at hand. I believe they are both wrong.

The amendment strikes down the President's proposed $200 million down payment assistance initiative. To strike this funding takes the legislation in the wrong direction.

As a member of the Committee on Financial Services' Subcommittee on Housing and Community Opportunity, we have held several hearings on the current affordable housing crisis we face in this Nation. We have heard again and again that affordable housing is not available, and many families cannot afford market rents. HUD has declared further that a fair market rent for a two-bedroom apartment in my area of Westchester County is $1,144 a month. That is higher than in New York City.

What we have to do is to help these families get out of the rentals and into their own homes so they can build equity in their home. To own their own homes means they can also build equity into our communities. That builds stronger communities for America. The President recognizes this need, and that is the purpose of the down payment assistance initiative.

First-time home buyers need all the assistance we can give them. It comes down to the fact that when one owns one's own home, they are vested. They are vested in the interests of the neighborhood, the local schools, and the community.

Unfortunately, this amendment seeks to strike this valuable initiative in order to fund the drug elimination program. In past years, I was a strong supporter of the drug elimination program. I have heard positive programs that are run with drug elimination funds. But this year, I have come to the conclusion that this program should be ended.

Let me just read some of the abuses from the Miami-Dade Housing Agency:

The money was spent before receiving the grant. Overtime money was paid to officers to bowl and play basketball. Janitorial services were done at elderly developments; and that is a good thing, but they bought phones and beepers and copiers, shirts and clocks, recreation equipment, journal vouchers. A lot of money was wasted instead of doing drug elimination.

I believe that it is very important that we try. I think Secretary Martinez has put it best when he testified before our Subcommittee on Housing and Community Opportunity this spring as to problems inherent in the program. He told us HUD does not have the resources to enforce and ensure that these funds are spent properly. He asked us to add additional funding to the public housing capital fund rather than to the drug elimination grant fund.

Since then, I have looked into the use of the drug elimination grants and I have been greatly saddened at the waste, fraud and abuse that has occurred in this program. I have found these funds have been spent on things like trips to Washington, D.C., a board retreat to St. Simon's Island in Georgia, renovations to kitchens that never existed, and consultants that pocketed a lot of money. The list goes on and on.

Worst of all, $800,000 was approved for creative wellness programs that are considered on the outer fringes of alternative medicine. This program involves God-Goddess typing according to an individual's gland activity. It also involves gemstones and colors for each personality type. This is not what the drug elimination program was meant to do. These abuses need to stop. We must ensure that HUD funds are spent on housing, not incense.

How do we start? I think it is very important that we join together in voting against the Kaptur amendment.

One last thing that I think is important to point out, this current appropriations bill has $34,000 new section 8 vouchers. That is twice as many as the Senate has in their bill.

The appropriations bill is a good bill for housing, and it is good for America. My friend, the gentleman from New York, has a good bill; and I ask my colleagues to join together in voting against the Kaptur amendment.

Ms. CARSON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in enthusiastic and fervent support of the amendment of the gentlewoman from Ohio (Ms. KAPTUR) to fund the Public Housing Drug Elimination Program.

It strikes me, Mr. Chairman, or it reminds me, it is reminiscent of the mathematical maxim that the whole equals the sum of its parts. We want safe communities. We want productive and mature and healthy children. We want public housing to thrive and to ultimately move those residents out into the economic mainstream. We want to continue to work on ways where we can reduce the size of the jail population, recognizing that the majority of inmates in jails in my district, and certainly around the country, are there because of drug-related offenses, which bears a humongous cost to taxpayers.

The Public Housing Drug Elimination Program has successfully enabled housing authorities to work cooperatively with residents, local officials, police departments, community groups, boys and girls clubs, drug counseling centers, and other community-based organizations to develop locally supported anticrime activities.

There is good public housing in Indianapolis. The Indianapolis housing agency, under the leadership of Bud Myers, has demonstrated expertise in administering the system. They received $2.2 over the last 4 years to help them in their work of drug elimination. The housing department has set up youth programs that focus on building self-esteem and reliance, and primary preventative kinds of activities to stop housing residents from getting involved in drug activities in the first place.

It is up to us as civic leaders and responsible citizens to instill a sense of value, dignity, and pride in today's youth. It is impossible, Mr. Chairman, for these people that work in the community to eliminate drugs, for people who work in public housing to do this without proper support.

Using the Public Housing Drug Elimination Program, our housing agency has been able to reduce criminal activity by 60 percent since 1995. The grants from this program have enabled IHA to implement a visible community policing effort, and thus has enabled these properties to be among the safest in the city. Imagine public housing safe in the city.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. CARSON of Indiana. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I appreciate the gentlewoman's statement and yielding to me.

Mr. Chairman, I have just lifted myself off the floor when I heard the

chairman, the gentleman from New York (Mr. WALSH), say that there is no proof that public housing has more drug abuse. When the gentleman from New York (Mr. WALSH) said there was no proof that public housing has more drug abuse than anywhere else, this has to be put in some context.

I ask of the gentleman from New York (Mr. WALSH), where has the gentleman been? There is public housing, and this is not a condemnation of all public housing, but there is some public housing in which there is plenty of drug problems. I do not know what kind of proof the gentleman wants about that. Any inspection would tell the gentleman that. Ask the gentleman from New York (Mr. RANGEL), or ask any of us in any major city.

For the gentleman to be the chairman of the committee that determines what kind of protection we give to the people in public housing, and over billions of dollars controlled Federally, and for the gentleman to tell us that there is no indication that some public housing has more drug abuse than anywhere else, many of the public housing is in places where everybody has a high level of drug abuse all over the place.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Ms. CARSON of Indiana. I yield to the gentleman from New York.

Mr. WALSH. It is my understanding, and we do have some communication on this and I will try to locate it if I can, from public housing directors who say to us, ''We think that Members should know that there is no higher level of drug use or drug abuse in our housing than there is in the neighborhoods around our public housing authorities.'' We have provided billions of dollars to the criminal justice system.

Mr. CONYERS. If the gentlewoman will yield further, has the gentleman not gone out to a public housing project himself?

Mr. WALSH. I have. Absolutely. In my hometown, that is not the case.

Mr. GARY G. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is an interesting argument going on. We have a disagreement here. Someone said or we say there are no studies that demonstrate there is a problem. We talk about abuses. I have a list of abuses that I have no question about.

On the other side, we talk about a need for funding because there are criminal elements within public housing. I do not disagree with that. I am going to accept that argument, and from some facilities I have seen, I think the Members are accurate in that argument. I had one in the city of Upland that had a problem, and with additional funding, they reformed that problem.

I am willing to accept the argument from my colleagues on the other side that there is a problem in public housing and we need drug elimination funds to eliminate and deter these problems. But the problem with government is that rather than addressing the problem, we continue to put a Band-Aid over the sore. The problem is, we have forced people into public housing projects with section 8 vouchers because there is no place else for them to go.

A good friend of mine owns one of the largest nonprofits in the United States, and they have probably made 25,000 loans to low-income families to get them into housing. The name of the company is Hart. If Members go into Hart's buildings, every one of the employees in there were single parents, single women formerly on welfare. Every one of them today is in a home. They helped them get into homes. They provided buyers' assistance, down payments with zero government funding.

The problem we have here, Mr. Chairman, we have an administration and a Secretary of HUD altogether different than the previous Secretary of HUD that we had. For the last 2 years, I have spent more time battling with HUD, trying to make sure nonprofits could continue to operate to help poor people, because HUD did not like the competition.

Our Secretary today is different. How do we resolve this problem? Is there a problem with the criminal element within the public housing projects and drugs? I believe that is the case. How do we resolve that problem? Let us help people get out of public housing and into homes. Let us allow them to take the section 8 money and place a down payment on that home. Let us even let them take the section 8 vouchers that we force them to use to live in a dwelling, to use that to pay part of their payment to become productive parts of the community and established parts of the community.

Guess what is going to happen when we do that? I think my friends on the opposite side of the aisle have a different problem with this than I do. In 4 to 5 or 6 years, they will have built up enough equity in that home they are likely not to need the government's assistance to live any longer. To some people, that is scary. To me it is not.

So what do we do? We say we have a problem with housing projects that are funded by the government, but let us force people to live in those housing projects, because we will not let them use the money to buy a home. That just does not make sense to me at all.

Last year some of my colleagues on the opposite side of the aisle said on the drug elimination program money, when we finally start to succeed and eliminate the problem, let us cut their money off. What we are doing then, we were saying that we are only going to give money to communities that fail to solve the problem, and those that work hard and diligently and succeed in resolving the problem, we are going to cut their funds off, so they have to look to the local law enforcement to deal with a problem that tends to be generated by public housing.

If there was not a problem, address this question: Why do not funds provided by local government adequately deal with the problems within these housing projects? Because every community hires police officers. They manage to protect the rest of the community without assistance otherwise than what they receive in funding.

What we do is we say that is not adequate. We need to give them additional funding because there is a problem that is worse and needs Federal assistance than the rest of the community is experiencing.

That in and of itself is a problem. In this country, we have not been able to provide affordable housing for people, nor have we been able to provide housing stock for most people to move out of affordable housing into the next level.

□ 1000

Because the average home owner, when they buy a new home, realizes that 35 percent of the sales price of that home is directly attributed to government. Not indirectly through taxation of others; but direct assessments against the developer in order to get a building permit, 35 percent of that sales price goes to government. That means that if a young couple wants to but a $100,000 home, guess what? $35,000 of that $100,000 went to government.

Then, on the other hand we say, why cannot people in this country afford a home? The government is the problem. The government will never resolve the problem unless government does something to let the private sector work.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Let me speak in support of the Kaptur amendment. Let me say a couple of things. First of all, I have heard we should eliminate the drug elimination program because of waste and fraud. I cannot seem to recall a Member on the other side of the aisle ever wanting to eliminate any program in the Pentagon's budget because of waste or fraud. But any social program, any program focused at helping particularly disadvantaged communities is subject to this attack.

What we have is, for the first time in the country's modern history, the crime rate has gone down 8 years in a row. The majority party says let us try to interfere with that. Let us eliminate the COPS program. Let us make sure we do not have the gun buy back program. Let us eliminate the drug elimination program. Let us find those initiatives of the past administration that

helped move the country in a downward trend in terms of the crime rate and let us remove them out of the way. Somehow, it would seem to me, that we would all, both parties, both the majority and the minority, be celebrating an 8-year decline in the crime rate in our country and that we would want to reinforce those initiatives that have been proven to be successful.

We just heard the gentleman from California (Mr. GARY G. MILLER) speak. I do not know where some of the Members here have been; but in any major city in our country, the police department proudly proclaims that they will not go in and provide protection in these public housing developments. It is unfortunate, but in our city it has been this way for a very long time. It is this way around the country.

It is the Federal Government's unfortunate burden since we are the landlord for these families which are mainly women and children, and rather than provide some assistance to them so they can live in safety or require the local community to provide adequate law enforcement, we want to wipe our hands of both this program in any other responsibility.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. I yield, unlike your colleague who would not yield to the gentlewoman from Ohio (Ms. KAPTUR).

Mr. WALSH. Mr. Chairman, I would not tolerate that in my hometown.

Mr. FATTAH. The whole world is not your hometown.

Mr. WALSH. I understand that, but if we took some aggressive action with the local police, they have to go where the city council and the leaders of the community tell them. If it is in the city, it is their responsibility.

Mr. FATTAH. Reclaiming my time, we have a situation right now in the home city of the gentlewoman from Ohio (Ms. KAPTUR), Cincinnati, where the police department has refused to police in parts of the community. We cannot sit and ignore the fact that as a Congress we are saying, in these communities with a 99 percent of population of women and small children in which the Federal Government is the landlord, that we are not going to do anything to make sure that these communities are safe. And we are going to eliminate this program, and ignore the fact that, in our country, we have finally seen a major decrease in crime.

Maybe the majority party is not happy with that. I do not know. Maybe it is not politically helpful that there is a reduction in crime. Maybe that is why we want to pull the rug out of the COPS program and the drug elimination program and the gun buy back program, but I think that is an unfortunate way to proceed. I would hope that people would support the Kaptur amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I want to thank the gentleman from Pennsylvania (Mr. FATTAH) for bringing up the important point, that in many communities across this country, until this program was enacted, local police were not policing. In fact, in many places in America the local police had no relationship with the authorities. This program has drawn in local policing, whether it is county, State officials, local police, on-site resident management that are trained now in working with the local residents.

The relationship locally with the authorities was not always a good one. In many cases, and I cited Chicago in particular, which I never forgot after visiting there, the authorities were completely out of control. They were neglected. They neglected areas of our community.

I want to thank the gentleman for pointing out the importance of this program in creating an appropriate bond with local authorities so that now there is security, and crime has gone down all over this country including in these very important neighborhoods.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a similar amendment that I will withdraw. As I listen to this debate it seems to me that we are talking about two different worlds. It does not seem to me that we are talking about the one United States of America. I come from the city of Chicago, the third largest city in the country. I also represent 68 percent of the public housing in the city of Chicago. I want to invite the President and the Secretary of HUD to come and look at what public housing is like in the largest urban centers.

I also listen to my colleagues who do not seem to understand the differences between communities. And nobody created them exactly the way that they are; but if we look at the causes for drug addiction, the causes for drug use, I represent a district that has lost more than 140,000 manufacturing jobs over the last 40 years; 140,000 solid good-paying jobs have gone as a result of our trade policies.

I come from a community that represents the last wave of migration for people trying to escape what was a South that they could not tolerate and refused to continue to live in.

When we talk about public housing, in many instances we are talking about thousands of people stacked on top of one another. I have a stretch of public housing that goes from 2200 South to 5700 South, straight down what we call the State Street Corridor.

The second poorest urban area in America. And so if my colleagues tell me that we do not need drug elimination efforts, there is nothing the residents of public housing have liked more than to be able to establish their own drug prevention program on site right where they are so that, in spite of the conditions under which they live, children can understand that they can, in fact, grow up with the idea of doing more than standing on the corner hollering ''crack'' and ''blow'' or looking for a nickel bag or a dime bag.

So I really do not know where my colleagues have been or what it is that they are talking about. I invite all of my colleagues to come to the big city public housing developments and see what the policies of this Nation have created and then to tell me that we cannot find a little bit of money; that because of some fraud and abuse, that we are going to throw out the baby with the bath water.

Mr. Chairman, I cannot think of any program, any activity where we have not discovered some fraud, some abuse. But we did not stop making airplanes because there was fraud and abuse. We did not stop manufacturing automobiles.

So I would urge us, Mr. Chairman, that we rethink our position. That we take another look. That we support the reconstitution of this program. And I too would commend the gentlewoman from Ohio (Ms. KAPTUR) for all of the work and the tenacity with which she has pursued this issue.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Illinois for his eloquent statement. I thank him for giving us a snapshot of places in America where programs like this make an enormous difference. I thank him for his leadership, and I just wanted to place on the record the fact that HUD did do a study in 1999. In fact the inspector general of HUD did a study. They found no abuse in this program.

In fact, all HUD said, the inspector general, the inspection side of HUD merely said they ought to do some more studies around the country on how the program is working. They only asked for more paper reporting.

But on the ground, on the ground where people live every day, this is a successful program.

Mr. Chairman, I wanted to use this moment also to say to the gentleman from New York (Mr. WALSH), my good friend, who I really do not think his heart is in opposition on this program, but I want to say in my own town he said the money was not being spent. I would have to say that is not an accurate statement. In fact, over $700,000 of Federal and local money is being spent every year and is being spent according to the allocation formulas from HUD on schedule.

Mr. DAVIS of Illinois. Mr. Chairman, reclaiming my time, I say that we will either pay now or we will pay later.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unfortunately, I was unable to be here when there was a debate on the Frank amendment earlier this morning. As the chairwoman of the Subcommittee on Housing and Community Opportunity, I want to repeat my opposition to the Frank amendment and repeat what I stated in the general debate as of yesterday. That is the reference to the President's downpayment assistance program.

As I stated in the general debate, this is really a compassionate program so that we can help low-income people achieve the American dream. And that is what that program is all about.

Mr. Chairman, I want the Members to know also, because there was some discussion about the authorization of this legislation. As chairwoman of the Subcommittee on Housing and Community Opportunity, the authorizing subcommittee, I stated in the general debate that I would make every effort to assure that this important initiative would be authorized before the June 2002 deadline that is outlined in this bill, and I recommit myself to that publicly here.

Again, I think this is a compassionate effort. The President's program is an important one that will allow low-income families to share in the American dream of homeownership, and we should support it. In that context, as I stated in the general debate, I would, unfortunately, have to oppose the Frank amendment.

Mr. FRANK. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I repeat that the gentlewoman's chairmanship of the Subcommittee on Housing and Community Opportunity has been a very constructive one, because we have been building, I think, a very important record on the importance of housing and moving forward.

I do have to say on the specific question of authorization, I mentioned it only because the gentlewoman from New York who is no longer here said, ''Well, I was the ranking member, we could do this.'' And my response was well, I am ready. Because I would say this to the gentlewoman, while there is a June 30 date in the bill which says we must authorize by June 30, or the funds revert, the funds start being subject to this restriction on October 1.

So I would ask the gentlewoman from New Jersey (Mrs. ROUKEMA), could she then schedule a hearing and markup? We probably cannot pass it by October 1, and we are about to go out. But I would hope as soon as we come back in session we could have such a markup so we could get this.

Mr. Chairman, the reason is this: This will be going to conference in September. I would hope the conference committee, which will have to ultimately decide whether to earmark it or not, would have the benefit of at least some committee deliberation on this substance.

Mrs. ROUKEMA. Mr. Chairman, reclaiming my time, I will make that commitment to the gentleman, regarding expediting a markup as soon as possible. But I do not believe that it is a reason for us to eliminate this provision in this appropriations bill.

As I pledged in my statement during general debate, I will move to expedite consideration for legislation. I believe the President's program is an important one that allows low-income families to share in the American dream of homeownership. This is evidence of the President's commitment to compassionate care for all our people.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to bring this debate back to where it started. We were in the midst of a very important debate on drug elimination grants. I rise in support of the Kaptur amendment and want to emphasize how important this program has been.

This program provides resources for public housing authorities to fight crime and drug use, an incredibly targeted and flexible program for that purpose. Many will say that that is not the proper role of public housing authorities. And while this may be true in the ideal world, the practical experience shows that local law enforcement authorities are not always up to the job. We know that housing authorities have crime problems that are indigenous, that are rooted, and we need programs which focus on that and go to those roots.

□ 1015

Why do we propose reducing funds that they receive to fight crime, to hire law enforcement, to construct fences, to remove debris from alleys and to help residents break drug addiction? If we have problems with how some of the funding has been used, then we should address the inappropriate use of the program. Eliminating the entire program is not the answer. We really should be adequately funding drug elimination grants. This amendment, the Kaptur amendment, is an excellent start.

By supporting this amendment, I do not want to give the impression that the homeownership initiative she seeks to reduce is unworthy. It is not unworthy. It is a good proposal and should be considered. It is a new start, it is a new initiative, it is the President's. It has not gone through the authorizing process per se, but localities are already permitted to undertake downpayment assistance programs with funds that they receive through the normal HOME program allotment process.

This is simply a case of priorities. Drug use in public housing is a problem so great that it merits priority attention. The drug elimination grants program merits support.

I remember when Secretary Martinez appeared before our committee, he did not say, or I do not remember him saying, that this program was a bad program, the drug elimination program. He did not say that there was not the problem in housing authorities. What he said, as I remember it, was that this is not the right jurisdiction, this is not the proper place to fund this program, maybe it should be in the Justice Department.

Mr. Chairman, I serve on the subcommittee that funds the Justice Department. The Justice Department says that they are not into prevention programs, they are into solving crimes. So they say that Justice is not the proper place to fund drug elimination grant programs. So this bill is where the program is. This is where the program has been funded. This is where the program has been successful, however many hiccups it has had.

The problem still remains. We hope that the program has been successful so that the problem is on a downward trend line. But it still remains, the program is still viable, and the program should be funded.

Mr. Chairman, I rise in support of the gentlewoman's amendment and commend her for her efforts in this area.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. First of all, I would like to thank the ranking member for his strong support in clarifying why HUD is the proper administering authority for this program and the distinction between the Department of Justice and the Department of Housing and Urban Development.

I thought I would also like to place on the record a comment made by the gentleman from Massachusetts (Mr. FRANK) a little bit earlier. His time expired, but in other comments that Secretary Martinez made before the Subcommittee on Housing that the gentleman from Massachusetts is the ranking member of, he mentioned that Mr. Martinez said that, in terms of money available to HUD this year, that the Department of Energy estimated that utility costs would be going down; that before the Subcommittee on Housing he actually stated that the Department of Energy had told him to tell us that utility costs would be going down.

I find that incredible. The operating funds that exist in this bill will not be sufficient if you look at what is happening to utility rates across this country.

So this program is even more necessary in order to keep the cap on crime, keep arrests up, keep neighborhoods more safe and help with the prevention programs that the gentleman

from West Virginia has so aptly described.

I thank him for yielding to me and for his support of this program.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from New York (Mr. WALSH).

Mr. WALSH. I thank the gentleman for yielding. I just wanted to address some comments that were made earlier.

I have the greatest respect for every Member who has spoken. I think these are heartfelt statements that are being made, but I wanted to just add some additional data to the arguments.

The gentleman from Chicago, who represents a very large public housing authority that he spoke about, their budget for drug elimination is approximately $8 million per year. Based on our analysis and HUD's audits, the Chicago Public Housing Authority has right now close to $19 million on hand to provide for future drug elimination programs. We do not say you cannot use existing funds. What we are saying is that, from this bill forward, we are not going to specifically appropriate funds for drug elimination. That means they can use those $19 million.

We provided an increase in funds for operating expenses across the board to public housing authorities, an 8 percent increase. In the case of Chicago, that would mean about a $15 million increase. That means they could take half of that operating fund increase and dedicate that for drug elimination if they saw fit for the future.

The gentlewoman who is about to speak I believe represents the Cleveland area. The Cuyahoga County Public Housing Authority has about $7.5 million available for drug elimination. They spend about $2.5 million per year. That would provide about 3 years' worth of drug elimination funds; and the operating fund increase for Cuyahoga County would be about $3.5 million per year, which is in excess of what their annual operating expenses are for drug elimination.

Mrs. JONES of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Would the gentleman repeat that, since he was talking about my congressional district? I did not quite hear what he said. Would he say it again?

Mr. WALSH. I would be happy to. In Cuyahoga County, which encompasses Cleveland, I believe, the public housing authority funding for drug elimination in 1999 was $2.4 million. That will not be spent out until next year. Those are 1999 funds. In 2000, $2.5 million was appropriated. That has not been spent, either. In 2001, another $2.5 million has not been spent. So there is approximately $7.5 million of unexpended funds in the drug elimination program.

Mrs. JONES of Ohio. This is as of today, what he is reporting from?

Mr. WALSH. As of today.

Mrs. JONES of Ohio. I would like to see it when he is done.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

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

Mr. WEINER. I would point out that many housing authorities around the country have a similar situation where drug elimination funds appear not to be spent because a large number of those dollars are used to recruit and hire police officers.

As the gentleman knows, right now in the country we have a phenomenon from coast to coast that there is a decline in the number of people that are coming forward to take these positions. In most cases, New York City being one of them, those funds have already been allocated.

Mr. WALSH. For example, New York City receives in the neighborhood of $40 million a year in drug elimination funds. Half of that money is going to pay salaries for police officers. Under the crime bill and the COPS AHEAD bill, New York City has received a half billion dollars to hire police officers. The drug elimination funds were not a supplement to the budget of the New York City Police Department. These funds were supposed to go for public housing authorities.

So the fact is, Mr. Chairman, there are lots and lots of dollars in the pipeline for drug elimination. If public housing authorities wish to use their operating fund balance to continue these programs, as my public housing authority in Syracuse has chosen to do, they can.

But what we are saying is we are not going to continue to fund this program because the Secretary of HUD, our new Secretary, has asked us to say we want to stick to our core business; we do not want to be in the criminal justice system; let the Justice Department fund this. And they do fund juvenile crime programs into the hundreds of millions of dollars. We think that these funds for the HOME project are far more important and far more in line with the core business of HUD. Let us help Americans to buy homes with these funds.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to the people of the United States, the argument that you are hearing this morning is the real reason why we should not have had a tax cut. We should not be standing here arguing about whether we fund a drug elimination program or we fund a homeless downpayment assistance program. The reality is that both of these programs need funding, and there are dollars in the U.S. budget to fund them both. But, instead, the United States policy on housing is such that we have to argue over $20 million for each of these programs.

Let me just switch for a moment to a discussion as to whether or not we should fund drug elimination programs in public housing. Before I came to Congress, I served for 8 years as the Cuyahoga County prosecutor. Many of you can stand up here and say what you think works. I can tell you what I know works. I know it works because it was my responsibility to have oversight over the Cleveland Police Department as well as oversight over the Cuyahoga County Metropolitan Housing Police Department. It took the effort of both of those departments to diminish and eliminate the drug problem at the Cuyahoga Metropolitan Housing Authority.

See, when we start talking about the importance of law enforcement, it is important to understand that the people get to know who the police officers are. You can stand in a vacuum and say that the City of Cleveland or the City of New York or the City of Chicago ought to fund police departments, but we as a government, the City of Cleveland is part of the United States Government. The City of Chicago is part of the United States Government. HUD housing is Federal housing. It is public housing. And the people there, regardless of who funds it, need to be able to live in safe housing.

Let me talk a little bit more about how law enforcement has moved from ''lock them up and throw away the key'' to some point talking about prevention. Part of prevention is using innovative programs to be able to talk to young people, to talk to older people about how you eliminate an addiction and begin to live in a wholesome housing situation. In fact, the public housing neighborhoods across this country have begun to be able to do that. It would seem to me that it would really be in the best interests of these United States, of the Federal Government, to talk about saving programs that are working.

Mr. Chairman, I appreciate the gentleman from New York letting me know that Cuyahoga County has $2.5 million in the pipeline and $2.5 million that might be available next year. I would like to ask him to give me more than $2.5 and to suggest to him, after having talked to the director of the Cuyahoga Metropolitan Housing Authority less than an hour ago, that maybe as of today's record there is not showing an expenditure but those funds are in fact ready and have been expended for purposes of that program. I am not sure how their accounting works.

Let me further say that some of the programs may not be what you traditionally believe are programs to deal with drug elimination, but I find it hard to believe that any of us who have

not had the experience of working in drug elimination can stand on the floor of the House of Representatives and talk like we are experts. Those of you who have not had the experience owe it to yourself to go visit a housing authority to understand what you may in fact be funding.

I am heartened because, when we did in fact have a Subcommittee on Housing hearing and the Secretary of Housing came before the Subcommittee on Housing, I was dismissed as being out of line when I said to the Secretary of Housing, after he said there are no drug problems in elderly public housing in the United States, to ask him what country he had lived in in the past 10 years. I meant no disrespect. Mr. Secretary, if you are listening this morning, I mean no disrespect this morning. But what I need you to be able to understand is the problem that exists.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind Members that remarks need to be addressed to the Chair, not to the listening audience and not to anyone else observing this proceeding.

Mrs. JONES of Ohio. I apologize to the Chair.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words.

Before my comments, might I ask a question of the ranking member?

□ 1030

I am just curious. I hear lots of discussion that communities can use their operating subsidy to fund this program. If we look at the current year's budget for the operating subsidy and the drug elimination program, and compare it to the projected request for operating subsidy for next year, including all the increases in energy costs, does that amount exceed what we appropriated this current year for these two programs of operating subsidy and drug elimination?

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I understand what the gentleman is asking. He is asking is there a net increase or decrease of the funds out of which the drug elimination grants could be funded last year, as compared to this year.

Mr. SABO. That is right.

Mr. MOLLOHAN. There is a net decrease of $47 million as I compute it. The drug elimination program was funded at $310 million in 2001, and eliminated this year. $263 million was added to the Public Housing Operating Fund, and that resulted in a net decrease, or a net cut. And drug elimination grants were authorized to be activities to be funded out of the public housing operations up to $110 million. So the overall net cut is $47 million.

Mr. SABO. Mr. Chairman, reclaiming my time, that is an actual cut in funding from what is appropriated for this current year, at the same time that these housing agencies are also going to be required to pay significantly higher energy costs?

Mr. MOLLOHAN. Yes.

Mr. SABO. Mr. Chairman, reclaiming my time, the answer is obvious what we should do with the amendment proposed by the gentlewoman from Ohio: we should support it. But let me make a few other comments.

I think this debate is very useful, because it highlights the importance of housing. Over the last several years, I have been disappointed to the degree that housing has been off the agenda for both parties, and if there is any area where the Federal Government has played a primary role for decades, it has been in the development of housing policy in this country, whether it is through tax programs, through insurance programs, or through direct expenditures.

We have a crisis in the availability of low- and moderate-income housing in this country today, and I would suggest to my friends that while we have our extensive debates on education policy, that the Federal role in providing for low- and moderate-income housing in this country, in my judgment, is of greater importance to education policy in this country than many of the things we are doing in the education bill.

But if we have limited resources, what should be our priority? Clearly the first priority has to be that we are funding and operating in a decent and efficient manner the housing that exists. That means that we have to have sufficient appropriations for operating subsidies, that we deal with unique programs and problems, like the drug problem in public housing throughout this country. Next we should move to make sure that the housing that we have today is maintained through our rehab programs. Again, we find that those programs are funded at a grossly inadequate level in this bill.

Then we should move on to production, and we desperately need a production program in this country. We are not close to beginning to deal with that problem. I would love to see us doing it. But if we have to make choices, the first choice has to be that we fund in a sufficient fashion those programs that simply keep the existing housing supply operating in a safe manner for its residents, where they can enjoy life.

For some people to suggest that as part of that process of running large public housing projects we should not provide for security, I think flies in the face of reality.

Mr. Chairman, I hope we adopt the amendment offered by the gentlewoman from Ohio.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the highest respect for my chairman. I think he is a very fair man. He has operated this committee in a fair manner. But he is faced with a daunting task, which I do not think is defensible. He cannot defend the fact that the drug elimination grants have been worked out of the program.

Mr. Chairman, I stand to support the amendment offered by my good sister from Ohio. Her position is one of a white woman who has come to this arena to defend a program which has been eliminated which pretty much helps low-income people. The gentlewoman is not a lower income person. There are very few of them in this Congress.

I stand today to represent those neighborhoods which many of you have never seen. I stand today to talk about Peaches, who was killed in the housing project. I stand to talk about Little Bit, who was killed in the housing project, by drug dealers who live in the housing projects, who come in the housing projects and prey on the children, because they know they are hopeless residents of these areas.

Now, it is pretty good to talk about what is in the pipeline, and that is the argument which my good chairman has used. But it is a specious argument, in that it cannot be made for public housing, in that last year this Congress, of which I am a Member, appropriated $1.3 billion for Plan Colombia, the anti-drug program that was supposed to stop the flow of drugs from South America to this country. $1.3 billion. Yet I stand today trying to defend a program which we know is needed for the young people of our country.

Our good President wants to leave no child behind, but if he eliminates this program, he has already left behind the many youngsters in public housing who will be unprotected from the drug dealers that our police department overlooked for years because they did not have the manpower nor the ability to come in to public housing and fight this real ominous enemy we have in there, the drug dealers.

Now they have their own situation, where they can collaborate with the police department, where they can work with local agencies and bring a network to work against drugs in public housing. Public housing is good. It is the people that come into public housing and the people who come off the street and come in to hurt our children that are bad.

The Washington Post also reported that only about 5 percent of Plan Colombia's money has been spent, only about 5 percent. Yet we argue against $175 million which this good gentlewoman has asked for. Does the Congress zero the amount for Plan Colombia out of this year's funding bill? I repeat that question. It is not a rhetorical question, it is a true question.

Does the Congress zero them out, Plan Columbia, in this year's funding bill? No. Earlier this week we voted to add another $676 million to the program of Plan Colombia. That shows that the argument is specious that is used by my good chairman. So all this money that is supposed to be in the pipeline, it remains in there for Plan Colombia, but it does not remain in there for the poor residents of public housing. We must begin to respect these people. We must begin to note that it is the Government's job to respect them.

So I must say, if you do not fund this program, you are showing this Nation that you have turned around a program that works. Regardless of the party that you are in, you are doing the wrong thing for the American people, and it is indefensible. So anyone who stands up to defend this knows it is wrong.

It is so important that we understand, these are very small grants. They are not large. If one reads the report of our committee, you will see very large grants. But these grants, some are less than $25,000. A few million dollars they get for public housing. They are a small amount compared to the problem in New York, a small amount compared to the problem in California, a small amount compared to the public housing in Dade County-Miami. It is a small amount of money. Some of them are as small as $25,000.

We must slow the relationship of violent crime in public housing. You do not need a statistical report to see this. You read the paper every day, you listen to the radio. You see how it is rampant.

There is no report, and this again goes against something my chairman said, there is no report, statistical or not, that supports the claim that the drug elimination program is not effective. There are no reports. But there is a body of information that points to the success of the program, including the Best Practices Award given to them by HUD and organizations like public housing that recognize that the person-to-person, life-to-life success of this program is successful.

My point is, it is a specious argument. Let us pass this amendment offered by the good gentlewoman from Ohio, and let us go on with this good program.

Mr. WEINER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the greatest respect for the chairman of the subcommittee, and I believe if we had an allocation that was sufficient this subcommittee would not have chosen to make this cut.

In the 1980s, we had a debate in this House and in this country about ways to make housing programs more efficient. I thought often that debate was mean-spirited. But the mantra was over and over again throughout those years, let us keep what is working and let us eliminate what is not. As a result, unfortunately, that meant cuts in the modernization program. It meant cuts in operating assistance.

In 1988, Ronald Reagan famously said our barest responsibility to the residents of public housing is their safety, and the drug elimination program was born. Since that time, we have had nearly a 30 percent reduction in crime in public housing. The program has been a success.

Now, you should not take my word for it, although when I was in the New York City Council I was the chairman of the Committee on Public Housing. Listen to what some Republicans have said.

Listen to what Secretary Martinez said earlier this year in response to a question from a Member of the other body. ''HUD's Public Housing Drug Elimination Program supports a wide variety of efforts. Based on this core purpose, I certainly support the program.''

A short while ago the gentleman from California (Mr. GARY G. MILLER) stood up to oppose this program. Let me tell you what he said on April 6 of the year 2000. ''If the public housing are unable to continue the drug prevention efforts, the problems will return. Will we only allow a doctor to give enough medicine to reduce illness, or will we give enough medicine to cure the disease?'' This is what he said in support of the program that supports public housing in Upland, California.

We have also heard from the former chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH.) ''This type of program is necessary if we are to make public housing developments decent and safe communities.''

Mr. Lazio, the former Member of this House from my State, also said, ''The drug elimination program has funded many important and worthwhile items that have resulted in protecting people in public and assisted housing.''

For a moment I would like to address some of the criticisms to this program raised by the opponents of the gentlewoman from Ohio. First, it is that crime reduction is not the primary mission of HUD. True enough. But that does not mean we do not fund modernization programs for better security systems. It does not mean we do not fund modernization programs and operating assistance for security guards. It is absurd to say that simply because it is not our primary mission, that we should walk away from a program that works.

Secondly, there is this weird Alice in Wonderland argument that says we are reinforcing the perception that drug problems are bad in public housing by having a program that has reduced crime problems in public housing.

I can tell you as a matter of fact, in New York City we have something called the COMSTAT program where you can see block by block, address by address, where the crime problems are.

Before the drug elimination program came into effect, there was a 30 percent difference the moment you crossed the street into public housing as opposed to the other way, and the reason is we used to have police precincts that were divided from the housing authority police division so we could see that.

If you think that the program is not working, all you have to do is look at the State of Texas. In the State of Texas, in the Austin Housing Authority, they had a 10 percent reduction compared to outside the housing authority because of the drug elimination program. In San Antonio, there was a 31 percent reduction in crime in the housing authorities, while the crime outside the housing authorities went up. So we not only know as a matter of fact that there is a problem, but we also know as a matter of fact that the problem is being solved by the drug elimination program.

Finally, because New York City has been mentioned so many times in a pejorative sense here, let me explain why it is that New York City is a slightly different creature than other places as it relates to the drug elimination program.

Unlike other places that throughout the eighties were tearing down their public housing, New York City was investing in it, so much so that it not only did not neglect housing authorities, it created its own police department specifically for the housing authority projects, unlike other municipalities in this country.

□ 1045

Later on, a decision was made under Mayor Giuliani, and, frankly, when I served on the city council, to merge the police departments; and the Housing Authority and HUD said, under Republicans and Democrats alike, that that does not mean that New York City should then have to walk away from the assistance it was getting, simply because it made its police department more efficient.

One final point. This is the point about why there is so much money in the pipeline, and I tried to make the point earlier. We have a fundamental problem in this country, and we are seeing it in law enforcement programs throughout, that there is a backlog in the money we are allocating to police officers and when those dollars are hitting the streets. We saw that same spurious argument used against the COPS program, but every city supports it and, frankly, every Housing Authority supports this program.

Mr. MEEKS of New York. Mr. Chairman, I move to strike the requisite number of words.

I want to thank the gentlewoman from Ohio for this amendment, but, most importantly, I want to thank the gentlewoman of Ohio for thinking about me.

Mr. Chairman, as I hear people talking about the drug elimination program and hear people talking about those who live in public housing and I hear people talking about the American dream, let me tell my colleagues, I lived in public housing. I lived in public housing until I graduated law school. I have a relative that lives in public housing. Just because I am a Member of Congress does not mean I can get all of my relatives and friends out of public housing who live there on a daily basis. I visit them every time that I go home.

Not only do I represent public housing, I have relatives, I have lived there, and I would not be here if it was not for public housing.

We can build all the prisons we want, and they will come. They will fill up if we do not do anything.

When we talk about medicine today, we talk about preventive care. We talk about how we have to stop it early. We can stop them and kill diseases early so that we do not have to worry about disease.

What the drug elimination program is, it is preventive care. If we are talking about preventive care everywhere else, why can we not take care of America's poor? Because America's poor, like I, want to live the American dream; and the first thing in public housing that we see young people today, what they want to do is, indeed, that: just live. They are worried about their lives, when we talk to 15-, 16-year-olds; and they say they may not live until they are 18, 19, 20 years old. They just want to live. And what the drug elimination program does is give them the opportunity to have hope to live for tomorrow.

Why are we playing reverse RobinHoodism? Why are we taking away from the poor to give to the rich? What makes this country great, or what should make it great, is how we take care of the least of these.

The drug elimination program and the money that we are talking about really is just a drop in the bucket. We have got to have a conscience in this body.

When we talk about security and I think about my childhood, security happens in two ways. Security happens when, in fact, one has law enforcement there. One puts up gates. They put up these gates that help prevent crime. But it also beautifies the area for the people, the residents that are living there, and that presence helps, and it gives a relationship between the individuals who live in the complexes and the police officers.

But, most importantly, let me tell my colleagues why I could be a Member of the United States Congress today, because without certain programs of public housing, I doubt that I would be here. But it has programs that teaches and encourages young people and gives them hope and keeps them out of trouble. It has programs that has the opportunity and the ability to transcend one who is living among drugs and keeping drugs out of public housing. That is what this is all about.

So when we talk about a mere $175 million when we have over $7 trillion budget, a mere $175 million to save lives.

Mr. Chairman, there has been a big discussion about people receiving these tax cuts of $300 or $600 in a few weeks or a few months or whenever it comes. Do we know that that $300 or $600 will not save one life? It will not save one life. And what we are talking about here is saving lives, something that no one can ever recover. We must save lives so that people have the opportunity to live so that they can have hope for the American dream. And taking this money away, we are taking away people's hope, we are taking away their dream, and that is wrong.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not intended to speak this morning. I know that people are all poised to go home, and we wanted to see if we could expedite the proceedings today so that we can get out as early as possible. But I could not help but come to the floor to speak on this issue.

I cannot believe that my friends on the opposite side of the aisle who define themselves as law and order, who would have us believe that they have some values that are better than others, who would have us believe that they are the only ones who care about crime in America, who would have us believe that we do not pay enough attention to crime, would dare come to this floor and support the elimination of a drug program in America's public housing projects.

America's public housing projects, for the most part, are poor people and some working people who are living basically in congested areas on top of each other, having to deal with some of the most difficult problems any human being could ever envision.

We have a lot of young people who are attracted to the lifestyles they see on television, who want to go to the concerts; a lot of young people who want the cars; a lot of young people who want what we tell them America can afford. No, they do not have the kind of support oftentimes that will ensure that they keep going and they get educated. Many of them are dropouts. Many of them are coming from families who are in trouble. But they are all stacked into many of America's public housing projects; and, yes, the dope dealers and others come into these places.

Mr. Chairman, we need the opportunity to educate, to prevent, to teach, to say to young people, there is another way. But Members on the other side of the aisle will tell us on this floor that we do not need to have a drug elimination program. Drugs are not a problem in the housing project, is that what they are telling us? No, what they are saying is, it is a problem, we know it is a problem, but we do not want the public housing project management to take the responsibility for the elimination of the drugs in public housing. What we would rather do is have the police run in, catch a 19-year-old with one rock crack cocaine and send him to the Federal penitentiary for 5 years on mandatory minimum sentencing. No prevention, no rehab, no inclusion of drug elimination in the management.

It is so outrageous to say this is not our core program. This is not what we do. We would not tell a high-paid co-op in New York, we would not tell the resident, we do not have anything to do with your security and drug elimination; we do not have anything to do with making sure this building is safe and you are not at risk. And we are not going to allow you to say that here today. It is absolutely hypocritical to talk about eliminating this drug program in public housing.

We know that many of us can talk from experience. We heard the previous speaker, the gentleman from New York, talk about his life, his experiences. Well, I want my colleagues to know many of us in the Congressional Black Caucus represent most of the public housing projects in America. They are part of our districts. We work there. We advocate for them. We try to make them safer. We try to give people hope. We try to give them a way by which they can get up and get out.

But when our colleagues come to the floor and they tell us that they do not care enough to support the idea that we can eliminate drugs, we can eliminate crime, that we can provide some security in public housing, then we must come to this floor and we must take our colleagues on and take our colleagues on our will.

Mr. Chairman, I am going to ask the Members of Congress from both sides of the aisle on this vote to forget about the fact that somebody told them they do not want to do this job. I do not know this new Secretary, but I am hopeful that is not the message that he sent to this floor. I am hopeful that somehow the gentleman is a little bit confused about the message.

I would ask that we support the amendment, and I thank the gentlewoman from Ohio (Ms. KAPTUR) for putting this back on this floor so that we could have this debate.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, let me thank the gentlewoman from Ohio for offering this amendment and really allowing us the time to debate this issue and to talk about those that we never have a chance to talk about, those individuals in our districts who are really just hanging from a cliff in terms of the basic substance and in terms of their income and in terms of the housing conditions in which they live.

This is just another example, this elimination of the public housing, drug elimination program, is just another example of really how shortsighted both in terms of policy and in terms of funding that this bill really is.

Mr. Chairman, now one-third of all residents who live in public housing, I want to remind our colleagues that a third of our residents are elderly. They are elderly. Local police officers do not patrol public housing. So if one does not support this amendment, one is really also in fact allowing thousands of elderly people to live in unsafe environments. How ironic, Mr. Chairman, that as my colleague so eloquently laid out and so clearly laid out, my colleague from Florida, how this Congress will support billions of dollars to be spent on drug interdiction in Colombia and in Peru, a policy that many of us know does nothing to stop drug abuse in this country, but this Congress just this week sent a message and now again, unless we support this amendment, will be sending another message, unfortunately, that we do not support a few hundred million dollars for drug elimination and patrol right here in our own country, in our own communities.

This is just downright wrong. This hypocrisy is really unjustified. I do not know how my colleagues go home and explain this to their constituents. I just do not know how they do it.

Mr. Chairman, I want to reiterate also that this bill cuts a total of over $1.7 billion from our national housing programs. This is no time to cut any funds to the HUD budget, because the Federal Government of the richest country in the world should and must provide a safety net at least for decent and safe shelter. When the richest country in the world has a growing homeless population, a working population where individuals work sometimes 80 hours a week to afford just a modest place to live, not spending valuable quality time with their children and families, then we really are not that rich after all.

This is really not the time to cut in real terms funding for community development block grants and home formula grants and public housing capital funds and, now, the drug elimination program. This whole budget really is a sham and a shell game, and it is a disgrace. It places this $2 trillion plus tax cut for the wealthy square on the backs of the homeless, public housing residents, the working poor. It is a real cynical ploy I think to pit all of these groups against each other so that they cannot come together and demand that this Congress finally stand up for them.

□ 1100

They do not have a lot of lobbyists here. Our public housing residents may not have one representative here to really look out for them the way that they should.

But I thank the gentlewoman from Ohio (Ms. KAPTUR) and Members here today who are fighting drugs in our own country by fighting to restore this drug elimination program. It makes more sense than sending the money to Colombia and Peru for anti-narcotics efforts that really are not working.

Mr. Chairman, this VA–HUD bill cuts $493 million from public housing programs including the complete elimination of the Public Housing Drug Elimination Program. It is just another example of how short sighted—both in terms of policy and funding—this bill really is. I thank my colleague from Ohio for offering this amendment and for her leadership.

Mr. Chairman, let me remind you that one third of all residents who live in public housing are elderly. Local police officers do not patrol public housing. If you do not support the Kaptur amendment, you are in fact also allowing thousands of elderly people to live in unsafe environments.

How ironic, Mr. Chairman, as my colleague from Florida so eloquently and clearly laid out that this Congress will support billions to be spent on drug interdiction in Colombia and Peru—a policy that many know does nothing to stop drug abuse in this country—but this Congress will not support a few hundred million for drug elimination and patrol right here in our own country. This hypocrisy is unjustified and wrong and I don't know how you explain this back home

Mr. Chairman, I reiterate, this bill cuts $1.7 billion from our national housing programs.

This is no time for any cuts to the HUD budget because the federal government of the richest country in the world must provide a safety net, at the very least, of decent and safe shelter. When the richest country in the world has a growing homeless population and a working population where individuals must work 80 hours a week to afford a modest place to live, not spending valuable quality time with their children and families, then we really aren't that rich after all.

This is not the time to cut in real terms the Community Development Block Grant, HOME formula grants, and public housing capital funds and the Drug Elimination Program. This budget is a sham and a shell game. This bill places the $2 trillion plus tax cut, of which working families will see pennies on the dollar of the tax cuts realized for the wealthy, square on the backs of the homeless, working poor, middle income, and public housing residents. It is a cynical ploy to pit these groups against each other. Fighting drugs in our own country makes more sense to me than sending billions to Colombia for anti-narcotics efforts that are not working. Support the Kaptur amendment.

Mrs. JONES of Ohio. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Chairman, I failed to mention, and I thank the gentlewoman from California for yielding, that before I came to Congress, our district was represented by the Honorable Lewis Stokes. Congressman Stokes made a huge effort to see that public housing had the funding that it needed.

One of his real reasons for doing so was the fact that both he and his brother, the former mayor, Carl Stokes, former Ambassador Stokes, were both raised in public housing. At the public housing unit in Cuyahoga County, they made a museum to Carl and Lewis Stokes for the work that they had done in that community, where their mother by herself raised two young men.

We have to think about it like this, there may be another Carl and Lewis Stokes actually residing in public housing across this country. If we do not continue to fund a program such as this so that they can be inspired, so they can have an opportunity to live in a community that is free of drugs, we may be in a dilemma that we do not want to find ourselves in.

Again, I plead to my colleagues to listen to what we are saying, to listen to people who have experience and background and knowledge of what is going on in public housing.

The other thing I plead with them is to not get so caught up to say that the people here do not know what they are talking about, or our function is in a different direction, or our assignment is in a different direction. Our assignment as public officials is to do all on behalf of all the residents of the United States.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I have listened to the debate, and I am here for amendments that I intend to offer, but I captured from the collective voices that are raised that we do not want to go back. I rise to support the amendment of the gentlewoman from Ohio (Ms. KAPTUR), hoping that this Congress does not take us back 10, 15, 20 years.

As we watched the Department of Housing and Urban Development mature and grow in the last 8 years, we saw its vision was a corrective vision, focusing on distressed housing, rebuilding and providing opportunities for mixed units so seniors and single parents and others could live together in harmony.

We watched as we rebuilt not only Northern facilities but Southern facilities. We watched as we recognized that public housing has no neighborhood. It is in the South, the North, the East, and the West.

Now I come to find out that for some reason that the collective voices of the

majority believe that our public housing developments, which I have come to know not as projects but as public housing developments, are not neighborhoods.

When I served on the Houston City Council, the public housing developments in my jurisdiction, which was city wide, became my neighborhoods. We worked together to plant community gardens. We talked about after-school programs in the housing developments for the children there. We began to talk about transit systems that would address the needs of the children in the housing developments. In fact, in one of mine, we have a partnership between the Department of Education and a school on the grounds of that public housing development that is one of the best in the city.

What is missing in the vision or the concept of the majority on this idea of eliminating these drug enforcement programs is the fact that these are wholesale entities onto themselves. The Federal Government is the landlord, so in order to make it better, the landlord must provide policing, it must provide extracurricular activities, transportation, rehabilitation, and certainly, it must be able to provide the protection of those residents who live there against drugs.

In my community alone, 3,394 units of public housing will be impacted and 7,840 persons and 799 senior citizens. Multiply that minimally by 200 districts and we see the millions and millions of people that will be impacted.

It is my hope that this amendment passes, not because this is a tension between majority and minority, but because it is the right thing to do; that we made a mistake, that we are misdirected by taking monies and gutting, zeroing out a program that involves crime prevention, law enforcement, security, intervention, investigation, improvements in tenant patrols, treatment, and other activities geared toward cleaning up our neighborhoods, which happen to be public housing.

I believe this is a very, very vital program. I would ask that my colleagues protect this program. If there is fraud in this program, we do not throw the baby out with the bath water. We fix what is broken and we provide the opportunity for this program to work.

Mr. Chairman, I would inquire of the gentlewoman, she is from Ohio, I am from Texas, and I would ask her to explain that this is a regional program and will hurt all of us across the country as we attempt to clean up drugs in these housing developments, creating safe neighborhoods. This is what the vision of this Congress should be.

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I want to thank the gentlewoman from Texas for yielding.

To reaffirm what she has said with me here today, I have documents from over 1,100 public housing authorities in our country and their neighborhoods that are benefiting from this program. Members should know and should check their own districts prior to voting on this amendment. It serves America coast-to-coast. It has made our communities more beautiful and safer places in which to live. It saves lives every day. I thank the gentlewoman for asking for that clarification.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Chairman, let me join the leadership of the ranking member. I appreciate his leadership on these many, many issues.

Mr. Chairman, I ask this Congress today to make a stand for not taking us back, I do not want to go back, and creating a vision of America that assumes that those who live in public housing developments are our neighbors, as well, and would want to have clean and safe places to live, and want the degradation of drugs to be taken away from them, lifted up from them so children can grow, elderly can be safe, and families can thrive.

I ask my colleagues to envision a future where all of us are united behind a new day, and that we vote for this amendment.

Mr. RANGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

Mr. Chairman, I come from a city that I am so proud of, but we have more than our share of problems when it comes to crime and drug addiction. The reason I have such a heavy heart is because from these poor communities, those that have access to a decent education and are able to get the tools to be able to negotiate through life, some have been able to make some major contributions to our communities, our city, our State, and indeed, our country. So many of us that come from these very same communities have been able to have the privilege to serve right here in the House of Representatives. I have heard a lot of that testimony here today.

One of the greatest things in being an American is not how much money one has, not how much wealth one has, but how much hope one has. When one comes from a poor community and is forced, through racism and economic circumstances, to see poverty every day, and one does not have hope nor believe one has an opportunity to get out of it, then sometimes one looks at drugs and abuses drugs and alcohol, figuring that one has nothing to lose.

Our young people really deserve better than that. That is what these programs are all about, to give kids enough hope to know that there is something to lose by making the mistakes and abusing drugs.

Mr. Chairman, I cannot understand why this great Nation and this Congress is prepared year after year to invest billions of dollars in the building of jails and penitentiaries, and yet refuses to recognize not only the money that we would be saving in education and prevention, but the contribution we are making to our great country by increasing the productivity, increasing the competition. If we say that we respect the people living in public housing, why can we not give them the support that they need in the communities to make certain that the kids can have a productive life?

These are rough times that we are going through because the majority has seen fit to rely on a $1.3 tax cut, and more is coming. But what good is the tax cut if we are not certain that we are going to be able to maintain economic growth? How can we do this unless we know that the workplace is going to be as productive as it can be, and how can we have this if we know that this great Nation of ours has more people locked up in jail per capita than any nation in the world and that 80 percent of the people who are locked up are there for drug- and alcohol-related crimes and that most all of these crimes are not crimes of violence but crimes where people have abused their own bodies?

So it seems to me that we all can be better Americans and better legislators if we could leave here knowing that we supported legislation to provide the resources to allow our young people to know that there are higher dreams, there are better opportunities than abusing drugs.

I congratulate all of those who have come to the well to try to convince us that we should leave here today saying that we have restored the money to the program.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of the amendment of my colleague from Ohio, to restore the Public Housing Drug Elimination Grant. I am dumbfounded as to why the President and my Republican colleagues would eliminate this program, which has proved to be an effective tool at combating drugs in public housing communities.

My colleagues, Public Housing faces a devastating cut of $494 million in cuts in this bill. The modest Kaptur amendment would restore funding to the Public Housing Drug Elimination Program. I cannot understand, Mr. Chairman, how this Congress can justify providing nearly $2 trillion to fight drugs in Colombia and yet provide nothing to fight drugs and crime in public housing communities here at home.

Sadly, Mr. Chairman, the public housing communities in all our districts have become a magnet for the purveyors of drugs and death. The Drug Elimination Program has been like a beacon in these communities helping authorities to eliminate drug-related crime. In addition

to being used to pay for law enforcement personnel and investigators, it has been used for the development of drug abuse prevention programs that employ residents of public housing, as well as to provide physical improvements that increase security such as lighting and tenant support patrols. Indeed, the residents of public housing communities in the Virgin Islands have benefited from this program and will be hurt if it is eliminated as the underlying bill proposes to do.

I urge my colleagues to support the Kaptur amendment. If you support the residents of public housing communities in your districts having a safe, crime-free place to live, then you must support this amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I am compelled to speak on the issue of drug elimination in public housing given the many public housing units in my district and the need to address my constituents' concerns regarding drug trafficking. I am here to support Representative KAPTUR's amendment. It is imperative that we in Congress pay more than lip service to the notion of truly attempting to eradicate drugs and violence in public housing.

Throughout my congressional district there are numerous public housing unit residents who are pleading for help and relief of violence and criminal acts. And I can tell you that those residents want to experience safe and secure lives devoid of drug traffickers and violence. However, it is puzzling to me that my colleagues in the majority fail to see the merits of providing for others what they routinely experience—safe and secure neighborhoods oftimes devoid of drug trafficking.

We need to be supporting residents of public housing by providing the funds necessary to eliminate the insidious impact of drug use, abuse, and trafficking. It appears that conservative compassion is nowhere to be found on this issue. I call upon my colleagues to support the Kaptur amendment.

Mr. ENGEL. Mr. Chairman, I rise today to support the gentlelady's amendment to restore funding for the Public Housing Drug Elimination Program. I appreciate her compassion, thoughtfulness, and leadership on this important issue.

However, I must reluctantly oppose the bill. I know my good friend, the Chairman, has worked very hard to produce a bill. He is a good man and I cast no stones toward him today. I will just say that this bill wasn't given any where near the proper funding required to meet the pressing needs of public housing, veterans, environmental protection and research. In fact, the President didn't request nearly enough money for the programs in the HUD portion.

The committee's website states this bill increases the HUD budget $1.4 billion over FY01, bringing FY02 funding to $30 billion. Yet, even at that level it is $509 million below the President's request. After factoring out the budgetary impact of rescissions in funding, the bill actually provides just $449 million or 1.5 percent more than comparable FY2001 appropriations and $285 million—1 percent more than the request.

The bill before us cuts funding for public housing modernization by 15 percent, community development block grants by 6 percent and homeless assistance by 9 percent. It eliminates funding for public-housing drug-elimination grants, rural housing and economic development, and empowerment zones and enterprise communities. This is just unacceptable.

This bill cuts $445 million from the Capital Fund. Just weeks ago, I attempted to offer an amendment to the FY01 supplemental bill to provide additional funding to assist those in public housing with their rising utility costs. I said then that Public Housing Authorities were raiding their Capital Funds to pay utility costs. Now, we have a bill before us that takes more money from the Capital Funds.

I also take issue with the complete decimation of the Drug Elimination Program. For years, I have heard complaints that Public Housing was infested with drug dealers—I heard this from residents and from my colleagues on the other side of the aisle. As a result, we created a program to dedicate funds to hire police and get rid of drug dealers. It is very successful. What happens? In comes the new administration and they need to hold to their budget numbers so they propose killing it. The majority says that Public Housing Authorities can use their operating funds for drug elimination—but those funds are empty because of the utility bills. I feel like we are going in circles!

I looked for a way to boost funding in the public housing budget. But where would I find it? The other agencies in this bill are just as starved for funding and just as worthy. I will not steal from Peter to pay Paul.

Finally, I want to take a minute to talk about the perception of public housing. For too long, Congress has looked upon public housing residents as second class citizens. We continue to have the outrageous requirement that residents of public housing do community service. Do we ask that of people who take the mortgage interest tax deduction? Do we require the CEO of the major defense contractors to spend 3 hours a week in community service? No, and we never will. I am a product of public housing. Many of the other members of this body from New York City are products of public housing. We should celebrate the success that is public housing. Instead, with this bill we condemn it.

Mr. Chairman, this bill needs billions more. Billions that would be available were it not for the irresponsible tax cut just passed. This is a shame. We should do better. But, instead we have acquiesced our priorities to those of the new administration. The new administration has made it clear—it is more important to give rich Americans a tax cut than meeting our responsibilities to residents of public housing. That is why there is inadequate funds for this bill today.

I urge my colleagues to vote against this bill.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) will be postponed.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from New York (Mr. WALSH), the chairman of the subcommittee, and also with my friend, the gentleman from Pennsylvania (Mr. FATTAH), who is also a member of the subcommittee, on language in the bill that will reduce the defined reserves available to individual public housing authorities for administering their tenant-based section 8 programs.

During full committee consideration of the bill, the gentleman from Pennsylvania and I expressed some concern that without the cushion of a guaranteed reserve beyond a single month, public housing authorities, when they seek to avoid running out of money before the end of the year, might less aggressively pursue full utilization of their allocation of vouchers.

I understand the committee's intention, through this language, to reduce the amount of unused budget authority that has resided in the section 8 reserve account. I hope to be able to continue talking with the subcommittee chairman between now and conference about ways to accomplish this goal without reducing the ability of public housing authorities to access the funding that is necessary to ensure that housing for families is not put in jeopardy.

In the meantime, I hope we can clarify for the record what is the committee's intent exactly with regard to the language in the bill.

Mr. FATTAH. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I want to join the gentleman from North Carolina in again expressing concern about the possible effect of the language in the bill on the availability of supplemental funding for public housing authorities, who, due to unforeseen circumstances, exhaust their 1-month reserves.

I would like to ask the gentleman from New York, the distinguished chairman of the subcommittee, if it is the committee's intention that the language in the bill should have no practical affect on the ability of public housing authorities to aggressively pursue maximum utilization of section 8 vouchers within the regulatory guidelines.

Further, I would like to ask the gentleman if it is the committee's intention that HUD should provide additional resources to any public housing authority that exhausts its allocated reserves due to unforeseen circumstances.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from New York.

Mr. WALSH. I would be happy to respond to the gentleman, Mr. Chairman.

Certainly it is not the Committee's intent, nor do I believe this action will have any negative impact on the ability of public housing authorities to fully utilize their vouchers. It is my understanding that less than $46 million of the $1.3 billion in reserve funding was used last year.

□ 1115

I assure the gentleman that it is the Committee's intention that any public housing authority which exhausts its funds be given additional funds to ensure that its legitimate needs are met.

In fact, I have a letter from the Deputy Secretary which indicates that HUD will continue its long-standing policy to provide any public housing authority that has exhausted its funds for legitimate needs with whatever funding is necessary to ensure that all families currently served retain their assistance

Mr. PRICE of North Carolina. Reclaiming my time, Mr. Chairman, I thank the gentleman from New York for his helpful clarification of the committee's intent. I, too, have seen that letter from the Deputy Secretary and am somewhat reassured by the commitment that letter makes.

I am still a bit concerned, however, about how the bill's statutory reduction in the amount of reserves available to individual public housing authorities might in practice affect their ability to gain access to additional resources for legitimate needs.

I still hope we can come up with another solution that would provide a firmer guarantee to public housing authorities before the conference bill is finalized. But I do appreciate the gentleman's description of the committee's intent, and I look forward to talking further about this issue with both the gentleman from New York and the gentleman from Pennsylvania.

Whatever we do, we do not want to have our public housing authorities stopping short of providing as much housing as they possibly can to people in need.

Mr. FATTAH. Mr. Chairman, will the gentleman continue to yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I would also like to thank my chairman and also the gentleman from North Carolina for their interest in this matter, and I also look forward to further discussions as we approach conference on this bill. So I thank the gentleman for yielding.

Mr. PRICE of North Carolina. I thank the gentleman.

AMENDMENT NO. 45 OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 45 offered by Mr. BONIOR:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. **[-]**. None of the funds appropriated by this Act may be used to delay the national primary drinking water regulation for Arsenic published on January 22, 2001, in the Federal Register (66 Fed.Reg. pages 6976 through 7066, amending parts 141 through 142 of title 40 of the Code of Federal Regulations) or to propose or finalize a rule to increase the levels of arsenic in drinking water permitted under that regulation.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 60 minutes, to be equally divided and controlled by the proponent and the opponent, myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. BONIOR) is recognized for 30 minutes.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, years ago, Agatha Christie wrote a story of a wedding cake that was laced with arsenic. It took the world's greatest detective to untangle the mystery and to expose the culprit. Well, today's arsenic threat is not fiction, it is real, and it is no mystery. We do not need a brilliant detective to figure out the danger that this poses to the American people. We cannot continue to allow arsenic to poison America's drinking water.

The scientific evidence, Mr. Chairman, is beyond dispute. The National Academy of Science has determined that current drinking water standards are exposing millions of Americans to dangerous levels of cancer-causing arsenic. Recent tests show that in my home State of Michigan we have roughly 450 wells out of 3,000 community wells that feed drinking water to 376,000 people in my State that have high contaminants of arsenic in them.

There is one family that came to Washington very recently to describe the pain they are having, the Burr family. I met Katherine Burr a few months ago. She told me about her little boy, Richard. This boy, this baby, was born at 9 pounds, a healthy baby, but it struggled to keep baby formula down. The doctors did not know what to make of it. Four years later, Richard weighed 18 pounds, and his bones refused to harden. At age 10, he weighed 48 pounds, only half the normal weight of children his age.

His parents were desperate to find out what was going wrong here, and so they turned to another doctor. He suggested they test their drinking water. Of course, it was laced with arsenic. He had essentially been drinking a diluted form of rat poison for a decade. When they took him off, his health started to be restored somewhat. But who knows what lies ahead for Richard down the road.

Now the Bush White House is telling the Burr and millions of other Americans that it will block the tough new arsenic standards established in January. We have had 25 years of research on this. Twenty-five years. This original standard goes back to 1942, almost 60 years ago. We need to move forward.

This is not an isolated problem. A look at this map reveals arsenic concentrations in America. It reflects high levels of arsenic in major populated areas, such as California, New York, Michigan, Minnesota, Ohio, Illinois, North Carolina, and a whole host of other States, Utah, throughout this Nation. We all know that Americans may disagree on a lot of things, but drinking arsenic, Mr. Chairman, is not one of them. When we turn on the kitchen sink, we ought to be able to drink what comes out without worrying about being poisoned or poisoning our family.

This amendment which I am sponsoring with my colleagues, the gentleman from California (Mr. WAXMAN), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Ohio (Mr. BROWN), the gentleman from Michigan (Mr. KILDEE), and many, many others, will prevent this weakening or delaying of tough new standards on arsenic in our water.

I want to show my colleagues one other chart, if I might. Take a look at this chart. Arsenic and drinking water, 10 parts per billion. Most of the developed world has 10 parts per billion, most of the European Union countries, and, in addition to that, Australia, Mongolia, and there are a few others, Namibia, Syria, and a few other places around the world as well. At 50 parts per billion, Bangladesh, Bolivia, China, Indonesia, and the United States. We need to protect our citizens much better than we have.

Ultimately, doing this amendment will help people like the Burr family and protect communities across this country for generations to come. I urge my colleagues to vote ''yes'' on this amendment. Let us set a high standard for America's drinking water and give American families both peace of mind and healthier lives.

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

Mr. WALSH. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 30 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

I would like to make this as clear as I can at the beginning of the debate.

This amendment changes nothing. And, by the way, this is a rider. We try diligently to keep riders off of the appropriations bills. It is a legislative rider. I have heard the gentleman who is offering this amendment rail against riders in the past. This is a legislative rider to the bill; and if it were enacted, it would be the only legislative rider in the bill. So I would urge Members who oppose riders in general to oppose this amendment.

Having said that, whether or not this rider is passed, nothing changes. The law requires that the compliance date is 2006 for the standard for arsenic, regardless of when the rule is promulgated. So whether the standard that the Clinton Administration suggested in the late hours of its administration or the standard that current law requires is promulgated, neither will have to be complied with until the year 2006.

Let me just talk about the substance of the issue a little bit. Arsenic is a naturally occurring contaminant present in drinking water in 3,700 mostly small communities, particularly in the West. The Administration is updating the standard for arsenic to provide safe and affordable drinking water for all Americans. EPA recently began a review of the new arsenic standard that was issued just days before the end of the Clinton Administration to ensure that the standard is based on sound science, accurate cost estimates and is achievable for small communities.

The real concern here, obviously, is the health of Americans and the cost of promulgating a new compliance standard and implementing that standard in each and every town across the United States. And just to give my colleagues an idea what the impact is on small communities, 97 percent of those 3,700 systems affected by this rule are communities serving less than 10,000 people.

Treating water to remove arsenic is much more expensive for small communities than for large systems. The annual cost per household in small communities are projected to range up to $327 to comply with the regulatory level. Just to give an idea of the degree of difficulty for communities, we put in a small rural drinking water system in south Onondaga County, in my county. Just to provide water for those individuals, a public water system, it cost them over $300 annually just to get the water, to get the pipeline laid and to do the work. In addition, they will have to pay, obviously, for their consumption.

So to comply with the standard that is proposed under this legislative rider would cost towns and individuals as much as it would cost just to have water. So it doubles the cost, in effect, for water.

EPA's Small Community Advisory Committee recommended a level of no lower than 20 parts per billion, in part because of the potentially high cost of the rule. Additionally, time is needed to fully understand the magnitude of the impact of the standard on small communities. EPA has asked the National Drinking Water Advisory Council to review economic issues associated with the standard. The same organization will consider differences between EPA's cost estimates and those developed by the American Water Works Association Research Foundation.

EPA has estimated the cost of compliance of the rule at $180 million to $205 million per year, significantly different than AWWARF's October 2000, estimate of $690 million. Stakeholders will be provided the full opportunity to review and comment at each step of the review process.

The Safe Drinking Water Act of EPA required EPA to revise the existing 50 parts per billion standard for arsenic in drinking water by January 2001. Last year, Congress extended the deadline for the arsenic rule until June 22, 2001, allowing additional time to develop the final rule. In January 2001, EPA published a new standard for arsenic in drinking water that requires public water supplies to reduce arsenic to 10 parts per billion by 2006. On May 22, 2001, EPA delayed the rule's effective date until February 2002, to provide time for further review.

During May to August of 2001 the EPA is seeking outside expert review of the cost and the science underlying the arsenic standard. The expert panel will review health effect issues, cost issues, and benefit analysis.

We need to have good science. We need to make sure that the standard that is developed and that communities are forced to comply with meets all of those goals, health effect issues, cost issues, benefit analysis and estimates issues.

We all agree that we need safe drinking water. This bill provides hundreds of millions of dollars across the country, in my home State, in the home State of my colleague from West Virginia, in literally every State. Every Member in this body is committed to clean water and safe water in the strictest of standards. But those standards have to be determined by good science. Let us give the EPA the opportunity to develop and promulgate a proper rule based on good science.

But, remember, my colleagues, whether or not this legislative rider is attached to this bill, and I urge my colleagues not to do that, it will change nothing until 2006. So I urge that we reject this amendment and keep this legislative rider off of this bill.

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

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume just to answer the last assertion by the distinguished gentleman from New York about not changing anything until 2006.

□ 1130

That was, in fact, not correct. The new standard was to become effective on March 23, 2001. It would have taken effect immediately, Mr. Chairman, but it allowed eight water systems up until 2006 to install the necessary treatment facilities.

So that statement that the gentleman from New York (Mr. WALSH) has given us is not correct. It will take effect immediately but will allow people up to 2006 to install the facilities. We have waited 25 years for this 60-year-old standard to be lowered to get us in compliance with the rest of the civilized world that recognizes the poison's terrible effect that arsenic has on the human bodies. We are talking about skin cancer, lung cancer, bladder cancer, kidney problems. This is serious, serious stuff. Exponentially, the rate of incidence for these type of illnesses go up dramatically when we go over 10 parts per billion.

I urge my colleagues to look at the science and the data on this and vote accordingly.

Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WAXMAN) on this amendment.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding time to me. I rise to urge a yes vote on this effort to get arsenic out of our drinking water.

It seems to me there could be two reasons for opposing this amendment. If one thinks arsenic in drinking water is a good thing, that would be a legitimate reason to vote against this effort. But I have not heard anyone make that argument.

If there is one thing we all seem to agree on is that we do not want arsenic in our drinking water. It is an extremely potent human carcinogen and it causes lung, bladder, and skin cancer and is linked to liver and kidney cancer. It is this simple: arsenic is a killer.

The second argument one could make against this amendment is that we need more science and that we are rushing a decision. One could make that argument, but the record shows this is not true.

Let me relate the brief history of this problem. For over 50 years, we had a woefully outdated drinking water standard for arsenic. Then in 1996, the House voted unanimously to require EPA to update the arsenic standard for drinking water. We required that EPA act by 2001. Finally in January, 2001 EPA set a new standard for arsenic at 10 parts per billion. Public health and environmental groups thought the standards should be lower. States suggested lower standards as well. Even Christie Todd Whitman had supported the standard at half this level when she was Governor of New Jersey. But EPA

decided to stick to 10 parts per billion because the science supported it and it was a commonsense number.

This was the same standard adopted by the World Health Organization and the European Union. This amendment is based on good science and a comprehensive record and it accomplishes a comminutions goal. It reduces the amount of arsenic in our drinking water. In addition, we know that no major water company trade association has challenged the rule. In fact, the California/Nevada section of the American Water Works Association has written in strong support of the new arsenic standard.

We can have safe water at a reasonable cost all across the country. I think it is our obligation as a Congress to do that. That is what this amendment will do. I urge my colleagues to vote for the Bonior-Waxman-Obey-Brown-Kildee amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 5½ minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I rise in opposition to this amendment because it is wrong and based on bad science. This has nothing to do with politics here in Washington. It has everything to do with public health in the American West.

The Environmental Protection Agency proposed to reduce the arsenic standard in water from 50 parts per billion to something lower. Then right at the last moment before the change in administrations, they set that level at 10 parts per billion. I think it is important to start out by understanding what small amount we are talking about. A part per billion means nothing to me. But this is what it is: in 32 years' time we are talking about the difference between 10 seconds and 50 seconds. That is the kind of levels we are talking about, detecting what the public health effects are in that small a difference.

The fact is we know very little about the effects of arsenic on people at low levels. It is broadly acknowledged that high levels of arsenic cause cancer. But we do not know what happens at low levels of arsenic. There is a terrible public health consequence that will affect rural water systems.

The EPA estimates that there are 3,500 rural water systems that would be effected by this. It is not about the timber industry. It is not about mining. It is about naturally occurring arsenic in the West. Arsenic is organic in the soil in the West because of our volcanic soils. In the State of New Mexico we have about 150 rural water systems where the naturally occurring arsenic level is about 10 parts per billion but below the current standard. They are in small parts, small communities all over New Mexico.

The gentleman wants to ignore the lack of scientific evidence at low levels of arsenic and just impose this rule without reviewing it. Guess what that means for me in New Mexico? That means the rural water system in San Ysidro, New Mexico will have to take out a loan of $2 million in order to meet the new standard. There are only 80 families served by that water system.

What that means is they are going to lose their rural water supply in San Ysidro, in Placitas, in Alto, in Cloudcroft. That does not help public health. The thing that is inexplicable about this is we have been living in New Mexico for hundreds and hundreds of years, and yet we have disproportionately low occurrences of the diseases associated with arsenic.

It is naturally occurring in our water and our soil, and yet the things that people are afraid of we have less of in New Mexico than in other parts of the country where there is no arsenic.

When I get up in the morning, I take vitamins. I take vitamins with iron. Most women do. If my daughter were to get into my vitamin bottle and take a lot of those vitamins, she could get really sick. But at low levels, they are healthy and we need them to survive.

We do not know what the health affects are of arsenic in very low levels. We do know that if we set that standard so low, we will force rural water systems to close and we will go back to having untreated water with wells.

There have been a number of scientific studies, some of which are selectively used by the Environmental Protection Agency. Most of them were done abroad. Very few of them deal with arsenic at low levels. There was only one in the State of Utah that looked at naturally occurring organic arsenic and the effect on the population. And while it was a small study, the only one funded by EPA in creating this rule, they ignored it because it was a small population. And yet the results showed that in that town in Utah, even though they have high levels of naturally occurring arsenic, they have very low levels of the diseases associated with arsenic and have for generations.

Mr. Chairman, it does not make any sense. That is why it does make sense to look at the science behind the rules.

Now, we think 20 parts per billion, 10 parts per billion, it does not make a big difference. But it does. It costs twice as much in capital costs to set up a water plant to treat down to 10 parts per billion as it does to 20. In my State of New Mexico, we are talking about a minimum of $300 million in capital investment, and then it costs more to take care of the water and operate it.

In closing, Mr. Chairman, I would like to read a letter from a gentleman in Cloudcroft, New Mexico. It says,

> I am the president, water boss, chief hole digger, fixer of leaks, certified small system operator of Silver Springs Water Association located near Cloudcroft, New Mexico. We are in the Lincoln National Forest, Sacramento Mountains at an elevation of about 9000 feet. We have no landfills, junk yards, Mafia burial grounds, large cemeteries, nuclear reactors, industry of any kind, sewage disposal plants, or anything which is a threat to our drinking water. Rain falls on our forests, trickles down into cracks and crevices and replenishes our water table. We gather our water from a spring and distribute it to about 25 homes. Before us, the Mescalero Apache Indians did the same.

Mr. Chairman, this is a wrong-headed amendment for policy reasons, and I urge that this House reject it.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I could respond to the comments of the gentlewoman from New Mexico (Mrs. WILSON), number one, the difference in the number of people that are affected between 10 and 20 parts per billion in the State of New Mexico is about 78,000 individuals in that State. The National Academy of Sciences said that drinking water at the current EPA standard could easily result in a total fatal cancer risk of 1 in 100. That is a cancer risk 10,000 times higher than EPA allows for food.

In addition to that, what are we talking about in terms of this risk? We are talking about especially children and pregnant women being vulnerable. We are talking about bladder, lung, skin cancer, kidney, liver and other types of cancers, skin lesions, birth defects, reproduction problems.

Mr. Chairman, this is a real problem. That is why so many countries, so many jurisdictions around the world have moved to this standard of 10 parts per billion.

We have good science dictating that this is a level at which we should move to, as opposed to staying at the old 60-year standard of 50 parts per billion that has caused problems like that which I have recited on the floor affected the Burr family in my own State.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Chairman, I rise in strong support of this amendment to prevent any further delay or weakening in the arsenic standard for drinking water. As a Minnesotan and as a member of the Energy and Commerce subcommittee that deals with this particular issue, I wrote a letter to President Bush on this precise issue expressing my concerns over his failure to adhere to the lower standard in this area.

Mr. Chairman, we should not even be arguing about this issue today. Over 25 years of scientific research confirms the danger of arsenic. Arsenic is not a good thing. It is not a vitamin, as has been suggested here today, or alluded to.

It is a carcinogen that has been linked to many forms of cancer. As such, the dangers of arsenic warrant an

urgent response from our government, and the Bush administration's withdrawal of the revised rule is unnecessarily risking millions of Americans today.

Mr. Chairman, the bottom line is that the United States' standard for arsenic should not be amongst the worst in the world. Our country should, in fact, be a leader in the world. And there is simply no excuse for delay.

Mr. Chairman, I submit a copy of my letter to President Bush on this issue, and I urge a ''yes'' vote on this amendment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2001.

Hon. GEORGE W. BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I write this letter to express extreme concern over your Administration's decision to withdraw the recently revised standard for arsenic in America's drinking water. As a member of the Energy and Commerce Committee, which has jurisdiction over the Safe Drinking Water Act, I have requested a Congressional hearing on this matter.

In particular, I have two concerns about your Administration's decision. First, ample scientific evidence indicates that the finalized arsenic standard of 10 parts per billion (''ppb''), promulgated by the Clinton Administration, serves an important public health interest. Indeed, the current standard of 50 ppb was based upon data dating back to 1942; and water utilities, states, scientists, public health officials and environmentalists recommended a significant downward revision of this outdated standard. As I understand it, over 25 years of scientific research confirms the dangers of arsenic—a carcinogen that has been linked to lung, bladder, skin, liver, and kidney cancer—and warrants an urgent and expeditious response to improve the quality of our drinking water. As such, your Administration's withdrawal of the rule raises serious concerns about whether your decision jeopardizes the health of millions of Americans.

Second, Congress directed EPA to promulgate final standards on safe arsenic levels by January 1st of 2001 pursuant to the Safe Drinking Water Act Amendments of 1996. This deadline was extended to June 22nd, 2001, in the HUD/VA Conference Report for FY 2001. Consequently, your Administration's decision to withdraw the final rule is questionable legal fidelity. I would like to know how your Administration justifies its decision to ostensibly defy this legislative directive from Congress.

Mr. President, I look forward to a response from you on this important issue. In general, I believe that we can work together to resolve this issue in a bipartisan manner that best serves the public health interests of the American people.

Sincerely,

BILL LUTHER,
Member of Congress.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 4½ minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to the amendment. This Member urges his colleagues to look at the facts when it comes to the issue of arsenic in drinking water.

The Bush administration's re-examination of this matter has led to heated rhetoric, wild exaggerations, and sound-bite politics. It is important to get the full story and to listen to those who would have been most affected by the proposed changes.

□ 1145

Many State and local officials as well as water system administrators have expressed concerns about the unnecessary and extraordinary costs which could be caused by the proposed change to 10 parts per billion. Unlike what the gentleman from Minnesota said or implied, no one is suggesting arsenic in drinking water is good. It is a matter of how much we reduce the standards to what the costs and benefits are.

This Member would begin by clearly stating the obvious. Everyone recognizes the importance of providing safe drinking water to all of our Nation's citizens. Also, I will say this. Some change in the arsenic standard may well be justified. However, it makes sense, it is rational, to base these changes on sound science rather than on emotion. The sound science is simply not there to justify a change from 50 parts per billion to 10 parts per billion.

Mr. Chairman, as many of us now know, in the last-minute flurry of activism in the final days of the Clinton administration, a final rule was rushed through which would have reduced the acceptable arsenic level in drinking water from 50 parts per billion to 10 parts per billion. However, new EPA Administrator Christine Todd Whitman quite rationally later announced that the Agency would seek a scientific review of this standard before implementing a new rule. I think everybody understands that arsenic standard is going to come down, and it should.

The Bush administration has made it clear that the arsenic level will be significantly reduced, in fact. However, it wants the final rule to be based upon sound science. It certainly appears that the Clinton administration made a very arbitrary decision based upon questionable studies.

The EPA seems to dismiss the most comprehensive U.S. study on this matter. In 1999, a study in Utah involving more than 5,000 people failed to find an increased incidence of cancer associated with arsenic in drinking water.

I think it is helpful to note that any community in the country now has the authority to lower arsenic in drinking water if they wish. The reason communities have not lowered their levels to 10 parts per billion is that the health benefits have not been shown to justify the enormous costs.

The American Waterworks Association stated in comments last year, ''At a level of 10 parts per billion or lower, the health risk reduction benefits become vanishingly small as compared to the costs.'' The costs, however, are very real. The Association, which supports a reduction in the current arsenic standard, has estimated that the proposed rule would cost $600 million annually and require $5 billion in capital outlays.

The gentlewoman from New Mexico made the case about what had happened to her constituents in the State of New Mexico. My State is the most groundwater-dependent State in the Nation by a wide margin. Of 1,395 public water systems, only six or seven get any of their water from surface water sources. All the rest comes from groundwater. The result is that we put wells down that are not interconnected for treatment. Basically, our water is so good, with a few exceptions, we do not treat. We have no central point of treatment for groundwater that we use in our public water supplies. The costs to us are astronomical. The smaller the community, the larger the cost proportionally by a wide measure.

If there is a justification for moving to a lower standard, our communities will have to bite the bullet; and we will have to help them find a way to do that. But right now just to arbitrarily suggest money cannot be spent with respect to EPA's current examination when there is no sound science to suggest that it is reasonable to reduce it to 10 parts per billion does not make sense.

One of the claims that has been made about the arsenic problem is it is a result of mining. The arsenic in my State's water supply where it is found has nothing to do with mining. We basically have no mining. It is naturally occurring in our soils. Until lately, people in my district lived longer than any part of the country. La Jollans have passed us now, but we still, despite drinking some water that has arsenic levels relatively low in most areas and in other cases not quite as low as 10 parts per billion, it has not had an effect.

The standards that have been proposed here are not based upon good, sound science. I urge defeat of the amendment.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that this science argument that is being raised, I want to point out to the Members that it was a unanimous decision by the National Academy of Sciences to go to this safer level. This is based on 25 years of science.

Let me also say that for the vast majority affected by this high level of arsenic in their water, over 90 percent, the remedial cost of removing it is about $3 a month. What a price to pay for the knowledge and the peace of mind and the safety of one's family. It seems to me it is a reasonable thing to do.

With the cost of this, Mr. Chairman, with regard to our own fund to deal

with cleaning our drinking water, we appropriated 800 and some million dollars last year to do that. We have a bill, H.R. 1413 right now, that would assist to improve public water systems, would be doubled to $2 billion annually. It has 174 Members who have sponsored that bill. I would urge my colleagues and the leadership on the other side of the aisle to schedule it for floor action.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I am happy to say that I have two healthy sons. When you look at your kids when they are newborn and you ask yourself, what do you want for them, what you conclude is that you want them to be able to go to a good school, you want them to be able to get a good job, you want them to be able to find a good life's partner, and you hope to God that they live long, happy, healthy lives.

The little things mean a lot. People talk about security for your families. The number one thing you want to know in your own home is that when you turn on that tap water, it is safe, it is reliable, it is not going to do any long-term damage. And people really do not know, they just count on their public authorities to keep their kids from harm. That is what this amendment is trying to do, plain and simple.

You have a choice. You can recognize the standards that were recommended by the scientific community, or you can decide you are going to stick by an outmoded standard which has been on the books since 1942. To any of you who are about to have children or grandchildren, I would suggest that is not even a close call. The Bonior amendment is clearly in the interest of public health, public safety. It is clearly in the interest of every single child and every single family in America.

When people prattle on in political debates about family values, I would suggest that this is a family value that ought to be put at the top of the list. Keeping every kid safe when they pick up a glass of water or when they go to a hamburger stand and get a hamburger or when they walk into a restaurant and get a glass of water, those are the basic issues that really account for quality in life. That is what the gentleman from Michigan is trying to say with this amendment. I am proud to cosponsor it with him. I would urge the House to adopt the amendment.

Mr. WALSH. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BOEHLERT), chairman of the Committee on Science.

Mr. BOEHLERT. I thank the gentleman for yielding me this time.

Mr. Chairman, let me start with a basic proposition on which I think we can all agree. Arsenic is not very good for us. Ever since I first read ''Arsenic and Old Lace'' as a kid, I made up my mind I was going to try to avoid it as much as possible throughout the rest of my life. I am absolutely convinced that arsenic would not appear on Martha Stewart's ''It's a Good Thing'' list. That I think we can all agree with.

But in my capacity as chairman of the Committee on Science, I would like to go over a little history. In 1999, the National Academy of Sciences issued a report on the safety of arsenic in drinking water. The Academy concluded that the arsenic standard for drinking water that we have had for the past 50 years was too high to ensure public safety and should come down as soon as possible. That standard was 50 parts per billion.

On January 22 of this year, the previous administration issued a regulation to lower the arsenic standard to 10 parts per billion and for the new standard to go into effect by the year 2006. The fact that the regulation was issued on the last day of the previous administration in and of itself does not necessarily mean that the arsenic regulation was rushed. As a matter of fact, it has been cooking for a number of years. A number of people have been legitimately concerned about it.

But regulations issued so late in any administration create at least the appearance of being rushed. That maybe is not necessarily so. But when the new administration came in, the new chief of staff Andy Card immediately issued an order: Hold everything. If I was President, I would have said to Andy Card, if you did not issue that regulation, I would have called you to task, because we want to take a good look at all these regulations. Particularly, we want to look at those that were issued in the waning days of an administration. And so the pause was ordered.

I want to stress this point. Any review of regulations must be fair. It should not simply be an excuse to gut the regulation. I agree, the National Academy of Sciences was absolutely right. We have to lower the arsenic level in our water. Fifty parts per billion is hard for me to even comprehend what that really means in my everyday life as I draw a glass of water from the tap. But if the National Academy of Sciences says it is so, I believe them.

We are in a time where everyone likes to say they are for science-based decision-making until the scientific consensus leads to a politically inconvenient solution, and then we look for an alternative. I like the idea that we are focusing on science.

So I was very pleased when the Administrator of EPA, soon to be the Secretary of EPA, a well-deserved acknowledgment of the importance of that responsibility, when she, unlike, I must admit, a counterpart in the Department of Labor who tried to make us feel good when they rejected the ergonomics rule which I think should not have been rejected and said we are going to deal with it sometime in the future, we did not say sometime in the future, Secretary Whitman said right now, and she is doing it in a very thorough, a very methodical way. She has given us assurance that we are going to meet the same timetable as the Clinton administration wanted to meet, that is, have full compliance by the year 2006.

That makes sense to me. That says no inordinate delay.

She has made certain that we understand the full dimensions of the problem. We have a range of from 3 to 20 parts per billion, and the proposed regulation that will be forthcoming in a timely fashion to meet the deadline will fall within that range. It might actually be more reduction than some people have called for.

The whole point of this is this: Let us do it right. Let us not decide that it is going to be 10 parts per billion only to find out after this very timely and expedited review that it really should be 7 parts per billion. Shame on us if we did that.

So let us get it right the first time. I have the fullest confidence in the Secretary of the Environmental Protection Agency that she will do it right. I have the fullest confidence that we are dealing with science-based decision-making. That is the right way to go about it.

I will feel a lot more comfortable when this is behind us instead of pending. I share the view of my distinguished colleagues that are advancing this proposal that we have to deal with it in a timely, constructive manner and we have to deal with it so that it gets the issue behind us in a way that we can all point to with a great deal of pride.

I hope one day, when this regulation is issued, Martha Stewart will say, ''It's a good thing.''

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

I bet Martha Stewart does not drink 50 parts per billion of water. I think she is probably drinking out of a really nice container of filtered water.

But to my friend from New York, whom I do respect enormously on these issues, let me just say a couple of things quickly before I yield to my friend from Ohio.

Number one, this does not preclude the Administrator from going lower than 10 parts, so if she wanted to go to 7 parts per billion she could do that under this amendment.

The second thing I would point out is that there is a dangerous level between 10 and 20 parts per billion, and it seems from everything that we know already that the Administrator is going to have a range, anywhere from 20 down to whatever level she decides.

□ 1200

I would say to my friend from New York, that means that 246,000 people in

the State of New York will be at between that 10 and 20 parts per billion level, which the National Academy of Sciences in a unanimous vote in 1999 has said is not safe.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

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

Mr. BOEHLERT. Mr. Chairman, I want to protect the life of every single New Yorker because we have been losing population. We have been redistricted, we will go down two seats, and I do not want any New Yorker to go away. But I am just as much concerned with the people of Michigan as I am with New York.

Mr. BONIOR. Mr. Chairman, reclaiming my time, I appreciate that.

Mr. Chairman, I yield 3¼ minutes to the gentleman from Ohio (Mr. BROWN), a sponsor of the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Michigan for yielding me time.

Mr. Chairman, we obviously know this issue. In 1942, a standard was set of 50 parts per billion. Science in those days recognized that arsenic was dangerous, they recognized it was a toxic substance. We all knew that. We have seen the play and the movie.

In 1942, when arsenic was set at 50 parts per billion, we did not know so much about arsenic as a potent carcinogen that can cause bladder cancer and lung cancer and skin cancer. We did not know it had been linked to kidney and liver cancer. We did not know in 1942 that it can be linked to birth defects and reproductive problems. We know that today.

The World Health Organization has recommended that that number be brought to 10 parts per billion. The National Academy of Sciences has said the 50 parts per billion is much, much too high. State after State after State in this country has brought the number way down to 10 or less. The State of Washington has recommended a standard of 3 parts per billion. My State of Ohio has recommended a standard of 10 parts per billion. Massachusetts has supported a standard of 5 parts per billion. Alabama supported a standard of 10 parts per billion.

The gentleman from Michigan (Mr. BONIOR) mentioned the number of people in Michigan than in New York. In Ohio, 137,000 residents in my home State may be drinking water with arsenic above the levels recommended by the National Academy of Sciences. Also the World Health Organization, in State after State after State in this country.

We can choose to stay with the 1942 level, the level that was determined 49 years ago, the level that we would continue to share with Bangladesh, the People's Republic of China, Bolivia, and a host of other countries; or we can bring our standard to 10, still exceeded by some countries, some countries are still more strict than 10, but we can bring our levels to 10 and join most of the rest of the industrialized democratic world.

You sit here and think why would this administration want to keep it at 50? Why would this administration, even if it says it wants to bring it down, why would it delay what the EPA, after years of study recommended to come to 10, and you keep asking yourself why would this administration do that?

We have heard this song before, but the administration clearly does not want to bring the standard down. It has delayed the standard, will not come to 10, likely, because all you got to do is look at the kind of people that are influential in this White House.

On energy issues, the energy companies seem to have a major role to play in White House decision making. On the Patients' Bill of Rights, it is the insurance companies that seem to have a major role in policy in this administration. On prescription drug coverage for seniors, this administration, this Congress has done nothing substantive on this issue, likely because of the influence of the prescription drug companies, the big, huge drug firms in this country, the influence they have on the White House.

Look at this issue. When you look at why won't they bring the standard for arsenic down to 10 parts per billion, why are they delaying this. This Republican Party received $5.6 million from the mining companies, $9 million from the chemical companies.

Mr. Chairman, listen to the scientists. Do not listen to the political contributors. Listen to the scientists. Support the Bonior amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me time.

For those of my colleagues who seem lost in the haze of rhetoric that we have heard from the other side that seems to surround the issue of arsenic, let me say that arsenic has nothing to do with oil, it has nothing to do with prescription drugs. Arsenic is a naturally occurring component in groundwater, particularly in the Western States, like Nevada, the one I represent.

There are communities in my State that have 100 parts per billion naturally occurring arsenic in the water. People have been drinking it for 5 and 6 generations, living decades into their 80s and 90s, with no ill-effects, like my colleague from New Mexico has said, of the current indicators that have been heard about by the fact that arsenic exists there.

The gentleman from Michigan should know that local communities in the district that I represent in Nevada want nothing more than to provide safe drinking water for everyone, and especially to the citizens of their communities.

But the gentleman should also know that before these small communities in my district can go out and build $10 million and $20 million water treatment plants, they want assurance that the EPA's mandated arsenic standards are based on sound science and accurate costs and benefit analysis. I do not know if anyone can tell me whether it is trivalent or pentavalent arsenic which is the high component in anybody's water that has the effect they are talking about.

But, keep in mind, if we implement such strict standards, and it is of such importance, as it is to this administration as well, then why did the previous administration under Mr. Clinton put this in place on his way out the door, and not 8 years ago when he came in prior to that? If this was such an important issue, I do not know and I am not sure anyone knows why they did not implement the new standards 2, 3, 4, 5, 6, 7, 8 years ago.

Mr. Chairman, this administration is committed to a stricter arsenic standard, and I support the implementation of a stricter standard. Mayors in Nevada and small communities, who have high levels of arsenic in their water, support stricter standards. But meeting the 25 parts per billion standard will cost our small communities millions of dollars to comply with; meeting a 15 parts per billion standard will cost even more; and meeting stricter standards will virtually bankrupt every small community.

I commend Administrator Whitman for taking a good, hard look at the politically motivated standard put in place by the outgoing Clinton Administration. Certainly, we should not be undercutting the hard work that she and her agency has put into this important issue.

Let us allow the EPA to complete its science review of arsenic standards, and let us vote no on Mr. BONIOR'S amendment.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to my friend from Nevada, the Nevada-California American Water Works Association has fully supported the 10 parts per billion standard. So when the gentleman talks about local input, I would say his own State and this association is asking for what we are asking for in this matter. I would like to hear the gentleman's response, if the gentleman from New York (Mr. WALSH) will yield.

Mr. WALSH. Mr. Chairman, I yield ½ minute to the gentleman from Michigan (Mr. BONIOR).

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to my friend, the gentleman from Nevada.

Mr. GIBBONS. Mr. Chairman, I appreciate the gentleman's response to that. Certainly the California and Nevada Water Users Association has endorsed stricter standards, but the fact is that science does not tell us exactly at what level that standard should be and it has not looked at it from a cost-benefit analysis or operating cost.

They do want strict standards, they do want to lower it. As I have said, the mayors and all the water-user communities in my State want to have lower standards, but we also want the science to show exactly what standard we are going to and what the cost is going to be for these people.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time, and I certainly want to join my colleagues on this side of the aisle who have spoken in support of the gentleman's amendment to preclude this administration from weakening the arsenic standard.

The chairman of the subcommittee suggested that if this amendment passes, nothing changes. Oh, yes, something changes. What changes is we will stop seeing the EPA administrator, as she did yesterday, suggesting that she may weaken the standard; because if Congress overwhelmingly supports this amendment, the message will come from the House of Representatives that we want the standard to go forward, we want a standard to go forward that protects the American people from increased arsenic in their water supply, and we want the administration to quit fooling around with the special interests for the purposes of weakening this standard. Because that is what the EPA administrator, Ms. Whitman, said yesterday in the newspaper, that quite possibly this standard will be weakened.

That is exactly what the National Academy of Sciences suggested we not do. What the National Academy of Sciences suggested we do is the arsenic had to be reduced, and it had to be reduced as promptly as possible. Now what we see after years of work, after years of scientific study, after years of public comment, after years of the process going forward as it should, now the suggestion is somehow that we need good science.

Nobody has suggested that this is bad science. Nobody has suggested that. But the offering is now somehow we need good science so we can further delay this activity. The suggestion is somehow this amendment should not go forward because it would be a rider. Well, let me say, it would be nice to have a rider once in the public interest, because what we spend most of our time doing around here is fighting off riders that are added on to appropriations bills that are there for the special interests, that attack the environment, that attack the kind of regulation to protect the health and safety of the American people and their families in this country.

So, yes, I would hope finally we support a rider that defends the public interest and seeks to protect children and to protect families from increased arsenic in the water supply.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE), who has been a strong leader on this issue.

Mr. PALLONE. Mr. Chairman, I am listening to my colleagues on the other side of the aisle talk about the science; but this is not about science, this is about special interests. If we remember at the time when this decision was made by the administrator of the EPA in March to delay, we read about all the reports and the papers about the chemical and mining industries that were at the White House asking that these arsenic standards, the good standard, be delayed.

One of the worst was the American Timber Industry. There was an article in The Washington Post the day before about how the American timber interests had come to the White House and demanded that the standard be delayed because they were concerned about wood beams that were treated and used for decks on boardwalks or in beaches or in people's backyards.

Let me tell you, my constituents who are very concerned about drinking water would much rather have the knowledge that they can drink water that is safe, rather than worrying about whether or not a board that is used for the boardwalk or their backyard deck is treated.

This is ridiculous. To suggest somehow that the science is still out there and that we do not know what the science is, we have said over and over again, the European Union, the World Health Organization, used the 10 parts per billion. The National Academy of Science talks about exposure at the current level and how it can result in serious cancer risk. The level of risk is much higher than the maximum cancer risk typically allowed by the Safe Drinking Water Act. Even the EPA administrator, my own former Governor, has said that the standard needs to be reduced. She talks about a reduction of at least 60 percent.

Well, we know the science is out there, and that this level, this standard that we are using now of 50 parts per billion, is going to cause people to have cancer and die.

What are we talking about here? We have statistics that show if you just go from 10 to 20 parts per billion, which maybe is what the EPA could ultimately do, that 3.5 million people would be impacted. It is ridiculous to suggest this standard. We know what the standard is. Let us adopt it. Let us adopt this amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, it is amazing to me to watch this debate and see people rise one after the other talking about how important it is to lower this standard, and not one of you comes from a place where there is naturally occurring arsenic. It is real easy for a State to lower a standard to 10 or less, when you do not have any arsenic in the water. Who cares? There is no cost. There is no benefit to calculate. Do whatever you want to do, because you do not have the problem.

We are the ones that have the problem. We want the standard to be set right for public health, and that is what this debate is about.

The National Academy of Sciences did not say the standard should be at 10 parts per billion. It said that they unanimously decided it should be lower; not how low it should be. After the Clinton administration made its decision, the American Society of Civil Engineers in January concluded, ''We believe that the Agency's final standard of 10 parts per billion is not supported by an unbiased weighing of the best available science.''

□ 1215

These are the chemical engineers, the civil engineers in this country.

The problem with arsenic is not only in the water, though. A quarter of the food we eat has three times as much arsenic in it, 30 parts per billion, as we are setting for the standard for the water. When we eat seafood or mushrooms or rice, that has three times the standard my colleagues are requiring that we take out of the tap. This makes absolutely no sense, based on science.

The EPA was charged with coming up with a science-based standard, and they only funded one study in the State of Utah, and then they ignored the results and relied on others done in foreign countries with less stringent parameters that do not deal with low levels of arsenic exposure. That is what we are talking about, micro levels of arsenic exposure.

Mr. Chairman, I have heard talk today on the floor about plays and about movies and about Martha Stewart and about short stories in high school. But can anyone here answer me this: Why is it that New Mexico has higher naturally occurring arsenic than almost any other State in the Nation, but we have less bladder cancer, less liver cancer, the things associated with arsenic? The answer may be that green chili is the natural antidote, but the other answer may be that the standard is not right, and the science is not right, and we should not take away

our water until we have the right answer.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume to respond to the gentlewoman from New Mexico. I want to inform my friend that there are many people on our side of the aisle who have naturally occurring arsenic in our own States and in our own communities. Michigan is a good example of that. We have a doughnut that extends from Washington County to Ann Arbor that runs up to the top of what we call the ''thumb,'' where we have many, many naturally occurring arsenic components in well water.

So the gentlewoman is not the only one that has this particular problem, nor is the gentleman from Nevada.

The second point, in response to my colleague from New Mexico, is this: This is not just one National Academy of Science study. They have had six studies. This has been going on, as we have heard repeatedly now, for 25 years. This science has been looked at not only here in this country but abroad.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a person who has this in his particular constituency in a naturally forming way.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of the Bonior-Waxman-Obey-Brown-Kildee amendment for the fiscal year 2002 VA–HUD appropriations bill.

This amendment will restore implementation of reasonable arsenic reductions in drinking water, and it is time to address this very important health problem.

In some areas of my district in Michigan, we have a very high occurrence of unhealthy arsenic content in public drinking water systems and individual wells. I have heard too many stories of the negative health effects suffered by my constituents, and I believe we should move quickly to rectify this problem.

The current arsenic standards of 50 parts per million was developed in 1942, before President Bush was born, and it does not represent a public health standard consistent with our responsibility to ensure the health and welfare of citizens nationwide. We have learned much about arsenic since 1942.

The Clinton administration spent years studying the issue; and, in 1999, the National Academy of Science again affirmed the public health threat of 50 parts per million arsenic levels. Despite National Academy of Science's affirmation of our position, the Bush administration has unwisely delayed implementation of this health protection.

It is inaccurately suggested that the rulemaking was rushed. This is simply not so. This rulemaking is a result of years of study and public comment. The time for studies and delays has passed. The time for healthy drinking water is here. This Congress owes this to our people.

Mr. Chairman, I urge all of my colleagues to support this amendment.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO), and a member of our leadership.

Ms. DELAURO. Mr. Chairman, the Bonior amendment simply prevents the Environmental Protection Agency from further delay or weakening of the arsenic standards for our drinking water. That is it.

We know that there are dangers in arsenic. We have known that for centuries. We know it is toxic. We know it is a carcinogen. It is found in the drinking water of millions of Americans. There have been many studies that show that it endangers our health, our children's health. The National Academy of Science has said it causes several forms of cancer, it causes heart disease and lung disease. In 1999, they further reported that the old standard ''requires downward revision as promptly as possible.'' It could easily result in a total of a fatal cancer rate of 1 in 100.

Mr. Chairman, I say to my colleagues, there is not any question about it, arsenic is a killer.

So, what happened here in 1996? Oftentimes, people say that the Congress never acts to do anything. The Congress acted. It addressed this issue. It required the EPA to issue a safer arsenic standard and to issue a new regulation by January 1, 2001. That standard was put into place by the previous administration. But facing the pressure from its friends in the chemical industry and in the energy industries, the Bush administration delayed it for another 9 months and requested additional studies.

Mr. Chairman, how many studies do we need? We know what the standards should be. We have been looking at this for years. The fact is that 56 million Americans today drink tap water with excessive levels of arsenic. How many people have to develop cancer before the administration moves on this issue?

Let us strengthen our standards for our drinking water. Let us not delay. Why do we want to jeopardize the health of our children, our families any longer?

It is time for a stringent arsenic standard. I urge my colleagues to vote ''yes'' on this amendment.

Mr. WALSH. Mr. Chairman, I reserve 1½ minutes for closing.

Mr. BONIOR. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I support this amendment because I think it will help restore Americans' trust in their government.

There is a sad context of this debate which is that, unfortunately, the administration has poisoned the well of environmental consideration in this country.

When an administration tries to make it easier to use cyanide for mining waste, when it makes it easier to clear-cut international forests, when it backtracks on its climate change commitments to the world, when it tries to drill in our national monuments, how can we expect the American people to trust it when it sets an arsenic level for the water we drink?

We need this administration and this Congress to try to heal the breach and the lack of trust of Washington, D.C., right now and the administration policies on environmental measures. There is two ways to do that. Number one, pass this amendment. Number two, next week when our energy bill is on the floor, do not vote for a rule unless it lets a full group of environmental amendments to this energy policy to come to consideration of this House.

I hope that this weekend Members will think about what rule they are going to support. We need to have environmental decisions made by this House.

Mr. WALSH. Mr. Chairman, I yield the balance of our time to the distinguished gentleman from Maryland (Mr. GILCHREST) to close.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to this amendment, not because I am opposed to the concept but because I think that the gathering of science needs to be clearly understood as soon as possible in order for us to implement a level of arsenic that we know beyond a reasonable doubt that is safe for consumers.

I would like to tell the previous speaker that I believe totally that human activity is causing climate change, and we are working with the administration. We have a difference of opinion, but I as a Republican believe that climate change is real. I believe in strong protections for wetlands, strong protections for our national forests, strong protections for all of our environmental issues. But I believe in those issues based on the best available data and the best science that we can gather. It is difficult to get the best available science on the House floor by nonscientists as we continue to debate this issue.

The gentlewoman from Connecticut said it is time that we bring the studies to a conclusion and implement that information. Well, I would say that I would hope that scientific studies

never come to a conclusion, that they continue to be ongoing, that when we have what we feel at the end of a particular study is the best available information then we will implement that particular process.

The EPA director, Christine Todd Whitman, is now engaged in a very quick, ongoing analysis of the data from the Clinton administration, from the National Academy of Sciences, and from the scientists that she has put on this particular issue. Christine Todd Wittman said in a very short period of time the level of arsenic that will be acceptable could be down to 5 parts per billion; not 10 parts per billion, but 5 parts per billion.

So let us let the administration move forward. I urge my colleagues to oppose the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I would like to express my strong support for the Bonior Amendment, which prohibits funds from being used to delay the national primary drinking water regulation for Arsenic, which was published on January 22, 2001. It is clear we have a problem with Arsenic in our water systems, and Congress must act expeditiously to remedy the problem. In 1999, in their report examining the levels of arsenic in drinking water, the National Academy of Sciences recommend that:

EPA Must Immediately Propose and Finalize by January 1, 2001 a Health-Protective Standard for Arsenic in Tap Water. The National Academy of Sciences (NAS) has made it clear, and we agree, that EPA should expeditiously issue a stricter Maximum Contaminant Level standard for arsenic. Based on available scientific literature and NAS risk estimates, this standard should be set no higher than 3 ppb—the lowest level reliably quantifiable, according to EPA. Even an arsenic standard of 3 ppb could pose a fatal cancer risk several times higher than EPA has traditionally accepted in drinking water.

EPA Must Revise Downward its Reference Dose for Arsenic. EPA's current reference dose likely does not protect such vulnerable populations as infants and children. Furthermore, ''safe'' arsenic intakes in the RfD present unacceptably high cancer risks. To protect children, EPA should reduce this reference dose from 0.3 micrograms per kilogram per day (µg-kg/day) to at most 0.1 µg-kg/day. For concordance with cancer risk numbers, EPA should reevaluate the RfD in more depth as expeditiously as feasible.

EPA Should Assure that Improve Analytical Methods Are Widely Available to Lower Detection Limits for Arsenic. EPA must act to reduce the level at which arsenic can be reliably detected in drinking water, so that it can be reliably quantified by most labs at below 1 ppb, the level at which it may pose a health risk.

Water Systems Should be honest With Consumers about Arsenic Levels and Risks. It is in public water systems' best long-term interest to tell their customers about arsenic levels in their tap water and the health implications of this contamination. Only when it is armed with such knowledge can the public be expected to support funding and efforts to remedy the problem.

Water Systems Should Seek Government and Citizen Help to Protect Source Water. Water systems should work with government officials and citizens to prevent their source water from being contaminated with arsenic.

Water Systems Should Treat to Remove Arsenic, and Government Funds Should be Increased to Help Smaller Systems Pay for Improvements. Readily available treatment technology can remove arsenic from tap water, at a cost that is reasonable ($5 to $14 per month per household) for the vast majority of people (87 percent) served by systems with arsenic problems. Very small systems serving a small fraction of the population drinking arsenic-contaminated water, however, will often be more expensive to clean up per household. Assistance to such systems should be a high priority for drinking water funds such as the SRF and USDA's Rural Utility Service programs. The SRF should be funded at least $1 billion per year to help systems with arsenic problems.

EPA Should Improve its Arsenic, Geographic Information, and Drinking Water Databases. EPA should upgrade its Safe Drinking Water Information System to include and make publicly accessible all of the arsenic and unregulated contaminant data, as required by the Safe Drinking Water Act. EPA also should require water systems to provide accurate lat-long data using GPS systems, which will have widespread use in GIS systems by federal, state, and local officials, and the public, for source water protection, developing targeted and well-documented rules, and for other purposes.

The risk of cancer from arsenic contamination is too great for Congress to further delay the rule. According to the National Academy of Sciences, the lifetime risks of dying from cancer due to Arsenic in tap water is 1 in 100, when the arsenic level in tap water is at 50 parts per billion (ppb), which is the current rate. At 10ppb, the risk is 1 in 500, and at .5ppb, the risk is 1 in 10,000. One in 10,000 is the highest cancer risk the EPA usually allows in tap water for any element—why should arsenic be different?

Mr. Chairman, throughout my tenure in Congress I have supported legislation to reduce health risks and inform the public about water safety standards. in 1996, I voted for the Safe Drinking Water Reauthorization Act (PL 104–182), which directed the EPA to propose a new, cleaner, standard for arsenic in drinking water. At that time, Congress also directed the EPA, with the National Academy of Sciences (NAS), to study arsenic's health effects and the risks associated with exposure to low levels of arsenic. Three years later, in 1999, NAS concluded their report, and made the appropriate recommendations. Now, nearly two years later, we are still debating the rule. Mr. Chairman, the evidence is clear, Arsenic is in our water and poses a serious health risk—the American people can not wait any longer for action. I urge all members of Congress to support the Bonior Amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise in support of the amendment offered by Representatives BONIOR, WAXMAN, and BROWN. This amendment will prevent any further delay or weakening the arsenic standard for drinking water.

One of the very first acts of the new Administration was to delay EPA's new drinking water standard of 10 parts per billion for arsenic. The new proposed regulation would have replaced a nearly 60-year old standard adopted in 1942 before arsenic was even known to cause cancer. In 1999, the National Academy of Sciences found that the old arsenic standard of 50 parts per billion for drinking water did not achieve EPA's goal for public health protection and therefore, required a downward revision as promptly as possible.

As statutory deadlines for revision were missed in 1974, 1986, and 1996, we cannot afford to miss another one. The National Academy of Sciences easily estimated that the old standard could result in a total cancer rate of one in 100—a cancer risk 10,000 times higher than EPA allows for food. Questions have been raised as to causes associated with arsenic. As a known carcinogenic substance, arsenic causes bladder, lung, and skin cancer, and is toxic to the heart, blood vessels, and the central nervous system. Who in America is most vulnerable? America's children and pregnant women are more susceptible to this form of poisoning.

Mr. Chairman, we cannot afford any further delay in the implementation of EPA's arsenic standard. The EPA invested time and resources and the new standard is the result of 25 years of public comment and debate. Congress cannot miss this opportunity to improve America's water quality. We owe it to our nation's children.

I urge my colleagues to support the Amendment offered by Representatives BONIOR, WAXMAN, and BROWN.

Ms. ESHOO. Mr. Chairman, after catering to a host of special interests on the issues of tax policy and energy, it's amazing the reasons that the majority have come up with to stop legislation that is clearly in the public interest.

In this case, the majority wants to block efforts to protect citizens from arsenic in drinking water.

Anyone who's read an Agatha Christie mystery knows that arsenic is a poison.

We've spent 17 years extensively reviewing and studying the lethality of this element. We've learned that even low levels of arsenic exposure pose a public health risk.

Earlier this year, the EPA approved an arsenic standard of 10 parts per billion instead of the current standard 50 parts per billion.

The Bush administration rescinded this regulation pending further review by the National Academy of Sciences.

Do we really need more review? The standard has been on the table for decades. In fact, the U.S. Public Health Service first advanced it in 1962.

Is this debate really about sound science? Or is it really setting the public interest aside?

No matter where one lives in this country, we should be assured of safe drinking water. We cannot delay making this a reality. We must adopt the Bonior amendment.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Michigan (Mr. BONIOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BONIOR. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. BONIOR) will be postponed.

The point of no quorum is considered withdrawn.

Mr. WALSH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BEREUTER) having assumed the chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2620) 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, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH. Mr. Speaker, I believe an agreement has been worked out to the satisfaction of both parties. I ask unanimous consent that during further consideration of H.R. 2620 in the Committee of the Whole pursuant to House Resolution 210——

One, no amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate.

The amendment printed in House Report 107–164.

The amendments printed in the CONGRESSIONAL RECORD numbered 5, 6, 7, 12, 19, 20, 21, 24, 25, 30, 36, 37, 38, 39, 40, 41, 42 and 46.

Two amendments by the gentleman from Massachusetts (Mr. FRANK) and one amendment by the gentleman from Ohio (Mr. TRAFICANT) that I have placed at the desk.

One amendment en bloc by the gentlewoman from Texas (Ms. JACKSON-LEE) consisting of the amendments numbered 31, 33, 34 and 35.

Two, such amendments shall be debatable as follows:

Except as specified, each amendment shall be debatable for 10 minutes only.

The amendments numbered 6, 12, 24, 39 and 42 shall be debatable for 20 minutes each.

The amendments numbered 5 and 37 and one amendment by the gentleman from Massachusetts (Mr. FRANK) shall be debatable only for 30 minutes each.

The amendment numbered 46 shall be debatable only for 40 minutes.

Such debate shall be equally divided and controlled by the proponent and an opponent.

□ 1230

Three, each such amendment shall be offered only by the Member designated in this request, the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment, and shall not be subject to a demand for a division of the question in the House or in the whole.

Four, all points of order are waived against amendment numbered 25.

Five, the amendment printed in House Report 107–164 may amend portions of the bill not yet read.

The SPEAKER pro tempore (Mr. BEREUTER). The Clerk will report the amendments.

The Clerk read as follows:

Amendment Offered by Mr. FRANK:

Page 93, after line 25, insert the following new section:

SEC. 427. The amounts otherwise provided by this Act are hereby revised by reducing the aggregate amount made available for ''PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING OPERATING FUND'', reducing the amount specified under such ''PUBLIC HOUSING OPERATING FUND'' item for the Inspector General for Operation Safe Home, reducing the aggregate amount provided for ''MANAGEMENT AND ADMINISTRATION—OFFICE OF INSPECTOR GENERAL'', and reducing the amount specified under such ''OFFICE OF INSPECTOR GENERAL'' item that is to be provided from the amount earmarked for Operation Safe Home, and none of the funds made available in this Act may be used to fix, establish, charge, or collect mortgage insurance premiums for mortgage insurance made available pursuant to the program under section 221(d)(4) of the National Housing Act (12 U.S.C. 1715l(d)(4)) in an amount greater than the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such program, by $5,000,000.

——

Page 93, after line 25, insert the following new section:

SEC. 427. The amounts otherwise provided by this Act are hereby revised by reducing the aggregate amount made available for ''PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING OPERATING FUND'', reducing the amount specified under such ''PUBLIC HOUSING OPERATING FUND'' item for the Inspector General for Operation Safe Home, reducing the aggregate amount provided for ''MANAGEMENT AND ADMINISTRATION—OFFICE OF INSPECTOR GENERAL'', and reducing the amount specified under such ''OFFICE OF INSPECTOR GENERAL'' item that is to be provided from the amount earmarked for Operation Safe Home, and none of the funds made available in this Act may be used to fix, establish, charge, or collect mortgage insurance premiums for mortgage insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) made available under any multifamily housing mortgage insurance program affected by the interim rule issued by the Department of Housing and Urban Development on July 2, 2001 (66 Federal Register 35070; Docket No. FR 4679-I-01), in an amount greater than the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such program, by $5,000,000.

Mr. WALSH (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I just do so in order to allow the gentleman to make clear to the membership what this will mean for all of them for the rest of the day, and what it will mean for the further consideration of this bill.

It is my understanding that this will mean that after we take up the Menendez amendment, we will then vote on the accumulated amendments, and that there will be no further votes today; that the committee will rise, and that we will resume consideration of this bill Monday after 7, and proceed to completion of the bill Monday evening.

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

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

Mr. WALSH. Mr. Speaker, that is precisely our understanding of this agreement.

Mr. OBEY. I thank the gentleman.

Mr. Speaker, I congratulate the gentleman from New York and the gentleman from West Virginia (Mr. MOLLOHAN) for the agreement.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BEREUTER). Would the gentleman from New York specify the Traficant amendment that he intends?

Mr. WALSH. Mr. Speaker, one Traficant amendment is printed and the other is not printed yet. It is at the desk. It is his Buy American amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Ohio (Mr. Traficant).

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Mr. WALSH (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the requests of the gentleman from New York to dispense with the readings of the three unprinted amendments?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2620.

□ 1233

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2620) 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, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 45 offered by the gentleman from Michigan (Mr. BONIOR) had been postponed and the bill was open for amendment from page 33, line 5, through page 37, line 9.

Pursuant to the order of the House of today, no amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate.

The amendment printed in House Report 107–164.

The amendments printed in the CONGRESSIONAL RECORD and numbered 5, 6, 7, 12, 19, 20, 21, 24, 25, 30, 36, 37, 38, 39, 40, 41, 42, and 46.

Two amendments offered by the gentleman from Massachusetts (Mr. FRANK) and one amendment offered by the gentleman from Ohio (Mr. TRAFICANT) that have been placed at the desk.

One amendment en bloc offered by the gentlewoman from Texas (Ms. JACKSON-LEE) consisting of amendments numbered 31, 33, 34, and 35.

Such amendments shall be debatable as follows:

Except as specified, each amendment shall be debatable only for 10 minutes each.

The amendments numbered 6, 12, 24, 39, and 42 shall be debatable only for 20 minutes each;

The amendments numbered 5 and 37 and one amendment offered by the gentleman from Massachusetts (Mr. FRANK) shall be debatable for only 30 minutes each.

The amendment numbered 46 shall be debatable only for 40 minutes.

Such debate shall be equally divided and controlled by the proponent and an opponent.

Each such amendment may be offered only by the Member designated in the request, the Member who caused it to be printed, or a designee, shall be considered as read and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment, and shall not be subject to a demand for a division of the question.

The amendment printed in House Report 107–164, may amend portions of the bill not yet read.

AMENDMENT NO. 46 OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 46 offered by Mr. MENENDEZ:

At the end of the bill, add the following new section:

''SEC. . Funding made available under this Act for salaries and expenses, excluding those made available for the Department of Veterans Affairs and the Environmental Protection Agency, are reduced by $25,000,000 and funds made available for ''Environmental Programs and Management'' at the Environmental Protection Agency are increased by $25,000,000 for activities authorized by law: Provided, none of the funds in this Act shall be available by reason of the next to last specific dollar earmark under the heading ''State and Tribal Assistance Grants.''

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. MENENDEZ) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

At the outset, I want to thank the ranking member of the full committee and the gentleman from West Virginia (Mr. MOLLOHAN), the subcommittee ranking member, for all their hard work and cooperation on this amendment.

This amendment which I am sponsoring with my colleagues, the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. WAXMAN), the gentleman from New Jersey (Mr. PALLONE), and the gentleman from Massachusetts (Mr. TIERNEY) would restore critically needed funding to the Environmental Protection Agency's Office of Compliance and Enforcement, which is responsible for enforcing America's most important and effective environmental laws.

To do so, we cut $25 million from nonpersonnel administrative costs from other parts of the bill except EPA and veterans' programs. Spread out over this bill, this will require very modest cuts in administrative expenses.

Mr. Chairman, I stand before the House today because I believe America's environment is under attack. Not too long ago, as a Presidential candidate, George Bush spoke strong words about protecting the environment, but today his promises to the American people ring hollow. In only a few short months, the Bush administration made its priorities clear to all of us, and environmental protection is apparently very low on the list.

While I am not surprised at the actions of President Bush or of EPA administrator Whitman, given her shoddy record of environmental enforcement in my home State of New Jersey, I am surprised that the committee went along with this dangerous course of action.

The bill before us today, at the direction of the administration, irresponsibly cuts $25 million from the EPA's enforcement budget, specifically targeting compliance, monitoring, civil and criminal enforcement, and Superfund enforcement.

If this bill passes in its present form, 270 positions would be eliminated from the Office of Compliance and Enforcement, which will result in 2,000 fewer inspections, an 11 percent reduction in criminal actions, and a 20 percent reduction in civil actions. These reductions would be devastating to EPA's ability to enforce clean air, clean water, and hazardous waste laws.

These are not just numbers we are talking about here. This is the water our children drink, the air they breathe, and the legacy we leave to the next generation. It is because of Federal enforcement officers that we have made so much progress in cleaning up our air and water.

Experience tells us the difference a strong EPA can make. Civil enforcement activities have resulted in real improvements in environmental quality. In fiscal year 1999, EPA's civil enforcement actions achieved over 6.8 billion pounds of pollutant reductions, but the bill before us would cut 6 percent of the staff positions from the Superfund hazardous waste cost recovery efforts, this from a program that in fiscal year 2000 recovered $231 million from responsible parties at Superfund sites.

This is pennywise and pound foolish because the cut in Superfund enforcement would reduce cost recoveries by over $50 million in fiscal year 2002, a reduction in revenue that greatly exceeds the funding necessary to fully restore the enforcement efforts.

The administration's budget also proposes to transfer $25 million to the States for environmental enforcement. While States could use additional help in ensuring compliance with environmental laws, that help should not come at the expense of EPA's successful enforcement programs.

Federal and State resources combined are not enough to fully enforce our Federal environmental laws as it is. Transferring scarce Federal resources to State programs when both compliance programs are underfunded is like robbing Peter to pay Paul. The fact is, the air and water quality in one State impacts the air and water in another State. There are no borders when the goal is a clean environment. That is why a clean environment should be a national priority.

Big polluters would like nothing more than to see a major reduction in Federal, civil, and criminal enforcement by the EPA, so cutting EPA's enforcement budget is sending the wrong message at a time when over 60 million Americans live in areas of the country that still fail to meet air quality standards.

We can do better, but this bill takes us in the wrong direction. I urge my colleagues to support this amendment because it is the right thing for the environment and it is right for America. Let us leave a legacy of clean lakes, clean rivers, fresh air. Let us leave a clean environment for our children.

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

Mr. WALSH. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized to control the time in opposition.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, there is no one in this Congress who cares more about the environment than I do. I had the good fortune as a young boy of growing up in the Finger Lakes region of New York State, and my experience showed me that the people that I saw on the streams where I fished, in the woods where I hunted, in the woods where I skied, are State officials, State employees. The States are the ones who do the enforcement work for the Environmental Protection Agency. The State folks know those streams. They know those lakes. They know the conditions and industry surrounding our watersheds. They enforce the laws.

I want to make it very clear, there are no cuts in the EPA budget. There are no cuts. The amendment that the gentleman proposes, however, is a cut. It is a cut to HUD, it is a cut to NASA, it is a cut to FEMA, it is a cut to the National Science Foundation.

If Members want to cut HUD or NASA, FEMA, the National Science Foundation, support the gentleman's amendment. But what I submit is that the people who do the enforcement day-to-day, who know the conditions, who know the watersheds, who know the lakes and rivers, we are providing them with the additional funds.

States conduct more than 95 percent of the environmental inspections and more than 90 percent of the environmental enforcement actions. It is the States that do the lion's share of the work, and it is the States that get the lion's share of this increase. This is an increase in the EPA enforcement budget.

As a fact, the fiscal year 2001 enacted budget for enforcement is $465 million. In this budget, according to the President's budget request and what we have committed to, the subcommittee has committed to, the level of funding is $475 million. How Members can arrive at a cut from that, it just defies logic.

What we do is we put the money where it is needed and where it is used. Mr. Chairman, I have the greatest respect for the Federal Government. I work in the Federal Government. I have the greatest respect for the employees who work within the Federal Government. But I want to make sure that the people who have the responsibility to protect my watershed, my drinking water, my neighbor's good health, I want to make sure those people know the system, the environmental systems. I want to make sure that they know the businesses and the business owners. I want to make sure that they know that their neighbors are the ones who are going to benefit from their vigor and activity in enforcing the laws of the land.

So let us put the money in the hands of the people who are going to do the enforcement work, and that is the State employees who have traditionally done the lion's share of this work. There is not a cut. I will just restate that, there is no cut in enforcement. This is an increase in enforcement. But if Members want to cut Federal agencies, cut HUD, cut NASA, cut FEMA, cut NSF, support the gentleman's amendment.

□ 1245

I would strongly urge that my colleagues not do that. These funds are needed by those agencies, and let us keep the enforcement in the hands of the State.

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

Mr. MENENDEZ. Mr. Chairman, I yield myself 30 seconds.

Two points on the gentleman's comments. Number one, we simply cut nonpersonnel administrative expenses. Number one. And, number two, even EPA's own justification to Congress shows that there will be dramatic reductions in their staffing, in their ability for enforcement, in their civil and criminal penalties that they will be able to pursue.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I have great respect for the chairman of the subcommittee, but the reality is that if we do not provide enough money to keep these Federal enforcement officers in place and they have to be laid off, then, in effect, this is a cut and it means we cannot enforce the law. That is what we face here today.

We saw the same thing in New Jersey. The current EPA administrator used to be our governor in New Jersey. When she was governor, she cut back on the amount of money for the personnel, for the people that go out and do the inspections, for the people that conduct the criminal investigations against the polluters; and the consequence was that in New Jersey the environmental laws were not enforced. That is what is going to happen here again with this budget unless the Menendez amendment passes today.

It is a very insidious thing. People do not pay a lot of attention to enforcement. They pay attention to when the Clean Air Act or the Clean Water Act is weakened. But when an attempt is made to weaken the enforcement by not providing the personnel, the public does not notice. But it is more damaging, and I would suggest what is happening in this budget and the laying off these enforcement personnel will be more damaging to the environment than almost anything else the Republican leadership or the President has proposed since he came to office. So we must speak out against it.

I want to give an example how it also impacts the taxpayer. New Jersey has more Superfund sites than any other State. My district has more than any other district in New Jersey. When we cut back on the inspections for Superfund and we do not go after the polluters, then we do not get the money from the polluters to clean up the Superfund sites and then we have to spend the money out of the Superfund, which is taxpayers' money.

And my colleagues on the other side know that, in the case of the Superfund, we do not even have the tax in place on the chemical and oil polluting companies to pay for the Superfund. The money increasingly is coming out of the general funds, which means income taxes.

So the consequence of this is not only that we weaken the environmental laws but also that we put more of a burden on the taxpayer rather than on the polluters these inspectors go out and find and go out and enforce to clean up their act.

What is happening here is very insidious. I am sure this is only going to be the beginning. We will see the same thing next year with the President's budget. We have to put a stop to it. Pass the Menendez amendment.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, could I inquire how much time remains on both sides?

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) has

12½ minutes remaining, and the gentleman from New York (Mr. WALSH) has 16½ minutes remaining.

Mr. MENENDEZ. May I inquire if the gentleman from New York has any speakers at all?

Mr. WALSH. I have not identified that yet. But as soon as I have a better figure on it, I will provide the gentleman with that.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I rise to strongly support this amendment. This amendment, very simply, restores 270 positions that are being cut by the Bush administration, positions that are needed to enforce our environmental laws.

I think the cutbacks that the administration is providing are consistent with what I regard as its generally misguided policy on environmental cleanup. I think the cutbacks they are trying to achieve in EPA enforcement are similar to the weakening of our attack on environmental problems that we see by their walking away from our obligation to try to work out an international treaty on global warming, for instance.

I think that their efforts to cut back on EPA enforcement are consistent with the White House efforts to reverse the new, more stringent standards for air-conditioning efficiency, a standard which the Clinton administration tried to implement and which would have saved us billions of dollars in energy costs if the White House had not walked away from those new standards.

If we take a look generally across the board at what the administration tried to do to shred the New Lands Legacy Agreement, which we reached in the Subcommittee on Interior last year, which over the next 6 years essentially doubles our ability to purchase key parcels of lands for future generations, all of those initiatives that the administration has taken have operated to reduce rather than strengthen our support for environmental cleanup. This is just one more instance.

It may seem like a small thing, but in my view it is not. The amendment is consistent with our efforts, for instance, to strengthen standards on arsenic in drinking water, which we just completed. So I would urge the House to support this amendment. I congratulate the gentleman for offering it, and I am happy to cosponsor it with him, and I would urge that the House adopt this amendment unanimously. I cannot think of a single constructive argument against the amendment.

Mr. WALSH. Mr. Chairman, I have no additional requests for time, and I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a cosponsor of this amendment.

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time and thank all those who have worked on this amendment.

I think we should just get rid of the mirrors and the smoke on this, Mr. Chairman, and cut straight to the heart of the matter. This administration is simply attempting to undercut the authority and the effectiveness of the EPA by reducing its funding by 25 million people and putting 270 people out to pasture.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

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

Mr. WALSH. I would just remind the gentleman this year's budget is $10 million higher for enforcement in EPA.

Mr. TIERNEY. Reclaiming my time, I have respect for that, but the short part of the matter is that people are being put out of work at the EPA and enforcement will not proceed as it should on this.

This is nothing new. This majority and this administration have had a hostile attitude toward environmental protection for several years. In 1995, the House majority attacked an astounding 17 riders to eviscerate the EPA. And over several years running, the EPA was forbidden to spend any funds to implement or even prepare to implement the Kyoto Protocol that combatted global climate change. Frankly, without the efforts of colleagues in the Senate, without vetoes of then President Clinton, and without substantial public outcry, the EPA simply would have been crippled.

Further, it seems this administration has not learned anything from the last several months. Nearly every public indicator signals there is no issue on which the public and the administration disagree more strongly than on the environment. From clean air to water quality, the public is acutely aware that the majority and the White House are not protecting the people's interest or their needs.

Now they seek to attempt to undercut the EPA by shifting enforcement responsibility entirely to the States. We all support assisting the States in their efforts to ensure environmental law compliance, but that will not take care of problems across borders, that will not take care of the problem that this administration, in transferring that responsibility to the States, is risking an erosion of the standards that this legislative body has passed and calls upon the States to enforce.

This administration will almost certainly permit States to issue proposals that include incentives for voluntary compliance. And while some States are good stewards of environmental issues, others have a history of diluting enforcement of provisions that protect the public.

In such States, we have seen what happens to violators who simply choose not to voluntarily comply. Nothing. No penalties, no deadlines by which the standards must be enacted, nothing at all, Mr. Chairman. Voluntary compliance too often simply means ''never having to say you're sorry.''

Findings by the General Accounting Office also echo this sentiment. It finds serious cuts would result in 15 to 25 States receiving no funding at all. In those States the cutbacks would result in the absence of effective enforcement of protective safety measures. The EPA knows that there would be serious staff reductions that would result in this proposal; and I believe, Mr. Chairman, that is exactly what the administration is intending.

The facts are that the EPA enforcement resources are already stretched thin. The Washington Post recently outlined a case where a State seriously neglected its responsibilities and violated numerous environmental laws. The State had also shifted the burden to the residents to prove violations.

One case involved a power plant illegally emitting the hazardous gas styrene, which harms the nervous and respiratory systems. Without the efforts of the EPA, Mr. Chairman, which requires States to enforce the code, who knows how long those violations would have continued.

It is crucial that the EPA have the resources to enforce environmental laws. Enforcement of those laws is often the only thing that stands between polluters and justice. The Senate has already restored this funding in their version of the bill, Mr. Chairman, and I strongly encourage Members to do the same in this body.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

I just want to reiterate that the budget for enforcement is not cut, it is increased. And since the States do the lion's share of the enforcement, they receive the lion's share of the increase.

I think the idea is that we want to make sure that the money that is being spent on environmental protection is spent wisely, and we would like to have it in the hands of the individuals and in the hands of the States that are going to do the enforcement.

So this is obviously an increase in enforcement. I think if my colleagues support increasing enforcement, they would oppose this amendment.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. WALSH. The gentleman has more time than I do.

Mr. MENENDEZ. No, at this point, the gentleman has more time than I do.

Mr. WALSH. Then, in that case, I yield to the gentleman from New Jersey.

Mr. MENENDEZ. I thank the gentleman for yielding.

Just two points. As I understand it, $10 million of this goes to COLA, and the rest gets out of Federal enforcement. So to say Federal enforcement is in fact increased is not the reality. Federal enforcement is not increased.

Mr. WALSH. Reclaiming my time, Mr. Chairman, in fact, the EPA budget for enforcement is increased by $10 million over last year. The gentleman can define it any way he wants to, but this is an increase in funding for enforcement.

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

Mr. MENENDEZ. Mr. Chairman, I yield myself 10 seconds simply to say that all the EPA COLA does is take those employees and give them an increase. It does not increase the manpower at EPA to do something about the environment. It takes the environmental cop off the beat.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I thank the gentleman for yielding me this time, and I would like to thank the many friends who are in support of this amendment that has been offered, the Menendez-Waxman-Pallone-Tierney amendment.

This amendment simply restores EPA's enforcement budget to current levels. Without these funds, the EPA's ability to enforce the Nation's environmental laws will be greatly reduced.

Mr. Chairman, if we pass this appropriation without adopting this amendment, we will be doing a grave disservice to America's environmental health. The cut in the EPA's enforcement budget will result in a further degradation and destruction of environmental resources. As a result of this cut, there will be fewer than 2,000 inspectors, 50 fewer criminal actions and 50 fewer civil actions and the loss of millions of dollars in cost recovery.

This administration would like to rely on the States for enforcement action and, as a result, will cut some 270 enforcement positions. The EPA Inspector General said in a September, 1998, audit that six States have failed to report numerous serious violations of the Clean Air Act, as they are required to do. While performing more than 3,300 inspections, six States reported only 18 significant violations. In reviewing a small portion of those 3,300 inspections, the EPA turned up an additional 103 serious violations.

Other States have failed to report serious violations of Federal pollution laws, allowed major industrial polluters to operate without proper permits, and failed to conduct basic emissions tests of industry smokestacks, according to the studies.

□ 1300

Mr. Chairman, the EPA and the Justice Department can step up if we conclude a State is not doing an adequate job. But with limited resources only 3,537 lawyers, investigators, and staff will be involved in enforcement. I urge this amendment to be adopted.

Mr. MENENDEZ. Mr. Chairman. I ask two questions. First, what is the time on each side?

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) has 5 minutes remaining. The gentleman from New York (Mr. WALSH) has 15 minutes remaining.

Mr. WALSH. Mr. Chairman, I continue to reserve my time.

Mr. MENENDEZ. Mr. Chairman, the second question I have is who has the right to close in this debate?

The CHAIRMAN. The gentleman from New York has the right to close.

Mr. MENENDEZ. He has the right to close on my amendment?

The CHAIRMAN. That is correct.

Mr. MENENDEZ. I would ask of the gentleman then, since the time is lopsided, what does the gentleman intend to do in terms of speakers? It would be unfair to have a long list of speakers come at the very end.

Mr. WALSH. Mr. Chairman, I am not quite sure how to help the gentleman out. He has had more speakers than I have. He has expended his time less frugally than I have. I do not intend to use all my time to close.

Mr. MENENDEZ. I do not know if the gentleman should characterize it as ''less frugally.'' We have Members who feel very passionately about this.

Mr. WALSH. I appreciate that. Many of our Members are very passionate about this also. But the fact of the matter is, I do not have any additional speakers right now so I will continue to reserve my time.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I want to commend the gentleman for this amendment and rise in support of it.

President Bush has proposed cutting EPA's enforcement budget by $25 million and giving these funds to the States. I do not oppose giving the States money for enhanced enforcement of environmental laws, however, our laws cannot be adequately enforced if EPA's budget is slashed.

This amendment restores critically needed funding for enforcement of our environmental laws. I urge all my colleagues to support this. If we have these cuts we are talking about 2,000 fewer inspections, a 20 percent reduction in civil actions, an 11 percent reduction in criminal actions. There are many environmental programs that the States are simply not in a position to enforce. For example, States cannot ensure that pollution from one State does not affect neighboring States. This is a job only the Federal Government can do. So I support the gentleman's amendment. I commend him for his leadership. I urge all my colleagues to vote for it.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for his amendment. I thank him for yielding the time because I think it is important to clarify what we are doing here. It is to suggest to the American public that we do not want them to be denied of enforcement protection that the EPA provides them in clean water protection and clean air protection.

It is interesting that my colleague would cite the cuts coming from across the board and he cited FEMA. Obviously, coming from Texas, I am particularly interested in making sure FEMA is funded fully. But we well know that OMB can make the decision as to where those cuts would come. This is simply an inclusion of $25 million to allow for 2,000 more inspections, to allow for 20 percent more civil actions to protect Americans in the issues of clean air and clean water, and to allow 11 percent more in criminal prosecutions when individuals ignore the environmental protection laws to enhance the quality of life for Americans.

So I think this is a simple process and a simple proposition and a good proposition. Let us do the right thing and provide the Environmental Protection Agency with the kind of enforcement they need to enhance the quality of life for all Americans.

Mr. WALSH. Mr. Chairman, I intend to use 2 minutes of our remaining time to close. As soon as the gentleman completes, I will yield back the balance of my time.

Mr. MENENDEZ. Mr. Chairman, could I ask how much time I have?

The CHAIRMAN. The gentleman from New Jersey has 3 minutes remaining.

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are not taking money from the States, just a particular earmark. Nothing can stop the EPA administrator from using those monies for State programs if that is where they are most needed.

What we are doing is what I hear my colleague from the other side suggest that they want, which is more flexibility. We have greater flexibility here. But it is foolish to suggest that, in fact, we are not robbing Peter to pay Paul. And, secondly, it is also from the EPA's own estimate submitted to the Congress, not my words, the Republican-appointed administrator submits to the Congress this information, that,

in fact, this is 270 or so full-time employees less than compared to the actual number of inspections done in fiscal year 2000 to the one under this request, we would have 5,000 less inspections, that we would have about 70 some-odd less criminal investigations, that we would have a serious number of decline in civil investigations, over 400 from fiscal year 2000.

That is not in any sense justified by saying that there is an increase. There cannot be an increase when we dramatically drop the number of people in the department, when we dramatically drop the number of civil and criminal actions, when we dramatically drop the number of inspections by EPA's own words. So this simply cannot be categorized anywhere, in fact, as an increase. Again, we are taking our monies for this purpose from nonpersonnel administrative functions and not out of veterans and not out of EPA.

Lastly, EPA remains the only enforcement authority for many Federal laws. Under the existing program as it is, 15 to 25 States would not get anything under the provisions that the chairman continues to seek to have.

So, Mr. Chairman, the question is simple. Do we want to leave a legacy of clean air and water for our children and grandchildren or do we want to take the environmental cop off the street?

A vote in favor of the amendment is a vote to keep the environmental cop on the street. It is a vote to ensure that the number one agency for all Americans in terms of their quality of their air, their water, their rivers, their streams, their lakes being protected is the EPA.

If we do not pass this amendment, we will have degraded the ability to enforce. This is a real cut to the EPA. That is why we need to restore the enforcement capacity the EPA must have for all Americans in all States across the Nation.

I urge my colleagues on both sides of the aisle to support the amendment.

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

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would end this debate by suggesting that there is no cut in enforcement. In fact, there is an increase in enforcement. This amendment is a fiction.

The funding level for last year was $465 million. This year it is $475 million. The fact of the matter is that the lion's share of the increase will go to the States where the lion's share of the work is done. Mr. Chairman, 95 percent of the environmental inspections are done at the State level; 90 percent of the enforcement actions are taken at the State level.

We need to empower the States to do the work. We need to get the money into the hands of the individuals who know our watersheds, our industries, and the sensitive areas of the country that need to be protected.

If my colleagues want to cut Federal agencies, HUD, NASA, FEMA, National Science Foundation, this is the amendment to do it. I do not advise that. Those agencies need these funds. This budget for this bill has been developed on a bipartisan basis. We have tried to provide assets where they are needed. We do not need to cut NASA any more. We certainly do not need to cut FEMA any more. We are trying to increase the National Science Foundation budget.

We have a terrific administrator for the Environmental Protection Agency. She is a tiger for the defense of our national environment. She has shown that through her experience as Governor. I think she will do a marvelous job. She believes that the lion's share of the enforcement belongs at the State level. At the end of the day when this bill is passed, the Environmental Protection Agency will have virtually the same number of people working in enforcement in 2002 as they have in 2001.

So, Mr. Chairman, I strongly urge that we reject this amendment and retain this level of funding, this increase in funding over last year.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the Menendez-Waxman-Pallone-Tierney amendment to restore funding for EPA's efforts to protect human health and the environment. Without the amendment, this bill will significantly reduce the protection our Nation's environmental laws provide to the daily lives of our constituents.

Increasing resources for the states to enforce environmental laws is fine, but it must not come at the expense of Federal efforts. The Nation's advancements in environmental protection are as a direct result of Federal laws put in place where states simply could not or would not do the job.

The reason we have Federal environmental laws is because there is a need for Federal action. Taking money away from EPA to give it to the States does not result in a benefit to the environment, but only a benefit to the polluter. States and EPA work best when they work in partnership, not in competition. The Menendez-Waxman-Pallone-Tierney amendment restores this partnership.

Proponents of taking money from EPA and giving it to the States argue that the States are better equipped to handle local issues. Pollution is not a uniquely local blight. Pollution discharged from one State into a river affects the residents of other cities within a State or of other States. While many States are the primary enforcer of some portions of environmental laws, the State and Federal programs are not duplicative.

For example, States are not the enforcement authority for many environmental laws such as Clean Air Act mobile source standards affecting cars and trucks; right-to-know and emergency planning; the Toxic Substances and Control Act; the wetlands program under the Clean Water Act in 48 States; and the Oil Pollution Act. Even where States have primary implementing responsibilities, in areas such as the Great Lakes, the States have relied on EPA to ensure uniform and effective progress toward water quality improvement.

Shifting resources from the Federal Government to the States is not as simple as which entity will spend the money. Besides the diminution in enforcement of Federal laws where States are not coenforcement authorities, the Bush budget indicated that the funds would not be provided to all the States. EPA expects that 15 to 25 States will receive no funding under this new program. Therefore, in those States, EPA enforcement capabilities will be reduced with no additional resources available for the States to make up the shortcoming.

There will be no inspections, no enforcement, and public health will suffer, the environment will suffer. While States do conduct the largest amount of inspections and institute the greater number of enforcement actions, the Federal programs are the ones that take on the difficult cases where States are unwilling or unable to act.

The Federal Government has the unique role of addressing multistate issues where large corporations operate in several States; dealing with pollution that crosses State boundaries, like acid rain or downstream pollution of rivers or lakes; interstate hazardous waste; and global warming.

EPA enforcement is of direct benefit to the taxpayer and the environment. Every $1 spent on Superfund enforcement results on average in about $1.60 in direct cost recovery of government cleanup costs, and it creates another $6 in private party spending for cleanup of the Nation's most dangerous hazardous waste sites. A $5 million cut in Superfund enforcement activity could cost the Federal Government $8 million in recovery of money already spent, and preclude $30 million in additional cleanup.

Every $1 spent on enforcement of Federal clean air, clean water, and hazardous waste laws results in an average of $10 to $20 spent directly on pollution control equipment and other improvements. Without these non-Federal investments, continued progress in cleaning up the air, water and land cannot be achieved.

Providing additional resources to States to enforce their environmental laws can benefit human health and the environment. However, where these additional resources are provided at the expense of the Federal programs, environmental protection will suffer and human health will be compromised.

Support the Menendez-Waxman-Pallone-Tierney amendment to protect human health and the environment.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MENENDEZ. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 43 offered by the gentleman from Massachusetts (Mr. FRANK); the amendment No. 44 offered by the gentlewoman from Ohio (Ms. KAPTUR); the amendment No. 45, offered by the gentleman from Michigan (Mr. BONIOR); and the amendment No. 46 offered by the gentleman from New Jersey (Mr. MENENDEZ).

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

AMENDMENT NO. 43 OFFERED BY MR. FRANK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 43 offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 247, not voting 23, as follows:

[Roll No. 286]

AYES—163

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Smith (WA)
Solis
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—247

Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McKeon
Mica
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Stupak
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wynn
Young (FL)

NOT VOTING—23

Blumenauer
Callahan
Cubin
Dunn
Frost
Hansen
Keller
Largent
Linder
Lipinski
McInnis
Miller (FL)
Quinn
Ros-Lehtinen
Scarborough
Slaughter
Smith (TX)
Spence
Sununu
Taylor (NC)
Watt (NC)
Wolf
Young (AK)

□ 1332

Mr. BERRY and Mrs. CLAYTON changed their vote from ''aye'' to ''no.''

Messrs. RANGEL, UDALL of Colorado, and BOYD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendments on which the Chair has postponed further proceedings.

AMENDMENT NO. 44 BY MS. KAPTUR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 213, not voting 23, as follows:

[Roll No. 287]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Etheridge
Evans
Farr

Fattah
Filner
Foley
Ford
Fossella
Frank
Gephardt
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Hutchinson
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shows
Smith (NJ)
Smith (WA)
Solis
Souder
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thurman
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu

NOES—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Forbes
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
Kerns
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lofgren
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Snyder
Spratt
Stearns
Stenholm
Stump
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wynn
Young (FL)

NOT VOTING—23

Blumenauer
Callahan
Cubin
Dunn
Frost
Hansen
Keller
Largent
Linder
Lipinski
McInnis
Miller (FL)
Quinn
Ros-Lehtinen
Slaughter
Smith (TX)
Spence
Sununu
Taylor (NC)
Tierney
Watt (NC)
Wolf
Young (AK)

□ 1341

Ms. JO ANN DAVIS of Virginia changed her vote from ''aye'' to ''no.''

Messrs. WHITFIELD, SHOWS, and FOSSELLA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 45 OFFERED BY MR. BONIOR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. BONIOR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 189, not voting 26, as follows:

[Roll No. 288]

AYES—218

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

NOES—189

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Latham
LaTourette

Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
McHugh
McKeon
Mica
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Souder
Stearns
Stenholm
Stump
Sweeney
Tancredo
Tauzin
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (FL)

NOT VOTING—26

Blumenauer
Callahan
Collins
Cubin
Dunn
Frost
Hansen
Hinojosa
Keller
Largent
Linder
Lipinski
McCrery
McInnis
Miller (FL)
Quinn
Ros-Lehtinen
Slaughter
Smith (TX)
Spence
Sununu
Taylor (NC)
Thomas
Watt (NC)
Wolf
Young (AK)

□ 1350

Mr. ENGLISH and Ms. HART changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. THOMAS. Mr. Speaker, I was unavoidably detained during rollcall No. 288. Had I been present I would have voted "no."

AMENDMENT NO. 46 OFFERED BY MR. MENENDEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 46 offered by the gentleman from New Jersey (Mr. MENENDEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 214, not voting 37, as follows:

[Roll No. 289]

AYES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Barton
Becerra
Berkley
Berry
Bishop
Blagojevich
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—214

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bentsen
Bereuter
Biggert
Bilirakis
Blunt
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Cannon
Cantor
Capito
Capuano
Carson (OK)
Castle
Chabot
Chambliss
Coble
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McHugh
McKeon
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Souder
Stearns
Stenholm
Stump
Sweeney
Tancredo
Tanner
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (FL)

NOT VOTING—37

Berman
Blumenauer
Boehner
Boswell
Callahan
Camp
Collins
Cubin
DeFazio
Diaz-Balart
Dunn
Frost
Hansen
Hilleary
Hinojosa
Keller
Kilpatrick
Largent
Larson (CT)
Linder
Lipinski
McCrery
McInnis
Miller (FL)
Pomeroy
Quinn
Ros-Lehtinen
Roukema
Slaughter
Smith (MI)
Smith (TX)
Spence
Sununu
Taylor (NC)
Watt (NC)
Wolf
Young (AK)

□ 1358

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. DUNN. Mr. Chairman, on Friday, July 27, 2001, I was unable to be present for rollcall votes 286 through 289.

Had I been present, I would have voted ''no'' on rollcall No. 286, ''no'' on rollcall No. 287, ''no'' on rollcall No. 288, and ''no'' on rollcall No. 289.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, I was unable to be present for rollcall votes Nos. 286, 287, 288, and 289, amendments to H.R. 2620, a bill making appropriations for the VA, HUD, and Independent Agencies for Fiscal Year 2002. Had I been present, I would have voted "yes" on rollcall votes Nos. 286, 287, 288 and 289.

Mrs. CLAYTON. Mr. Chairman, today, I rise in strong opposition to the elimination of the Office of Rural Housing and Economic Development (ORHED) of HUD. I recognize that there were many priorities in this appropriations bill, and not all of them could be addressed. However, Mr. Chairman, to eliminate essential programs such as Drug Prevention in public housing, and the Rural Housing and Economic Development program of HUD is a direct affront on my constituencies in North Carolina and on Rural America as a whole. I wish to discuss Rural Housing needs in this statement.

I applaud my colleague, MARCY KAPTUR, a champion of rural America, for her efforts by amendment to reinstate $25 million ($25,000,000) to maintain this program, but unfortunately, to no avail. I would like to also recognize my colleague Mr. HASTINGS, of Florida, who spoke passionately to restore this

funding in the Rules committee, although, he represents an urban district, Mr. Chairman.

I can not stress enough the importance of the housing problems facing rural communities. In the richest country on earth, we still have close to 1 million occupied homes without adequate indoor plumbing; and 30 percent of all rural homes have coliform bacteria contamination in their water supplies. This is a disgrace, especially when it is apparent that this HUD program can help.

Consider these facts, Colleagues:

Over 2.1 million rural households are so severely cost-burdened that they pay more than half of their incomes for their dwellings. In addition, despite housing quality improvements in recent decades, many still continue to live in substandard housing, encompassing an astonishing 8.2 percent, or 1.8 million rural households.

There are approximately 36 million homes in rural America. Nearly half of them are actually located near larger cities within metropolitan areas.

Over 9 million rural households experience major housing problems, including cost burdens, moderate or serious physical problems, and overcrowding, with more than one person occupying a room. Many rural households have more than one of these problems, generally both high costs and substandard quality.

The most significant disgrace, Mr. Chairman, is the fact that more than a quarter of the rural households living in poor housing are required to pay more than 30 percent of their incomes for their substandard units.

Consider also that there are 200 counties in America that have poverty rates of 30 percent or higher. Almost all are rural counties. Only one is a big city county, and only 8 have populations of 60,000 or more.

Six of ten poor people in this country live outside the central cities, that is not to say that there are not great needs in our cities, but there is also a rural need. Those figures in a nutshell show why this program is so important.

There is also a tremendous housing need among certain populations such as migrant and seasonal farmworkers.

Mr. Chairman, we should remember that rural concerns and issues are nationwide. In fact, the largest rural states in terms of population are in this particular order: Pennsylvania, Texas, North Carolina, Ohio, New York and Michigan.

Mr. Chairman, there is no duplication of the ORHED programs; services provided by ORHED have unique qualities. Eventhough USDA Rural Housing Service (RHS) programs have been known to cater to rural residents RHS has suffered substantial funding cuts in recent years, and none of the RHS programs duplicate ORHED.

The HUD (ORHED) program is very useful to local groups because of its flexibility. Many groups of varying levels of experience and capacity have successfully applied to this popular program. This program provides flexible, innovative housing production and capacity building funds and constitutes a very small portion of the HUD budget. The program allows local communities to define their own needs and projects. The very high demand for this program attests to its need.

Mr. CASTLE. Mr. Chairman, I rise to speak in favor of a little known, but important program in the federal government—the U.S. Chemical Safety and Hazard Inspection Board (CSB). Many Americans are familiar with the work of the National Transportation Safety Board, which investigates airplane accidents. The CSB performs a similar role by investigating chemical accidents.

The CSB suddenly became important to Delaware nine days ago when a major chemical fire ignited at the Motiva Enterprises refinery in Delaware City, Delaware on July 17, 2001. This accident left eight people injured and one man missing. What makes this accident most troubling is that the sulfuric acid storage tank that caught fire had been declared unsafe by company inspectors a month earlier. The inspectors further recommended that it be taken out of service. In fact, the same tank had a previous record of vapor and liquid emission leaks.

I strongly believe that the time has come for a thorough investigation of the operations and practices at the Motiva Enterprises refinery at Delaware City. CSB's specialty in investigating such accidents and making recommendations for safety improvements are sorely needed in Delaware.

Currently, the CSB is conducting a preliminary investigation to determine if a more extensive investigation is warranted. My suspicion is that a full investigation will be required and I will be meeting with the CSB shortly to discuss this issue further.

Mr. Chairman, I want to express my strong support for the additional funding provided in this bill for the CSB. The bill increases funding for the CSB by $500,000 to $8 million. Because the accident at Motiva is just another in a long series of accidents at that plant, I want to make sure CSB has the resources to conduct a thorough investigation and make solid recommendations on how changes can be made at Motiva to keep Delawareans safe in the future. Last year, the CSB completed three investigations. So far this year, it has already initiated investigations of two incidents in Georgia and Indiana. Should the need for additional funding arise, I hope I can count on support from the VA–HUD Appropriations Committee to provide the necessary resources for the CSB.

Mr. LATOURETTE. Mr. Chairman, we are fortunate in Ohio to have one of the most outstanding federal installations that exists in the United States—NASA Glenn Research Center.

I wish to thank Chairman WALSH and Representative HOBSON for their hard work of the VA, HUD, Appropriations Committee, and for recognizing the importance of the work done at NASA Glenn.

This VA–HUD appropriations legislation goes a far way in restoring many of the dollars that have been cut over the years to NASA Glenn Research Center, and the Subcommittee should be applauded for its recognition of the importance of this Center.

Yet, there is still work to be done. There are advances in biotechnology to improve our health care; Quiet Aircraft Technology to improve our quality of life, and other important energy saving research—all conducted right at NASA Glenn Research Center.

This Center has an annual economic impact of more than $1 billion to the State of Ohio and provides in excess of 12,000 jobs.

And these are high tech jobs. Scientists and engineers in areas such as aerospace engineering, electrical engineering, chemistry, and physics account for more than half of the jobs at the Center . . . 25 percent of these employees have Ph.Ds.

NASA Glenn grants more than $10 million a year to Ohio's universities and pumps more than $243 million into Ohio industry through contracts.

Because NASA Glenn is the only NASA installation north of the Mason Dixon Line, its impact is felt far and wide across our Nation.

The accomplishments of NASA over the years are nothing short of amazing and many times we overlook the impact the NASA Glenn Center has on our everyday lives. NASA Glenn has been a leader among other NASA centers by winning more R&D 100 Awards than all other NASA Centers combined.

Historically, NASA Glenn's value to the Agency has been its strength in aeronautics and space. In response to the Agency's changing priorities NASA Glenn has endeavored to redirect its core competencies toward biotechnology (fluids and sensors), nanotechnology (advanced materials), and information technology (communications). NASA Glenn remains a leader in the areas of propulsion, power and communications.

Several of the testing facilities at NASA Glenn are unequaled, from the largest icing tunnel in the world, to the zero gravity research facility where most space shuttle and International Space Station experiments are tested before being launched.

The Agency encourages its centers to share knowledge and research with area academic institutions and research facilities. Northeast Ohio has an unbelievable wealth of knowledge when it comes to biotechnology. We have world-class health care facilities like the Cleveland Clinic and University hospitals. We also have some of the finest educational institutions like Case Western Reserve University.

Mr. Chairman, I hope that this Congress continues to realize the impact of NASA Glenn, and I urge the President and my colleagues to support NASA and the work at NASA Glenn to continue the fundamental research so vital to our future.

□ 1400

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2620) 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, had come to no resolution thereon.

ANNOUNCEMENT OF PROCEDURES AND DEADLINE FOR PRINTING OF AMENDMENTS ON H.R. 4, SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

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

Mr. DREIER. Mr. Speaker, I rise today to notify Members that this morning the Committee on Rules sent out a Dear Colleague letter announcing that it intends to meet next week to grant a rule which may limit the amendment process on H.R. 4, the Securing America's Future Energy Act of 2001. The consolidated bill was introduced this morning and the text is available on the Committee on Rules Web site at www.house.gov/rules.

Any Member wishing to offer an amendment must submit 55 copies of the amendment and one copy of a very brief explanation, very brief explanation, of the amendment to the Committee on Rules in room H–312 of the Capitol no later than 6 p.m. on Monday. Let me say that again, Mr. Speaker, that is no later than 6 p.m. this coming Monday.

Members should draft their amendments to the bill that was introduced this morning. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 770

Mr. BISHOP. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 770, the Morris K. Udall Arctic Wilderness Act of 2001.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1745

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 1745. My name is mistakenly added as a cosponsor.

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

There was no objection.

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 to inquire from the distinguished majority leader the schedule for the remainder of the week and next week.

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

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

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

Mr. Speaker, I am pleased to announce that the House has now completed its legislative business for the week. On behalf of all of us in the House, I would like to thank the Committee on Appropriations for its hard work on the VA-HUD appropriations bill that has been under consideration yesterday and today.

I would like to thank them in particular for the unanimous consent agreement reached earlier today. We will now be able to complete the consideration of that bill on Monday, once again due to their willingness to work on that night for that purpose and in that manner, Mr. Speaker, so it will become no longer necessary for us to worry about our weekend.

Mr. Speaker, the House will next meet for legislative business on Monday, July 30, 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. Following suspension votes, the House will complete consideration of H.R. 2620, the VA-HUD Appropriations Act.

On Tuesday and the balance of the week, the House will consider the following measures:

The Legislative Branch Appropriations Act;

H.R. 2505, the Human Cloning Prohibition Act;

The Jordan Free Trade Agreement; and

H.R. 4, the Secure America's Future Energy Act of 2001.

Members should also be prepared to consider HMO reform legislation and trade promotion authority next week as they become available. Obviously, Members should expect another busy and productive week in the House with the possibility of several late nights.

Mr. Speaker, as is the tradition of this House, we must advise Members that we can give no firm guarantee for 2 o'clock getaway on Friday, the day we break for such a long work period. But I must say, Mr. Speaker, given the cooperative nature of this body, I have every confidence if we are willing to work late evenings, we will be able to get away for our district work period at the designated time next week.

Mr. BONIOR. Mr. Speaker, I thank my colleague for informing us of the schedule for next week.

If I might inquire of him a couple of questions. Is it his anticipation to finish up this bill we have just completed today, or at least finished working on today, on Monday evening?

Mr. ARMEY. If the gentleman will continue to yield, yes. In accordance with our unanimous consent request propounded earlier by the bill managers, we believe we can finish it Monday night after we take the suspension votes.

Mr. BONIOR. Mr. Speaker, we expect a late night on Monday, then. Would the gentleman care to venture how late we might be going Monday, and then the other evenings during the week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, my impression is that there is little work remaining on the bill, so we should not be extraordinarily late on Monday.

Mr. BONIOR. Mr. Speaker, the HMO bill, the Patients' Bill of Rights, do we have a time when that might be coming to the floor next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, I thank the gentleman for his interest.

We are continuing to work with several Members on that bill. At this point, I can only say that we would expect it sometime from Wednesday through Friday.

Mr. BONIOR. The energy bill, can the gentleman give us a day when that may, in fact, reach the floor?

Mr. ARMEY. Again, we would expect that probably on Wednesday, but in that time frame, from Wednesday to Friday.

Mr. BONIOR. On the energy bill, can the distinguished majority leader give us an idea what kind of rule we are going to have on that? Are we going to have an open rule? Is it going to be closed? What are the feelings at this point with respect to the ability to bring that bill to the floor?

Mr. ARMEY. I am informed that the Committee on Rules is meeting next week. They have just announced a filing deadline for Monday. I understand that there are a great many Members with some very, what should I say, controversial amendments over which they are concerned; but I can only say that every conversation I have had leads me to believe that the Members should expect the Committee on Rules to be very understanding and generous with the rule.

Mr. BONIOR. And the fast track legislation? The gentleman is suggesting we will definitely see that, we might see that, or is it 50/50 we could see that? Where are we with fast track?

Mr. ARMEY. I thank the gentleman for his inquiry. If the gentleman will continue to yield, I am confident we will see it before we retire from work for our recess on Friday. I am just sorry I cannot give a more specific time.

Mr. BONIOR. I thank my colleague. I wish him a good weekend.

Mr. ARMEY. I thank the gentleman.

ADJOURNMENT TO MONDAY, JULY 30, 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. 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.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M. ON SATURDAY, JULY 28, 2001 TO FILE REPORT ON H.R. 2505, HUMAN CLONING PROHIBITION ACT OF 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until 5 p.m. on Saturday, July 28, to file a report on H.R. 2505.

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

There was no objection.

URGING SUPPORT FOR THE INTERNATIONAL SPACE STATION

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

Mr. PENCE. Mr. Speaker, Tuesday at 1:39 p.m. the Space Shuttle Atlantis and its crew returned to Earth, successfully delivering and installing a new portal for spacewalkers, the International Space Station. On Monday of next week, we just learned, Mr. Speaker, that the debate over the future of NASA will land in this Chamber.

I rise today to urge my colleagues to remember that despite the fact that some of our forebears came to this continent in chains, all Americans are descended of pioneers who journeyed to or prevailed in this wilderness nation.

More than any other people on the Earth, we are a nation of explorers, and the debate next week will provide an important opportunity to restate this by providing resources for the International Space Station, for return vehicles and urgent repairs for the vehicle assembly building at Kennedy Space Station.

Let us not abandon this character of exploration that is one of the most compelling aspects of the American character.

DEBATING AMERICA'S ENERGY POLICY

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

Mr. INSLEE. Mr. Speaker, next week we will take up the energy policy bill, which really is going to be one of the most important bills, both from an energy and from an environmental perspective, in the next 10 years. It is our hope that during the next few days, the majority leadership will fashion a rule which will, in fact, allow environmental considerations in this bill.

We definitely need to improve this bill. We need to improve it by increasing the energy efficiency of our automobiles. This bill does not do it. We need to have additional tax incentives for renewable energy and clean conservation technologies. This bill does not do it. We need pipeline safety to make sure pipelines do not explode. This bill does not do it. We need better efficiency standards. Lastly, we ought to make sure we do not drill in the Arctic Refuge.

Mr. Speaker, I hope the Speaker will personally use his energy in the majority caucus to make sure we have a fair and honest debate on these very important environmental measures. Next week the House needs to speak on these. Let us give people in America trust in the environment as well as energy next week.

URGING THE HOUSE TO CONTINUE FULL SUPPORT FOR THE INTERNATIONAL SPACE STATION

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

Mr. LAMPSON. Mr. Speaker, I wanted to associate my words with those of the gentleman from Indiana (Mr. PENCE) who made the comments about the NASA budget, and to urge our colleagues to continue to support the tremendous work that has been done by the Committee on Appropriations to make sure that we have adequate funding to keep the International Space Station on the path that we have set it on, to make sure that we have a full crew of seven researchers and astronauts there, and that we accomplish the goals that we set for that, with a safe crew return vehicle and continued operation of the space shuttle in a safe and effective manner.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

TRIBUTE TO MR. JOHN ROUSE, EDITOR OF THE BOWIE BLADE NEWS

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

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Mr. John Rouse. He is celebrating his 30th anniversary as the editor of the Bowie Blade News, a hometown newspaper located in Bowie, Maryland, in the heart of my district.

The first amendment states, and I quote, ''Congress shall make no law abridging the freedom of speech or of the press.'' This first tenet of freedom in the Bill of Rights is vigorously exercised by the thousands of hometown newspapers that act as watchdogs for the American public against intrusion on its rights and property by the government and by others.

Newspapers across the country oversee elected officials' conduct and performance, reporting the facts and offering praise or criticism on their editorial pages. It is the prism by which many Americans gain their insight on just what is happening in the world, in America, and even right next door.

□ 1415

We lament the fact that sometimes they are wrong, as human beings are wont to do, but most times they are right. In any event, they are absolutely essential to the continuation, to the growth and the vitality of democracy.

John Rouse, Mr. Speaker, has made an extraordinary contribution to his community by fulfilling this watchdog role in Bowie, Maryland, for 30 years. After serving in Vietnam as an Air Force officer, John joined the Bowie News as editor and became the editor and general manager of the new Bowie Blade News in 1978 when the two papers merged.

John reports issues fully and fairly and often shows his keen sense of humor. He is an adept writer, a skilled editor, and very much in tune to the needs, the hopes, and the vision of the people of Bowie. John's skills earned the Bowie Blade the 1999 Best in Show award by the Maryland, Delaware and D.C. Press Association, and his walls are covered by numerous other awards he and the paper have won over the years. The paper itself has received dozens of accolades under his stewardship.

Bowie, Mr. Speaker, is a vibrant community that has grown rapidly and changed greatly over the past 30 years. The city is in many ways a microcosm of the changes that have buffeted this country over the past few decades,

from increased suburbanization to greater diversity. It certainly is no easy task to keep one's hand on the pulse of such a community, but that is exactly what John Rouse has been able to do for 30-plus years. He has kept himself constantly connected with the issues that are important to the city of Bowie and to its people.

John has snapped and growled at me more than once. I know that my colleagues can empathize with that in dealing with some of their local editors. But he has been an editor that I have been always in respect of. I always appreciate that his goal is to advocate for the best interest of his city, of his county, his State, and his country. He and I have grown to be friends and to hold each other in mutual respect and esteem.

Our democracy, Mr. Speaker, cannot continue to thrive without the likes of John Rouse, without whom the electorate would have a much harder time discerning fact from fiction when it comes to their local politicians, their community leaders, and the policies that are proposed.

So today, Mr. Speaker, I would like to say thank you, thank you to John Rouse, an editor of a small paper. Unlike Katherine Graham, not known worldwide, but equally important in the strength of our democracy, equally important to the informed citizenry of his community. I want to wish him the best of luck as he continues as the editor of this great little paper.

MESSAGE FROM THE SENATE

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

S. Con. Res. 61. Concurrent Resolution to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31.

27TH ANNIVERSARY OF TURKISH OCCUPATION OF NORTHERN CYPRUS

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

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate an anniversary of human suffering, loss of life, and the usurpation of the basic rights of people and nations to live within secure borders. The anniversary I am referring to is that of the Turkish invasion and occupation of northern Cyprus 27 years ago. Some 6,000 Turkish troops and 40 tanks invaded the resource-rich north coast of Cyprus. In less than a month's time, more than one-third of the island was under Turkish control, displacing 200,000 Greek Cypriots from their homes.

Today, 35,000 Turkish soldiers, armed with the latest weapons and supported by land and sea, are stationed in the occupied area, making it, according to the United Nations Secretary General, one of the most militarized regions in the world. At an estimated cost of $300 million annually, Turkey continues to defy the international community and the U.N. resolutions with its policies towards Cyprus.

To date, more than 1,600 Greek Cypriots and four Americans remain unaccounted for, serving as a silent reminder of the unlawful invasion.

Eighty-five thousand Turks have been brought over from Turkey to colonize the occupied area with the aim of changing the demography of the island and controlling the political situation. The Greek Cypriot community that remains enclaved within the occupied villages continues to live under conditions of oppression, harassment, and deprivation.

Throughout the occupation, the U.N. has been trying to encourage a solution to the Cyprus problem. U.N. Secretary Kofi Annan has sponsored proximity talks between the President of Cyprus, Glafcos Clerides, and Rauf Denktash, the self-proclaimed leader of the occupied area. Unfortunately, those talks have been suspended due to Rauf Denktash's abrupt departure from the negotiating table.

Turkey's military and financial backing provides a leverage for the Turkish Cypriot leadership in its unwillingness to make any compromises. In 2000, Turkey provided $195.5 million to the self-proclaimed Turkish Republic of Northern Cyprus to relieve budget deficits and a 3-year aid package to boost the economy.

A sixth round of U.N.-mediated proximity talks did not convene in January, 2001, because Denktash refused to participate. The U.N. has said that Denktash has requested new talks not be scheduled. On May 29, 2001, the Turkish National Security Council, which expresses the views of the powerful Turkish military, declared an agreement depends on ''the acknowledgment of the sovereign equality of two states on the island.''

Mr. Speaker, the United States has a national interest in fostering peace and stability in the eastern Mediterranean region. We as a Nation cannot continue to pretend our NATO partner is not in clear violation of international law for its continued illegal occupation of its neighbor.

Last year, the Turkish government announced it had awarded a $4 billion contract for attack helicopters to an American company, Bell-Textron. However, before the sale can take place, the Department of State must issue an export license, and its decision must take into account both foreign policy and human rights considerations.

Sending attack helicopters to Turkey runs directly counter to American interests and values in the region and does not in any way foster peace and stability in the eastern Mediterranean.

Turkey has had a long record of using U.S.-supplied military equipment in direct violation of U.S. law. In 1974, Turkey employed U.S.-supplied aircraft and tanks in its invasion of northern Cyprus. Turkish forces continue to occupy today with the use of U.S.-supplied military equipment.

For the past 16 years, Turkey has been illegally using American weaponry, especially attack helicopters, in a campaign against its Kurdish population and has threatened to use them against Greece and Cyprus as well.

Amnesty International, Human Rights Watch, and even our own State Department have reported that Turkey has illegally used American attack helicopters in these attacks on the Kurds.

In a judgment delivered at Strasbourg on May 10, 2001, in the case of Cyprus versus Turkey, the European Court of Human Rights of the Council of Europe found Turkey to be in violation of 14 articles of the European Convention on Human Rights.

The 16–1 decision relating to the situation that exists in the occupied northern part of Cyprus since the 1974 Turkish invasion, found Turkey to be in violation of (Article 2) right to life; (Article 3) prohibition of inhuman or degrading treatment; (Article 5) right to liberty and security; (Article 6) right to a fair trial; (Article 8) right to respect for private and family life, home and correspondence; (Article 9) freedom of thought; (Article 10) freedom of expression; (Article 13) right to an effective remedy; (Article 1 of Protocol No. 1) protection of property; and (Article 2 of Protocol No. 1) right to education.

We in the United States pride ourselves for our respect for fundamental freedoms. Human rights norms are the cornerstone of U.S. foreign policy. It is time, Mr. Speaker, for the U.S. to use its considerable influence with Turkey to press Ankara to end its 27-year occupation of Cyprus.

Why are we so accommodating toward a country whose military regularly intervenes in domestic politics; a country that refuses to come to terms with its history of genocide against the Armenians; a country that is in violation of international law in the Aegean Sea; a country that imprisons an American citizen for allegedly conducting illegal prayer in a private home and insulting the secular regime; a country that has imprisoned four democratically elected Kurdish parliamentarians and a host of Turkish human rights activists and journalists; and a country that refuses to fully respect the rights and religious practices of its Christian communities?

It is time to speak out against these violations. It is time for the United States to take the lead.

EXONERATION OF CAPTAIN CHARLES B. MCVAY III

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

Ms. CARSON of Indiana. Mr. Speaker, I am pleased to call to the attention of the House of Representatives a decision by the Department of the Navy that exonerates the late Charles Butler McVay III, captain of the heavy cruiser, the USS *Indianapolis* who was court-martialed and convicted 56 years ago after his ship sank in the closing days of World War II.

The survivors of that tragedy, Mr. Speaker, have relentlessly sought to have Captain McVay vindicated; and those who remain are relieved by the Navy's long-delayed yet justifiable decision.

On May 14, 1999, I ushered an 11-year-old student from Florida to drop H.J. Res. 48 into the system for consideration by the House. Hunter Scott went to a movie in Pensacola, Florida, and saw Jaws, in which there was a brief soliloquy about the sinking of the USS *Indianapolis*. Hunter's interest in the ship's disaster was the beginning of a school history project, trips to Washington, D.C., media attention, and an upcoming movie.

Language to exonerate Captain McVay was inserted in the Defense Authorization Act of 2001. The legislation expresses the sense of Congress that Captain McVay should be exonerated because some facts important to the case were never considered by the 1945 court-martial board. Classified data were not even made available to the board.

Survivors of the greatest sea disaster in our Navy's history at that time sought to have their captain's name cleared for periods that spanned several years, oftentimes efforts that drew controversy. The magnitude of the crusade was elevated by this young man's trip to the movies, his campaign to derive justice for the captain and the crew. Indeed, one person can make a difference.

Captain McVay's record has been modified to reflect his exoneration, a profound tribute to the crew, myself and young Hunter Scott especially.

Of the 317 survivors of the USS *Indianapolis* disaster, only 120 remain alive today. One of our strongest supporters has been Michael Monroney. Mike, the son of the late Senator A.S. Mike Monroney of Oklahoma and the retired vice president of TWR, Inc., is no stranger to Indiana. Mike served as administrative assistant to former Congressman John Brademas of Indiana in his first term.

Mike has an original poem, Mr. Speaker, which tells the story of the sinking of the USS *Indianapolis*, the fight for the survival of his crew, and the steadfast loyalty to their Captain. I submit herewith for the RECORD his poem:

A TRIBUTE TO THE MEN OF THE USS INDIANAPOLIS

(By Michael Monroney)

A still across the peaceful night
As the great ship split the sea
No omen nor warning
Of the disaster yet to be

The ship soon steered a straightened course
When the midnight bells did sound
Still no omen nor warning
Of the blast to drive her down

But then it struck in black of night
The death that came their way
With no omen nor warning
With no time for them to pray

The ripping crash of metal torn
The sound of dreadful screams
Though no omen nor a warning
It was, for some, the end of dreams

The torpedo hits had doomed their ship
She slipped into the deep
Too many of her youthful crew
Rode down to eternal sleep

Spread far across the heaving waves
In shock and left alone
The men of the *Indianapolis*
Had lost their mighty home

The dawn was slow in coming
But, when the sun rose in the sky
You could hear the sounds of moaning
From those who were yet to die

The tropic sea was cold at night
A merciless sun by day
Oh, yes, Lord be my shepherd
For the time had come to pray

They fought the thirst and hunger
And the monster from below
They shared their fears together
And watched their comrades go

As dead men slipped beneath the waves
Those left were heard to say
Oh, Lord, Please be my shepherd
Time had surely come to pray

The days went by, their ranks grew thin
And hopes began to fade
Would salvation ever reach them
As apparitions on them played

Ashore their ship was never missed
Their fate was in God's hands
But upon the empty ocean
Rose visions of fair lands

They had no food nor water
And more their rank grew thin
Until an angel flew above
A man named Wilbur Gwinn

An oil-slicked sea and blackened forms
Is what the pilot saw
What ship has sunk? He asked himself
As he looked down in awe

He dipped his wings, their spirits soared
Help must be on the way
And all their prayers seemed answered
On that sunny August day

Soon a second angel came in sight
His name was Adrian Marks
He set the plane down on the sea
To save them from the sharks

Their prayers were finally answered
Those living had been saved
Oh, yes, the Lord's their shepherd
For their ordeal have been waived

But no so for their captain
His anguish lay ahead
They blamed him for this tragic loss
Unjust charges to him read

His youthful crew was mystified
What could he have done wrong?
A man of such great honor
And they stood behind him strong

The trial took place, the statement heard
But facts were not exposed
The jury's verdict had been made
Yet truth was ne'er disclosed

The captain's name was ruined
And, though many questioned why,
So great the weight upon him
By his own hand did he die

Yet he's never been forgotten
By his crew he's still revered
And they'll remain united
Until his name's cleared

They seek the wrongful verdict
Struck from their captain's name
And all left from that fateful night
Stay angered by his shame

Their numbers dwindle through the years
Yet their fervor is still high
For their captain they'll seek justice
Until the last of them shall die

As legend grows around these men
Their story transcends time
Such loyalty to their captain
Should also live in rhyme

TO HONOR ADAM WALSH

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

Mr. LAMPSON. Mr. Speaker, I rise today to invite my colleagues to join me as a member of the Congressional Missing and Exploited Children's Caucus, and I choose to make yet another plea to my colleagues for them to join this caucus, because today marks the 20th anniversary of the abduction of Adam Walsh.

Many of my colleagues are familiar with John Walsh, the host of America's Most Wanted. John and his wife, Reve, lived through the personal tragedy of having their 6-year-old son, Adam, abducted and murdered at the hands of a stranger in 1981. After suffering through this tremendously emotional ordeal, John became a dedicated advocate to end violence against children, to fight crime, and to expand victims' rights in our criminal justice system.

John has shown, through his efforts and over 19 years of hard work, that one committed individual can make a difference to benefit all. Working with his wife, John became the Nation's leading advocate in the cause of protecting our children from violence and exploitation. He helped expand the powers of law enforcement authorities through the Missing Children Act of 1982, as well as working toward the creation of the National Center for Missing and Exploited Children.

Four years ago I came to Congress with what I thought was a very full agenda. However, in April of 1997, a 13-year-old constituent of mine was abducted and murdered, and my mission in Congress changed. I, along with the gentleman from Alabama (Mr. CRAMER) and former Congressman Bob Franks

from New Jersey founded the Congressional Missing and Exploited Children's Caucus.

□ 1430

The purpose of this caucus is threefold. One, to build awareness around the issue of missing and exploited children for the purpose of finding children who are currently missing and to prevent future abductions.

Two, to create a voice within Congress on the issue of missing and exploited children and to introduce legislation that would strengthen law enforcement, community organizing and school-based efforts to address child abduction.

Three, to identify ways to work effectively in our districts to address child abduction. By developing cooperative efforts that involve police departments, educators and community groups, we can heighten awareness of the issue and pool resources for the purpose of solving outstanding cases and preventing future abductions, hold briefings with the National Center For Missing and Exploited Children and other child advocacy organizations.

Those are worthy goals. As a society, our efforts to prevent crimes against children have not kept pace with the increasing vulnerability of our young citizens. So I ask my colleagues to please contact my office if you are interested in joining this very important caucus. I ask the citizens of the United States of America to be aware of this dire problem that we face with our children in every community throughout our country. Our children, our grandchildren, our nieces, our nephews are counting on you to give them a voice in Washington, D.C.

STATEMENT AGAINST FEDERAL FUNDING OF EMBRYONIC STEM CELL RESEARCH

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

Mr. STEARNS. Mr. Speaker, today I want to talk about a very serious issue that is currently under review by the Bush administration. Included in his decision process is a question, should the Federal Government fund human embryonic stem cell research.

This is clearly a very emotional issue with strong views on both sides. Viewpoints from groups as disparate as patient advocates and religious groups have weighed in. This is virtually a tug of war with neither side willing to concede.

As a strong supporter of biomedical research at the National Institutes of Health, I unquestionably recognized the call for the onward march towards understanding treatments and cures for many debilitating conditions that have been plaguing mankind for as long as we can remember. However, I also can see the morally troubling question behind embryonic stem cell research. Is it justifiable to purposefully end one life even if it results in the salvation of millions of others?

While religious viewpoints can certainly play a role in this debate, let us put that aside for the moment and approach this subject from a purely historical scientific perspective. Throughout history, scientific research has produced substantial social benefits. It has also posed some disturbing ethical questions. Indeed, public attention was first drawn to questions about reported abuses of human subjects in horrifying biomedical experiments during World War II.

During the Nuremberg War Crime Trials, the Nuremberg Code was drafted as a set of standards for judging physicians and scientists who had conducted biomedical experiments on concentration camp prisoners.

This code became the prototype of many later codes with the intention of assuring that research involving human subjects would be carried out in an ethical manner. It became a foundation of much international and United States law surrounding clinical research. Since 1975, embryos in the woman at this stage, at this same stage of development, about a week old, have been seen by the Federal Government as ''human subjects'' to be protected from harmful research.

Therefore, Mr. Speaker, my colleagues and the American people should realize since an embryo is a human subject, embryonic stem cell research without a doubt violates many of the tenets of the Nuremberg Code and U.S. law.

First, it says, ''The voluntary consent of the human subject is absolutely essential.'' Of course, the embryo from whom a well-meaning scientist would extract cells would have no capacity to give its consent and exercise its free choice. Further, the code states that any experiments should yield results that are ''unprocurable by other methods or means of study.'' Because stem cells can be obtained from other tissues and fluids of adult subjects without harm, it is unnecessary to perform cell extraction from embryos that will result in their death.

Even the Clinton National Bioethics Advisory Commission said that embryo destructive research should go forward only ''if no less morally problematic alternatives are available for the research.'' They did not say to go forward with embryonic and adult stem cell research so we can see what works better. They did not say the alternatives had to work better than embryo destructive research. The only criteria that they gave is if there was a less morally problematic alternative to embryo destroying research, then using embryos would not be justifiable.

This is from the National Bioethics Advisory Commission, September 1999, this quote, ''In our judgment, the derivation of stem cells from embryos remaining following infertility treatments is justifiable only if no less morally problematic alternatives are available for advancing the research . . . The claim that there are alternatives to using stem cells derived from embryos is not, at the present time, supported scientifically.'' There is an ethical alternative, and Federal money should not be spent on destroying human embryos.

Finally the code insists that ''no experiment should be conducted where there is an a priori reason to believe that death or disabling injury will occur . . . even remote possibilities of injury, disability, or death.'' Without a doubt the embryo, of course, dies.

These are but a few doctrines of the Nuremberg Code which I ask you to consider while the Nation and the President grapples with this very serious decision.

Embryonic stem cell research treats an embryo as a clump of tissue with less protection than a laboratory rat. There are promising alternative sources of stem cells with which to perform promising medical research. We must not allow Federal dollars to fund this destructive and needless practice.

SUPPORT FOR THE DECISION TO REJECT UNITED-US AIRWAYS MERGER

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

Mr. OBERSTAR. Mr. Speaker, an hour or so ago the U.S. Department of Justice announced that they will file suit to block the proposed merger of United Airlines and U.S. Airways. That announcement is the best news in U.S. aviation since deregulation.

The decision by the Justice Department to oppose the merger of United and U.S. Airways will keep airline competition alive. It will spare the flying public the increased costs, reduced competition, and deteriorating service that would have resulted from this merger, which in turn would have precipitated the consolidation of all of the remainder of domestic air service into three globe straddling mega carriers.

The Department of Justice and the Department of Transportation must now continue their vigilance to maintain strong and healthy competition in aviation and prohibiting barriers to competition that result from mergers, from biased reservation systems, and from predatory pricing practices. I congratulate the Justice Department for completing a thorough painstaking analysis of this proposed merger, reviewing its effects on hub-to-hub nonstop service in currently competitive

markets, on the down-stream effect on remaining mergers, as well as the consequences for international competition.

ISOLATIONISM OF UNITED STATES

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

Mr. McDERMOTT. Mr. Speaker, I come to the floor today to speak about something that really bothers me. This country has a constant debate within its political body about what role we in the United States will play with respect to the rest of the world.

The battle between being an internationalist and being an isolationist is something that has gone on in this country, back and forth. Our decisions in the 1920s in this body to pass the Smoot-Hawley Tariff Act was a way of erecting barriers around the United States and ultimately led to the depression in 1929.

Those of us who consider themselves to be both free and fair traders have had great hope in our decision nationally to deal in trade with the whole world as a way of preventing countries from getting into wars. If one is trading with somebody it is much less likely that one is going to involve oneself in some kind of destructive war that will destroy one's own resources as well as those of the country with which one is dealing.

Beginning with the installation of the President by the Supreme Court of the United States, a new isolationism has begun to set in in this country and most people are not paying much attention to it or they are not putting it together and seeing the whole picture.

This isolationism is not one of economics but one of which the United States is isolating itself from the rest of the world in terms of public opinion about the problems which face the entire globe. And our country willy-nilly goes along deciding we are going to do it our own way. Never mind anybody else. We will do it our own way.

Now, in 1972 they created a convention to prevent the spread of biological warfare, 1972. It has been there for 30 years. But this administration went to the U.N. and said we refuse to be involved in finding any way to enforce that convention.

It is the same government that says that we are going to bomb the living daylights out of and sanction Iraq because they are creating biological weapons. If you refuse yourself to be allowed to be inspected on that issue, how can you stand and take a public position in that world and say, but they cannot do it and we are going to isolate them until we stop them. It is simply the United States saying we are bigger than they are, we can do whatever we want.

Recently within the last week or so, the Japanese and the European Union decided they were going to try and save the globe from global warming. They came to an agreement, a sort of Kyoto II if you will, because the United States walked away and said we will not be a part of this. We are not going to do anything. We will not worry about global warming. We will continue to do what we have always done.

We are 5 percent of the world's population using 25 percent of the energy in the world and producing the largest portion of the global-damaging chemicals in our air. But the rest of the world has said, well, okay, if the United States wants to sit over there on the sidelines we will try to save it without them. We isolated ourselves.

The President does not believe in the anti-ballistic missile treaty. He said we have to begin putting up a missile shield because we are really afraid of Korea and we are afraid of Iraq and we are afraid of these rogue countries. We are going to spend 50, $70 billion trying to prevent one missile if it ever should come from one of these countries and, in the process, tear up the treaty that said we are not going to have more missiles.

I do not think the problem is going to come from Korea or some other rogue country, North Korea. The problems are the old Soviet Union and Russia and the Chinese and some of these countries. It is much better to have an anti-ballistic missile treaty in place that is gradually bringing the number of missiles down.

To say we are going to prepare for the fact that there is going to be an escalation is simply to set it in motion. The minute we put up a shield everybody is going to say we have to arm because the Americans have a shield up and they can zing us any time they want. We will set off back into the Cold War. It is like George Bush won, when the Cold War ended, and they did not know what to do so now they will create Cold War II. That is what is going on here.

The CTBT Treaty, the Confidential Test Ban Treaty, the United States will not sign that. Why should anyone else? People get all excited when the Indians do it or the Pakistanis do it. Why? The United States of America will not say we will stop. Where do we have the moral authority to tell anybody else? We have isolated ourselves into a position of moral authority, but we cloak it in a kind of funny way with we will tell all the rest of the world what to do but do not tell us anything. That is not going to work.

□ 1445

HUMAN CLONING

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

Mr. WELDON of Florida. Mr. Speaker, I rise today to try in the next hour to cover a host of issues that are being hotly debated today in this country. I mainly want to focus on the issue of human cloning.

Next week, the House of Representatives will take up a piece of legislation I authored with my colleague, the gentleman from Michigan (Mr. STUPAK), the Human Cloning Prohibition Act of 2001, H.R. 2505. This bill cleared the Committee on the Judiciary and is now scheduled to be taken up by the House on Tuesday.

I wanted to talk this afternoon about that bill, about a competing piece of legislation that has been introduced by the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Pennsylvania (Mr. GREENWOOD), H.R. 2172, focus on some of the differences between these two bills in terms of the way they deal with this issue of human cloning. And then I would also like to just go over some of the basics of sexual reproduction versus cloning reproduction and as well some of the issues associated with the stem cell debate, because the issue of human cloning and the issue of stem cells do overlap somewhat.

This chart I have next to me here on my left highlights some of the differences between these two bills. I would just like to go over that briefly.

The legislation introduced by the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Florida (Mr. DEUTSCH) is H.R. 2172. I think theirs is also entitled the Human Cloning Prohibition Act. It allows the creation of human embryos through cloning technology to be used specifically for research and then for destruction. It allows research cloning, but I want to highlight there are no therapies that exist today in humans, nor is there an animal model. I say this because this form of cloning is referred to as therapeutic cloning. While it may be true that someday it may be possible to do this type of cloning they are talking about and use it for a therapeutic intervention in a patient, there are no known therapies today available for human cloning.

What their bill essentially is is a moratorium on implantation. I will get into that in a little bit more detail. Implantation is when the embryo actually seats itself in the womb and begins the process of further differentiating into a fetus. I say that their bill is a moratorium because they have a 10-year sunset on their bill. Their bill goes away, would have to be reauthorized in 10 years, and so I think it could legitimately be called a moratorium and not a real ban on so-called reproductive cloning.

I just want to highlight that all creation of cloned embryos is reproductive cloning. To say that their bill is a reproductive cloning ban I believe it is not really scientifically accurate. Really what it is is an implantation ban. The outcome of their bill is that it would create a 10-year prison sentence if it were enacted into law and up to a $1 million penalty if there was an attempt to implant a cloned human embryo. It would sanction the creation of embryos in the United States. It would make it legal.

There is a lab up in Worcester, Massachusetts, that I understand has harvested eggs from female donors specifically for this purpose. The Greenwood alternative would essentially give them the green light to go ahead.

What is, I think, potentially tragic about this bill is it would be the first time ever a Federal law would mandate the destruction of human embryos. Under the provisions of their bill, at least the way I read it, the embryos that they would create would have to be destroyed in the scientific research process because it makes it a crime to actually implant any of those embryos. And it would encourage the creation of cloned embryos which I think would increase the likelihood of reproductive cloning, the thing they are trying to ban.

The reason for that is really quite simple. If you are allowing laboratories all over America that are doing research in this arena to produce large quantities of cloned human embryos, then it would only be a matter of time before one of those embryos would be implanted in a woman. That would occur within the privacy of the doctor-patient relationship. Indeed, if one of those implanted embryos took and the woman became pregnant, that pregnancy essentially would be protected by the privacy provisions of Roe v. Wade. I think it is a piece of legislation that increases the likelihood of occurring exactly what it claims to be trying to ban.

I want to contrast that with the legislation that the gentleman from Michigan (Mr. STUPAK) and I have introduced, H.R. 2505. It bans human cloning for any purpose, both the creation of cloned embryos and implantation of those to initiate a pregnancy. I think this is the most effective way to prevent so-called reproductive cloning, trying to actually bring a cloned baby to birth. It does not affect embryo research or other cloning techniques.

I want to highlight that, but before I do that, I want to just get back to this issue here. Why is it so important and why is the Congress taking this issue up?

For one reason, I already said this, there is a lab that wants to start producing cloned embryos immediately and using those embryos to harvest stem cells for research. But, as well, the attempt to produce Dolly the sheep, which most people have heard of, the first mammal that was cloned, it took 276 tries to create Dolly the sheep. Many of those attempts ended in no pregnancy essentially, a miscarriage, but there were many, many sheep that were born with very, very severe birth defects.

Additionally, of all the species that have been cloned so far, and this includes cows, goats, mice, all of the animals, the babies that are born are very, very large. They have very, very large placentas. They are 15, 20, 30, 50 percent above normal birth weight. They have very, very enlarged umbilical cords. This is not well understood, but clearly if anybody attempts to do this with a human, it would be extremely hazardous to the woman who would be trying to give birth to a cloned human being. As I said, many were born with very severe birth defects when they tried to produce Dolly, particularly heart and lung defects.

So there are many issues here. The health of the mother could be threatened in trying to produce a cloned human baby. Additionally, the baby that was produced, if it had serious birth defects, who would be responsible for the health care of that baby? Who would be responsible for paying all those medical bills?

So it is universally agreed, we need to prohibit this. The best way to prohibit it, I believe, is to pass H.R. 2505.

Let me also add, and there has been, I think, some misinformation or disinformation that has been distributed on this issue. Our bill does not ban much of the research in this area. Specifically, I want to read directly from the bill.

Section 302(d) of the legislation states that ''nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.''

So much of the research that will be done can continue to be done. You just cannot produce human embryos. I make this point and I am stressing this point for a reason. There are people opposed to our bill who are falsely saying that our legislation would essentially shut down this whole area of cloning research. That is just not correct. If you actually read the legislation, it can proceed.

So what would be the outcome if our bill becomes law?

Number one, similar to their bill, it creates a 10-year prison sentence and monetary penalties.

Obviously, as I stated, it prevents the creation of cloned human embryos as well as any attempt to try to induce pregnancy.

I want to also point out that it conforms with the currently existing law with many of our European allies.

There are some people falsely claiming that there are many countries where this is legal right now and it will, quote, all go overseas. In point of fact, that is not the case. Indeed, I spoke to a group from the European Parliament just this week. One of the members sent me a letter following our meeting, Dr. Peter Liese, who is a physician like myself, an internist like myself. He wrote to me pointing out that in a lot of European countries, and I am quoting him, like Germany, Austria, Switzerland, Portugal, Ireland, Norway and Poland, any kind of research which destroys embryos is prohibited by law.

In point of fact, the approach to this issue that is being suggested by the legislation introduced by the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Florida (Mr. DEUTSCH), the only country in the world where that is currently allowed is the United Kingdom, in England. And, indeed, it is a fact that they have come under a lot of criticism within the community of Europe because of their extremely liberal policy. And even in their country, they have a prohibition on doing any experimentation on embryos once the embryo has developed the early signs of a nervous system. So they at least have some restrictions on what can be done, whereas the Greenwood-Deutsch approach would set the United States apart from the rest of the world as having the most liberal approach to the creation of human embryos through the process of cloning and then essentially mandating that these cloned human embryos be destroyed.

I just want to cover a couple of important points in terms of the terminology associated with all this and some important facts as well. Embryo stem cells, which I will get into in more detail later, which can be used for research as everybody knows, there are no clinical applications of embryo stem cells today. We have heard a lot of rhetoric about the tremendous potential, quote-unquote, but there are no clinical applications using embryo stem cells today.

□ 1500

They were discovered in 1998, and the issue and debate in Washington is on whether or not we should have Federal funding. No attempt has been made, nor to my knowledge is it being considered, to make this illegal in the United States, embryo stem cell research. The debate we are having in this city is whether or not the Federal Government should pay for it. It is very similar to the debate as to whether or not the Federal Government should pay for abortions.

It has been a consensus here in this city amongst Democrats and Republicans that being that abortion is a very controversial issue, that the Federal Government will not fund abortions. This is a very, very similar debate.

It has been felt by many people that doing destructive research on human embryos is unethical and immoral. Therefore, perhaps maybe it should be made illegal that the Federal Government should not fund it, and that is the debate today, should the Federal Government start funding this research.

I want to point out that adult stem cells, which are being held out as a potential alternative to embryo stem cells for research purposes, have been successfully used in more than 45 clinical trials. I have been following the literature on this recently. The applications have been really, really, many. They have been used successfully to ameliorate the symptoms of multiple sclerosis, obviously to treat a whole bunch of bone marrow disorders, leukemias, anemias, used successfully to treat cartilage defects in kids, combined immuno-deficiency syndrome in kids, and this is going on today, using adult stem cells. Actually, it has been going on since the 1980s, and it receives all types of Federal funding. There are absolutely no restrictions today on adult stem cell research, nor is it considered unethical.

Now, just quickly, there are many types of cloning. You can clone cells, and this has been done with skin cells to do skin grafts, to create tissues, monoclonal antibodies, recombinate proteins. It has been going on since the 1940s. Our legislation will not affect this. This will be able to continue. Various types of non-cellular cloning, such as cloning DNA, proteins, RNA, which is ribonucleic acid. This has been used in genetic therapy. The production of recombinate insulins, DNA fingerprinting, diagnostic tests for forensics, fingerprint testing, parental tests, all have been going on since the 1980s. It is not affected by our legislation. People are falsely claiming that it will prohibit all forms of cloning. This is not true.

What it does is it makes illegal this procedure right here, and I am going to get into this in more detail, somatic cell nuclear transfer. This procedure has been around for many, many years, but in 1997 it was done to produce Dolly the Sheep. The question today is are we going to start cloning human embryos in the United States and in the near future.

Now, this poster I am showing here gets into the basics of how cloning is done. On the top here we show normal reproduction, where an egg unites with a sperm. Human beings, our cells have 46 chromosomes. It is actually 23 pairs of chromosomes in your body's cells, the cells of your skin, the cells of your liver.

The body goes through the process in the ovary and in the testes to produce 23 chromosomes in each one of these, so rather than having 23 pairs, you have the individual chromosomes. Then in the process of fertilization, the 23 here unite with the 23 here to produce a new human being. This is how each of us gets started, and the diagram shows the single cell fertilized egg, a 3 day old embryo shown here, and then a 5 to 7 day embryo.

Now, in the process of somatic cell nuclear transfer, what is done is you take an egg, and this is what they did with Dolly the Sheep. They extracted the nucleus with all of the chromosomes out of the egg. There is an alternate technique where you neutralize the nucleus. So you create an egg with no genetic material in it.

Then they went in the case of Dolly, they got this from a duct cell, and this just represents any cell in the body, and you extract the nucleus out of that cell. Then you take the nucleus and you put it in to the egg, and the egg begins to divide and forms an embryo, shown here.

Now, I want to highlight a couple of important points. When you go through this process, you create a unique individual, because you are reshuffling the chromosomes, and that is how each of us ends up with our own personal uniqueness.

In this situation here, you are creating a genetic duplicate of the individual that you have gotten this nucleus out of.

The other important point is biologically, ethically, morally, there is nothing different between this form and this form, other than this form is a genetic duplicate of the person you got the nucleus from. Indeed, if I were to do this procedure and extract the nucleus from any person, the baby that would be created here would be an identical twin of the person that you extract the nucleus from.

Now, this is the world's most famous clone, Dolly the Sheep. And just to reiterate how it was done, you had a female sheep, they extracted an egg from that sheep. They removed the genes, the nucleus out of that sheep, and created an egg that had no nuclear material in it.

In the case of Dolly, they got her nucleus from another sheep's udder and they put it in that egg. They cultured the embryo for a while, and once they were assured it was growing properly, they inserted it into the womb of a surrogate mother, essentially a third sheep, and, bingo, you get a clone.

Now, this diagram just shows the normal process in the human where an egg is produced from the ovary. High up in the fallopian tube is where the fertilization occurs. You get cell division, first into a two cell stage of embryo development, then a four cell stage, and then it goes to an eight cell stage called an uncompacted morula, and then that body of cells shrinks down to a compacted eight cell morula, and then you get further differentiation into an embryo. This is what we call implantation, when it actually adheres to the lining of the womb begins to actually differentiate into a fetus.

This diagram just shows the continuation of that process. This is a four week old embryo, a six week old embryo. It is in this stage here where they want to extract embryonic stem cells to do a lot of the stem cell research. Once the baby is born, if you extract cells from the baby or the umbilical cord blood, or from an adult person, and use stem cells from either of these sources, that is called adult stem cells. There is no destruction of the person when you extract stem cells there. But when you extract stem cells here, you essentially destroy the embryo. That is why it is called destructive embryonic stem cell research.

Now, the reason myself and many others are very optimistic that adult stem cell research, which is much less ethically and morally controversial than destructive embryonic stem cell research, is because we have been able to get bone marrow cells to differentiate into bone marrow adult stem cells.

These are adult stem cells extracted from the bone marrow to form more marrow, bone, cartilage, tendon, muscle, fat, liver, brain or nerve cells, other blood cells, heart tissue, essentially all tissues from bone marrow.

They have been able to extract adult stem cells from peripheral blood in your circulation and been able to get those differentiate into bone marrow, blood cells, nerves.

They have extracted stem cells from skeletal muscle and got them to differentiate into more skeletal muscle, smooth muscle, bone, cartilage, fat, heart tissue.

They have extracted adult stem cells from the gastro-intestinal tract and successfully been able to get them to differentiate into esophagus, stomach, small intestine and large intestine or colon cells.

Placental stem cells, adult stem cells in the placenta, have successfully been differentiated into bone, cartilage, muscle, nerve, bone marrow, tendon and blood vessel.

They have actually extracted stem cells from brain tissue and been able to get them to differentiate into all of these types of cells.

I say this just to simply make a point. There are lots of people claiming that destructive embryo stem cells research is so critically important, we have to do it. Adult stem cells research is very, very promising. Indeed, I believe it is much more promising, because embryonic stem cells, if they were implanted somebody to treat them, would be rejected by the immune

system of a patient who received those cells, whereas if you extract adult stem cells from the patient themselves, from their marrow or from their peripheral blood, then there are no tissue rejection issues. So not only are you overcoming the ethical and moral concerns, but you are as well overcoming an important scientific concern.

Now, advocates for embryonic stem cells argue that the embryonic stem cells multiply much more and you can get them to grow much, much more in tissue culture. That indeed is true. The adult stem cells do not duplicate as often. They do not live as long in the lab as the embryonic stem cells have successfully done. And while on the surface that may sound good, a lot of the research with embryonic stem cells show when you implant them in animals, you get the same phenomena; the cells continue to grow, and they essentially form tumors. So the very argument that researchers are putting forward that these cells are more robust and they grow and grow and grow, is actually a significant clinical problem if you are ever going to use them in treating patients with disease.

□ 1515

They are going to have to somehow get these cells to stop duplicating. Otherwise, they will form tumors or cancers in the patients that they are putting them into. Indeed, it is my personal opinion that embryonic stem cell research will never, never turn out to have the kind of clinical applications that people are claiming that it will.

Indeed, I believe that the future is in adult stem cells for all the reasons I just outlined. There is genetic compatibility; there will not be tissue rejections for patients; there are not the problems with them duplicating over and over again so we will not have the concerns about them forming tumors; and, as well, obviously, there are no ethical or moral objections on the part of the public.

Mr. Speaker, I do want to assert that our legislation does not get into this issue of embryonic stem cell research. Heretofore, embryonic research has always centered on the issue of these embryos that are in the freezers in the IVF clinics that are so-called excess embryos that are so-called destined for destruction. Now, some people, myself included, argue that that is not necessarily the case.

The reason these embryos are in the freezers is because the fertility experts that keep them there have a lot of their patients come back years after they have had a baby by IVF technology and they say they want to have another baby, so that is why the embryos are in the freezer in the first place. As well, there are people that want to adopt these embryos out.

There is the adoption agency in California, Snowflake, that is actually doing this. I had the opportunity to see three babies that were born through this technology of adopting embryos.

But the debate has always been centered on those embryos in the freezers and that they are destined for destruction, supposedly, and, therefore, it is ethically and morally okay to use them in research protocols that essentially destroy them. But human cloning, as it is currently contrived and being proposed, takes us as a Nation in a whole new ghastly and horrible direction, and that is in one of creating embryos for destruction, for destructive research purposes. The morality and the ethics of this I think are totally different.

We have never as a Nation ventured into this area before where we are saying we are going to create embryos now purely for research purposes to be destroyed. We have that before us today. We have it before us now. It will be before this body, the House of Representatives, next week.

We will have two alternatives. Members of this body can choose the direction that is supported by me and the gentleman from Michigan (Mr. STUPAK), which is to say we are not going to go in that direction. We are not going to have human cloning, the creation of embryos, human life at its earliest stages, specifically just for research purposes and for destruction. We are going to say no to that procedure. As well, we are going to say no to allowing those embryos to be implanted in a woman for the purpose of generating a pregnancy, a baby, a human being.

Members of the body will have a choice, though. They will have another bill before them. The bill I spoke of at the beginning of this Special Order, the Greenwood-Deutsche bill, H.R. 2172, and their bill specifically allows the creation of human embryos through cloning technology to be used specifically for research purposes and destruction.

Our bill says, no, we do not want to move in that direction. It is not necessary. It is morally and ethically wrong, and it will ultimately, if we move in the direction that they are proposing, it will ultimately take us to the place where we are creating embryos in such quantities that eventually we will have attempts made at creating babies, creating human clones. Or, the body can choose to support and approve H.R. 2505, the bill that I believe very, very strongly is the morally and ethically correct way to go.

I believe this is a critical juncture for our Nation. The whole arena of biotechnology is exploding. We have had the human genome project, and we are moving very, very rapidly to a place where there can be many new breakthroughs in science and technology. Many of these are very, very good, but some of these I believe are extremely dangerous, extremely hazardous, and are morally and ethically wrong.

To say that we as a Nation are going to allow, permit, even encourage the creation of embryos, human embryos for destructive research purposes I think is extremely, extremely bad policy. It would put the United States in a position where it would have the most liberal policy on this issue in the world. Our bill I think puts us in the right direction where we are saying we are going to allow the good science to proceed, but we are not going to take this ghastly or grizzly step.

Now, before I close, I want to say one additional very important thing, and my colleagues are going to hear this from some people, that if we do this, if we pass this bill, if this bill is signed into law and, by the way, it has received the support of the Bush administration, they have indicated that they will support the bill of myself and the gentleman from Michigan (Mr. STUPAK), that this technology will just somehow go overseas and the cloning will proceed there. In response to that I want to say a couple of important things.

Number one, I think we have a moral and ethical obligation to do what is right within our own borders. To say that something bad is going to happen overseas, therefore we should not bother making it illegal here is absurd. I mean, nobody would suggest repealing our laws against slavery just because slavery currently exists in the Sudan. That would be, of course, reprehensible. Nobody in their right mind would propose that.

So I think the obverse certainly applies, that we would never want to say, no, we do not want to pass good legislation to make something that is morally and ethically wrong, you would never want to do that because it may happen somewhere else. I think that is a totally unjustifiable argument.

Another important point in this arena is this: I think the world does look up to the United States, and I think if we can pass a strong bill in this arena other countries will follow suit. Certainly, they will be encouraged to do so.

An important provision of our bill which I did not mention is the prohibition on importation. There are some people who would like to repeal this provision and essentially allow the creation of clones overseas and in the Bahamas, Mexico, whatever country, and then the stem cells or whatever material people are wanting to extract from those clones, part of their destruction could then be brought back into the United States. I thought this was an unacceptable situation so we have language in the bill barring the importation of clones or products from clones.

Lastly, I want to just cover a few important points.

I have talked a lot about the morality and ethics of this; and they will

say, well, you cannot legislate morality. We hear that all the time. I would counter that everything we do in this body is rooted in morality and ethics.

We were debating earlier today the housing bill. Well, why do we have a housing program? Well, we have a housing program because when all of that got started during the New Deal there were a lot of people who thought it was morally and ethically wrong to have millions of Americans who were living well living next to people in squalor, without homes, with substandard housing, and so we began those programs.

We have the Social Security program, I believe, because most people feel it is morally and ethically wrong to allow senior citizens who do not have the ability to save during their working lifetime to live in abject poverty.

All of our laws, laws against murder and rape, are rooted in morality and ethics. This is just one more example. It is ethically and morally wrong.

Finally, let me close by just saying to all of my colleagues in the House, and I have heard this from some Members, why are we getting into this issue? As I stated at the outset, we are getting into the issue because we have to get into the issue. There is a company in Massachusetts that is preparing to begin the process of creating human embryos. As I understand it, they have harvested eggs from women donors, they have the eggs, they want to do the sematic cell nuclear transfer technology, begin creating clones, and then extracting from those embryos stem cells for research purposes and then destroying those cloned embryos.

So, Mr. Speaker, the time is now. We need to speak on this issue as a body. The Congress needs to speak on it, the President needs to speak on it, and I believe we should stand with the vast majority of Americans. A poll that I have seen shows that 86 percent of the American people feel that it is wrong to create embryos specifically to be used for research purposes and then destroyed. Eighty-six percent of the American people feel that this is the wrong thing to do.

Let me just add again, and I have said this earlier, I know there are many people, particularly many pro-life people, several of the Republican senators I know have gotten up in that body and spoken on this issue, that feel that we should allow the destructive embryo research on these excess embryos in the freezers in the IVF clinics, so-called excess embryos. This bill does not address that issue. If this bill becomes law, that research could proceed and, indeed, that research actually can proceed in this country today. The debate is exclusively over whether or not the Federal Government should fund that research.

So I think we are headed as a body to a very, very critical point. Medical technology has been evolving rapidly in the United States for years and years and years, and we are at a precipice. We are at the edge of a tremendous decision. I think the right decision is to pass this bill, H.R. 2505, the Weldon-Stupak Cloning Prohibition Act of 2001. It is supported by the President of the United States; and the Senate, the other body, hopefully, will take the bill up and pass it as well.

□ 1530

PATIENT PROTECTIONS IN THE REPUBLICAN PATIENT BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Kentucky (Mr. FLETCHER) is recognized for the remaining time of the gentleman from Florida (Mr. WELDON).

Mr. FLETCHER. Mr. Speaker, I just wanted to rise and discuss some issues regarding patient protections.

As we know, this is a piece of legislation that is anticipated to come before this body next week. It is a piece of legislation that has been debated for quite some time for a number of years here. Yet, unfortunately, we seem to be at somewhat of a logjam.

Let me say that we have been able to reach quite a compromise position in the bill that we have put forth, myself along with the gentleman from Minnesota (Mr. PETERSON), a Democrat, as well as the gentlewoman from Connecticut (Mrs. JOHNSON), who have worked very, very hard to really come together with a piece of legislation that is a very balanced approach.

Mr. Speaker, we have come a long way. However, there are some Members who did not want to increase the liabilities of HMOs at all. There are some people who wanted to open up unlimited lawsuits that would have driven up the cost of health care and increased the number of uninsured in this country.

Yet, Mr. Speaker, we have reached a good balance in this piece of legislation, the Fletcher-Peterson-Johnson legislation, that does three things particularly.

One, it increases the quality of health care in America. How does it do this? It does that by establishing the right of every patient in America that has insurance to be able to appeal to a panel of expert physicians. These are practicing physicians that are trained in the specialty to be reviewed. So if a patient has an HMO that questions their ability to get a particular treatment, they can go to this panel.

What we do is set the criteria of that panel to make sure that it is the highest standards of medical care in this country, state-of-the-art care. We establish that based on a consensus of expert opinion and what we call referred journals. Those are those medical journals like the New England Journal of Medicine, the Journal of the American Medical Association, that are reviewed by peers to make sure that the information in those journals is accurate and substantiated by scientific research.

We make sure that every patient in America has that option of coming and asking that expert panel whether or not they should receive this treatment. If they are not given that treatment, then we hold the HMOs liable. We hold them liable. Actually, if the HMO refuses to give what the experts say, we hold them just as liable as any physician is held liable in this country.

Yet the other side says that is not enough because they want to allow trial lawyers to sue no matter what the case is, even if the plan is offering the care; or if the plan actually is saying that the experts say this is not the appropriate treatment, then they want an opportunity, a right, to be able to sue that managed care facility.

What is that going to do? This is unlimited lawsuits. We have debated this for years. As a family physician, I know the extra costs of what we call defensive medicine, what the costs are. It is not thousands, it is not millions, it is billions of dollars of tests that are run, procedures that are performed, that are only done because of fear of frivolous lawsuits.

That does not improve the quality of health care. It actually has just the opposite effect on the quality of health care. There have been some studies done to show that frivolous lawsuits do not improve the quality of health care. As a matter of fact, they impair it.

Under the Democrats' bill, and again, they have been unyielding and lack the ability, it seems, to be able to yield or to compromise at all on this issue. Even though we have opened up liability tremendously, making sure that we punish bad players, they are unwilling to compromise. What has that done? That has made us unable to get a bill passed here.

Now I would hope they would be able to compromise some, because I believe all of us truly want to get a bill signed by the President that can help patients in this country.

Why will we not support the bill that has unlimited frivolous lawsuits and has no provisions, substantial provisions, for access? Because we know it will increase the uninsured in this country. Some estimates say from 7 million up to 9 million people will lose their health insurance.

What effect does that have on a patient? Patients that do not have insurance have poorer health. Disease progresses further along before they are actually diagnosed of the disease. If they are hospitalized and they do not have insurance, they die at three times the rate of a patient that has insurance. So it is very troubling to me

when I see the flagrant disregard for the uninsured that the Democrats have expressed in their unwillingness to compromise with us and reach a real solution for patients in this Nation.

When I talk to constituents, Mr. Speaker, the number one concern I hear about, and I have been through many factories and small businesses and talked to workers, I ask them, ''What are several of the things that are important to you?'' They talk about the education of their children. But when we get down do it, just as important to them is the health care of their children.

Under the Democrat bill on this Patients' Bill of Rights, they will be threatened with losing their health care through many small businesses, and maybe even large businesses, because of the added burden of liability.

I have letters that have come, a number of letters from small businesses that say, we are not going to be able to offer health care to our employees under the provisions of the Democrat bill because of the liability that exists there. That is not helping patients. That will result in people losing the health care they get through their job, and that is one of the most important aspects about many individuals' employment.

I can think of a young lady on the line of Toyota Manufacturing Company. She installs the bumpers on Avalons and Camrys. I asked her about the benefits she gets through Toyota. She mentioned one of the major benefits she gets is the health care through her employers. Yet, that may be threatened under their plan. It would require that they look and ask, is it going to be possible to withstand the liability? Are they going to end up giving the money to this young woman, and having her have to go out and buy her own insurance?

Many companies will find out some way to make sure that does not happen, but inevitably, it will raise the premiums that that young lady is going to have to pay. That means there is less money for her to take care of those children she is so concerned about. That means there is less security that she is able to provide for her family. That means there is less peace of mind that she has as she is working to take care of those children.

Mr. Speaker, I want to cover a few more things about our health care bill. As we look at the guiding principles for our health care bill and this Patients' Bill of Rights, and again, this is a compromise that has been developed over a number of years, it is to improve the quality of health care. I spoke about that. It is making health care more accessible, more affordable, especially to the uninsured.

I mentioned that their bill does very little to do that. Actually, it will result in millions probably losing their health care. But we provide something called medical savings accounts. That means we can set aside money, much like an IRA, through our jobs, and we can use that money for health care. We can use it for routine health care that we all get to prevent diseases and to detect diseases early. We might use it for eyeglasses or other things that are important for health care and well-being.

This will allow more individuals to get insurance because in some of the pilot programs we have done with medical savings accounts, almost one-third of the people that get insurance through those did not previously have health insurance, so that certainly makes it more available to the uninsured, and helps us reduce the problem of 43 million Americans uninsured.

As we look at holding health plans accountable, we talked about if a health plan does not follow that external review, then they are held accountable, just as accountable as any physician. That is very important, and so we want to make sure that there is accountability.

When we look at the number of uninsured, just to kind of give you an idea of what the magnitude of the uninsured are in this country, look at these cities: Portland; Bakersfield; Phoenix; Denver; Dallas; Atlanta; Orlando; Lexington, and then that is my home city; Charlotte; Hartford; Syracuse; Cleveland; Chicago; Des Moines; Minneapolis; Salt Lake City.

If we added the population of all of those cities, that would equal the number of people in this country that have no health insurance. The last thing we want to do is to drive up the cost of health insurance.

Now, as we look at the provision, another provision I want to talk about, that is association health plans. We talked about MSAs, or medical savings accounts. But association health plans, what that does is allow small businesses to come together to self-insure and to offer a product nationally.

So, for example, my farmers are paying $800 or $900 a month for premiums to buy their health insurance on the individual markets. What this would allow is the American Farm Bureau Association to offer a national plan that is self-insured, much like the large companies do.

It is a fairness issue. Why can we not have small companies coming together and offering insurance products just like large companies do? If we do that, it is estimated that it will reduce the premiums by 10 percent to 30 percent. That will possibly allow us to insure as many as 9 million Americans.

If we look at that, it is equivalent to the people living in the following cities that are highlighted in black: Salt Lake City, Phoenix, Des Moines, and Atlanta. That is a number of people, an equivalent number of people of several cities in this Nation that would be able to get insurance through these association health plans.

Let me just close by saying there is a lot of. I think, demagoguery going on and criticism of the plan saying that we do not allow direct access, for example, to OB–GYN and pediatricians. In fact, that is just not true. We have the equivalency of 400,000 physicians in different organizations that endorse this bill because it does exactly what they know it needs to do to ensure that they can deliver the treatment they need to their patients.

It allows direct access to OB–GYN physicians. It makes sure that if a young lady is being cared for during her pregnancy, if the plan and the physician no longer have a contract together, that she can continue to get that care through that same physician: a physician whom she trusts, especially trusts for the delivery of a newborn child; and not only that, but postpartum care.

We also allow for clinical trials; that if there is a treatment that provides hope and it is approved by the FDA or by the National Institutes of Health or by the veterans' programs, that we can actually guarantee that the plan would cover that treatment.

It may be the only hope that that child has left, or that individual has left, ensuring that they get the treatment that would offer them a hope of health and well-being.

We also have been criticized, saying that we do not provide emergency care for neonatal care. This criticism is most laughable, and there is certainly a tremendous degree of demagoguery from the Democrats because of this reason.

We actually improve the provision they have, and say that not only a layperson's definition, but if even in the opinion the health professions, and even if the mother was not aware of the condition of the child, but if, under the opinion of a health care professional, the mother needed to bring that child in, that we guaranteed that that child would get treatment.

I can recall a child that needed treatment. The mother was in our practice and gave me a call. This happened to me on several occasions. I asked her to bring that child in. I can even recall one situation where the child was in very critical condition when that child arrived. Yet, young mothers sometimes do not know all of the precautionary signs, so it is very important to have this access provision.

We offer better access and better cover for neonates and those young infants, the newborns, than the other side does.

They are also talking about preemption of State laws. Yet our provisions make it easier for States that have equivalent patient protections to be able to use their laws, instead of having to use the Federal mandate. So we

actually do less to supersede State law than the other side does, because about 33 States have passed patient protections at this time, and we think it is important that we allow that.

The bottom line, the Democrat plan is a bad plan for the most vulnerable in this Nation. Who are those? They are the low-income minorities, those right on the border. I know they speak a lot about this constituency, but when it comes down to the bottom line, they are putting politics before the most vulnerable in this society, because their plan will disproportionately affect low-income and minorities in this Nation and cause a disproportionate number of those to lose their insurance. It threatens the health care they get through their job.

Ours provides several plans to ensure that we can cover more individuals with health insurance, up to 9 million more. It has been estimated under their plan that several million will lose their health care, as we have shown.

So Mr. Speaker, I appreciate sharing this time on the Patients' Bill of Rights. I would hope that the Democrats, as we come back next week into session, that they would be willing to reach a compromise that is good for the American people; to stop this logjam and be able to pass a Patients' Bill of Rights that we can lay on the President's desk, because he has spoken very passionately about this issue, and wants very much a Patients' Bill of Rights for the American people.

I would hope they are willing to reach a compromise. We have compromised tremendously so we might get a patients' bill of rights passed.

PRESIDENT BUSH STANDS BY HIS CONVICTIONS ON MATTERS OF DEFENSE AND THE ENVIRONMENT

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

Mr. ROHRABACHER. Mr. Speaker, I draw Members' attention to President Bush and the great job that he has been doing withstanding public pressure to go in the opposite direction of which he believes to be true.

□ 1545

We have a sense about what George W. is about; and I believe that George W. is proving himself to be a great president and that, as time goes on, we will find that this gentleman, who has been castigated by his opponents in some very vile characterizations, is actually a very thoughtful person, and a person of high character, and a person of strength.

President George W. Bush has been willing to say things straight, in a straightforward manner that has enraged his political opposition, but yet by standing strong and tall, like President Reagan before him, who was also attacked in very personal and vile terms, our new president is finding that if he stands strong, that people will go in his direction. Because the things that he believes in, many of the things that he believes in, are clearly true but not in line with the liberal ideology that has dominated the American government and dominated the news media and communications in this country and in Western Europe.

Our new president, for example, has stood firm on the idea and the concept of missile defense. Prior to going to Europe recently, the President was under severe attack by the leading Democrat in the Senate, Tom DASCHLE, and he was being told that by insisting that the United States move forward on missile defense that it would in some way bring about a renewal of the arms race. How many of us heard that?

Now, I believe the Democrats certainly have a right to attack a Republican president or vice versa. That is what democracy is all about. We all have the right to criticize. But let us point out that while some people seem to be upset that the President was being criticized overseas, I am just upset with the fact that the Democrats were so adamant in their opposition to missile defense and that, now what, they were wrong, not that they were criticizing the President.

Missile defense is something that now seems to be becoming more acceptable to our European allies. And in fact, instead of being this roadblock to any type of good relationship with the government in Russia, now we see President Putin in Russia edging towards President George W. Bush's position.

Let us note that President Ronald Reagan first stepped forward with the idea that if we are going to be spending billions of dollars in order to protect the people of the United States it is better for us to build a system that indeed protects our people rather than a system that is based on annihilating millions of other people living in less free societies when they become engaged in a conflict with the United States.

During the Cold War, it made every sense to have a situation where the Russians knew that if they attacked the United States with their missile force that hundreds of millions of Russians would lose their lives, like hundreds of millions of our citizens, and that was a deterrent. But during the post-Cold War world, such a deterrent makes no sense at all.

Right now, for example, if there is an adversary, if there are people who in some way might be willing to take the risk of attacking the United States, they are not people who care about losing the lives of their own citizens. If the Communist Chinese were to launch one of their missiles at the United States, they could care less if there would be retaliation. The regime in Communist China murders their own people, so why would they care if we killed 1 million, 10 million or even 50 million of their people in retaliation for a missile attack that killed a million Americans?

George W. Bush's position, as well as Ronald Reagan's position, makes all the sense in the world. Let us not put ourselves in a position of having to murder millions of people in another country because their dictators, their bosses, the gangsters that control their country have attacked the United States of America. Let us, instead, protect ourselves and use our technological genius to build a system that will protect us against some attack with one or two missiles from a rogue country, from North Korea or from China or Iran or Libya.

Now, the Democrats have done everything they can to prevent this type of technology from being developed. During the 8 years Bill Clinton was President of the United States, he spent those 8 years spending the money on missile defense and channeling it in a direction so that that technology would not succeed. He kept us engaged in a treaty with the former Soviet Union, even though the Soviet Union had ceased to exist. He kept us in compliance with this treaty that we signed with old Communist dictators, even though communism and the Soviet Union no longer existed in Russia. We could have gotten out of that treaty.

And this is one thing George W. Bush is pushing for, out of the treaty that prevents us from thoroughly developing our anti-missile system. We could have gotten out of that, and by now have developed a system so that if China would launch a missile towards the United States that we could knock it down and protect Los Angeles or southern California or northern California, or even parts of the United States as far as Chicago. We would be able to protect the United States from a missile attack. But Bill Clinton decided, as President of the United States, that he did not support missile defense. So the money that we spent on missile defense was frittered away, frittered away and wasted. Now we are vulnerable and we have George W. Bush standing firm against all those who try to pressure him and say back down.

Well, I think it was one of Ronald Reagan's great moments, when he went to meet with Gorbachev and Gorbachev told him he had to agree not to develop a weapon system that could protect rather than kill people, and if he did that, if he stopped or gave up this idea of missile defense, he could sign a big treaty and be the biggest hero in the world, that Ronald Reagan walked away from it. George W. Bush is proving himself to be that same type of

strong leader who will bring about a more peaceful world.

Ronald Reagan had no idea when he turned that down that the people of the world would see him as a strong and a tough leader who they could trust to make a decision and that that in and of itself would have a dramatic impact for the promotion of freedom and peace on the planet.

By the time Ronald Reagan was done being president, even though he had been nitpicked to death by people on the other side of the aisle, the Cold War was over, the Berlin Wall was on its way down, and democracy and peace were given a better chance than ever in my lifetime and in the whole 20th Century, all because Ronald Reagan stood tough.

George W. Bush is making those same tough stands against the same type of nitpicking that went on during the Reagan administration. Every time we took a stand against communism, there were those on the other side of the aisle trying to find a mistake that we made in order to thwart our efforts, whether it was in Latin America or whether it was with the Mujahedin against the Russian expansion in Afghanistan or elsewhere, or in the development of missile defense.

Our President today, George W. Bush, has that same strength of character. And if he maintains his courage, as he has been doing and as we have seen, and for the first time the world is starting to lean in his direction already in terms of the things he has said on missile defense, George W. Bush, like Ronald Reagan before him, will be able to make an incredible contribution to the contribution of freedom and peace on this planet.

Now, one of the other areas that George W. has been standing firm on is his refusal to submit the American people to the dictates of a Kyoto global warming treaty. For this tough stand that he has taken, George W. has been under vicious attack. But those of us in the United States who are proud that our country has a high standard of living and that in our country ordinary people can live decent lives, we applaud George W. Bush and his wisdom and his courage when it comes to the Kyoto Treaty.

Many people have heard congressman after congressman come to the floor of this body attacking George W. for not being part of the team when it comes to global warming and supporting the Kyoto Treaty. Time and time again we hear, ''America is doing nothing on this global warming.'' Well, maybe the American people should understand when these Members of Congress get up and start talking that way and condemning George W. Bush for doing nothing what it is they want him to do. What is it that the Kyoto Treaty is demanding of the American people that George W. Bush is saying, no, I do not think that we are going to do that? What we are talking about are severe restrictions on our standard of living.

They claim the United States should be ashamed that we put more CO_2 into the air than any other country. That is the way they judge it. The United States puts more CO_2 into the air. Well, what does that mean? Well, that may mean that we have the highest standard of living of any other country of the world. And, yes, there is some CO_2 we put into the air. But in terms of the standard of living, if we put per $1,000 of GNP, we actually put less CO_2 in the air than anybody else.

So if we just judge it by how much we are putting in, of course that is a mandate for what? For lowering the GNP, for lowering the standard of living of regular people. That is what they are trying to force George W. to agree to, lowering the standard of living of ordinary Americans. Is that what we want?

By the way, these same fanatics who are trying to convince us about this ''global warming problem,'' do not take into consideration that America, through its agriculture, has had a vast tree planting over the last 100 years. And by the way, we have many more trees in America today than we had 100 years ago. Because at the turn of the century there was a replanting of trees across America. Up in the Northeast, up in Maine, and up in New Hampshire and Vermont and those areas that were treeless by the turn of the century, or the 1800s, those were replanted. Go up there today and there are vast forests there. Those trees take the CO_2 out of the air. We actually take more CO_2 out of the air than any other country in the world.

The fanatics that want us to get involved in the Kyoto Treaty do not take that into consideration. Instead, they would have us, for example, pay $5 a gallon for every gallon of gas that we buy. Now, what is that going to do for the price of goods that are sent by truck? What will that do for the standard of living of average Americans, that $5 a gallon for gasoline? It will dramatically reduce the well-being of our people.

When we see people up here attacking George W. Bush on the Kyoto Treaty, that we are doing nothing, they will say what they want us to do is be engaged in a treaty that will lower the standard of living of ordinary people in this country, that will suck money right out of our pockets that could go to better food, better health care, better education. Instead, they are going to put it into higher prices for gasoline and other types of fuel.

It is vital that the public know what is going on in this attack against George Bush. Global warming, first and foremost, is not a scientific imperative. Let us talk about global warming for a minute. It is a politically driven theory. The people who are pushing global warming are not, by and large, being pushed by some scientific motivation but instead have a political agenda. Those people who are in the scientific community that have signed on have done so realizing that they are kowtowing to political powers and not to scientific knowledge.

□ 1600

Those exposing global warming, those scientists who are brave enough to step forward, do so knowing that they might be retaliated against. Our young people, for example, are being lied to about the environment in general, and they are being lied to especially about global warming. I see this every time a group of young people from my congressional district comes to Washington, D.C.

As a member of Congress, I represent Huntington Beach, California, Southern California, I went to high school in Southern California and now that I am a Member of Congress, every student group that comes from my congressional district here to Washington, D.C., I take the time and effort to talk to them and to get to know what they are thinking and try to find out as much about them as they are finding out about me and about government.

I ask them the same question, every single time, every group. How many of them believe, these are students from Southern California, believe that the air quality today in Southern California is cleaner or is worse than it was when I went to high school 35 years ago in Southern California? Ninety-five percent always say the same thing, almost every group says the same thing. They believe, 95 percent of them believe that the air quality in Southern California today is so much worse than when I went to high school 35 years ago. I was so lucky, they say, to have lived in a time and went to school in a time when the air was so clean. Of course, they are surprised when I tell them that they are absolutely wrong, that the real answer is 180 degrees in the other direction.

In fact, the air in Southern California has never been cleaner in my lifetime and they enjoy some of the best clean air ever in Southern California. These young people have been systematically lied to and been told that the environment is killing them. They are being told that the water is so much worse than it ever was.

The fact is that water quality in the United States has been vastly improved in these last 4 decades. Forty years ago if you tried to put your finger in the Potomac River they would come out and say, What the heck are you doing put your finger in the Potomac for? Do you want to get the acid burn on your finger?

Today you go out and people are swimming in the Potomac. People are

fishing in the Potomac. What happened? I will have to admit that many regulations, many are regulations that the Democratic party pushed. Let me make no beans about it, the Democrats were in the front of the reform effort. That over the years tough measures were put in and there has been an enormous amount of environmental clean up that has taken place.

Unfortunately, the information about that cleanup has not made it to the American people and especially to our young people. They are being told the water is getting a lot worse. They are being told that the land is much more foul. Over the years of our country's history there were toxic waste dumps all over the place. There was no hope of cleaning them up. The land was spoiled. This was a horrible situation.

Guess what? With the technology we have developed today, we can clean up those sites. In fact, in my own district I worked with a company called Simple Green Company that has developed a way that in 60 to 90 days can take a contaminated soil and turn it into clean soil so it can be used for homes or schools or whatever.

We tried a demonstration project in my district. We took 10 acres of soil that used to be an old oil sludge dump, and sure enough, in about 90 days Simple Green, this company in my district, was able to turn that into a usable piece of property again. Mark my words, when people find out about this process, we will have toxic waste sites being cleaned up all over the country because it will be profitable to do so and we have the technology to do so.

But our young people are not being told that. Our young people are being told it is technology, the machines and the industrialization that has caused the problems. The fact is people are living longer today than they ever have. Although, yes, there are the diseases we face, other generations faced many of these same diseases long before there was this industrialization. Not to say that there is not some collateral impact, and we should be aware of that and study that.

This President has not only full funded but doubled the budget of the National Institute of Health so that we can scientifically look at the health patterns to see if we can help to cure some of those problems.

But in terms of the overall environment, it is so much better. For example, in 1966 a Mustang that my father owned, if you take the pollution coming out of that tail pipe and you examine the new Mustangs today and examine how much pollution is coming out of that tail pipe, 96 percent of the air pollution has been captured. The engines are that much more effective. They have cured 96 percent of that problem.

In Southern California, what that has meant is we have doubled or maybe even tripled our population. Yet the air quality is much much better.

Now, some people say, so what if they are lying to these kids? So what if the public is not getting the story. I can tell you so what. What is happening then is there are a group of people using these lies and the fear that our young people live in and that our other people live in to try to push their own political agenda which is a centralizing of power in Washington, D.C., and that is frightening enough, but their agenda as well is to empower global government through the United Nations and other institutions, to have the power to control our lives, our economic lives, in the name of stopping this horrible pollution.

This threat of global warming that is supposedly going to destroy people's lives and the whole planet, I am sorry but I am not about to give up my freedom to a bunch of unelected officials from other countries. By the way, the people that would be running these international bodies that will oversee the environment and, thus, oversee our economic lives and, thus, oversee every decision which we make as people, these bodies will not be manned and not be controlled by individuals who are elected. No.

They will be controlled by people who are not elected even in their home countries, much less by the people of the United States. Those people who run roughshod over their own countries in the Third World will end up with seats on the United Nations or on these global commissions or authority boards. They will be the ones making the decisions that we must run our lives by. I am afraid not. If that is what you are going to do to clean up the environment, count me out. Because within 10 years all of these bodies will be run by corrupt Third World people who are probably going to be bribed by Communist China, et cetera.

By the way, let us note that in the Kyoto Treaty which the President has been, and we can be grateful for this, has been standing steadfastly against, the Kyoto Treaty that these Democrats are trying to push on us and force down our throats, exempts from its regulations and its Draconian controls, exempts Communist China. Surprise, surprise, surprise.

What do you think that is going to do if we have all kinds of controls on America and in the United States? To open up a factory in the United States, it is going to cost so much more and that if you are going to create any jobs in the United States there is going to be all sorts of hoops people have to jump through and it will cost more money and more controls. But none of those controls and none of those extra costs exist in China. Where do you think people are going to set up their factories? They are going to set their factories up in China.

Let me note, we have some controls in the United States, environmental controls that are exemplary compared to China, compared to these Third World countries that are all exempt. So we have our businesses going to these places to set up factories where they can pollute even more. So the irony of it is the global warming treaty will create more pollution, not less, because it exempts the countries that permit the dirtiest of industrialization. No. You can count me out on that one.

Let us talk a little bit about global warming. What is it? People should understand what is being talked about. Global warming, supposedly, is carbon fuel, coal, oil and gas, et cetera, that is being put into the atmosphere in the form of carbon dioxide, that is CO_2, and supposedly CO_2 will raise the temperature of the planet and that will cause drastic changes in our weather. The ice flows. Supposedly the ice caps are already melting, and animal and plant life are being really threatened by global warming. Every time there is a hot day you can hear some global warming guy get up and say, oh, well, this is all caused by global warming.

Well, that is just so much global bologna. First and foremost, all of the recent scientific reports agree that there may or may not have been a minor change in this planet's temperature, its average temperature over the last 100 years. That there is, get this, no conclusive evidence that man has caused it. Now, that is what the facts are.

But if you listen to Dan Rather or you listen to our friends trying to push their political agenda here in the House, or if you pay attention to the news media besides Dan Rather and the rest of them, you are being told that you have all of these reports and the reports are confirming that the world is getting hotter and man is the cause.

In fact, it was not too long ago I saw a report on TV about one of these commissions and their study and it said the study has found out that it is getting warmer. This is Dan Rather in the beginning. That the Earth is getting warmer and man is at fault. By the end of that report where his own reporter in Washington said, of course, they have not indicated and they cannot prove whether or not man has had anything to do with this. A direct contradiction to this headline that Dan Rather lead into his own report. That is not something that is an odd situation.

If you take a look at all of the media reports on global warming, you will find when you look into the details, by the time you get to the end of the story you will find quotes from the report that they are supposedly pushing or talking about, and there are weasel words throughout the whole report because the scientists that are conducting these studies are not sure and, thus, they want to put into the report

words that they can point to and say, well, we did not really say this. We said maybe. We said could lead to the conclusion that or possibly.

Look at these reports. Do not believe when you read something in the newspaper or hear it on television that some scientific body has conclusively decided this, do not believe it because it is not true. Not only is that not true, it is about as true as the fact that those poor kids in my district are being told that air pollution in Southern California is worse than it has ever been and they are scared to death that it is hurting their life.

Climate science, by the way, had become really a new entry into this whole idea of scientific study. Prior to 1980, there were only a handful of climatologists. Now they are everywhere. Why is that? How come there are so many climatologists all of the sudden?

The fact is that it is easy now to get a government grant if you are going to prove that global warming exists and it is very difficult to get a grant if you are trying to have a scientific study that will or will not prove that global warming exists.

Eight years ago when President Clinton took over the Executive Branch, he saw to it that there would be no scientific research grants going from the government to scientists who did not support the idea that we were under attack from some global warming trends. Unless they furthered the global warming theory, they were not going to get a government grant.

We were tipped off to this when the lead scientist, the Director of Energy and Research for the Department of Energy, a guy named Dr. Will Happer, immediately when Clinton was elected and took office, they could not move fast enough to fire this guy from his position because he did not agree with the global warming theory.

Dr. Happer, by the way, now is a professor of physics at Princeton University. But his removal back in Clinton's first few weeks in office sent a message to the scientific community.

□ 1615

There does not appear to have been much information about global warming prior to the mid 1980s. But what we have been able to find out is that that information that was available before the 1980s indicated that there was going to be a new ice age. Back in the 1980s, some of the same scientists who are now warning us against global warming were warning us that there was going to be a new ice age and that global cooling was really the problem. This Member of Congress sat through hearings in which the advocates of global warming would appear and after a few questions they would admit, well, it could be global cooling, yes, it could be global cooling.

What is that all about? Why are we spending billions of dollars? Why are we giving up our freedom? Why are we permitting the standard of living of our people to go down based on that type of scientific logic? I think not. The fact is that in a span of 20 years, climate models have gone from predicting that we would all freeze to death in the new ice age to now we are all going to have to worry about being baked to death in a global furnace.

Some of the leading proponents, as I say, of global warming went from freezing to burning to death. Historically speaking, we know, by the way, let us just take a look at it, everybody should understand it a little bit, that the global climate changes. Global climate changes. There have been ice ages in the earth's past and there have been tropical ages. Both of those came about off and on throughout the hundreds of millions of years of the earth's life without any interference of man.

Now, the global warming theory, by the way, is that it is getting hotter because mankind is putting CO_2 into the air. Mankind is putting CO_2 into the air. Well, what about all those climate changes before humankind, before there were any railroads or industry or cars? Why did that happen? There is no real explanation for that. Well, there is an explanation. What the proponents of global warming will not tell you is that all of this CO_2 that they claim is causing global warming, all of that CO_2 that mankind puts into the atmosphere is only 5 percent of the CO_2 that goes into the atmosphere every year from all sources. Mother nature is putting 19 times more CO_2 into the air than human beings. But human beings are being blamed totally because we want to have a little higher standard of living.

By the way, when there is a volcano that erupts violently, all of a sudden there is dramatically more CO_2 in the atmosphere. One volcano like Krakatau or something can put as much CO_2 into the air as all of our industrialization. So it makes sense for us not to have good jobs? It makes sense for us not to have cars? Give me a break. The fact is that of all the reforms that global warming people want us to go through and restrictions and the Kyoto treaty, it would knock a little CO_2 out of the air but that is just mankind's contribution to that CO_2. If there is a volcano that erupts, that is taken care of right away and that does not even count anymore.

I had a Member of this Congress grab me by the arm the last time I spoke about this and said, ''You know, DANA, you're wrong. The volcanoes do not put CO_2 into the air.'' And he cited all of these scientists.

I went back to my office, I got on my Internet, looked up the scientific basis and by the time I had to come down to the floor to vote the next time, I had the report right in front of me and, sure enough, volcanoes do put CO_2 into the air. Three percent every year of all CO_2 going into the air comes from volcanoes. Only 5 percent is coming from human activity. So if we have a large number of volcanoes or one big eruption, that means they just totally cancel out anything that we would do as humankind.

By the way, one other factor is, all of these people are talking about, ''Oh, this horrible global warming, you can see its impact starting now.'' What is the global warming? What are these people telling us about our weather? Our weather supposedly is 1 degree warmer than it was 100 years ago. Let us look at this. One degree over 100 years and they are saying that that is a trend that is really frightening. These people cannot tell us what the weather is going to be like next week but they are afraid because they think that the weather is 1 degree warmer now than it was 100 years ago.

I heard about this meeting President Clinton had of climatologists and weather reporters from around the United States into the Oval Office, into the White House, about 5 or 6 years ago. He was going to have all these weathermen there, they were going to talk about global warming and this 100 years and the trend that is set up and, oh, my gosh, 100 years from now how bad it is going to be, when they all got to the White House and they had their meeting and during that meeting at the White House, a storm came across Washington, D.C. and there was a deluge of rain, it was raining horribly, but of those hundreds of weathermen and climatologists who knew all about weather so much, they could predict weather for 100 years, only three of them had brought their umbrellas to that meeting. What does that tell you? You cannot predict what the weather is going to be like 2 weeks from now. And if it is just 1 degree over 100 years, they are telling us that we are going to be so frightened out of our wits by that that we are going to submit to a global treaty that would give powers over our economy and bring down our standard of living, exempt Communist China and let them get all the development? No way. One degree over 100 years is this thing that they are fearful about. And at the same time, let us go back to that basic fact that we were just discussing. There have been changes in the earth's temperature many, many times. Even if that 1 degree over 100 years was right and, by the way, we do not know how they took the temperatures 100 years ago. We do not know who was taking the temperature down in some Pacific Ocean place. Was it a sailor who was reading the thermometer right or what about the guys out west or out in the jungles or something? Who was taking these temperatures 100 years ago? How do we know that it was 1 degree cooler 100 years ago? I would doubt that it is 1 degree

warmer, it might be, but if it was and even if we were in a period of our earth's history where there was a slight bit of warming, that is the way it is sometimes. That is no excuse to change the standard of living of the American people.

Earlier in this millennium, we know, for example, or in the last millennium, I should say, Leif Ericson established a colony in Greenland. Greenland at that time was free from snow about half the year. Half the year it did not have any snow in Greenland. Yet less than 100 years after that, the colony had to be abandoned because the climate was growing colder. They had a mini ice age. Certainly we know that throughout our history, we have seen situations where the glaciers came down and then the glaciers receded. Is it possible now that maybe we are in a period where the glaciers are receding a little bit and then they will come down a couple of hundred years from now or a thousand years or a hundred thousand years from now? That is possible. Maybe we are in a period of the earth's history in which, as I say, those glaciers that came down and dug out the Great Lakes and now they have receded, maybe they still are receding. I know one thing, there was a report from the Canadian government that debunked the idea that the ice cap is melting. How many people have heard that? Again, it is like the kids being told in my area that the air pollution is so bad, now they are being told, the ice caps are melting, catastrophe is about ready to happen. The Canadian government just put out a report about 3 months ago, I happened to see it, no, the ice caps are not melting. The ice caps are not melting. They are not receding. There is just as much ice cap as there ever was. This is all baloney. It is called global baloney. Give up your freedom because we are going to try to scare you.

I do not think so. I do not think the American people will buy that. I think that George W. Bush deserves a medal for standing strong against these fearmongers who are trying to scare us into again centralizing power in Washington, D.C. and trying to scare us into centralizing power globally.

Let me just say a few things about George W. Bush overseas, the Kyoto Protocol and the media that has been really down on him. Ronald Reagan went through the same thing. I saw this personally. I worked in the White House with Ronald Reagan. He went through the same personal attacks. You had scientists, you had these liberal science groups that would get up and make the same claims about Ronald Reagan's theories, especially about his defense theories, and they all were proven wrong by the end of his administration. But let me just say, when you hear these reports by the scientific community, especially, for example, there was a report by the National Academy of Sciences, this is the one that Dan Rather was reporting on that I mentioned, and that National Academy of Sciences report which we were told proved conclusively that global warming was happening and that mankind was at fault, when you look at that, when you look at that report, it is so filled with caveats and weasel words that the scientific community was not putting itself on the line to support global warming, it was just drawing attention to the debate about the issue.

I have some documents that I will make part of the record considering this. Again, we have to take a look at what is being said and why it is being said and look very closely at this issue when people are talking about it. I am not suggesting that we should take anyone's word, either people who are anti-global warming or pro-global warming and take them just on face value. We need to make sure that we are very skeptical when people are trying to tell us that something dramatic is happening, whether it is to our weather or to anything else and be very careful before we make such awesome decisions that would change the standard of living and bring down the standard of living of our people.

One thing that people might want to note is that some people are telling us that the global warming phenomenon if there is a 1-degree increase in the earth's temperature, that there could be other explanations for it other than that mankind is using cars to get around in or that CO_2 is being put into the air by machines. For example, the earth's orbit around the sun is elliptical. What does that mean? That means at some time, the earth is closer to the sun and sometimes it is further away from the sun. That happens in 100-year cycles. We are finding now that maybe we might be a little bit closer in that curve and maybe that would account for the fact that things were 1 degree warmer over 100 years. Ancient Mayans and Aztecs observed that cycle, that solar cycle of 208 years. They have suggested that there is a 104-year decline in temperatures and a 104-year increase in temperatures just by the fact of how far you are from the sun.

By the way, also something that we might explain this is the fact that there are sun spots and there are solar storms. The sun itself may be the cause of global warming which of course has nothing to do with industrialization or automobiles or us putting CO_2 in the air. We also have to remember that water, water comprises so much of the volume of this planet. I think it is three-quarters of the planet is water. Yet there are no adequate global ocean temperature readings. All the readings have been done on land, have not been done of the water or of the air. So we have not tested the water temperature nor have we tested the atmospheric temperature. In fact, a renowned scientist just prior to me coming up here was with me coming here and said, there is absolutely no evidence that there has been any temperature change, not even that 1 degree over 100 years, no temperature change above the atmosphere.

If there has been no change there and no change in the water, how are these people able to come forward and be so fanatical about what they are trying to railroad us into?

□ 1640

So, none of the readings include any deep water, and if there is any water temperatures, it is only very shallow water readings. So we have zero understanding of the deep waters that cover this planet, and no change, we see no change in the upper atmosphere. So how can we then try to think that with that type of data, not knowing how the other data has been collected, how can we possibly make decisions like the ones for the Kyoto Treaty that will so dramatically affect the standing of living of our people?

Let me go on to say one other thing about global warming. About 7 or 8 years ago, during the height of the Clinton Administration, this Member of Congress was visited by a high ranking scientist in the U.S. Government, and he made me swear never to tell who he was, but he said, Dana, these readings that they are using to back up their theory that we are going through global warming, they do not take into consideration cloud cover.

Get that. Not only do they not take water temperature or the sun or any of these other things, but cloud cover. They have not taken into consideration even if the clouds were covering that day, much less do they take into consideration that at one time, maybe 100 years ago, there was a lot of open space where they were taking the readings, and now that space is covered with concrete because it might be a city.

Now, what does that have to do with that one degree of increase in temperature there has been? These things make a lot of difference, and yet those people who are trying to tell us that global warming is a problem have not taken any of these things into account.

So, anyway, what can we determine by all of this? That global temperature records are flawed. We know they did not take into account what was going on with the sun, whether or not the areas that were being recorded were urban or rural over these last 100 years. They have not even taken into consideration the humidity factor in terms of the Earth's temperature.

Finally, let us look at the Earth's orbit itself. They do not take into account the Earth's orbit. They do not

take into account the sun's situation. They do not take into account the clouds. They do not take into account their own long-term readings. They do not take into account the humidity. What they do take into account is a theoretical calculation that man-made CO_2s have something to do with global warming, and they have lots of hypothetical data about how human beings are polluting the world.

Okay, human beings are polluting the world, and that is certainly a fact, and we have to work to make sure that we correct pollution by better technology all the time. It does not mean that we have a global warming problem. It does not mean that we have to make drastic changes in our life or increase taxes or centralize power.

Most of the sources of CO_2, and that is the pollutant they are looking at, these greenhouse gasses, methane and CO_2, most of them are coming into the atmosphere naturally and are not manmade. Now, certainly we contribute a little bit. As I mentioned earlier, you have volcanic activity that creates CO_2. Three percent of all of the CO_2 in the world every year comes from volcanic activity. If a huge volcano goes off, it goes much more.

But how about these other sources? That is about the same level as mankind. The volcanoes put out about the same thing mankind puts out every year, unless there is a big volcano that goes off.

What about some of the other sources? The other sources of methane and CO_2 are what? How about insects and termites, and how about rotting wood? Do you know that insects and termites and rotting wood contribute much more to the CO_2 and methane that goes into the environment than human beings? All of our industrialization does not put into the environment as much CO_2 and methane that termites and insects and rotting wood do.

So if our main concern about pollutants is to bring those CO_2 levels of methane down, because we are so afraid of global warming, what would we do? What would be consistent with that? Well, they say you want to limit human beings' right to have their own automobiles, make it so expensive people cannot own a car, $5, $6 a gallon gasoline. We want to make sure there are controls on all the factories so we do not have good jobs, ordinary people lose their jobs. That is what they say. That would only get to maybe 1 or 2 percent of the CO_2 that is being put into the atmosphere.

If you are really consistent with what these fanatics, the global warming fanatics, would have you do, what we would do is bulldoze, are you listening to this, bulldoze all of the rain forests and all of the old growth trees, because, according to the global warming theory, the CO_2 and the methane that comes in, that is what is causing global warming, and rotting wood in rain forests and the insects eating that rotting wood and the old growth trees we have here in the United States and elsewhere are the major source of that pollutant. So what we need to do is bulldoze all those rain forests.

Now, do you think you are ever going to hear some global warming fanatic come down here and admit that? No way. But if you ask them, you keep pointing questions, they always try to dodge this question. In a hearing you keep on them, and you will get them to admit that yes, this is a much greater source for global warming gasses, you know, they call them greenhouse gasses, than industrialization.

Now. Well, I do not happen to think we should, and, by the way, I am not advocating that we bulldoze all the forests and all of the rain forests. By the way, what you would do then is plant young trees. It is young trees and plants that are young that soak in the carbon dioxide and give out oxygen. That is what you want for a better balance of CO_2 and oxygen in the planet. But I would not advocate that. But I do not believe in the global warming theory.

Interestingly enough, many global warming people also oppose nuclear power. Making sure we put the power of the atom to work in producing electricity would have a tremendous impact in lowering CO_2. Are you going to find them out here advocating that? No way. Instead, what they are advocating are stricter controls on the amount of money that is invested in businesses in this country, the amount of money that is invested in manufacturing facilities, and restricting the kind of activity that we can do industrially in this country. And who does that hurt? It hurts ordinary working people who want to have working class jobs. That is who it hurts. They are willing to do that. Their own theory would suggest they said bulldoze down all of the forests and all of the swamps and rain forests we have.

Do not hold your breath looking for those people to be consistent. Instead, what you can do is watch them come to the well day after day condemning George W. Bush for not going along with the global warming treaty, and being very nebulous about exactly what that means. He supposedly is doing nothing.

George Bush was 100 percent right in rejecting the Kyoto Protocol and demanding further scientific research before any drastic government policies are put into place. The most frightening element of the global warming debate is that intelligent people backed up by so-called experts are willing to give up the American way of life, and, yes, put into place regulations and taxes that would lower our standing of living.

Global warming advocates would have us give authority to unelected international officials. And all of this to me, I do not care if they call them international environmental bureaucrats or just international officials, if they have not been elected, I do not want them making decisions over my life. If these global warming fanatics have their way, Americans are going to be targeted as the bad guys.

If you ever listen to these arguments, whether it is Daschle or other global warming advocates, it is always the American people that put more pollutants into the air. No, that argument does not hold. In fact, what every person in the world puts into the air is only a minor, a minor, contribution to what global warming is all about. But, yet, the American people are trying to be stampeded by this campaign.

Now, I have seen campaigns like this before. I have seen people trying to scare people on various issues since I was a little kid. How many people remember when cranberries were supposedly going to cause cancer, and then all of a sudden the cranberry business for 2 years went to hell. People went bankrupt because our people were frightened into believing cranberries caused cancer. That is when I was a little kid.

Guess what? People are drinking cranberry juice. There are so many cranberries being consumed in our county, I cannot believe it.

Then there were cyclamates in soda. That was going to cause cancer. It cost our soda pop industry billions of dollars that evaporated. They put the cyclamates in, it was something to keep people from gaining weight.

Canada never took the cyclamates out. Then 10 years ago, after billions of dollars of cost they mandated in our business, that means there are fewer people employed, that comes right out of the general welfare of our people, that we do not have that wealth to make our lives better, guess what? The FDA said, guess what? We are sorry, the cyclamates do not cause cancer after all.

We also remember a very well-known movie star that convinced us only a few years ago that alar in apples caused cancer. Well, I am sorry, after about a year that actress was found to be wrong. But what happened in that year? Apple farmers suffered tremendous losses. Many families lost their whole life savings. They went out of business.

When we buy on total theories that are haywire and unscientific theories, there is an effect to this. There is a cause and effect. We buy on to things that are not scientifically proven, they are trying to scare us. Just like they are trying to scare the kids in my Congressional District about dirty air. That is the cleanest air we have had in decades, but if we buy on to those theories and get frightened, it will impact in a negative way.

Now, with the cranberries and the cyclamates and the alar, it just hurt various farmers. But if we buy on to the global warming theory, it is going to hurt all of us. It is going to bring down our standard of living.

Thank God we have a President of the United States that is willing to say this does not hold water; we need a lot more scientific research before we make such decisions; I am not going to go along with this global warming Kyoto Protocol. I commend him for that, and I would hope that the American people understand his wisdom and his courage and that he is standing there to protect us and to protect our standard of living.

With that, I would ask my colleagues to join me in recognizing that George W. Bush is doing this kind of job and that he is a good man, and wish him well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KIRK). The Chair will remind all Members that in order to preserve comity between the two chambers, Members will refrain from making personal references to Senators.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT) for after 12:30 p.m. today on account of official business.

Mr. HANSEN (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. KELLER (at the request of Mr. ARMEY) for after 1:00 p.m. today on account of family reasons.

Mr. MCINNIS (at the request of Mr. ARMEY) for today on account of family reasons.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for Thursday, July 26, before 3:00 p.m. on account of attending a family funeral.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. WATT of North Carolina (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. SUNUNU (at the request of Mr. ARMEY) for today on account of attending a memorial service for his uncle.

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. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

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

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

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

Mr. MCDERMOTT, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until Monday, July 30, 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:

3134. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas [Docket No. 01–063–1] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3135. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation and Interstate Movement of Certain Land Tortoises [Docket No. 00–016–3] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3136. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Export Certification; Canadian Solid Wood Packing Materials Exported From the United States to China [Docket No. 99–100–3] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3137. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Addition to Quarantined Areas [Docket No. 01–048–1] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3138. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Accreditation Standards for Laboratory Seed Health Testing and Seed Crop Phytosanitary Inspection [Docket No. 99–030–2] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3139. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Arthur K. Cebrowski, United States Navy, and his advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

3140. A letter from the Federal Register Liaison Officer Alternate, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Assessments and Fees [No. 2001–44] (RIN: 1550–AB47) received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3141. A letter from the Federal Register Liaison Officer Alternate, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Liquidity [No. 2001–51] (RIN: 1550–AB42) received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3142. A letter from the Federal Register Liaison Officer Alternate, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Conversion from Stock Form Depository Institution to Federal Stock Association [No. 2001–52] (RIN: 1550–AB46) received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3143. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3144. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wallace, Idaho and Bigfork, Montana) [MM Docket No. 98–159; RM–9290] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3145. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kingman and Dolan Springs, Arizona) [MM Docket No. 01–63; RM–10075] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3146. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (West Hurley, Rosendale and Rhinebeck, New York, and North Cannan and Sharon, Connecticut) [MM Docket No. 97–178; RM–8329; RM–8739; RM–10099] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3147. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report

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

3148. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3149. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3150. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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3157. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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3163. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3164. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3165. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3166. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3167. 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.

3168. 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.

3169. 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.

3170. 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.

3171. A letter from the Office of Headquarters and Executive Personnel Services, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3172. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 071201A] received July 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3173. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule— End of the Service Members Occupational Conversion and Training Program (RIN: 2900–AK45) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3174. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2001–41] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3175. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate tax return; Form 706, Extension to File [TD 8957] (RIN: 1545–AX98) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3176. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exxon v. Commissioner, 113 T.C. 338 (1999) (Docket No. 23331–95, 16692–97) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3177. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduction in Certain Deductions of Mutual Life Insurance Companies [Rev. Rul. 2001–33] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3178. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Collection of Supplemental Security Income (SSI) Overpayments from Social Security Benefits (RIN: 0960–AF13) received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2505. A bill to amend title 18, United States Code, to prohibit human cloning; with amendments (Rept. 107–170). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. TAUZIN (for himself, Mr. THOMAS, Mr. HANSEN, and Mr. OXLEY):

H.R. 4. A bill to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Ways and Means, Resources, Education and the Workforce, Transportation and Infrastructure, and the Budget, 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. BRADY of Pennsylvania (for himself and Ms. VELÁZQUEZ):

H.R. 2666. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business.

By Mr. SMITH of New Jersey (for himself, Mr. BILIRAKIS, Mr. EVERETT, Mr. BUYER, Mr. GIBBONS, Mr. SIMMONS, Mr. BROWN of South Carolina, Mr. WAMP, and Mr. KIRK):

H.R. 2667. A bill to provide for a joint Department of Defense and Department of Veterans Affairs demonstration project to identify benefits of integrated management of

health care resources of those departments, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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. HASTINGS of Florida:

H.R. 2668. A bill to amend title 18, United States Code, to prohibit the disposition of a firearm to, and the possession of a firearm by, non-permanent resident aliens; to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself, Mr. OSBORNE, Mr. PICKERING, Mr. HALL of Texas, Mrs. CLAYTON, Mr. GOODE, Mr. BISHOP, Mrs. CHRISTENSEN, Mr. THUNE, Mr. SIMPSON, Mr. SCHAFFER, Mr. HUTCHINSON, Mr. CHAMBLISS, Mr. BRADY of Texas, Mr. STENHOLM, Mr. BOSWELL, Mr. THOMPSON of California, Mr. POMEROY, Mr. CONDIT, Mrs. EMERSON, Mr. BERRY, Mr. GIBBONS, Mr. ETHERIDGE, Mr. BLUNT, Mr. REHBERG, Mr. HAYES, Mr. STRICKLAND, Mr. KIND, and Mr. JOHN):

H.R. 2669. A bill to improve access to telecommunications and Internet services in rural areas; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself, Mrs. MALONEY of New York, Mr. STARK, Mrs. THURMAN, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Mr. CUMMINGS, Mr. FROST, Ms. NORTON, Mr. PETERSON of Minnesota, Mr. JACKSON of Illinois, Ms. BALDWIN, Mr. SANDERS, Mr. KILDEE, Mr. LANTOS, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. LEE, Mr. SANDLIN, Mr. GUTIERREZ, Ms. ESHOO, Mr. MCNULTY, Mr. KUCINICH, Mr. OWENS, Mr. BONIOR, Mr. NADLER, Ms. CARSON of Indiana, Mr. HONDA, Mr. FRANK, Ms. MILLENDER-MCDONALD, Ms. HARMAN, Mr. ENGEL, Mr. CONYERS, Mr. BOUCHER, Ms. SOLIS, Mr. HOLDEN, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. RUSH, Mr. DEFAZIO, Ms. WATERS, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, Mr. ABERCROMBIE, Mrs. CAPPS, Ms. DEGETTE, Mr. SHAYS, Mr. WAXMAN, Mr. BECERRA, Mr. LAMPSON, Ms. MCCOLLUM, Mr. HALL of Texas, Mr. FORD, Mr. SHERMAN, Mr. REYES, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. PASTOR, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. HINOJOSA, Ms. SANCHEZ, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. BACA, Ms. PELOSI, Mr. CLYBURN, Mrs. MEEK of Florida, Ms. KAPTUR, Mr. FARR of California, Mr. MORAN of Virginia, Mr. LAFALCE, Ms. HOOLEY of Oregon, Mr. GILMAN, Mr. CROWLEY, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. MATSUI, Ms. DELAURO, Ms. SLAUGHTER, Ms. BERKLEY, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Ms. LOFGREN, Mrs. MCCARTHY of New York, Mrs. JONES of Ohio, Ms. RIVERS, Ms. SCHAKOWSKY, Mr. WU, Mr. BERMAN, Ms. MCCARTHY of Missouri, Ms. KILPATRICK, Ms. MCKINNEY, Mrs. DAVIS of California, Mrs. LOWEY, Mr. EVANS, Mr. GREEN of Texas, Mr. MOORE, Mr. RANGEL, Mr. SNYDER, Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. ACEVEDO-VILA, Mr. UNDERWOOD, and Mr. SCOTT):

H.R. 2670. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself and Mr. NEY):

H.R. 2671. A bill to amend title 38, United States Code, to suspend for five years the authority of the Secretary of Veterans Affairs to increase the copayment amount in effect for medication furnished by the Secretary on an outpatient basis for the treatment of service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. FOLEY:

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a United States citizen unless a parent is a United States citizen, is lawfully in the United States, or has a lawful immigration status at the time of the birth; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. CANTOR, Mr. MCNULTY, Mr. SHERMAN, Mr. FROST, Mr. WEINER, Ms. ROS-LEHTINEN, and Mr. PLATTS):

H. Con. Res. 202. Concurrent resolution condemning the Palestinian Authority and various Palestinian organizations for using children as soldiers and inciting children to acts of violence and war; to the Committee on International Relations, and in addition to the Committee on Financial Services, 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. SCHAFFER (for himself and Ms. KAPTUR):

H. Con. Res. 203. Concurrent resolution congratulating Ukraine on the tenth anniversary of re-establishment of its independence; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Mr. COX, Mr. WAXMAN, Mr. GILMAN, Mr. WU, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. LANGEVIN, Mr. ACKERMAN, Mr. CROWLEY, Ms. BERKLEY, Mr. SCHIFF, Mr. CANTOR, Mr. BISHOP, Mr. PITTS, Mr. TOWNS, Mr. HOEFFEL, Mr. BALLENGER, Mr. NADLER, Mr. BERMAN, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. CUMMINGS, Mr. HOYER, and Mr. RUSH):

H. Res. 212. A resolution expressing the sense of the House of Representatives that the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance presents a unique opportunity to address global discrimination; to the Committee on International Relations.

ADDITIONAL SPONSORS

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

H.R. 17: Mr. BOEHLERT.

H.R. 103: Mr. SKEEN and Mr. LARGENT.

H.R. 116: Ms. MILLENDER-MCDONALD.

H.R. 218: Mr. SCARBOROUGH and Mrs. MALONEY of New York.

H.R. 292: Mr. CROWLEY AND MR. RANGEL.

H.R. 321: Mr. ABERCROMBLE.

H.R. 335: Mr. NETHERCUTT.

H.R. 448: Mr. UDALL of Colorado and Mr. KINGSTON.

H.R. 758: Ms. BALDWIN.

H.R. 877: Ms. PRYCE of Ohio.

H.R. 914: Mr. WICKER.

H.R. 936: Mr. DOYLE.

H.R. 950: Mr. REHBERG.

H.R. 951: Mr. SCHIFF, Mr. BASS, and Mr. ROTHMAN.

H.R. 959: Mr. RODRIGUEZ.

H.R. 1038: Mr. ABERCROMBIE.

H.R. 1070: Mr. GREEN of Wisconsin.

H.R. 1073: Mr. JOHN.

H.R. 1086: Ms. HOOLEY of Oregon.

H.R. 1089: Mrs. NAPOLITANO.

H.R. 1108: Ms. BALDWIN.

H.R. 1143: Mr. TIERNEY and Mrs. MEEK of Florida.

H.R. 1170: Mr. LEVIN.

H.R. 1198: Mrs. DAVIS of California, Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Mr. RUSH, and Mr. ROTHMAN.

H.R. 1201: Mrs. CHRISTENSEN.

H.R. 1238: Mr. MCNULTY and Mr. RAMSTAD.

H.R. 1243: Mr. SHOWS.

H.R. 1290: Ms. CARSON of Indiana.

H.R. 1305: Mr. HORN.

H.R. 1307: Mr. BORSKI.

H.R. 1323: Mr. FATTAH.

H.R. 1330: Mr. WALDEN of Oregon.

H.R. 1377: Mr. RADANOVICH.

H.R. 1450: Mr. WELDON of Florida.

H.R. 1509: Mr. SANDERS and Mr. MORAN of Virginia.

H.R. 1522: Mr. HOEFFEL and Mr. EVANS.

H.R. 1584: Mr. NORWOOD.

H.R. 1598: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1609: Mr. BOYD.

H.R. 1611: Mr. PASCRELL.

H.R. 1644: Mr. GUTKNECHT.

H.R. 1645: Mr. PETERSON of Minnesota and Mr. BENTSEN.

H.R. 1681: Mr. PICKERING, Ms. HART, Mr. BURTON of Indiana, and Mr. KINGSTON.

H.R. 1700: Mr. DOYLE.

H.R. 1701: Mrs. KELLY.

H.R. 1703: Mr. UPTON.

H.R. 1707: Mr. BACA.

H.R. 1718: Mr. WEINER, Ms. WOOLSEY, Mr. CRAMER, Mr. ORTIZ, Mr. CARSON of Oklahoma, and Mr. SHOWS.

H.R. 1731: Mr. SCHAFFER, Mr. ARMEY, Mr. WALDEN of Oregon, Mr. FOLEY, and Mr. GILLMOR.

H.R. 1773: Mr. KUCINICH.

H.R. 1775: Mr. CONDIT, Mr. CALVERT, and Mr. DAVIS of Illinois.

H.R. 1784: Mr. REYES, Mr. CUNNINGHAM, and Mr. BERMAN.

H.R. 1798: Mr. HORN.

H.R. 1815: Ms. PELOSI and Mr. SMITH of Washington.

H.R. 1830: Mr. ABERCROMBIE, Mr. BAIRD, Mr. BLUMENAUER, Mr. BRADY of Pennsyulvania, Mr. CAPUANO, Mr. CARDIN, Ms. DELAURO, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mr. HINCHEY, Mr. HOEFFEL, Mr. INSLEE, Ms. LOFGREN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. MOORE, Mr. NADLER, Mr. OBERSTAR, Mr. OWENS, Mr. PASCRELL, Ms. PELOSI, Mr. PHELPS, Mr. ROTHMAN, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. WEINER, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Mr. DOYLE, Mr. UDALL of Colorado,

Ms. WOOLSEY, Mr. WU, Mr. LARSEN of Washington, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mrs. MEEK of Florida, Mr. PAYNE, Mr. MARKEY, Mr. OLVER, Mr. MORAN of Virginia, and Ms. BALDWIN.

H.R. 1893: Mr. FATTAH.

H.R. 1897: Mr. CROWLEY and Mr. KING.

H.R. 1918: Mr. WELLER.

H.R. 1931: Mr. DEUTSCH and Mr. YOUNG of Alaska.

H.R. 1935: Mr. UDALL of Colorado and Mr. FERGUSON.

H.R. 1961: Mrs. DAVIS of California and Mr. SHERMAN.

H.R. 1975: Mr. COSTELLO, Mr. BAKER, and Mr. BASS.

H.R. 1986: Mr. DAVIS of Florida, Ms. ESHOO, and Mr. VITTER.

H.R. 1997: Mr. ENGLISH.

H.R. 2023: Mr. JEFFERSON and Mr. BAKER.

H.R. 2047: Mr. SMITH of Texas.

H.R. 2074: Mr. FARR of California and Mr. GEORGE MILLER of California.

H.R. 2121: Mr. PAYNE and Ms. LEE.

H.R. 2166: Mr. RODRIGUEZ.

H.R. 2173: Mr. WAXMAN, Mr. CROWLEY, Mr. EVANS, and Ms. BALDWIN.

H.R. 2188: Mr. BORSKI, Mr. LANTOS, and Ms. HART.

H.R. 2200: Mr. SOUDER and Ms. BALDWIN.

H.R. 2212: Mr. ISAKSON, Mr. PLATTS, and Mr. SCHROCK.

H.R. 2235: Mr. COLLINS.

H.R. 2244: Mr. SMITH of Michigan.

H.R. 2291: Ms. HART.

H.R. 2294: Mr. EVANS.

H.R. 2316: Mr. GRAHAM, Mr. OXLEY, Mr. BAKER, Ms. DUNN, Mr. BURTON of Indiana, Mr. KNOLLENBERG, and Mr. SUNUNU.

H.R. 2329: Mr. BASS and Mr. SCHIFF.

H.R. 2339: Mr. PASCRELL and Ms. HART.

H.R. 2341: Mrs. BIGGERT, Mr. FLAKE, Mr. GILLMOR, Mr. GOODE, and Mr. KELLER.

H.R. 2362: Mr. HASTINGS of Florida, Mr. FRANK, Mr. CASTLE, and Mr. FROST.

H.R. 2364: Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mr. HOEFFEL, and Mr. FRANK.

H.R. 2379: Mr. THOMPSON of Mississippi and Ms. PELOSI.

H.R. 2380: Mr. STRICKLAND and Mr. CRANE.

H.R. 2390: Mr. SOUDER.

H.R. 2398: Ms. JACKSON-LEE of Texas and Ms. HART.

H.R. 2405: Mr. TIERNEY, Mr. NADLER, Mr. OLVER, Mr. TOWNS, and Mr. STARK.

H.R. 2442: Mr. GEKAS.

H.R. 2454: Ms. PELOSI, Ms. SOLIS, Ms. HARMAN, Mrs. BONO, Mr. CALVERT, Ms. ESHOO, and Mr. CAPUANO.

H.R. 2457: Mr. LAHOOD, Mrs. CAPITO, Mr. PLATTS, Mr. BURR of North Carolina, Mr. ISAKSON, Mr. HERGER, and Mrs. EMERSON.

H.R. 2498: Mr. BARRETT.

H.R. 2550: Mr. HONDA.

H.R. 2559: Ms. NORTON.

H.R. 2592: Ms. PELOSI.

H.R. 2598: Mr. PASCRELL, Mr. CUMMINGS, and Mr. CONDIT.

H.R. 2605: Mrs. THURMAN and Mr. MCDERMOTT.

H.R. 2608: Mr. SCHIFF.

H.R. 2614: Mr. LANTOS, Ms. DELAURO, and Mr. SMITH of Washington.

H.R. 2663: Mr. FILNER.

H. Con. Res. 97: Mr. SWEENEY and Mr. CROWLEY.

H. Con. Res. 116: Mr. FRANK.

H. Con. Res. 131: Mr. FROST, Mr. MCNULTY, Mr. PORTMAN, Mrs. BIGGERT, Mr. DAVIS of Florida, and Mr. GALLEGLY.

H. Con. Res. 181: Mr. RUSH, Mr. RAHALL, and Mr. CROWLEY.

H. Con. Res. 188: Mr. ROYCE, Mr. SHERMAN, Ms. Watson, Mr. MCGOVERN, Mr. SABO, Mr. KUCINICH, and Ms. PRYCE of Ohio.

H. Res. 132: Ms. WATSON and Mr. MCHUGH.

H. Res. 200: Mr. HASTINGS of Florida, Mr. GILMAN, and Mr. BEREUTER.

H. Res. 202: Mr. RANGEL and Mr. ISRAEL.

H. Res. 211: Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. CLAY, Mrs. MEEK of Florida, Ms. LEE, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. HILLIARD, Mrs. CLAYTON, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. WYNN, Mr. CLYBURN, Mr. PAYNE, Mr. JEFFERSON, Mr. SCOTT, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. BISHOP, Mr. FATTAH, Mr. OWENS, Mr. MEEKS of New York, Ms. BROWN of Florida, and Ms. WATSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 770: Mr. BISHOP.

H.R. 1745: Mr. GEORGE MILLER of California.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2620

OFFERED BY: MRS. WILSON

AMENDMENT NO. 47: Page 61, line 25, after the dollar figure, insert ''(reduced by $15,000,000)''.

Page 64, lines 5 and 9, after the dollar figures, insert ''(increased by $15,000,000)''.

SENATE—*Friday, July 27, 2001*

The Senate met at 10 a.m. and was called to order by the Presiding Officer, the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

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

Almighty God, we dedicate this day to discern and do Your will. We trust in You, dear Father, and ask You to continue to bless America through the leadership of the women and men of this Senate. Help them as they grapple with the problems and grasp the potential for the crucial issues before them today.

You provide us strength for the day, guidance in our decisions, vision for the way, courage in difficulties, help from above, unfailing empathy, and unlimited love. You never leave us or forsake us; nor do You ask of us more than You will provide the resources to accomplish. So, here are our minds, think Your thoughts in them; here are our hearts, express Your love and encouragement through them; here are our voices, speak Your truth through them. For You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN 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 27, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN 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.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, 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.

Murray/Shelby amendment No. 1030 (to amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals.

Gramm amendment No. 1168 (to amendment No. 1030), to prevent violations of United States commitments under the North American Free Trade Agreement.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, the majority leader has asked I advise everyone that the Senate will resume consideration of the Transportation Appropriations Act under postcloture conditions. Cloture was invoked yesterday by a margin of 70–30.

We hope to be able to work out an agreement on this matter today, if possible. If we can't, we would have a vote tonight on the matter now before the Senate dealing with cloture at approximately 8:45. There will be votes throughout the day on other matters if we are not able to work something out.

As we announced yesterday, we very much hope we can move to the agricultural emergency supplemental authorization bill. It is extremely important that be done prior to the August recess. We also have, as my friend, the ranking member of the Banking Committee, knows, concern about moving forward on the Export Administration Act, which also should be done before our August recess because that law expires in mid-August. The high-tech industry throughout America has been calling our offices asking that we do this. With the slowdown of the high-tech industry, we need to move this legislation.

As I indicated, there will be rollcall votes throughout the day. We hope we can move forward on other matters, but we understand the Senate rules and will abide by whatever Senators MCCAIN and GRAMM think is necessary.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, the Senate is now considering the Transportation appropriations bill that has now been before the Senate for a week. There are a number of provisions in this bill that are extremely important to our Nation's infrastructure. This is a bill that I have been very proud to work on in a bipartisan way with the ranking member of my committee, Senator SHELBY. I will take a moment this morning to recognize the tremendous work and help of Senator SHELBY and his staff and our staff. They have spent long nights negotiating this bill this week, working to a point where we could get this bill out and do it in a way that provides the infrastructure we think is so important, whether it is for our airports, our railways, whether it is for our roads or waterways.

There are extremely important provisions in this bill for many Members of the Senate. We have had considerable requests from every Member of the Senate for important infrastructure improvements in their State. I am very proud of the work Senator SHELBY and I have done. We have worked extremely hard for the last 5 months to put this bill together. I think we have done a very good job. We have met and exceeded every request of this President, unlike the House, and we have done a good job, I believe, of meeting the transportation requirements of every Senator who has come to us.

I was pleased yesterday we were able to come to cloture on this measure on a very strong vote from the Senate of 70–30. I realize there are some Members of the Senate who think the provisions do not meet their requirements, but I think we have done a very good job of not doing what the House did, which was to absolutely prohibit any truck from coming across the border, and not do what the President has asked, which was to simply open up the borders and let trucks come through at will, but to put together a comprehensive piece of legislation which I believe will clearly mean we will be able to have a bill that is passed that assures constituents, whether they live in Washington State or constituents living in border States, when they see a truck with a Mexican license plate, they will know that truck has been inspected, that its driver has a good record, that it is safe to be on our highways, as we now require of Canadian trucks and American trucks.

Can we do better for all trucks on our highways? Absolutely. But it is clear we need to make sure, as NAFTA provisions go into place and we do start getting cross-border traffic, we can assure our moms who are driving kids to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

school, or our families who travel on vacation, or each one of us as we drive to work today, that we know our highways are safe. I believe the provisions we have put into this bill do make sure that happens.

I understand from the Senator from Nevada we will have a vote sometime this morning. I will take some time between now and then to walk through again what the compromise provisions are. I think they are very solid and give a lot of assurance. It is important we understand what we are passing out of the Senate.

The DOT plans to issue conditional operating authority to Mexican truck companies based on a simple mail-in questionnaire. All that Mexican truck companies will need to do is simply check a box saying they have complied with U.S. regulations and then their trucks will start rolling across the border. In fact, under the Department of Transportation plan, Mexican trucking companies will be allowed to operate for at least a year and a half before they are subjected to any comprehensive safety audit by the DOT.

So under the committee provisions that we have written in a bipartisan manner with the members of Senator SHELBY's staff, under the subcommittee's unanimous vote, and under the full committee's unanimous vote, no Mexican trucking firm will be allowed to operate beyond the commercial zone until inspectors have actually performed a compliance review on that trucking company. This review will look at the conditions of the truck and the recordkeeping. They are going to determine whether the company actually has the capacity to comply with United States safety regulations, and once they have begun operating in the United States, Mexican trucking firms will undergo a second compliance review within 18 months. That second review will allow the Department of Transportation to determine whether the Mexican trucking firm has, in fact, complied with United States safety standards, and it will allow them to review accident breakdown rates, their drug and alcohol testing results, and whether they have been cited frequently for violations.

The ratification of NAFTA 7 years ago anticipated a period when trucks from the United States, Canada, and Mexico would have free rein to service clients across all three countries. This was not really a change in policy as it pertained to Canada since the United States and Canada had reciprocal trucking agreements in place long before NAFTA was ever required. But it did, as we know, require a change when it came to truck traffic between the United States and Mexico.

Let me say that again. We have had a long-time policy that pertains to Canada because we have had reciprocal agreements in place for some time. But with the ratification of NAFTA, and now with the January deadline coming upon us, we knew we had to take action when it came to truck traffic between the United States and Mexico.

For several years the opening up of the border between these two countries was effectively put on hold by the administration because they had great concern over the absence of reasonable safety standards for trucks that were operating in Mexico. While Mexican trucks have been allowed to operate between Mexico and a very defined commercial zone along the border—20 miles—the safety record of those trucks has been abysmal. In fact, the Department of Transportation's own inspector general, the General Accounting Office, and many others have published a number of reports that have documented the safety hazards that have been presented by the current crop of Mexican trucks crossing the border.

At a hearing of the Commerce Committee just last week, the inspector general came to that committee hearing and testified about instances where trucks have crossed the border literally with no brakes. Think about the impact of that, if you are a mom driving your kids to school, or if you are driving a bus carrying a busload of kids to school, or driving on vacation, or if you are going to work: A truck that has no brakes and it has crossed the border because we have lack of inspectors, we have lack of inspection, and we have the lack of ability to assure the safety of those Mexican trucks.

Officials with that IG office visited every single border crossing between the United States and Mexico, and they have documented case after case of Mexican trucks entering the United States that were grossly overweight, that had no registration or insurance, and that had drivers with no licenses. We have an obligation to assure that the trucks that drive on our roads have registration, have insurance, have drivers with licenses, and that meet our weight requirements. These are simple, basic safety measures that we have to reassure every family who drives in our country.

In fact, according to the Department of Transportation's most recent figures, Mexican trucks are 50 percent more likely to be ordered off the road for severe safety deficiencies than United States trucks. And Mexican trucks are more than 2½ times more likely to be ordered off the road than Canadian trucks. Equally troubling to all of us is the fact that Mexican trucks have been routinely violating the current restrictions that limit their area of travel to the 20-mile commercial zones.

Knowing these things, we knew we had an obligation as we passed this bill in the Transportation Appropriations Subcommittee to make sure we put in safety requirements. Knowing that Mexican trucks are 50 percent more likely to be ordered off the road, we knew we had to put in safety requirements to assure, as trucks begin to travel beyond that 20-mile limit, even though as some of our colleagues have pointed out they are already doing so illegally—but once they are allowed to do that under the President's order, we need to make sure those trucks are safe before they come in.

The DOT inspector general found that 52 Mexican trucking firms have operated improperly in over 26 States outside the four southern border States. Already, in 26 States of our country, we have these trucks coming in. That is one reason Senator SHELBY, the ranking member of the Transportation Subcommittee, and I put the money into this bill that the House had stripped out—$15 million more than the administration had requested—in order to ensure that we have inspectors in place and inspection stations and weigh stations, so we can monitor the traffic crossing our southern border.

An additional 200 trucking firms violated the restrictions to stay within that commercial zone in the border States. We know Mexican trucks have been found operating illegally as far away from the Mexican border as New York State in the Northeast and my own State of Washington in the Northwest. We know the trucks are coming in now illegally to 26 States from 200 trucking firms. We want to make sure that as it becomes legal for them to be crossing the border, they are safe; that is a basic safety requirement, that we have an obligation as Senators to be able to go home and say to our constituents as the NAFTA provisions take effect.

Let me just take a moment to remind my colleagues, I supported NAFTA. I support free trade. I believe this NAFTA provision will raise the safety and health standards and labor standards for all three countries as it goes into place. But it will not do that if we lessen the safety requirements of the United States as it is implemented. That is why this provision is so critical.

One thing I found shocking was that the inspector general reported on one case where a Mexican truck was found, on its way to Florida to deliver furniture, and when that vehicle was pulled over, that driver had no logbook and no license. As I said, this is not unique; there have been experiences such as this in half of the States of the continental United States.

Given that kind of deplorable safety record, the official position of the U.S. Government since the ratification of NAFTA was that the border could not be opened to cross-border trucking because of the safety risks involved.

Why has that changed? Why are we now dealing with this provision on the

floor of the Senate? Two things have basically changed that policy of restricting those trucks to within that 20-mile border.

First of all, of course, a new administration has come into power and they have said they want our borders opened.

Second, the Mexican Government successfully brought a case before the NAFTA arbitration panel. That panel has ruled the U.S. Government must initiate efforts to open the border to cross-border traffic. So in order to do that, a frenzy of activity occurred at the Department of Transportation so the border could be open to cross-border trucking, as soon as this autumn, they said.

The Department of Transportation has cobbled together a series of measures that was sort of intended to give us, as United States citizens, a sense of security, but I really saw it as a false sense of security as this new influx of Mexican trucks is coming across the boarder.

Both the House and the Senate Transportation Appropriations Subcommittees have looked at what the Department of Transportation is doing very hastily to allow these trucks in, and we determined it was woefully inadequate.

When the House debated the Transportation appropriations bill for fiscal year 2002, its concerns about the inadequacy of the Department of Transportation's safety measures were so grave that it resulted in an amendment being adopted on the floor of the House that prohibited the Department of Transportation from granting operating authority to any Mexico-domiciled trucking company during fiscal year 2002.

That amendment passed by a 2-to-1 margin. It is an amendment that prohibits the Department of Transportation from granting operating authority to any Mexican domiciled truck. That amendment passed 2 to 1 by a vote of 285–143. By the time the Transportation bill left the House, it was in pretty bad shape. Not only did they pass that amendment 2 to 1 to prohibit any truck from coming across, but they stripped every penny of the $88 million the administration requested to improve the truck safety inspection capacity of the United States-Mexico border.

That bill, I believed, and Senator SHELBY believed, and others who worked with us believed, was simply the approach that went too far by taking all of the money away so there were no inspectors, no inspection stations, no weigh stations, and no ability to allow the NAFTA provisions to go through. We believed that the administration's position, on the other hand, was also woefully inadequate. Their position was to allow Mexican trucks to come in, come across our borders, traverse all our States, and inspect them later. The House has one extreme and the White House has another extreme.

That is why Senator SHELBY and I sat down and worked with members of the appropriations subcommittee and the full committee. I commend Senator STEVENS and Senator BYRD who have been working diligently with both of us. They care deeply about the many provisions in this bill, from the infrastructure improvements that affect all of our highways and our waterways. The Coast Guard and the FAA have worked with us to move this bill to a point so we can get it passed in the Senate, get it to conference, work out the differences between us and the White House, and move to a point where we can fund the critical infrastructure, as many of our constituents sit in traffic this morning and listen to this debate.

What Senator SHELBY and I have done is to really write a commonsense compromise that will inspect all Mexican trucks and then let them in.

Let me say that again. The compromise position between the House at one extreme and the White House at another is to make sure that all Mexican trucks are inspected, and then let them in. Just as we require Americans to pass a driving test before they get a license, the bipartisan Senate bill requires Mexican trucks to pass an inspection before they can operate on our roads.

As I said, our bill includes the $103 million. That is $15 million more than the President's request.

The reason I say that again pointedly is the administration has said that with the provisions Senator SHELBY and I have put into this bill, they will not have the money to implement it.

I remind the administration that they asked for $15 million less than we appropriated. We put $103 million into this bill for border truck safety initiatives. If the Department of Transportation, the OMB, and the President determine when this bill gets to conference that we do not have enough money for the truck safety activities and that should be part of our discussion, they need to request more money in order to put that in place. We are happy to work with them on that request. But just to say we have not appropriated enough money and we can't ensure the safety of trucks coming in, to me, is a woefully inadequate response.

The bill we have before us establishes a number of enhanced truck safety requirements that really are intended to ensure that this new cross-border trucking activity doesn't pose a safety risk to our families and the people traveling on our highways, whether it is in a southern border State or a northern border State.

None of us wants to be sitting here several months from now or a year down the road and have a horrendous accident occur in our States and find after the fact the truck that was involved in the accident was never inspected at our border because of lack of inspections, was never weighed, or that the driver had an invalid operating license or a poor safety record. None of us wants to face our constituents with that kind of tragedy.

Senator MCCAIN has been a wonderful help to me in the past. We worked together on a bill on pipeline safety after a tragedy occurred in my State where three young people were killed when a pipeline broke. Oil from that pipeline traveled down along a 1-mile stretch of river in Bellingham, WA. Three young boys were fishing by that river and playing by that river. Tragically, one of them lit a match and the entire mile of that river burst into flames. Three young boys were tragically killed on that day.

As the ranking member of the Commerce Committee, Senator MCCAIN has been just absolutely wonderful in working with us on that provision and working to pass a bill out of the Senate. But, unfortunately, it is now hung up in the House, and it has been for some time. I hope they can move it forward to ensure that our pipelines are safe. But we did that after a tragic accident.

I think it is much more effective, much more wise, and the right thing to do to put the safety requirements in place before we are reacting to a tragic accident.

The safety provisions that are included in this Senate bill were developed based on the recommendations the committee received from the DOT inspector general, the General Accounting Office, and law enforcement authorities, including the highway patrols of the States along the border.

The provisions we put in this bill didn't just come from matching. We worked very closely, looking at what the DOT inspector general recommendations were, the GAO, law enforcement authorities, and highway patrols working along the southern border. We used their recommendations to draft and put in place what we believe are very strong safety provisions within the underlying bill.

Once again, I was very pleased that 70 Members of the Senate affirmed that we do indeed need to have these safety requirements in place and to move this bill along to final passage so we can put in place the important infrastructure requirements that this country is demanding and that our constituents are demanding.

Mr. DURBIN. Madam President, will the Senator from Washington yield for a question?

Mrs. MURRAY. I am pleased to yield to the Senator.

Mr. DURBIN. Will the Senator from Washington please advise Members of the Senate and those who are following

this debate where we are in this debate on the Transportation appropriations bill?

Mrs. MURRAY. I think it was 2 weeks ago that the Senate Transportation Subcommittee unanimously passed a Transportation bill. The Senator from Illinois serves on that committee and has been working with us. I appreciate his concern. He has a number of projects in Illinois that I know he wants to have put in place, but he doesn't want them hung up by a long and protracted debate over another issue in the Senate. I know the Senator from Illinois, who serves on our subcommittee, worked well with Members on the other side several weeks ago. It was a little more than a week ago that it passed out of the full committee of the Senate Appropriations Committee. We worked in a bipartisan way and unanimously voted out the provisions of this bill that fund the infrastructure needs of all 50 States, which include the safety provisions we are discussing this morning. We went to this bill last Friday. I believe it was around 2 in the afternoon.

Mr. DURBIN. Is the Senator from Washington telling us that we have been debating this bill for a week?

Mrs. MURRAY. Yes. This bill has been debated in the Senate for an entire week now. We began debate last Friday morning. I made my opening remarks. Senator SHELBY and I have worked very closely on this bill. He made his opening remarks. We opened it up for debate. We have one amendment that is now pending on the bill that Senator SHELBY and I put forward which adds additional safety requirements to the underlying bill. It is, frankly, supported by every Member of the Senate, and by the White House, which has been requesting improved safety conditions as well. That began last Friday.

We asked Members to come to the floor to begin the debate, and we offered our bill up for amendment.

Mr. DURBIN. May I ask the Senator, I am trying to recall how many times we have voted this week on amendments to this bill. I can't recall more than a handful of times that we have voted.

Mrs. MURRAY. The Senator is correct. Senator SHELBY and I have been here. In fact, I got up at 4 o'clock Monday morning to come back from my home State of Washington to be on the floor Monday afternoon and ask Senators to bring their amendments forward. We waited. We have had a few amendments. I believe we have had four or five with which Members came to the floor and finally offered. We were here Monday evening:

I came back on Tuesday morning, ready and begging and telling Senators: We are ready to move this bill along. Offer your amendments. We will vote them up or down. In a week, we have only passed a handful of amendments that Senators have brought to the floor. I would have been happy if there were 20 amendments. Send them forward. We will vote them up or down.

Mr. DURBIN. If the Senator will yield, I ask the Senator from Washington, I believe she believes, as I do, that the nature of this legislative process in the Senate is, if you have an amendment, you should have the right to offer it, debate it, and bring it to a vote.

Mrs. MURRAY. Absolutely. The Senator from Illinois is correct. We are here. Senators have a right to offer amendments. We are happy to consider their amendments. In fact, we have had several amendments on both sides that were adopted by voice vote. We have been waiting in this Chamber. Our staffs have been working diligently until 2 or 3 o'clock in the morning every night in negotiations with Senators concerned about the safety provisions, as well as working with Members who have provisions within the bill. We could have finished this easily Monday evening with the number of amendments we have.

Mr. DURBIN. If the Senator will yield, on this important issue about the inspection of Mexican trucks and drivers coming into the United States, is it not a fact that yesterday we had a procedural vote, known as a cloture vote, which basically says that at some point the debate has to end, and we have to come to a vote? Can the Senator from Washington tell us what the vote was of the Senate to bring this debate to an end and bring this issue to a vote?

Mrs. MURRAY. The Senator from Illinois is correct. After sitting here all Friday, Monday, Tuesday, and Wednesday, it was determined, since Senators were unwilling to offer amendments and have them voted up or down, we needed to move along. As the Senator from Illinois knows, serving on the Appropriations Committee, we have a number of other appropriations bills that need to pass in order to meet the October 1 deadline. There are many other priorities of Senators.

We decided the best way to move forward was to have a cloture vote, which then allows us to move along and finish this debate. Seventy of the 100 Senators said: Yes, it is time to move along; We are done with offering amendments; We want to get this bill passed; We want the infrastructure improvements that are in this bill; We support the safety requirements; Move it out of the Senate so we can get to a conference and pass this bill.

Mr. DURBIN. I ask the Senator from Washington if she will yield for one or two more questions, and then I will yield the floor back to the Senator.

Mrs. MURRAY. Yes.

Mr. DURBIN. Is it not true that because we have spent literally a week with very few, if any, amendments being offered, with very little debate on the floor, and really just a slowdown of activity, that we have been unable to consider other important legislation? There is an Agriculture supplemental appropriations bill, which is an emergency bill that is needed, that we have been unable to bring to the floor, as well as the Export Administration Act, which is important for our economy so we can try to get people back to work and get businesses moving forward.

All of this is being delayed because we have been unable to even come to a vote on important questions such as the inspection of Mexican trucks and drivers. Is that not correct?

Mrs. MURRAY. The Senator from Illinois is absolutely correct. What is in this bill is extremely important to my constituents. We have some of the worst traffic in the Nation. I know the Senator from Illinois has severe traffic problems. We share airport concerns in our home States for which this bill has improvement funding. We are ready to go to final passage.

I would just add, I say to the Senator from Illinois, we have a managers' package ready to go. We could be done in the next half hour, move this bill out, and go to the Ag bill to which the Senator referred. I am deeply concerned that we have delayed its passage.

I have apple farmers and tree fruit farmers in central Washington who are in severe financial straits. They have suffered through a drought that has hurt their crops. They have suffered through the impact of an Asian market that has declined tremendously in the last several years. Many of them are having to sell their farms. To me, it is devastating to watch these poor families. We have help for them in that Ag bill. We have help for them in it, but they will not have that help until we pass this bill and move it on. And we need to do that, as the Senator from Illinois knows, before we leave next Friday. We have to get it to conference.

I ask the Senator from Nevada, am I correct that we need to get the Ag bill to conference, out of conference, and back to the floor?

Mr. REID. Absolutely.

Mrs. MURRAY. So every minute we delay here means that a family farmer in Yakima, WA, who is suffering under severe financial distress, is going to have to sit through an August break—a month-long August break—not knowing whether or not they are going to get help from the U.S. Government.

Mr. DURBIN. I say to the Senator from Washington, thanks for yielding for those questions. I will fight for any Senator's right to offer an amendment, and also to debate it and bring it to a vote. That is what a legislative body is all about. What we have seen for the past week is a slow dance. There are

people who just do not want to see the Senate roll up its sleeves and get down to work.

We have a lot of things to do, such as for farmers, for exporting, and even for important issues such as the ones in the Transportation bill.

I salute the Senator from Washington for her patience and her perseverance and her strength. I hope we can get this job done very quickly and this bill passed.

Mrs. MURRAY. I thank the Senate from Illinois.

I would reiterate, again, that we are ready to go to final passage at a moment's notice. We could wrap this bill up in the next half hour quite easily. We have a managers' package. I do not believe there is any other Senator who has any requests out there. We could pass the managers' package and move to third reading within a few minutes and Senators could go home for the weekend.

I know many Senators have called and said: Can we finish? I have a noon flight I need to catch. I know that planes are leaving and people have plans for this weekend. I certainly would like them to be able to go home and see their families. I would like to go home and see my family, of course, but I am willing to stay here if that is what we need to do. And I will stay here because what is in this bill is so critically important to my constituents at home who are now sitting in traffic at 7:30 in the morning.

Many of them are traveling to work right now, probably sitting in traffic on the Alaskan Way Viaduct or the I–5 corridor because we have failed to do our job.

Mr. BYRD. Madam President, will the distinguished Senator, who is the manager of the bill on this side of the aisle, yield for a question?

Mrs. MURRAY. I would be delighted to yield to the Senator.

Mr. BYRD. I have a brief statement to make. I would like to make that statement and go on to other issues. The distinguished Senator from Arizona has been waiting. I would like to make my speech and get back to my office.

Could the Senator tell me about when I might be able to get the floor? How much longer will she need?

Mrs. MURRAY. Madam President, I ask unanimous consent that we do this: That the Senator from Arizona have 5 minutes to speak, and that following the Senator from Arizona, the Senator from West Virginia have——

Mr. McCAIN. As much time as he might consume.

Mrs. MURRAY. As much time as he may consume.

Mr. GRAMM. We have plenty of time.

Mr. McCAIN. Could we modify that? Could I have 7 minutes?

Mrs. MURRAY. Absolutely. That the Senator from Arizona have 7 minutes, and that following that, the Senator from West Virginia be recognized, and following that I would like to finish my remarks.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, and I will not object, other than to alert those Senators here. I have spoken to Senator MURRAY. She has spoken to Senator SHELBY. When these remarks are finished, there is going to be a motion to table on this amendment. I want to make sure everyone understands that or, otherwise, the Senator from Washington will move now to table.

Mrs. MURRAY. Madam President, I amend my unanimous consent request to state that following the Senator from Arizona and the Senator from West Virginia, Senator SHELBY would like——

Mr. GRAMM. Reserving the right to object.

Mrs. MURRAY. I ask that Senator SHELBY have 5 minutes.

Mr. GRAMM. Why don't you complete yours and then let me speak.

Mrs. MURRAY. And then I will be recognized at that time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRAMM. Reserving the right to object, Madam President, I would like to have an opportunity to speak before the motion to table is put.

Mrs. MURRAY. How much time would the Senator like?

Mr. GRAMM. I would like to have the opportunity to speak. I don't know exactly how long it is going to take. I will not speak for any extended period of time, but I want to hear what else is said.

Mrs. MURRAY. I will be happy to yield to the Senator from Texas for a specific period of time. If we can't work that out, then I will make the motion to table.

Mr. McCAIN. I object to the unanimous consent request.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. MURRAY. Madam President, then I will continue my remarks at this time.

Madam President, in a moment I am going to review the committee's safety recommendations in detail. But first I want to address the issue of compliance with NAFTA because it has been an issue that we have been talking about for some time.

I have heard it alleged in this Chamber that the provision that was adopted unanimously by the committee is in violation of NAFTA. I want the Senators in this Chamber to understand that nothing could be further from the truth.

I voted for NAFTA. I support free trade. My goal in this bill has always been to ensure that free trade and public safety progress side by side.

Rather than take my opinion on this issue or that of another Senator, we have a written decision by an arbitration panel that was charged with settling this very issue.

That arbitration panel was established under the NAFTA treaty. That panel's rulings decide what does and does not violate NAFTA.

I have heard many Senators say that provisions violate NAFTA or that the President should decide what violates NAFTA. In fact, I believe the amendment that is pending before the Senate says the President should decide what violates NAFTA. We do not decide that here. The arbitration panel decides what violates NAFTA. I will read to the Senate a quote from the findings of the arbitration panel. That quote is printed right here on this poster. I will take a minute to read it.

Mr. REID. Will the Senator from Washington yield?

Mrs. MURRAY. I am happy to yield.

Mr. REID. I would like to propound a unanimous consent request.

Madam President, I ask unanimous consent that following the remarks of the Senator from Washington, the Senator from Arizona, be recognized for 7 minutes; the Senator from West Virginia for 10 minutes; the Senator from Texas be recognized for up to 10 minutes; that the Senator from North Dakota be recognized for 10 minutes, Mr. DORGAN; and following that, the Senator from Alabama be recognized for 5 minutes for the purpose of offering a motion to table the amendment now pending.

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

Mrs. MURRAY. Madam President, with that, let me quickly read this and remind my colleagues that the arbitration panel has stated that:

> The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. . . .

In other words, we have the ability within this country to write the safety provisions that we have written under these provisions to ensure the safety of the people who travel on our highways. That is the premise we have made. The amendment that we will be voting on shortly says that the President can decide what violates NAFTA and what does not.

Clearly, the arbitration panel makes that decision. The Senate effectively, I remind my colleagues, voted on the pending amendment when we tabled the Gramm-McCain amendment by a vote of 65–35. That amendment, as the amendment we will vote on shortly, is really a wolf in sheep's clothing. It is designed to gut the safety provisions in this bill by allowing the President to waive whatever safety provision in the bill he does not like.

If the Appropriations Committee thought that the DOT's plans to address the safety risks posed by Mexican trucks were adequate, we wouldn't have put the important safety provisions into this bill.

What this amendment does say is, OK, administration, whatever safety requirements in this bill you don't like, find a White House attorney who will say it is a violation of NAFTA.

Which provision will they choose to throw away? Will it be the requirement to verify that a Mexican truck driver's licence has not been revoked? Will it be the requirement to inspect trucks when they come across the border? Will it be a requirement to demonstrate that the Mexican trucks have insurance? Under the amendment we will vote on, we won't know. It simply says we will allow the President to gut whatever safety requirement he would like.

I voted for NAFTA. My goal is not to stop free trade. My goal is to see that free trade and safety progress side by side.

I yield the floor to the Senator from Arizona.

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

Mr. McCAIN. Madam President, I am sorry the Senator from Illinois just left the floor because he seemed to be deeply concerned about the process. From a Chicago Tribune editorial, headlined ''Honk If You Smell Cheap Politics,'' I will read a couple of quotes. Quoting from the Tribune:

As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets. The talk is all about safety and concern about how rattletrap Mexican semis, driven by inept Mexicans, would plow into Aunt Bee putt-putting to the grocery store in her Honda Civic somewhere in Pleasantville, U.S.A.

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray, and others pushing the Teamster line, instead are prattling on about road safety.

It ends with:

President Bush vows to veto this version of the bill, and quite rightly so. In 1993, the U.S. signed and ratified NAFTA. The agreement went into effect in 1994. There is no justification now, more than seven years later, for the U.S. to try to weasel out of some of its provisions.

I ask unanimous consent that the complete editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, July 27, 2001]

HONK IF YOU SMELL CHEAP POLITICS

As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets. The talk is all about safety and concern about how rattletrap Mexican semis, driven by inept Mexicans, would plow into Aunt Bea putt-putting to the grocery store in her Honda Civic, somewhere in Pleasantville, U.S.A.

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray (D-Wash.), and others pushing the Teamster line, instead are prattling on about road safety.

The Bush administration—with a surprising assist from Arizona Sen. John McCain—is right to insist that the U.S. comply with its obligations under the North American Free Trade Agreement and allow Mexican trucks full access to our roads, beginning in January.

Under NAFTA, which went into effect in 1994, there was supposed to be free access to all trucks within Canada, the U.S. and Mexico by January of last year. That only makes sense: There is no point in freeing up trade but restricting the means to move the goods.

But with the 2000 elections looming, President Bill Clinton caved in to pressure from the Teamsters and delayed implementation of the free-trucking part of the agreement. Democratic presidential candidate Al Gore got the Teamsters' endorsement and the Mexican government filed a complaint against the U.S. for violation of NAFTA rules. Mexico won.

A spokesman for the U.S.-Mexico Chamber of Commerce and others in Washington have whispered there may be bits of racism and discrimination floating around in this soup, because Canadian trucks and drivers are not subjected to similar scrutiny and can move about freely anywhere in the U.S.

It's worthwhile to note, too, that while the U.S. is banning Mexican trucks, Mexico is returning the favor, so neither country's trucks are going anywhere. As it stands, Mexican trucks can come in only 20 miles into the U.S. before they have to transfer their load.

Safety need not be an issue. An amendment proposed by McCain and Sen. Phil Gramm (R-Texas) incorporates safety inspection safeguards to be sure drivers and trucks are fit to travel U.S. roads. It's roughly modeled after California's safety inspection system along its own border with Mexico. Presumably, Mexico would inspect the trucks going the other way.

Those are reasonable measures to protect motorists on both sides of the border.

But Sen. Murray's amendment sets up a series of requirements and hurdles so difficult to implement that they would, in effect, keep the border closed to Mexican trucks indefinitely.

President Bush vows to veto this version of the bill, and quite rightly so. In 1993, the U.S. signed and ratified NAFTA. The agreement went into effect in 1994. There is no justification now, more than seven years later, for the U.S. to try to weasel out of some its provisions.

Mr. McCAIN. The Senator from Washington just stated how she had received requests for Transportation appropriations from every Member of this body. I hope she will correct the record. She received no request from my office. She received no request, nor ever will receive a request from my office, for any transportation pork-barreling of which this bill is full.

This bill has surpassed the President's total budget request by nearly $4 billion. This year's bill contains 683 earmarks totaling $3.148 billion in porkbarrel spending. Last year, there was only $702 million. I congratulate the Appropriations Committee on this.

Always in the contract game of porkbarrel spending, some benefit substantially more than others. The State of West Virginia, for instance, will be the proud recipient of $6,599,062 under the National Scenic Byways Program. Of that money, $619,000 will be directed towards ''Promoting Treasures Within the Mountains II'' program; $8,000 will be given to Virginia's chapel, and $22,640 will go to fund the SP Turnpike Walking Tour.

The State of Washington will also benefit substantially from the National Scenic Byways Program. Under that portion of the bill, Washington will receive $2,683,767, of which $790,680 will fund the North Pend Orielle Scenic Byway—Sweet Creek Falls Interpretive Trail Project; $190,730 will be directed to the Paden Creek Visitor and Salmon Access, and $88,000 will fund the Oakcreek wildlife Byway Interpretive Site Project.

The programs go on and on. Let me tell you the real problem here, how great this problem gets over time: $4,650,000 is carved out of the Coast Guard portion of this bill to ''test and evaluate a currently developed 85-foot fast patrol craft that is manufactured in the United States and has a top speed of 40 knots. Fortunately, and I am sure, coincidentally, for the State of Washington, there is only one company in the country which produces such a vessel, and it just happens to be Guardian Marine International, located in Edmonds, WA. Not only did the U.S. Coast Guard not ask for this vessel, they looked at the Guardian vessel, considered its merits, and concluded that it would not adequately meet the Coast Guard's needs. Taxpayers of America, look at the Guardian fast patrol craft which will be yours whether the Coast Guard wants it or not.

Yesterday, very briefly, my friend from Nevada said that I was mistaken in my comments about setting a precedent. I think his comments were well made. I accept them. There has not been the parliamentary movement as there should have been. I stick to and want to reiterate and will continue to reiterate my comments that what we are doing on an appropriations bill is precedent setting. We are changing and violating a solemn treaty made between three nations, and we are doing it on an appropriations bill.

The Senator from Washington just enumerated the wonderful language for safety that they have on an appropriations bill.

The authorizers, the committees that are given the responsibility and the duty to authorize, are the ones who should have written this language. The Appropriations Committee should only be appropriating money. Instead, in a precedent-setting procedure, they have now decided to include language which, according to the Governments of two countries, Mexico and the United States, two freely elected Governments of both of those countries have deemed in violation of this solemn treaty.

This language, according to the Mexican Government, according to the U.S. Government, is in violation of the North American Free Trade Agreement. We are subject, obviously, to significant sanctions but, more importantly, again, the Senator from West Virginia is on the floor and he knows the history of this body more than I do. I do not know of a single other time in the history of this body that a solemn agreement, a treaty, has been tampered with on an appropriations bill—in fact, abrogated to a large degree.

There were great debates over the role of the United States in Vietnam. That was conducted under the aegis of the Foreign Relations Committee. There were other great debates on other foreign policy issues. All of them were conducted in this Chamber under the aegis and responsibility of the Foreign Relations Committee and sometimes the Armed Services Committee.

I know of no time where the great debates on treaties were conducted as part of an appropriations bill on Transportation. This debate should be taking place under the responsibility of the Foreign Relations Committee and the Commerce, Science, and Transportation Committee, and I allege again this is a precedent-setting move which, if it carries—and I still hope that it does not—I am convinced the President can muster 34 votes to sustain a veto. This will have very serious consequences for the way we do business in the Senate.

I yield the floor.

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

Mr. BYRD. Madam President, I say to my friend from Arizona, who mentioned the money for scenic byways in West Virginia, all highways in West Virginia are scenic, all highways. They are all scenic, and the money in this bill for scenic highways in West Virginia is going to be yielded in conference with the House.

I take great pride in the fact that all of West Virginia's highways are scenic, and I thank the Senator from Arizona for bringing to the attention of the Senate these scenic byways.

There are scenic byways in Arizona also. My wife and I traveled through Arizona in 1960 on our way to the Democratic Convention in Los Angeles. We took the southern route, and we came back to Washington on the northern route. They are beautiful States that we traveled through.

Madam President, the North American Free Trade Agreement, NAFTA, went into effect on January 1, 1994. I voted against NAFTA. Now, 6 years later, the costs associated with NAFTA are becoming increasingly clear.

On February 6, 2001, a NAFTA dispute resolution panel concluded that the U.S. refusal to approve any applications from Mexican motor carriers who wanted to provide cross-border trucking services is a breach of NAFTA. Even though the panel determined that the Mexican regulatory system for trucks was inadequate, they decided that this was an insufficient legal basis for the United States to maintain its moratorium on approving cross-border trucking applications. In other words, the panel decided that, even though Mexican trucks barreling down American roads would endanger human health and safety, these trucks must be allowed to enter.

This panel's decision has shifted the American public's concern about safety into high gear. The Administration has said that it intends to lift the toll-gate to Mexican trucks sometime before January 1, 2002. Instead, we ought to downshift and carefully consider our route on this issue. Believing that Mexican trucks will suddenly come into compliance with U.S. trucking safety standards within the next six months is like believing that a car will keep running without gas.

Mexican trucking is not well regulated. Mexican truck- and driver-safety standards are nearly nonexistent. Mexican law fails to require many of the fundamentals of highway safety policy that are required by U.S. law and regulation, such as enforced hours of service restrictions for truck drivers or the use of log books. There is no Mexican truck safety rating system and no comprehensive truck equipment standards. From the lack of basic requirements, it is apparent that Mexico is making little investment, and undertaking no regular maintenance, to ensure that its trucks operate in accordance with fundamental trucking safety standards. Opening our borders to more Mexican trucks would allow Mexico to export more than just goods to the United States; it would export truckloads of danger.

Without Mexican investment to ensure that its motor carriers are operating safely, the financial burden of ensuring the safety of Mexico-domiciled motor carriers operating in the United States is loaded onto the shoulders of the American taxpayer. From 1995 to the present, the U.S. Department of Transportation has dedicated $22 million to the border States, above normal allocations, for the purpose of enhancing inspection capabilities. The Senate's fiscal year 2002 Department of Transportation Appropriations bill would appropriate an additional $103.2 million for increased border inspections of Mexican trucks. This amount is $15 million above the level included in the President's request. Of the more than $103 million provided, $13.9 million is provided to the Federal Motor Carrier Safety Administration to hire 80 additional truck safety inspectors, an amount of $18 million is provided for enhanced Motor Carrier safety grants for the border, and $71.3 million is provided for the construction and improvement of Motor Carrier safety inspection facilities along the border between the United States and Mexico. Have we taken leave of our senses?

In addition to the costs associated with an increased need for inspection, more Mexican trucks on U.S. roads will compromise safety, and could result in serious accidents on our highways. During fiscal year 2000, Federal Motor Carrier Safety Administration reports show federal and state border inspectors performed 46,144 inspections on Mexican trucks at the border and within the limited commercial zones where some Mexican trucks are currently allowed to travel. For those trucks that were inspected, the percentage of trucks taken off the road for serious safety violations, declined from 44 percent in fiscal year 1997 to 36 percent in fiscal year 2000. Regardless of these inspections, the fact remains that more than one in three Mexican trucks is a lemon. And we cannot count on inspections to cull out every single one of these time bombs and get them off our highways.

In February, I wrote to U.S. Trade Representative Robert Zoellick and Transportation Secretary Norman Mineta to urge that the United States not compromise the safety of America's highways. We cannot, because of a NAFTA dispute resolution panel decision, subvert U.S. safety standards that have been put in place to protect travelers on our Nation's roads. Until the United States and Mexico agree on comprehensive safety standards, and until the United States is able to effectively enforce those standards, we must stand on the brakes against efforts that would compromise current U.S.-imposed safeguards for Mexican trucks.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Texas is recognized.

Mr. GRAMM. Madam President, so many issues have been talked about. I want to begin my short remarks by reading the amendment which is pending, because we are going to vote on this amendment when a motion is made to table it. What the amendment does is it accepts everything in the Murray amendment with the following proviso:

Provided that notwithstanding any other provision of the act, nothing in this act shall

be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement.

In other words, unless something is in violation of the North American Free Trade Agreement, every provision in the Murray amendment will stand if this amendment is adopted.

Senator MURRAY and her supporters say nothing in her provision violates NAFTA. If nothing in her provision violates NAFTA, then this amendment will have no effect. This amendment, in essence, shows the emperor has no clothes. We are having a lot of discussion on how tough a safety standard we want. Under NAFTA, we can impose any safety standards we want on Mexican trucks, but we have to impose the same standards on Canadian trucks and on American trucks. Everyone is in agreement; we need to have safer trucks. Our own trucks need to be safer, Canadian trucks need to be safer, and Mexican trucks need to be safe to come into the country.

What is at issue is not safety but protectionism. What is at issue is, we had a President, George Bush, in 1994, who signed a solemn agreement with Mexico and Canada called the North American Free Trade Agreement. Then under another President, President Bill Clinton, we ratified this agreement by enacting a bill in Congress that President Clinton signed. Now, under another Republican President, President George W. Bush, we have an effort to enforce the agreement we entered into. Now we have an effort on an appropriations bill to violate the treaty we negotiated and signed in 1994 and that we ratified under a Democrat President.

Our colleagues keep talking about safety, but nothing having anything to do with safety would be stricken by this amendment. This amendment would strike provisions that violate NAFTA. What are some of those provisions? Provisions that say Mexican trucks have to carry a different type of insurance than American trucks and Canadian trucks. Provisions that say Mexican truckers cannot lease their trucks in the same way American truckers and Canadian truckers can lease their trucks; penalty provisions where the penalties are different for Mexican trucks than they are for American trucks and Canadian trucks; provisions that say until we promulgate regulations that have to do with the bill passed in 1999 that Canadian trucks can operate, American trucks can operate, but Mexican trucks cannot operate. There is no more logic to that provision in the Murray amendment than there would be in saying we are not going to live up to a treaty obligation we made until February the 29th occurs on a Sunday. It is totally and absolutely arbitrary and totally and absolutely illegal, and it violates an agreement we entered into and have enforced under three Presidents.

What our amendment does is simply say, take everything in the Murray amendment and it becomes the law of the land unless it violates NAFTA—unless it violates an agreement we entered into and Congress ratified. That is exactly what the amendment does; no more, no less.

If you vote against this amendment, obviously you stand up on the floor of the Senate and say anything you want to say; it is a free country. But if you vote against this amendment, you can't say, it seems to me, that you believe the Murray provision does not violate NAFTA. If you think it doesn't violate NAFTA, why not vote for this amendment and settle this issue? Obviously, anybody who votes against this amendment believes this amendment, despite all the denials of all the proponents, violates obligations we have in an agreement we entered with Mexico.

All over the world we are trying to get countries to live up to their agreements they have with us. What kind of credibility are we going to have when we go back on a solemn commitment we made to our neighbor to the south? What kind of credibility are we going to have when we treat our northern neighbor in one way, have one set of rules for them, but then we say to our southern neighbor, we have an entirely different set of rules for you. In fact, we have to implement laws we passed in the past before you are even going to get an opportunity, in violation of NAFTA, to ever have a chance to compete.

The plain truth is, as the Chicago Tribune pointed out this morning, Teamster truckers don't want competition from their Mexican counterparts. This is not about safety; this is about raw, rotten protectionism, and it is about a willingness to go back on a solemn commitment that our Nation made. I believe this is very harmful to America. I think it undercuts the best ally we have ever had in a President of Mexico.

I reiterate, this may happen, but it is not going to happen until every right that every Member of the Senate has is fully exercised. This is an important issue. Some of our colleagues might wonder; in fact, people watching this probably wonder, when Senator MCCAIN and I clearly don't have the votes, why don't we give this thing up? Our Founding Fathers, in establishing the structure of the Senate, understood there would be times when there would be issues that were important to America that were confusing, that people wouldn't understand, that could be cloaked in other issues. They understood there would be vital national interests at stake. For those circumstances, they gave one Member of the Senate the right to have extraordinary powers. It seems to me that having been blessed to have the opportunity to serve here, as we all have, when we believe that a fundamentally important issue to the future of America and, in this case, our relationship with our neighbor to the south and our credibility in the world are at stake, any Member has an obligation to use those rights.

I don't like inconveniencing my colleagues, but let me make it clear, at 8:42 tonight we will be in a position where cloture can occur on the bill. I am ready to vote. But I am going to exercise my full rights. The people of Texas hired me to represent their interest and the national interest, and Texas and the national interest are both violated by going back on a treaty we made with Mexico.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DAYTON). Under the previous order, the Senator from North Dakota is recognized for 10 minutes.

Mr. DORGAN. Mr. President, as I walked on the floor, I heard the words ''raw, rotten protectionism'' used on the floor of the Senate. I had to smile because that is such an ill described position with respect to what the Senate is doing. If you were to try to misdescribe what is going on in the Senate, you could not do it more aggressively than to use terms such as ''raw, rotten protectionism.'' There is nothing protectionist about this issue.

This issue is about a trade agreement called NAFTA: a terrible trade agreement that, in my judgment, sold out the interests of this country; a trade agreement that turned a very small surplus with the country of Mexico into a huge deficit; and turned a moderate deficit with Canada into a large deficit. NAFTA is a trade agreement that has not served this country's interests, and we are now told, as a part of this trade agreement, we are required as a country to allow Mexican long-haul trucks into this country. We are told that if we don't let in Mexican long-haul trucks, we are somehow guilty of violating the NAFTA trade pact. According to my colleague from Texas, if we don't allow Mexican long-haul trucks into America, Mexico intends to retaliate on the matter of corn syrup.

Sometimes it is a little too confusing. Mexico is already abusing its trade policies on corn syrup by imposing the equivalent of a tariff ranging from 43 percent to 76 percent on corn syrup exported from this country to Mexico. A panel has already ruled against Mexico on the issue of corn syrup, and, yet, they are now threatening that they may take action on United States corn syrup if we don't allow Mexican long-haulers into this country.

Is someone not thinking straight here? The only question, in my judgment, on this issue is, Is it in the interests of the American people to allow

Mexican long-haul trucks into this country at this time? If we allow Mexican trucks to operate unfettered throughout the United States, will it sacrifice highway safety? Will it jeopardize people on American highways? The answer to all of these questions is it will jeopardize safety, it will compromise safety on our highways, and this is not the time to do this.

Both the United States and Mexico have had 6 years to cogitate about this—6 years. Really almost nothing has been done. We have 27 border crossings where trucks enter the United States, but a minuscule percent of those trucks are inspected. Thirty-six percent of the Mexican trucks now coming into this country, and are now limited to a 20-mile zone, are turned back for serious safety violations—36 percent. In most cases there are no inspections at all. There are no facilities to inspect. In only two of the border locations are there inspection facilities during all commercial hours. In most cases, there are no parking spaces and there are no phone lines to verify, for example, commercial driver's license data, and so on.

I have said it before, and I will say it again—I know it is repetitious, but it is important to do—the San Francisco Chronicle, God bless them, sent a reporter down to ride with a long-haul trucker. He filed a report. Here is what he said.

This trucker he rode with traveled 1,800 miles in 3 days, slept 7 hours in 3 days—7 hours in 3 days—and drove a truck with a cracked windshield that would not have passed U.S. inspection. The situation is much different in Mexico than in the United States. In Mexico, there are no standard hours of service in Mexico. There is a logbook requirement, but it is not enforced so truckers do not have them. During the Chronicle reporter's ride with the Mexican trucker, there were no safety inspections along the way.

Now we are told if we do not allow Mexican long-haul trucks into this country, we are somehow in violation of NAFTA. This is not violating anything. I am so tired of a ''blame our country first'' on all these issues. We are not going to violate anything if we decide that highway safety in this country is important enough to say we will not, under any circumstances, allow Mexican long-haul trucks into this country until we have a regime of compliance and safety inspections that give us the assurance, yes, the assurance that Mexican trucks coming into this country and the drivers are meeting the same rigorous, aggressive standards we apply to American drivers and American trucks.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DORGAN. Do you want yourself, your families, your friends, your neighbors looking in the rearview mirror to see an 80,000-pound vehicle coming behind you with a driver who has not slept in 24 hours, who has brakes that may not work, and who has come across the border and has not been inspected? Is that what you want for yourself or your family? I do not.

Let me just say again, there is not a ghost of a chance by January 1, when President Bush wants to allow these trucks in, that the inspectors necessary to assure the protection of American drivers on America's roads will be in place. How do I know that? Because the Department of Transportation's Inspector General testified before the Commerce Committee and said the administration is short of inspectors. Even the plan they are proposing will not allow the inspectors to be present to make sure these trucks coming into our country are safe.

I will be happy to yield.

Mr. DURBIN. I would like to ask the Senator from North Dakota a question. I voted for NAFTA, but I voted for it with the understanding that we could impose the same health and safety standards on companies and countries exporting to the United States that we impose on American companies; that that would be fair trade. We would be treating ourselves the same way as we treat others.

I want to make it clear for the record, and I think the Senator from North Dakota has made this point, all we are trying to establish is that Mexican trucks and Mexican drivers will be held to the same standards of safety and competency as American trucks and American drivers. Is that the case?

Mr. DORGAN. That is exactly the case. Let me just again say that when the term ''raw rotten protectionism'' is used, it is wrong. There is nothing about this proposal to require similar standards on Mexican trucks coming into this country as already exists for the American trucking industry—there is nothing raw about that, there is nothing rotten about that, and there is nothing that is protectionist about that. It represents common sense, something that is too often obscured in these debates in this country in public policy. It is especially obscured in trade policy.

Let me just say this to my friend from Illinois. I am aware of not one trade agreement that this country has negotiated that would require us as Americans to sacrifice safety on America's roads. There is not one trade agreement or one word in a trade agreement that requires us to do that. We should not do that. We will not do that.

When President Bush says on January 1 we are going to remove the 20-mile limit, and we are going to have Mexican drivers and trucks come into this country unimpeded, when in fact he has not proposed the inspectors and compliance officers necessary to make certain this could be done safely, in my judgment he is saying this trade agreement requires us to diminish standards on America's roads. I will not accept that. I do not support that. None of us in this Chamber, in my judgment, should vote for it.

The PRESIDING OFFICER. The Senator will please suspend. Please take other conversations off the Senate floor.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. DORGAN. The Senator from Texas is attempting to weaken the provisions in the Murray bill. I happen to think the Murray provisions are too weak. I would like a stronger provision. I want the House provision to prevail that simply says during the next fiscal year, no funds will be used for certifying long-haul Mexican trucks to come into this country unimpeded beyond the 20-mile limit. As I said, I happen to think the Murray provision is not strong enough.

The amendment that is before us is to try to weaken the Murray provision. In my judgment, it makes no sense. I will not use terms such as ''raw, rotten protectionism'' because they are totally inappropriate about this decision. This is not about discrimination. It is not about trade. It is not about protectionism. It is not about anything that is raw or rotten. It is about whether we are willing to stand up for standards we have already established in this country for safety on our road dealing with 18-wheel, 80,000-pound trucks.

Do you want a driver behind you who has just come across the border who has been awake for 24 straight hours and is driving a truck that is unsafe, with no brakes? I don't think so. These standards are radically different in the United States. Ten hours of consecutive driving is all you can do in the United States. You have to have logbooks. In Mexico, they have no logbooks.

Alcohol and drug testing: In the United States, yes; in Mexico, no.

The list goes on and on and on.

We are nowhere near having equivalent standards and there is not a ghost of a chance of that happening on January 1. All of us ought to recognize it. This is not about trade. It is about safe hours and it is about common sense. I hope when this vote is taken, common sense will prevail.

The PRESIDING OFFICER. The Republican assistant leader.

Mr. NICKLES. I ask unanimous consent to speak for 5 minutes on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I have been wanting to seek recognition, but I understood we were going to a rollcall. I say to the Senator

from Oklahoma that if I can have 5 minutes to speak, I will not object.

Mr. NICKLES. I have no objection to the Senator speaking. I wish to speak for 5 minutes. If he wishes to, he can ask consent.

Mr. DURBIN. I ask consent that the Senator from Oklahoma and myself each be recognized for 5 minutes to speak.

Mr. REID. Reserving the right to object, if I may make a parliamentary inquiry, if we add 10 minutes to the time we have already, when will the vote take place?

The PRESIDING OFFICER. That will be 11:33.

Mr. REID. Senator SHELBY also has time.

The PRESIDING OFFICER. There will be 15 minutes and then the vote. Is there objection? Without objection, it is so ordered. The Senator from Oklahoma.

Mr. NICKLES. I am appreciative of the cooperation of our colleagues and also of the quality of the debate. I think we have had an interesting debate. I compliment the participants. I will just make a couple of comments.

I am reading this amendment and listening to some of the debate yesterday, and looking at this amendment, it says:

Provided, That notwithstanding any other provision of the Act—

Talking about the Murray amendment that is included in the Transportation bill—

nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement.

I know I heard people say yesterday the Murray amendment, the underlying legislation that is in the appropriations bill, is compliant with NAFTA, it is compliant with our treaty, a treaty we have already signed.

If that is the case, I think the proponents should adopt this amendment. I wish they would. I would think they would accept it. It would further clarify that we are going to keep our word in the treaty. A treaty is making a commitment on behalf of the United States with other countries. We should keep that.

If we are going to rewrite the treaty on this appropriations bill, we have a problem. I think we have a couple of problems because clearly this is legislation on an appropriations bill and we made rules that we were not going to do that. Now it turns out the rules are only sort of applicable. In other words, you can legislate—if you are in the committee and you legislate in committee, it is OK, but you cannot legislate on the floor.

Maybe we need to probably address that, and we probably will at a later date. But now I look at the legislation, and I have heard some people say that the legislation that came out of committee violates NAFTA. The proponents say no, it doesn't. Here is language that says nothing in this act should be applied in a manner that the President finds to be in violation of the NAFTA. This is further clarification that we are not going to violate NAFTA. That makes sense.

If we are going to rewrite treaties on appropriations bills, something is wrong. What about the Foreign Relations Committee? What about the Commerce Committee and committees that have jurisdiction over NAFTA? What about consulting the NAFTA partners? I have heard they are upset about the language that is coming out of the committee and that came out of the House.

I urge the proponents of the Murray amendment to adopt this language. I think it would further clarify. Maybe it would make a lot of this problem go away. This might make this bill entirely acceptable on all parts. This could be the solution.

I have heard people say nothing in the underlying bill violates NAFTA. Then let's accept this amendment. I believe we could have final passage on this bill today, and we could move on towards other legislative agenda items that all of us would like to do, including some nominations.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. NICKLES. Yes.

Mr. REID. Is that an offer?

Mr. NICKLES. I would love to see that happen. I do not know if the other proponents will consult other people; maybe we can make that an offer. I would love to see that happen.

I think adoption of this language further clarifying that we are not doing anything to violate NAFTA would help make this bill much more presentable and much more acceptable—both to the administration and our trading partners in Mexico and in Canada.

I urge my colleagues not to support a tabling motion. Let's pass this amendment and this bill. Let's go to conference.

Mr. GRAMM. Mr. President, will the Senator yield?

Mr. NICKLES. Yes.

Mr. GRAMM. In response to the question from the distinguished Democrat floor leader, I believe the adoption of this amendment would make this debate an honest debate. We would all then agree that it does not affect NAFTA. I think that would be a major step in working out this whole thing. With the adoption of this amendment, I think in a fairly short period of time we could probably work this out in a way that, A, the Department of Transportation can implement, and, B, the President of Mexico and the President of the United States are not embarrassed by us abrogating NAFTA. I think this would be the linchpin for working something out, if we adopt it.

Mr. NICKLES. Today.

Mr. GRAMM. I think if we decided to, we could solve this problem within 2 hours. Working with the Department of Transportation, we could come up with an agreement that the Department of Transportation could make work. That is the first requirement. And, second, that does not violate our obligations under NAFTA.

Mr. NICKLES. Mr. President, I very much appreciate Senator GRAMM's comments, and also Senator REID's suggestion. I think this may help us break this bottleneck. I think too many people are too dug in to kind of look and say how we can fix this problem which we got into by legislating on an appropriations bill and possibly rewriting treaties. That is wrong, at least in this Senator's opinion. This language clarifies that we are not going to violate the treaty.

Let's pass this amendment and this bill, and let's go to other legislative agenda items.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. Mr. President, first I would like to ask the Senator from Washington, the chairman of the subcommittee, if she would yield for a question.

Mrs. MURRAY. I am happy to yield for a question.

Mr. DURBIN. Would she comment on the pending Gramm amendment and the impact she believes it will have on establishing standards for safety for Mexican trucks and Mexican truck-drivers?

Mrs. MURRAY. I thank the Senator for the question. I would be happy to enter into negotiations to talk about accepting this amendment if it didn't actually gut the provisions we have before us. This administration basically says to the President—actually the White House attorney would designate it—the provision of the underlying bill violates NAFTA. That is their position, not ours. It is their decision. They could revoke the Mexican driver's license provision we have, or the inspection of the trucks across the border and the insurance issue on Mexican trucks. At their whim, they could say we think that violates NAFTA.

I think the Members of the Senate have spoken quite loudly, 70–30, that we believe the provisions in this Senate bill are ones that we believe will protect drivers in the country. We have already seen what the DOT protections were. I believe the underlying amendment certainly as written is not safe for American drivers.

Mr. DURBIN. I agree with the Senator from Washington. If we adopt the amendment of Senator GRAMM of Texas, we are basically saying there are no standards when it comes to Mexican trucks and when it comes to

Mexican truckdrivers. It is whatever the White House attorneys decide. That, frankly, is an abdication of the responsibility of the Senate.

I hope all Members will join in voting for this Gramm amendment. I voted for NAFTA. When I voted for NAFTA, I was told that the United States would never have to compromise health and safety standards, and, that if we impose standards of safety on American trucks and truckdrivers, the same standards will apply to Canadian and Mexican truckdrivers. If we impose standards of the safety on our trucks, the same standards will be imposed on Mexico and Canada.

That is what is known as fair trade and fair standards evenly applied. Senator GRAMM and those on the other side of the aisle don't want fair trade. They want to have it so the Mexicans and Canadians and others who trade with the United States can establish in the name of free trade their own standards.

This weekend when you are on the highways across America and you look in the rearview mirror, if the truck coming up behind you is an American truck, you can be sure of one thing: It is subject to hours of service requirements so that the truckdriver doesn't stay in that seat so long that he is half asleep and driving off the road. You know the American truckdriver has to keep a logbook so we know where he has been and how long he has been driving. He is subject to inspection. He has been subject to alcohol and drug testing. He has had a physical. You know the minimum weight limit for the truck is 80,000 pounds, and so forth. But under the standards imposed by the Mexican Government, none of these apply. There are no hours of service requirements. If the truck coming up behind you on the highway is driven by a Mexican truckdriver, there is no prohibition or limitation on the hours he can drive the truck. Under their law, he has to keep a logbook. He ignores it, as most Mexican truckdrivers do. There is no basic alcohol and drug test, and there is no requirement for physicals as in the United States.

Let me tell you about an accident. If you get involved in an accident with a truck driven by an American driver for an American truck company, they have to have liability insurance between $750,000 and $4 million for that accident. The Mexican truckdriver, about $70,000 worth of insurance to cover bodily injury as well as physical damage.

When we say the Mexicans are going to have an opportunity to trade in the United States and we want to strike down trade barriers, we are not trying to strike down common sense. Common sense says that whether your family is on the road going to a Virginia vacation, or for business, when you look in the rearview mirror, or pass a truck, you ought to know that there is a safety standard applied to everybody who wants to use American highways.

Senator MURRAY has put in a reasonable amendment. She established the same standards for Mexican trucking companies and truckdrivers as the United States. Those who oppose this amendment don't want that to happen. The Gramm amendment gives the widest loophole in the world. Some attorney in the White House can declare that the standards for insurance, for example, for Mexico are just fine at $70,000. That is wrong. It is wrong for the American families who expect this Senate to stand up and protect them when it comes to the use of American highways.

I favor free trade. I voted for free trade. But I didn't do it with a blindfold. I did it with the knowledge that we ought to have standards to protect American companies, American individuals, and American consumers, and that the same standards should apply to those exporting to the United States and those producing in the United States. This is not protectionism. This is commonsense. Vote against the Gramm amendment.

The PRESIDING OFFICER. The Republican assistant leader.

Mr. NICKLES. Mr. President, just for the information of our colleagues, we will be voting probably within 5 minutes. I believe there will be a motion to table the Gramm amendment. So just for the Cloakrooms to alert all colleagues, there will be a rollcall vote in 5 minutes.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for 5 minutes.

Mr. SHELBY. Mr. President, over the course of the past several days, we have heard several Senators explain what they believe the North American Free Trade Agreement does and does not do. I believe this debate would be better served by reviewing the agreement itself.

Part Seven, Chapter Twenty, of NAFTA establishes the Free Trade Commission which shall resolve disputes that may arise regarding its interpretation or application. NAFTA also establishes a dispute settlement process in the event that the Free Trade Commission is unable to resolve a matter or if a third party brings forth a cause of action. Under NAFTA in these cases, the Commission ''shall establish an arbitral panel.'' Again, I am quoting from the agreement.

Mr. President, I ask unanimous consent that the North American Free Trade Agreement Part Seven: Administrative And Institutional Provision be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH AMERICAN FREE TRADE AGREEMENT

Part Seven: Administrative and Institutional Provisions

Chapter Twenty: Institutional Arrangements and Dispute Settlement Procedures

SECTION A—INSTITUTIONS

Article 2001: The Free Trade Commission

1. The Parties hereby establish the Free Trade Commission, comprising cabinet-level representatives of the Parties or their designees.

2. The Commission shall:

(a) supervise the implementation of this Agreement;

(b) oversee its further elaboration;

(c) resolve disputes that may arise regarding its interpretation or application;

(d) supervise the work of all committees and working groups established under this Agreement, referred to in Annex 2001.2; and

(e) consider any other matter that may affect the operation of this Agreement.

3. The Commission may:

(a) establish, and delegate responsibilities to, ad hoc or standing committees, working groups or expert groups;

(b) seek the advice of non-governmental persons or groups; and

(c) take such other action in the exercise of its functions as the Parties may agree.

4. The Commission shall establish its rules and procedures. All decisions of the Commission shall be taken by consensus, except as the Commission may otherwise agree.

5. The Commission shall convene at least once a year in regular session. Regular sessions of the Commission shall be chaired successively by each Party.

Article 2002: The Secretariat

1. The Commission shall establish and oversee a Secretariat comprising national Sections.

2. Each Party shall:

(a) establish a permanent office of its Section;

(b) be responsible for

(i) the operation and costs of its Section, and

(ii) the remuneration and payment of expenses of panelists and members of committees and scientific review boards established under this Agreement, as set out in Annex 2002.2;

(c) designate an individual to serve as Secretary for its Section, who shall be responsible for its administration and management; and

(d) notify the Commission of the location of its Section's office.

3. The Secretariat shall:

(a) provide assistance to the Commission;

(b) provide administrative assistance to

(i) panels and committees established under Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), in accordance with the procedures established pursuant to Article 1908, and

(ii) panels established under this Chapter, in accordance with procedures established pursuant to Article 2012; and

(c) as the Commission may direct

(i) support the work of other committees and groups established under this Agreement, and

(ii) otherwise facilitate the operation of this Agreement.

SECTION B—DISPUTE SETTLEMENT

Article 2003: Cooperation

The Parties shall at all times endeavor to agree on the interpretation and application of this Agreement, and shall make every attempt through cooperation and consultations to arrive at a mutually satisfactory

resolution of any matter that might affect its operation.

Article 2004: Recourse to Dispute Settlement Procedures

Except for the matters covered in Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters) and as otherwise provided in this Agreement, the dispute settlement provisions of this Chapter shall apply with respect to the avoidance or settlement of all disputes between the Parties regarding the interpretation or application of this Agreement or wherever a Party considers that an actual or proposed measure of another Party is or would be inconsistent with the obligations of this Agreement or cause nullification or impairment in the sense of Annex 2004.

Article 2005: GATT Dispute Settlement

1. Subject to paragraphs 2, 3 and 4, disputes regarding any matter arising under both this Agreement and the General Agreement on Tariffs and Trade, any agreement negotiated thereunder, or any successor agreement (GATT), may be settled in either forum at the discretion of the complaining Party.

2. Before a Party initiates a dispute settlement proceeding in the GATT against another Party on grounds that are substantially equivalent to those available to that Party under this Agreement, that Party shall notify any third Party of its intention. If a third Party wishes to have recourse to dispute settlement procedures under this Agreement regarding the matter, it shall inform promptly the notifying Party and those Parties shall consult with a view to agreement on a single forum. If those Parties cannot agree, the dispute normally shall be settled under this Agreement.

3. In any dispute referred to in paragraph 1 where the responding Party claims that its action is subject to Article 104 (Relation to Environmental and Conservation Agreements) and requests in writing that the matter be considered under this Agreement, the complaining Party may, in respect of that matter, thereafter have recourse to dispute settlement procedures solely under this Agreement.

4. In any dispute referred to in paragraph 1 that arises under Section B of Chapter Seven (Sanitary and Phytosanitary Measures) or Chapter Nine (Standards-Related Measures):

(a) concerning a measure adopted or maintained by a Party to protect its human, animal or plant life or health, or to protect its environment, and

(b) that raises factual issues concerning the environment, health, safety or conservation, including directly related scientific matters,

where the responding Party requests in writing that the matter be considered under this Agreement, the complaining Party may, in respect of that matter, thereafter have recourse to dispute settlement procedures solely under this Agreement.

5. The responding Party shall deliver a copy of a request made to paragraph 3 or 4 to the other Parties and to its Section of the Secretariat. Where the complaining Party has initiated dispute settlement proceedings regarding any matter subject to paragraph 3 or 4, the responding Party shall deliver its request no later than 15 days thereafter. On receipt of such request, the complaining Party shall promptly withdraw from participation in those proceedings and may initiate settlement procedures under Article 2007.

6. Once dispute settlement procedures have been initiated under Article 2007 or dispute settlement proceedings have been initiated under the GATT, the forum selected shall be used to the exclusion of the other, unless a Party makes a request pursuant to paragraph 3 or 4.

7. For purposes of this Article, dispute settlement proceedings under the GATT are deemed to be initiated by a Party's request for a panel, such as under Article XXIII:2 of the General Agreement on Tariffs and Trade 1947, or for a committee investigation, such as under Article 20.1 of the Customs Valuation Code.

Consultations

Article 2006: Consultations

1. Any Party may request in writing consultations with any other Party regarding any actual or proposed measure or any other matter that it considers might affect the operation of this Agreement.

2. The requesting Party shall deliver the request to the other Parties and to its Section of the Secretariat.

3. Unless the Commission otherwise provides in its rules and procedures established under Article 2001(4), a third Party that considers it has a substantial interest in the matter shall be entitled to participate in the consultation on delivery of written notice to the other Parties and to its Section of the Secretariat.

4. Consultations on matters regarding perishable agricultural goods shall commence within 15 days of the date of delivery of the request.

5. The consulting Parties shall make every attempt to arrive at a mutually satisfactory resolution of any matter through consultations under this Article or other consultative provisions of this Agreement. To this end, the consulting Parties shall:

(a) provide sufficient information to enable a full examination of how the actual or proposed measure or other matter might affect the operation of this Agreement;

(b) treat any confidential or proprietary information exchanged in the course of consultations on the same basis as the Party providing the information; and

(c) seek to avoid any resolution that adversely affects the interests under this Agreement of any other Party.

Initation of Procedures

Article 2007: Commission—Good Offices, Conciliation and Mediation

1. If the consulting Parties fail to resolve a matter pursuant to Article 2006 within:

(a) 30 days of delivery of a request for consultations,

(b) 45 days of delivery of such request if any other Party has subsequently requested or has participated in consultations regarding the same matter,

(c) 15 days of delivery of a request for consultations in matters regarding perishable agricultural goods, or

(d) such other period as they may agree,

any such Party may request in writing a meeting of the Commission.

2. A Party may also request in writing a meeting of the Commission where:

(a) it has initiated dispute settlement proceedings under the GATT regarding any matter subject to Article 2005(3) or (4), and has received a request pursuant to Article 2005(5) for recourse to dispute settlement procedures under this Chapter; or

(b) consultations have been held pursuant to Article 513 (Working Group on Rules of Origin), Article 723 (Sanitary and Phytosanitary Measures Technical Consultations) and Article 914 (Standards-Related Measures Technical Consultations).

3. The requesting Party shall state in the request the measure or other matter complained of and indicate the provisions of this Agreement that it considers relevant, and shall deliver the request to the other Parties and to its Section of the Secretariat.

4. Unless it decides otherwise, the Commission shall convene within 10 days of delivery of the request and shall endeavor to resolve the dispute promptly.

5. The Commission may:

(a) call on such technical advisers or create such working groups or expert groups as it deems necessary,

(b) have recourse to good offices, conciliation, mediation or such other dispute resolution procedures, or

(c) make recommendations, as may assist the consulting Parties to reach a mutually satisfactory resolution of the dispute.

6. Unless it decides otherwise, the Commission shall consolidate two or more proceedings before it pursuant to this Article regarding the same measure. The Commission may consolidate two or more proceedings regarding other matters before it pursuant to this Article that it determines are appropriate to be considered jointly.

Panel Proceedings

Article 2008: Request for an Arbitral panel

1. If the Commission has convened pursuant to Article 2007(4), and the matter has not been resolved within:

(a) 30 days thereafter,

(b) 30 days after the Commission has convened in respect of the matter most recently referred to it, where proceedings have been consolidated pursuant to Article 2007(6), or

(c) such other period as the consulting Parties may agree,

any consulting Party may request in writing the establishment of an arbitral panel. The requesting Party shall deliver the request to the other Parties and to its Section of the Secretariat.

2. On delivery of the request, the Commission shall establish an arbitral panel.

3. A third Party that considers it has a substantial interest in the matter shall be entitled to join as a complaining Party on delivery of written notice of its intention to participate to the disputing Parties and its Section of the Secretariat. The notice shall be delivered at the earliest possible time, and in any event no later than seven days after the date of delivery of a request by a Party for the establishment of a panel.

4. If a third Party does not join as a complaining Party in accordance with paragraph 3, it normally shall refrain therefore from initiating or continuing.

(a) a dispute settlement procedure under this Agreement, or

(b) a dispute settlement proceeding in the GATT on grounds that are substantially equivalent to those available to that Party under this Agreement.

regarding the same matter in the absence of a significant change in economic or commercial circumstances.

5. Unless otherwise agreed by the disputing Parties, the panel shall be established and perform its functions in a manner consistent with the provisions of this Chapter.

Article 2009: Roster

1. The Parties shall establish by January 1, 1994 and maintain a roster of up to 30 individuals who are willing and able to serve as panelists. The roster members shall be appointed by consensus for terms of three years, and may be reappointed.

2. Roster members shall:

(a) have expertise or experience in law, international trade, other matters covered

by this Agreement or the resolution of disputes arising under international trade agreements, and shall be chosen strictly on the basis of objectivity, reliability and sound judgment;

(b) be independent of, and not be affiliated with or take instructions from, any Party; and

(c) comply with a code of conduct to be established by the Commission.

Article 2010: qualifications of Panelists

1. All panelists shall meet the qualifications set out in Article 2009(2).

2. Individuals may not serve as panelists for a dispute in which they have participated pursuant to Article 2007(5).

Article 2011: Panel Selection

1. Where there are two disputing Parties, the following procedures shall apply:

(a) The panel shall comprise five members.

(b) The disputing Parties shall endeavor to agree on the chair of the panel within 15 days of the delivery of the request for the establishment of the panel. If the disputing Parties are unable to agree on the chair within this period, the disputing Party chosen by lot shall select within five days as chair an individual who is not a citizen of that Party.

(c) Within 15 days of selection of the chair, each disputing Party shall select two panelists who are citizens of the other disputing Party.

(d) If a disputing Party fails to select its panelists within such period, such panelists shall be selected by lot from among the roster members who are citizens of the other disputing Party.

2. Where there are more than two disputing Parties, the following procedures shall apply:

(a) The panel shall comprise five members.

(b) The disputing Parties shall endeavor to agree on the chair of the panel within 15 days of the delivery of the request for the establishment of the panel. If the disputing Parties are unable to agree on the chair within this period, the Party or Parties on the side of the dispute chosen by lot shall select within 10 days a chair who is not a citizen of such Party or Parties.

(c) Within 15 days of selection of the chair, the Party complained against shall select two panelists, one of whom is a citizen of a complaining Party, and the other of whom is a citizen of another complaining Party. The complaining Parties shall select two panelists who are citizens of the Party complained against.

(d) If any disputing Party fails to select a panelist within such period, such panelist shall be selected by lot in accordance with the citizenship criteria of subparagraph (c).

3. Panelists shall normally be selected from the roster. Any disputing Party may exercise a peremptory challenge against any individual not on the roster who is proposed as a panelist by a disputing Party within 15 days after the individual has been proposed.

4. If a disputing Party believes that a panelist is in violation of the code of conduct, the disputing Parties shall consult and if they agree, the panelist shall be removed and a new panelist shall be selected in accordance with this Article.

Article 2012: Rules of Procedure

1. The Commission shall establish by January 1, 1994 Model Rules of Procedure, in accordance with the following principles:

(a) the procedures shall assure a right to at least one hearing before the panel as well as the opportunity to provide initial and rebuttal written submissions; and

(b) the panel's hearing, deliberations and initial report, and all written submissions to and communications with the panel shall be confidential.

2. Unless the disputing Parties otherwise agree, the panel shall conduct its proceedings in accordance with the Model Rules of Procedure.

3. Unless the disputing Parties otherwise agree within 20 days from the date of the delivery of the request for the establishment of the panel, the terms of reference shall be: ''To examine, in the light of the relevant provisions of the Agreement, the matter referred to the Commission (as set out in the request for a Commission meeting) and to make findings, determinations and recommendations as provided in Article 2016(2).''

4. If a complaining Party wishes to argue that a matter has nullified or impaired benefits, the terms of reference shall so indicate.

5. If a disputing Party wishes the panel to make findings as to the degree of adverse trade effects on any Party of any measure found not to conform with the obligations of the Agreement or to have caused nullification or impairment in the sense of Annex 2004, the terms of reference shall so indicate.

Article 2013: Third Party Participation

A Party that is not a disputing Party, on delivery of a written notice to the disputing Parties and to its Section of the Secretariat, shall be entitled to attend all hearings, to make written and oral submissions to the panel and to receive written submissions of the disputing Parties.

Article 2014: Role of Experts

On request of a disputing Party, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the disputing Parties so agree and subject to such terms and conditions as such Parties may agree.

Article 2015: Scientific Review Boards

1. On request of a disputing Party or, unless the disputing Parties disapprove, on its own initiative, the panel may request a written report of a scientific review board on any factual issue concerning environmental, health, safety or other scientific matters raised by a disputing Party in a proceeding, subject to such terms and conditions as such Parties may agree.

2. The board shall be selected by the panel from among highly qualified, independent experts in the scientific matters, after consultations with the disputing Parties and the scientific bodies set out in the Model Rules of Procedure established pursuant to Article 2012(1).

3. The participating Parties shall be provided:

(a) advance notice of, and an opportunity to provide comments to the panel on, the proposed factual issues to be referred to the board; and

(b) a copy of the board's report and an opportunity to provide comments on the report to the panel.

4. The panel shall take the board's report and any comments by the Parties on the report into account in the preparation of its report.

Article 2016: Initial Report

1. Unless the disputing Parties otherwise agree, the panel shall base its report on the submissions and arguments of the Parties and on any information before it pursuant to Article 2014 or 2015.

2. Unless the disputing Parties otherwise agree, the panel shall, within 90 days after the last panelist is selected or such other period as the Model Rules of Procedure established pursuant to Article 2012(1) may provide, present to the disputing Parties an initial report containing:

(a) findings of fact, including any findings pursuant to a request under Article 2012(5);

(b) its determination as to whether the measure at issue is or would be inconsistent with the obligations of this Agreement or cause nullification or impairment in the sense of Annex 2004, or any other determination requested in the terms of reference; and

(c) its recommendations, if any, for resolution of the dispute.

3. Panelists may furnish separate opinions on matters not unanimously agreed.

4. A disputing Party may submit written comments to the panel on its initial report within 14 days of presentation of the report.

5. In such an event, and after considering such written comments, the panel, on its own initiative or on the request of any disputing Party, may:

(a) request the views of any participating Party;

(b) reconsider its report; and

(c) make any further examination that it considers appropriate.

Article 2017: Final Report

1. The panel shall present to the disputing Parties a final report, including any separate opinions on matters not unanimously agreed, within 30 days of presentation of the initial report, unless the disputing Parties otherwise agree.

2. No panel may, either in its initial report or its final report, disclose which panelists are associated with majority or minority opinions.

3. The disputing Parties shall transmit to the Commission the final report of the panel, including any report of a scientific review board established under Article 2015, as well as any written views that a disputing Party desires to be appended, on a confidential basis within a reasonable period of time after it is presented to them.

4. Unless the Commission decides otherwise, the final report of the panel shall be published 15 days after it is transmitted to the Commission.

Implementation of Panel Reports

Article 2018: Implementation of Final Report

1. On receipt of the final report of a panel, the disputing Parties shall agree on the resolution of the dispute, which normally shall conform with the determinations and recommendations of the panel, and shall notify their Sections of the Secretariat of any agreed resolution of any dispute.

2. Wherever possible, the resolution shall be non-implementation or removal of a measure not conforming with this Agreement or causing nullification or impairment in the sense of Annex 2004 or, failing such a resolution, compensation.

Article 2019: Non-Implementation—Suspension of Benefits

1. If in its final report a panel has determined that a measure is inconsistent with the obligations of this Agreement or causes nullification or impairment in the sense of Annex 2004 and the Party complained against has not reached agreement with any complaining Party on a mutually satisfactory resolution pursuant to Article 2018(1) within 30 days of receiving the final report, such complaining Party may suspend the application to the Party complained against of benefits of equivalent effect until such time as they have reached agreement on a resolution of the dispute.

2. In considering what benefits to suspend pursuant to paragraph 1:

(a) a complaining Party should first seek to suspend benefits in the same sector or sectors as that affected by the measure or other matter that the panel has found to be inconsistent with the obligations of this Agreement or to have caused nullification or impairment in the sense of Annex 2004; and

(b) a complaining Party that considers it is not practicable or effective to suspend benefits in the same sector or sectors may suspend benefits in other sectors.

3. On the written request of any disputing Party delivered to the other Parties and its Section of the Secretariat, the Commission shall establish a panel to determine whether the level of benefits suspended by a Party pursuant to paragraph 1 is manifestly excessive.

4. The panel proceedings shall be conducted in accordance with the Model Rules of Procedure. The panel shall present its determination within 60 days after the last panelist is selected or such other period as the disputing Parties may agree.

SECTION C—DOMESTIC PROCEEDINGS AND PRIVATE COMMERCIAL DISPUTE SETTLEMENT

Article 2020: Referrals of Matters from Judicial or Administrative Proceedings

1. If an issue of interpretation or application of this Agreement arises in any domestic judicial or administrative proceeding of a Party that any Party considers would merit its intervention, or if a court or administrative body solicits the views of a Party, that Party shall notify the other Parties and its Section of the Secretariat. The Commission shall endeavor to agree on an appropriate response as expeditiously as possible.

2. The Party in whose territory the court or administrative body is located shall submit any agreed interpretation of the Commission to the court or administrative body in accordance with the rules of that forum.

3. If the Commission is unable to agree, any Party may submit its own views to the court or administrative body in accordance with the rules of that forum.

Article 2021: Private Rights

No Party may provide for a right of action under its domestic law against any other Party on the ground that a measure of another Party is inconsistent with this Agreement.

Article 2022: Alternative Dispute Resolution

1. Each Party shall, to the maximum extent possible, encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties in the free trade area.

2. To this end, each Party shall provide appropriate procedures to ensure observance of agreements to arbitrate and for the recognition and enforcement of arbitral awards in such disputes.

3. A Party shall be deemed to be in compliance with paragraph 2 if it is a party to and is in compliance with the 1958 United National Convention on the Recognition and Enforcement of Foreign Arbitral Awards or the 1975 InterAmerican Convention on International Commercial Arbitration.

4. The Commission shall establish an Advisory Committee on Private Commercial Disputes comprising persons with expertise or experience in the resolution of private international commercial disputes. The Committee shall report and provide recommendations to the Commission on general issues referred to it by the Commission respecting the availability, use and effectiveness of arbitration and other procedures for the resolution of such disputes in the free trade area.

ANNEX 2001.2

Committees and Working Groups

A. Committees

1. Committee on Trade in Goods (Article 316)

2. Committee on Trade in Worn Clothing (Annex 300–B, Section 9.1)

3. Committee on Agricultural Trade (Article 706)

Advisory Committee on Private Commercial Disputes Regarding Agricultural Goods (Article 707)

4. Committee on Sanitary and Phytosanitary Measures (Article 722)

5. Committee on Standards-Related Measures (Article 913)

Land Transportation Standards Subcommittee (Article 913(5))

Telecommunications Standards Subcommittee (Article 913(5))

Automotive Standards Council (Article 913(5))

Subcommittee on Labelling of Textile and Apparel Goods (Article 913(5))

6. Committee on Small Business (Article 1021)

7. Financial Services Committee (Article 1412)

8. Advisory Committee on Private Commercial Disputes (Article 2022(4))

B. Working Groups

1. Working Group on Rules of Origin (Article 513)

Customs Subgroup (Article 513(6))

2. Working Group on Agricultural Subsidies (Article 705(6))

3. Bilateral Working Group (Mexico United States) (Annex 703.2(A)(25))

4. Bilateral Working Group (Canada (Mexico) (Annex 703.2(b)(13))

5. Working Group on Trade and Competition (Article 1504)

6. Temporary Entry Working Group (Article 1605)

C. Other Committees and Working Groups Established Under this Agreement

ANNEX 2002.2

Remuneration and Payment of Expenses

1. The Commission shall establish the amounts of remuneration and expenses that will be paid to the panelists, committee members and members of scientific review boards.

2. The remuneration of panelists or committee members and their assistants, members of scientific review boards, their travel and lodging expenses, and all general expenses of panels, committees or scientific review boards shall be borne equally by:

(a) in the case of panels or committees established under Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), the involved Parties, as they are defined in Article 1911; or

(b) in the case of panels and scientific review boards established under this Chapter, the disputing Parties.

3. Each panelist or committee member shall keep a record and render a final account of the person's time and expenses, and the panel, committee or scientific review board shall keep a record and render a final account of all general expenses. The Commission shall establish amounts of remuneration and expenses that will be paid to panelists and committee members.

ANNEX 2004

Nullification and Impairment

1. If any party considers that any benefit it could reasonably have expected to accrue to it under any provision of:

(a) Part Two (Trade in Goods), except for those provisions of Annex 300–A (Automotive Sector) or Chapter Six (Energy) relating to investment,

(b) Part Three (Technical Barriers to Trade),

(c) Chapter Twelve (Cross-Border Trade in Services), or

(d) Part Six (Intellectual Property),

is being nullified or impaired as a result of the application of any measure that is not inconsistent with this Agreement, the Party may have recourse to dispute settlement under this Chapter.

2. A Party may not invoke:

(a) paragraph 1(a) or (b), to the extent that the benefit arises from any crossborder trade in services provision of Part Two, or

(b) paragraph 1(c) or (d),

with respect to any measure subject to an exception under Article 2101 (General Exceptions).

Codex Alimentarius Commission, the World Health Organization (WHO), the Food and Agriculture Organization (FAO), the International Telecommunication Union (ITU); or any other body that the Parties designate;

Land transportation service means a transportation service provided by means of motor carrier or rail;

Legitimate objective includes an objective such as:

(a) safety,

(b) protection of human, animal or plant life or health, the environment or consumers, including matters relating to quality and identifiability of goods or services, and

(c) sustainable development,

considering, among other things, where appropriate, fundamental climatic or other geographical factors, technological or infrastructural factors, or scientific justification but does not include the protection of domestic production;

Make compatible means bring different standards-related measures of the same scope approved by different standardizing bodies to a level such that they are either identical, equivalent or have the effect of permitting goods and services to be used in place of one another or fulfill the same purpose;

Services means land transportation services and telecommunications services;

Standard means a document, approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for goods or related processes and production methods, or for services or related operating methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, process, or production or operating method;

Standardizing body means a body having recognized activities in standardization;

Stardards-related measure means a standard, technical regulation or conformity assessment procedure;

Technical regulation means a document which lays down goods characteristics or their related processes and production methods, or services characteristics or their related operating methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, process, or production or operating method; and

Telecommunications service means a service provided by means of the transmission

and reception of signals by any electromagnetic means, but does not mean the cable, broadcast or other electromagnetic distribution of radio or television programming to the public generally.

2. Except as they are otherwise defined in this Agreement, other terms in this Chapter shall be interpreted in accordance with their ordinary meaning in context and in the light of the objectives of this Agreement, and where appropriate by reference to the terms presented in the sixth edition of the ISO/IEC Guide 2: 1991, General Terms and Their Definitions Concerning Standardization and Related Activities.

ANNEX 908.2

Transitional Rules for Conformity Assessment Procedures

1. Except in respect of governmental conformity assessment bodies, Article 908(2) shall impose no obligation and confer no right on Mexico until four years after the date of entry into force of this Agreement.

2. Where a Party charges a reasonable fee, limited in amount to the approximate cost of the service rendered, to accredit, approve, license or otherwise recognize a conformity assessment body in the territory of another Party, it need not, prior to December 31, 1998 or such earlier date as the Parties may agree, charge such a fee to a conformity assessment body in its territory.

ANNEX 913.5.A–1

Land Transportation Standards Subcommittee

1. The Land Transportation Standards Subcommittee, established under Article 913(5)(a)(i), shall comprise representatives of each Party.

2. The Subcommittee shall implement the following work program for making compatible the Parties' relevant standards-related measures for:

(a) bus and truck operations

(i) no later than one and one-half years after the date of entry into force of this Agreement, for non-medical standards-related measures respecting drivers, including measures relating to the age of and language used by drivers,

(ii) no later than two and one-half years after the date of entry into force of this Agreement, for medical standards-related measures respecting drivers,

(iii) no later than three years after the date of entry into force of this Agreement, for standards-related measures respecting vehicles, including measures relating to weights and dimensions, tires, brakes, parts and accessories, securement of cargo, maintenance and repair, inspections, and emissions and environmental pollution levels not covered by the Automotive Standards Council's work program established under Annex 913.5.a–3,

(iv) no later than three years after the date of entry into force of this Agreement, for standards-related measures respecting each Party's supervision of motor carriers' safety compliance, and

(v) no later than three years after the date of entry into force of this Agreement, for standards-related measures respecting road signs;

(b) rail operations

(i) no later than one year after the date of entry into force of this Agreement, for standards-related measures respecting operating personnel that are relevant to cross-border operations, and

(ii) no later than one year after the date of entry into force of this Agreement, for standards-related measures respecting locomotives and other rail equipment; and

(c) transportation of dangerous goods, no later than six years after the date of entry into force of this Agreement, using as their basis the United Nations Recommendations on the Transport of Dangerous Goods, or such other standards as the Parties may agree.

3. The Subcommittee may address other related standards-related measures as it considers appropriate.

ANNEX 913.5.A–2

Telecommunications Standards Subcommittee

1. The Telecommunications Standards Subcommittee, established under Article 913(5)(a)(ii), shall comprise representatives of each Party.

2. The Subcommittee shall, within six months of the date of entry into force of this Agreement, develop a work program, including a timetable, for making compatible, to the greatest extent practicable, the standards-related measures of the Parties for authorized equipment as defined in Chapter Thirteen (Telecommunications).

3. The Subcommittee may address other appropriate standards-related matters respecting telecommunications equipment or services and such other matters as it considers appropriate.

4. The Subcommittee shall take into account relevant work carried out by the Parties in other forums, and that of non-governmental standardizing bodies.

ANNEX 913.5.A–3

Automotive Standards Council

1. The Automotive Standards Council, established under Article 913.5(a)(iii), shall comprise representatives of each Party.

2. The purpose of the Council shall be, to the extent practicable, to facilitate the attainment of compatibility among, and review the implementation of, national standards-related measures of the Parties that apply to automotive goods, and to address other related matters.

3. To facilitate its objectives, the Council may establish subgroups, consultation procedures and other appropriate operational mechanisms. On the agreement of the Parties, the Council may include state and provincial government or private sector representatives in its subgroups.

4. Any recommendation of the Council shall require agreement of the Parties. Where the adoption of a law is not required for a Party, the Council's recommendations shall be implemented by the Party within a reasonable time in accordance with the legal and procedural requirements and international obligations of the Party. Where the adoption of a law is required for a Party, the Party shall use its best efforts to secure the adoption of the law and shall implement any such law within a reasonable time.

5. Recognizing the existing disparity in standards-related measures of the Parties, the Council shall develop a work program for making compatible the national standards-related measures that apply to automotive goods and other related matters based on the following criteria:

(a) the impact on industry integration;

(b) the extent of the barriers to trade;

(c) the level of trade affected; and

(d) the extent of the disparity.

In developing its work program, the Council may address other related matters, including emissions from on-road and non-road mobile sources.

6. Each Party shall take such reasonable measures as may be available to it to promote the objectives of this Annex with respect to standards-related measures that are maintained by state and provincial government authorities and private sector organizations. The Council shall make every effort to assist these entities with such activities, especially the identification of priorities and the establishment of work schedules.

ANNEX 913.5.A–4

Subcommittee on Labelling of Textile and Apparel Goods

1. The Subcommittee on Labelling of Textile and Apparel Goods, established under Article 913(5)(a)(iv), shall comprise representatives of each Party.

2. The Subcommittee shall include, and consult with, technical experts as well as a broadly representative group from the manufacturing and retailing sectors in the territory of each Party.

3. The Subcommittee shall develop and pursue a work program on the harmonization of labeling requirements to facilitate trade in textile and apparel goods between the Parties through the adoption of uniform labelling provisions. The work program should include the following matters:

(a) pictograms and symbols to replace, where possible, required written information, as well as other methods to reduce the need for labels on textile and apparel goods in multiple languages;

(b) care instructions for textile and apparel goods;

(c) fiber content information for textile and apparel goods;

(d) uniform methods acceptable for the attachment of required information to textile and apparel goods; and

(e) use in the territory of the other Parties of each Party's national registration numbers for manufacturers of importers of textile and apparel goods.

Mr. SHELBY. The amendment offered by the Senator from Texas that we have been talking about proposes instead to grant to the President of the United States the sole and final authority to determine what violates NAFTA in regard to highway safety. As much as I respect the office of the President of the United States and particularly this President, the office of the President is not—and should not be—put in this position. In addition, it is unnecessary because the Constitution, as we all know, already gives the President the power to veto legislation.

I believe it is a slippery slope to pursue the concept that the President of the United States, or any other administration official, should determine whether acts of Congress are consistent with treaty obligations or other laws.

I put my faith in the Founding Fathers and their wisdom to separate judicial and executive functions. The Senator from Texas, my good friend, makes some interesting and novel arguments. I would hope that his enthusiasm for his interpretation of NAFTA would not overwhelm our collective support for the constitutional separation of the executive and judicial branches of Government.

The Senator from Texas has argued on several occasions that the Murray-Shelby provision contains what he alleges are four violations of NAFTA. While I believe that we should allow the processes set forth in the NAFTA

agreement that I quoted from to determine that, let me assure the Senator from Texas that if his amendment is adopted there is without question one violation of NAFTA—because his amendment clearly creates a new dispute resolution process within the office of the President that appears to be inconsistent—totally inconsistent—with NAFTA itself.

Mr. President, we have talked about this issue. I think we know what is going on. At this point, I move to table the Gramm amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

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

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote ''nay.''

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

The result was announced—yeas 65, nays 30, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—65

Akaka	Dorgan	Miller
Allen	Durbin	Murray
Baucus	Edwards	Nelson (FL)
Bayh	Ensign	Nelson (NE)
Biden	Feingold	Reed
Bingaman	Graham	Reid
Boxer	Harkin	Rockefeller
Breaux	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Inhofe	Schumer
Cantwell	Inouye	Shelby
Carnahan	Jeffords	Smith (NH)
Carper	Johnson	Smith (OR)
Chafee	Kennedy	Snowe
Cleland	Kerry	Specter
Clinton	Kohl	Stabenow
Collins	Landrieu	Stevens
Conrad	Leahy	Torricelli
Corzine	Levin	Warner
Daschle	Lieberman	Wellstone
Dayton	Lincoln	Wyden
Dodd	Mikulski	

NAYS—30

Allard	Frist	Lugar
Bennett	Gramm	McCain
Brownback	Grassley	McConnell
Bunning	Gregg	Murkowski
Cochran	Hagel	Nickles
Craig	Hatch	Roberts
Crapo	Helms	Thomas
DeWine	Hutchison	Thompson
Domenici	Kyl	Thurmond
Fitzgerald	Lott	Voinovich

NOT VOTING—5

Bond	Enzi	Sessions
Burns	Feinstein	

The motion was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1180 TO AMENDMENT NO. 1030

(Purpose: To require that Mexican nationals be treated the same as Canadian nationals under provisions of the Act)

Mr. MCCAIN. Mr. President, I send a second-degree amendment to amendment No. 1030 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1180 to amendment No. 1030:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals.

Mr. REID addressed the Chair.

Mr. MCCAIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I will be glad to yield to the Senator from Nevada for a question.

Mr. REID. I do not think the Senator wants to. I am going to move to table.

Mr. MCCAIN. I thank the Senator from Minnesota. I thank him very much for recognizing me.

Mr. President, this amendment is very simple. It simply says the Mexican nationals will be treated exactly the same as Canadian nationals. It has nothing to do with requirements on trucks. It has nothing to do with requirements. It has nothing to do with how these individuals residing one to our north and one to our south would be treated exactly the same way as citizens of their country and trading partners.

I hope there will be no question that our neighbors to the north and the south will be treated on an equal and equitable basis.

I want to quote from the report again from the NAFTA dispute resolution panel.

I remind my colleagues, I believe we have 51 second-degree amendments on file. After this one is dispensed with, we will have 50 amendments remaining. They are all important additions. Hopefully, these modifications can be made to this legislation.

I point out, as we continue to debate this issue again I quote, since a number of my colleagues are in the Chamber, an editorial in the Chicago Tribune. I see my colleague from Illinois. The headline is: ''Honk if you smell cheap politics.'' That is the headline. I emphasize for my colleagues, I am quoting from an editorial. This is not a reflection of my personal views:

As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets. The talk is all about safety and concern about how rattletrap Mexican semis, driven by inept Mexicans, would plow into Aunt Bea putt-putting to the grocery store in her Honda Civic, somewhere in Pleasantville, U.S.A.

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray (D–Wash.), and others pushing the Teamster line, instead are prattling on about road safety. . . .

Under NAFTA, which went into effect in 1994, there was supposed to be free access to all trucks within Canada, the U.S. and Mexico by January of last year. That only makes sense: There is no point in freeing up trade but restricting the means to move the goods.

But with the 2000 elections looming, President Bill Clinton caved in to pressure from the Teamsters and delayed implementation of the free-trucking part of the agreement. Democratic presidential candidate Al Gore got the Teamsters' endorsement and the Mexican government filed a complaint against the U.S. for violation of NAFTA rules. Mexico won.

A spokesman for the U.S.-Mexico Chamber of Commerce and others in Washington have whispered there may be bits of racism and discrimination floating around in this soup, because Canadian trucks and drivers are not subjected to similar scrutiny and can move about freely anywhere in the U.S.

It's worthwhile to note, too, that while the U.S. is banning Mexican trucks, Mexico is returning the favor, so neither country's trucks are going anywhere. As it stands, Mexican trucks can come in only 20 miles into the U.S. before they have to transfer their load.

Safety need not be an issue. An amendment proposed by McCain and Sen. Phil Gramm (R–Texas) incorporates safety inspection safeguards to be sure drivers and trucks are fit to travel U.S. roads. It's roughly modeled after California's safety inspection system along it own border with Mexico. Presumably, Mexico would inspect the trucks going the other way.

Those are reasonable measures to protect motorists on both sides of the border.

But Sen. Murray's amendment sets up a series of requirements and hurdles so difficult to implement that they would, in effect, keep the border closed to Mexican trucks indefinitely.

President Bush vows to veto this version of the bill, and quite rightly so. In 1993, the U.S. signed and ratified NAFTA. The agreement went into effect in 1994. There is no justification now, more than seven years later, for the U.S. to try to weasel out of some its provisions.

The amendment, which I guess is going to be shortly tabled—I ask that the amendment be read one more time.

The PRESIDING OFFICER (Ms. STABENOW). Is there objection?

Mr. REID. Objection. I did not hear the request.

Mr. MCCAIN. I asked that the amendment be read.

Mr. REID. That is fine.

Mr. MCCAIN. I will read it myself. I am more eloquent than the staff anyway.

Mr. REID. I would love to hear the amendment read.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

AMENDMENT NO. 1180

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. MCCAIN. Madam President, do I still have the floor?

The PRESIDING OFFICER. The Senator lost the floor when he had the clerk read.

Mr. MCCAIN. Very good.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), the Senator from Tennessee (Mr. FRIST), and the Senator from Montana (Mr. BURNS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. SESSIONS) would vote ''nay.''

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

The result was announced—yeas 57, nays 34, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—57

Akaka	Clinton	Hutchinson
Baucus	Collins	Inouye
Bayh	Conrad	Jeffords
Biden	Corzine	Johnson
Bingaman	Daschle	Kennedy
Boxer	Dayton	Kerry
Breaux	Dodd	Kohl
Byrd	Dorgan	Landrieu
Campbell	Durbin	Leahy
Cantwell	Edwards	Levin
Carnahan	Feingold	Lieberman
Carper	Graham	Lincoln
Chafee	Harkin	Mikulski
Cleland	Hollings	Murray
Nelson (FL)	Schumer	Stabenow
Reed	Shelby	Torricelli
Reid	Smith (NH)	Warner
Rockefeller	Smith (OR)	Wellstone
Sarbanes	Snowe	Wyden

NAYS—34

Allard	Gramm	Murkowski
Allen	Grassley	Nelson (NE)
Bennett	Gregg	Nickles
Brownback	Hagel	Roberts
Bunning	Hatch	Santorum
Cochran	Helms	Specter
Craig	Hutchison	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Ensign	McCain	
Fitzgerald	McConnell	

NOT VOTING—9

Bond	Feinstein	Miller
Burns	Frist	Sessions
Enzi	Inhofe	Stevens

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, it seems to me one of the very few things that has been agreed upon in the civilized world over the last few years is the benefits of free trade. It is the source of much of the prosperity we have enjoyed in this country because our advances in technology have led to increases in productivity. It has put us in a very competitive position with regard to the world. Trade has been an integral part of that. It has lifted millions and millions of people out of poverty.

As we see around the world, the expansion of free market philosophy sometimes leads to more democratic institutions. Very much of it is based on these economies opening up. Very much of that has to do with the benefits of free trade where people make the things that they make best and do the things they do best, open up their borders, turn their backs on protectionism, and engage in free trade with other countries.

The most remarkable example of that recently, it seems to me, would be the country of China. We have seen that country under Deng, starting back some years ago, opening up that country's economy somewhat, as many problems we have with them. I will not go into that today. That is a different subject for another day. But we have some very serious difficulties with them in terms of nuclear proliferation, for example. There is a story just today about that in the press that is very disturbing. We will deal with that at the appropriate time.

But we have to acknowledge that they have lifted millions and millions of their people out of poverty. They have bought into the notion that in order for them to prosper economically, in order for them to feed the 1.3 billion people they have, they are going to have to open up somewhat economically and they are going to have to engage in free trade.

We believe in the engagement of free trade with them, even to the extent of the substantial trade deficit. I think it is about $84 billion in deficit we are now running with them. But it attests to our commitment that we have for the general proposition of the benefits of free trade.

A third of the U.S. economic growth during the 1990s came from exports. Since the cold war, the United States has championed the values of democracy and free trade. Global free trade advances the democratic values of consumer choice, workers' rights, transparency, and the rule of law.

Therefore, it pains me to see us begin to move away from the principles of free trade and to hold ourselves open for the criticism that we are violating the agreement into which we entered. The argument can be made that while the world is moving in one direction, we in some respects are moving in another. There are more than, I believe, 133 trade agreements around the world. The United States is a party to two of them. One of the ones that has been beneficial to all parties concerned has been NAFTA. It has been beneficial to my State of Tennessee. I think it has been beneficial to the United States in general.

It pains me to see us move away from our solemn commitment. I think that is what the Murray provision does. I think that is the primary reason for the concern expressed by the Senator from Arizona and the Senator from Texas because their opinion—and apparently the opinion of the President of the United States—is that provision violates our commitment under NAFTA; it violates our commitment to free trade. We are moving in the wrong direction. We are moving in one direction when the rest of the world seems to finally have been convinced of what we are supposed to believe in; that is, benefits of free trade.

Trade benefits small businesses. Ninety-seven percent of all exporters are small businesses that employ fewer than 500 people. Free trade is an invaluable tool to economic development, oftentimes far more successful than direct aid. Trade encourages investment, creates jobs, and promotes a more sustainable form of development. Jobs created through trade often require higher levels of skills and create a higher standard of living for workers.

It is to everyone's benefit—and certainly to this country's benefit—to engage in activities that raise the standard of living which, in turn, often leads, as I say, to demands for individual rights in countries where those are so sorely lacking.

The combined effects of the Uruguay Round trade agreements and NAFTA have increased U.S. national income by $40 to $60 billion a year. Over 85 percent of NAFTA trade is manufactured goods, which grew by over 66 percent between 1993 and 1998.

On the agricultural front, which is important to my State, one of every

three acres of U.S. farmland is planted for export.

So that is what is going on in the world. That is of what we are a part. That is in what we should be taking a leadership role. So when we are dealing with the primary trade agreement that we have, and dealing with our own hemisphere, and our own backyard, and our neighbors to the north and our neighbors to the south, and we, because of domestic, political, and economic pressure, willy-nilly do things that might be pleasing to certain, limited constituency groups but not only violate the agreement but violate the principles for which we are supposed to stand, when we do that, we are moving in a wrong and dangerous direction.

The United States is better off today because of that commitment we made. I think the United States is better off today because of that agreement we made. The U.S. economy experienced the longest peacetime expansion in history. That was not because we sat still. That was not by accident. All 50 States and the United States territories participate in NAFTA, and almost all have reaped benefits from more liberalized trade with both Mexico and Canada.

U.S. trade with NAFTA countries grew faster than the rate of global trade expansion. Overall, NAFTA has benefited the entire continent of North America through its promotion of competitiveness and lower prices for consumers. We all are very much aware of the fact that some folks have been displaced—some in my own State have been displaced—as we have gone through the adjustment our economy is having to go through now.

We all know that as we move from an agricultural economy to an industrialized economy to a very high-tech economy that we have now—as we move from one of those areas to another, there are some displacements, and it is unfortunate. The Government should be helpful in legitimate respects to make sure that, as far as workers are concerned, for example, we are mindful of that.

We have passed legislation, some of which workers in my own State have benefited from, to help make this adjustment come about, knowing that we have to make this adjustment, that we have to move from certain areas of our economy into other areas that are more competitive in the world economy and the world market that we have now.

But overall, from the time NAFTA was signed until last year, the following things have happened: U.S. gross domestic product grew by over $2 trillion, unemployment in the United States fell from 7 percent to 4 percent, real income rose by an average of $2,500 for every American. Trade between the United States and Mexico has tripled since 1993 to over $250 billion in 2000. Total merchandise trade among the NAFTA countries was $656 billion in 2000. The United States now trades more with Canada than with the EU. Total United States trade with Canada has doubled to $400 billion. Trade with NAFTA countries doubled from 1993 to 2000, while U.S. trade with the rest of the world grew by half as much.

So not only is free trade important, but this particular episode in our Nation's history with regard to free trade is especially important. The figures bear that out when looking at the American economy.

On another related subject, during the 1994–1995 peso devaluation, Mexico experienced its worst recession since 1932, with a 7-percent decrease in GDP. During the same time, U.S. exports fell by 8.9 percent, while European and Asian exports fell by 20 to 30 percent.

While in crisis, Mexico raised import tariffs on goods from all of its trading partners, with the exception of NAFTA members. NAFTA prevented the United States from experiencing the level of loss felt by both Asia and Europe.

Trade creates jobs. Over 20 million new jobs were generated by the U.S. economy during the 1990s. The U.S. Chamber of Commerce estimates that by 1999 NAFTA had created over 685,000 export-related jobs in the United States. Over 12 million U.S. jobs now rely on trade in this country.

Economists estimate that the $70 billion increase in United States exports to Mexico since NAFTA began created about 1.3 million new jobs. The U.S. Department of Commerce estimates that 6 million U.S. jobs are dependent on NAFTA-related exports alone. This gives us some indication of the significance of what we are dealing with.

Again, it pains me to see us move in a direction, not because we don't have a right to protect ourselves from trucks or anything else—we can enter into agreements that do that. When we deal with the agreements to start with, we can enter into those things. We can implement those agreements in ways that protect us. All that is allowed under NAFTA. But we cannot have different requirements for our friends in Mexico than we have for our friends in Canada. That is just not right, and it is not compliant with NAFTA. With all of these benefits, I think it is important that we understand what is at stake.

As self-centered as we might want to be—and I hope we are not, but even if we were, it is to our benefit to have a stable and a growing and a prosperous neighbor to the south, as well as to the north, for obvious reasons—for reasons having to do with immigration, for reasons having to do with the economy. That common border is not going to go away. Now that we have new leadership in Mexico, we have the opportunity to make progress in a lot of areas that we have not been able to for some time.

Surpassing Japan, Mexico is now the United States' second largest trading partner. Since the agreement's implementation, Mexico's gross domestic product has increased at an average annual rate of 3.7 percent. I think we have a right—the Nation that came up with the Marshall plan, the Nation that rebuilt much of Europe and Japan after World War II—to be proud of that.

Mexico's credit has improved as a result of NAFTA. Mexico has successfully paid back its loans from the 1995 peso crisis ahead of schedule. Early this spring, Mexico paid off all of its IMF loans. This successful recovery prompted major credit analysts to upgrade Mexican sovereign and corporate debt to investment grade.

Thanks in part to the democratic influence of free trade, NAFTA played a significant part in making Mexico a more democratic country. NAFTA helped foster the civil society in economic development that enabled Mexico to successfully transition to democratic rule after several years of a one-party system.

Those are some of the benefits of free trade in general. Those are some of the benefits to one of our trading partners. At this point in our history, when so much positive is going on in the world in terms of taking down barriers, in terms of intercourse of commerce and the flourishing of market principles in places heretofore unknown to them, we should be leading the world in all of these things. We should not be a part of only two agreements when the rest of the world is moving on. That is bad enough.

But now we are doing things, little by little, that are taking us in one direction while the rest of the world seems to be going in another. We are now in the midst of debating trade or environmental and labor standards. We have entered into an agreement with Jordan, and we are very concerned about their environmental standards. They happen to have some of the better labor and environmental standards already in that part of the world. Now, for domestic reasons, we want to impose nontrade-related requirements on people with whom we want to trade. They in turn, if we do that, have the right to impose those same things on us and to take us to court, so to speak, over changes in our own law potentially.

We don't give our President trade promotion authority. We have heard the debate on fast track over several years now. The President of the United States has not had the ability to enter into these agreements, putting us at a great disadvantage with regard to a large part of the world.

Again, why are we so reticent? Why are we moving in one direction? Why are we becoming more closed and raising more barriers at a time when the rest of the world is doing what we have always said we wanted them to do in taking down barriers, entering into bilateral and multilateral agreements?

I don't know why we would want to do that. I don't know why we would not want to give the President trade promotion authority. I do not know why we would want to hold ourselves up to the accusation of protectionism under these circumstances.

Should people of that persuasion succeed in restricting the freedom of trade, it will be U.S. consumers and workers who will lose out. Trade barriers will never prevent low-wage or low-skilled worker displacement. New technologies and improved efficiency will always displace low-wage and low-skilled workers. I am afraid that is an economic reality. We need to be convinced, apparently, of the obvious proposition that if we are really concerned about labor standards and the environment in some of these other countries, we need to help them lift their economy up so that they can take care of those matters themselves.

We are never going to make any permanent improvement because we try to coerce some small nation, through a trade agreement, to improve their labor and environmental laws. What we can do is enter into trade agreements with them that will let them participate in this global economy and in this prosperity that so many countries and so many people have enjoyed because of free trade and more open markets and which, as I said, in many cases leads to more democratic institutions. We are seeing that play out in Mexico as we speak, moving in the right direction. It is all a part of the same picture. It is a picture where free trade has the central role.

When I look at the current debate we are having, it is unfortunate that it is taking some time. But as I look at it and as we are required as individual Senators to make decisions as to where we stand, we ought to think hard about exactly where we stand and where we ought to stand. All these general principles I have been talking about in terms of the benefits of free trade and how it has benefited our country and how it has benefited Canada and Mexico and how this particular free trade agreement has benefited all of us, all those principles apply to the issue at hand. That is, are we doing something on an appropriations bill, almost as an afterthought as it were, that is going to move us not only contrary to the provisions of the solemn undertaking that we made with regard to NAFTA but take us contrary to the philosophical beliefs and longstanding positions that this Nation has had?

My understanding is that we can make changes or we can have requirements to implement the provisions under these agreements. We are free to do that with regard to Canadian trucks or Mexican trucks or anything else. We can implement this agreement in ways that will protect us, but we cannot change the agreement. We can't change the requirements, and we cannot give different treatment to Mexicans than we do Canadians.

We just voted down an amendment that said simply that we need to treat Canadians and Mexicans alike because we are all three in the same agreement. That was voted down. How anybody could vote against that, I have a hard time understanding.

We are getting down to some very core philosophies and beliefs. I am wondering what people will think about the United States of America in terms of a future trading partner when we cannot even reach a consensus on something such as that, which is not only the right thing to do, the clearly nondiscriminatory right thing to do, but it is the only thing to do to be in compliance with the agreement.

I appreciate the indulgence of the Chair.

Mr. GRAMM. Will the Senator yield for a question?

Mr. THOMPSON. I am happy to yield.

Mr. GRAMM. The Senator is a distinguished lawyer. I am not a lawyer, much less being a distinguished one. But I wanted to read to the Senator the language of NAFTA—it is very short—and ask the Senator if he would give to us his interpretation of what it means and what kind of parameters it sets.

This is in the section of the North American Free Trade Agreement that the President signed in 1994 and then we ratified. A Republican signed it. A Democrat led the ratification, and now we have a Republican President. We are in the third administration committed to this agreement that we entered into.

In the area we are discussing, cross-border trade and services, we have simple language as to what we committed to. I ask the Senator to just give us a description of what he, as a lawyer, a former U.S. attorney, sees this as meaning.

The heading on it is ''National Treatment.'' This is what we committed to, pure and simple:

> Each party shall accord to service providers of another party treatment no less favorable than that it accords in like circumstances to its own service providers.

That is what we committed to. That is called national treatment.

Would the Senator give us sort of a legal and commonsense definition of what that is and what that means?

Mr. THOMPSON. Well, to me it means that we have to treat them and their people the way we treat ourselves and our people. That is a fundamental of trade and trade agreements, and something that is fundamental to this particular agreement. It has to do with the concept of equality and comity. It doesn't matter that one country is richer than another or has more population than another. It puts countries, from the standpoint of the agreement, from the standpoint of trade, on a basis of equal trading partners. We will treat you the way we treat our own people.

I must say, if we violate that and we treat them worse than our own people or worse than another trading partner or partner to the same agreement, such as Canada, then obviously they are going to reciprocate. And they are going to treat our people—in this case, our truckers—seemingly, however they feel they are entitled in reciprocation of us violating the agreement.

Mr. GRAMM. If I may, I will follow up by again, calling on the Senator's knowledge of the law and experience with it. Let me give the Senator some examples of provisions in the Murray amendment. In light of this provision that President Bush signed and we ratified with the support of President Clinton and which we are now trying to enforce under the new President Bush, I wanted to get your reading as to whether these provisions would violate the agreement that we made. Currently, Canadian trucks are almost all insured by companies from Great Britain; Lloyd's of London, I think, is the largest insurer of Mexican trucks.

Mr. THOMPSON. You mean Canadian.

Mr. GRAMM. Yes, Canadian. Some are insured by Canadian companies; some are insured by American companies. Most American trucks are insured by American companies, but not all American trucks. Lloyd's of London, as I understand it, insures some trucks. Quite frankly, it is very difficult to tell with a modern company where it is domiciled.

The Murray amendment says that Mexican trucks, unlike Canadian trucks and American trucks, have to have insurance bought from companies that are domiciled in the United States. Now, American trucking companies are required to have insurance. Mexican trucking companies are required to have insurance. The insurance has to meet certain standards. Canadian trucking companies are required to have insurance. But the Murray amendment says, unlike American trucking companies and unlike Canadian trucking companies, Mexican trucking companies have to buy insurance from companies domiciled in the United States of America.

In light of the language I just read, would the Senator see that as about as clear a violation of NAFTA as you could have?

Mr. THOMPSON. Yes, I would. I would wonder how we would view it if Canadians passed a law saying that American trucks had to buy insurance from companies that were domiciled in Mexico. I can't imagine anything that would be more contrary to the spirit I just described a minute ago. My understanding is—and the Senator can correct me if I am wrong—we can implement the agreement in several different ways. We are not bound; we can

even do it different ways with regard to different trading partners, as long as it is an implementation under the circumstances that are presented in order to protect ourselves in ways we think are appropriate and reasonable. But we can't change the requirements of the agreement.

That seems to me to be a flatout change of the requirements—basic requirements of the agreement, and it goes contrary to the spirit and the letter of the law with regard to that agreement. Under the agreement, you simply can't treat different trading partners in different ways or change the terms or the requirements of the agreement.

Mr. GRAMM. Let me ask this. Under the Murray amendment, there is a provision that says while American trucks are obviously operating all over our country, and Canadian trucks are operating—about a thousand of them—and they are operating under current law, because of a bill we passed in 1999 called the Motor Carrier Safety Improvement Act—and I want to read you a short part of this which is relevant. Basically, what this bill finds is that the Department of Transportation is failing to meet the statutorily mandated deadlines for completing rulemaking proceedings on motor carrier safety and in some significant safety rulemaking proceedings, including driver hour of service regulations; extensive periods have elapsed without progress toward resolution and implementation. Congress finds that too few motor carriers undergo compliance reviews, and the Department's database and information systems require substantial improvement to enhance the Department's ability to target inspection and enforcement resources.

Finding these things, Congress, in 1999, passed a bill mandating that the Department of Transportation promulgate rules related to truck safety nationwide to apply to all trucks operating in America. Under President Clinton and now under President Bush, those rules, which turned out to be time consuming and complicated, have not been implemented. Canadian trucks are still operating even though these rules have not been implemented. American trucks are, obviously, operating even though these rules have not been implemented, or else we would not be eating lunch today.

But the Murray amendment said that because we have not promulgated these rules, until they are promulgated and until this bill is implemented, even though it applies to all trucking in America—until this happens, Canadian trucks would not be allowed into the United States of America. Now I ask, is that any less arbitrary a discriminatory provision than saying they would not be allowed until a full Moon occurred on a day where the Sun was in eclipse?

Mr. THOMPSON. I would say this would be worse than the hypothetical you mentioned about the Moon or the Sun because the situation you described there is within our discretion. The Sun and the Moon aren't, but, basically, as I understand what you read there, we are setting up a condition and basically saying we are going to discriminate until we comply with a condition that we have set up for ourselves. Quite frankly, it seems to be—and you might want to reread that original language you asked me about. It seems to me——

Mr. GRAMM. I will. It says—and this is the national treatment standard, and maybe I should pose this as a question. Is the Senator aware that the language in the national treatment standard says this? And this is a commitment we made to Canada and Mexico when the President signed this agreement in 1994 and the agreement that we committed ourselves to when we ratified it. The language is simple:

> Each party shall accord the service providers of another party treatment no less favorable than that it accords in like circumstances to its own service providers.

Mr. THOMPSON. Well, it seems to me that the situation you referred to a moment ago is pretty directly contrary to that provision you just read.

(Mr. DAYTON assumed the Chair.)

Mr. GRAMM. Let me pose just two more questions. Under the Murray amendment, a Mexican trucking company—let me start, if I may, by stating what the policy is today. As you are probably aware, most trucking companies do not own trucks; they lease trucks. The interesting thing about this whole debate is that we are debating as if Mexico is going to go out to some junkyard somewhere and put together a truck and drive it to Detroit. The reality is that they are going to rent the truck from Detroit just as American companies do. But we have this vast system where companies lease to each other because the last thing on Earth they want as a trucking company is to have a quarter-of-a-million-dollar rig sitting in their parking lot.

So if an American company has some restriction put on it, it is subject to some suspension or to some restriction or some limitation. And there is not a big trucking company in America that at one time or another has not been subject to one of these things.

In the United States and in Canada today, if a company is subject to some limitation so they cannot use the truck, then they lease it to somebody else. The Murray amendment says if a Mexican company is subject to some suspension, restriction, or limitation, the Mexican company cannot lease a truck to anyone else.

In light of the fact we committed that each party shall accord to service providers of another party treatment no less favorable than that which it accords, in like circumstances, to its own providers, does the Senator believe one can possibly justify, under NAFTA, allowing Canadian truck operators to lease their trucks and American truck operators to lease their trucks when they are under some restriction or limitation but not allow Mexican trucking companies to lease their trucks under exactly the same circumstances? Would the Senator not see that as a flagrant violation of NAFTA?

Mr. THOMPSON. In other words, there is no such requirement for Canadian trucks? There is no such requirement?

Mr. GRAMM. No, no such requirement.

Mr. THOMPSON. There is no such requirement imposed on trucks in the United States?

Mr. GRAMM. No such requirement.

Mr. THOMPSON. There is a requirement on Mexico, and Mexico alone, Mexican companies; is that what the Senator is saying?

Mr. GRAMM. That is right.

Mr. THOMPSON. That is, by definition, discriminatory and seemingly clearly contrary to the agreement. That is an interesting provision in and of itself. I am wondering whether or not an entire Mexican company is restricted, even if there is a problem, say, with just one or two trucks.

Mr. GRAMM. If they are subject to some limitation, they will be unable to lease their trucks to another user, say, in the United States or Canada.

Mr. THOMPSON. I do not know what that limitation would be, but obviously that is very broad.

I guess what is going through my mind is whether or not, even if we could under the agreement enter into such an arrangement, that would be a wise or fair thing to do because there is not a trucking company in the world that does not have some violations every once in awhile.

It cannot be prevented. There is too much stuff going on, and having been a truckdriver a little bit myself, I am very much aware that, try as one might, one has to have a lot of rules and regulations and a lot of difficulties facing them.

Obviously, nobody wants any renegades doing business anywhere, but to say any limitations ever placed on a company when they are doing business with regard to, say, maybe even one truck at one location, that in effect bans them for the rest of the Nation with regard to any other trucks, maybe even other trucks leased from another company, I do not see the wisdom in that, quite frankly. Regardless whether it is a good idea or not, it seems to be clearly discriminatory.

Mr. GRAMM. If I could pose the following question: Does it seem to the Senator that it might not only be discriminatory but pernicious in the following sense, that obviously this

amendment was written by somebody who knew something about the trucking business?

Mr. THOMPSON. Sure.

Mr. GRAMM. I wonder if it does not strike the Senator as possible that the supporters of this amendment would recognize—and I am not talking about any Member of the Senate; I am talking about interest groups in the country—would recognize one of the ways of assuring no Mexican trucking company could ever compete with any American trucking company and Mexican drivers could never compete with American drivers would be to say that if one has any limitation imposed on them, they have to have their fleet sitting out on their tarmac. It seems to me that is more than unfair or a violation of NAFTA. That is a provision I believe one could argue is simply aimed at saying we are not going to allow Mexican trucks to operate, period.

Mr. THOMPSON. I say to the Senator, that is sad but true. It has a great deal to do with competition, or the desire for lack of competition, and when I say I do not see the wisdom in it, I guess I do not see the wisdom in such a provision unless I am a competing trucker who wants to look for any opportunity to make sure they have less competition. Unfortunately, that is what free trade is all about—competition.

When we entered into NAFTA, we committed ourselves to free and open competition. So I hope we do not get into a situation where we try to hang on technicalities or other provisions that are not only contrary to the agreement but are designed to limit competition.

I do not think we have a thing in the world to be afraid of. On the one hand, the implication seems to be that these are all terrible trucks and they do not know how to operate them. On the other hand, we are afraid of that kind of competition. It does not seem to make a whole lot of sense to me.

Mr. GRAMM. Let me ask the Senator about the final provision of the Murray bill. I could go on and on, but I am trying to make a point by a pattern. As the Senator knows from having been in the truckdriving business for awhile, there are various kinds of penalties one can get. One can get a parking ticket. They can get a speeding ticket. They can get a violation they are overloaded. They can get a violation for something blowing off their truck. They can get a violation if their mud flaps have gotten torn off. They can get a violation because of their tires. They can get a violation because their blinker does not work. It may look as if it is working inside, but it is not working outside.

Mr. THOMPSON. They have not had enough rest.

Mr. GRAMM. They have not had enough rest.

As a result, recognizing not all of these violations are equal, in the United States we have a list of penalties one can get, which might be a $50 fine, a $100 fine, and for serious things they might take someone out of their truck. They might not let one drive for a month. They might penalize the company. They might fix that kind of a problem by entering into an agreement with the company.

In America and in Canada today, we have a variety of penalties. In the Murray provision, if one is in violation of any of these requirements, one can be forever banned from operating trucks in the United States of America. Does that sound as if it is complying with NAFTA?

Mr. THOMPSON. For American trucks?

Mr. GRAMM. No, it is not for American trucks. It is not for Canadian trucks. It is for Mexican trucks. In other words, there is one regime of penalties for American trucks and Canadian trucks, but there is another regime for Canadian trucks, and the regime is focused on the death penalty.

Mr. THOMPSON. Does the Senator mean Mexican trucks?

Mr. GRAMM. I am sorry. I am focused south from Texas, but in the Chamber maybe it is obvious from the votes we are focused more north from here.

In any case, A, does the Senator see that as a violation; and, B, does the Senator see that again as one of these things which goes beyond a violation, where the objective is basically to prevent competition, more than just discriminate against Mexico but to create these artificial barriers which they cannot overcome?

Mr. THOMPSON. I think clearly so.

I have a broader concern in this, and that is, what is the signal that is being received from Mexico and from Mexicans who watch this and listen to this debate and see all of these provisions which are clearly discriminatory, that we do not treat Canada this way, but we are treating Mexico this way. What kind of signal is that?

We have a lot of highball rhetoric on the Senate floor about matters of discrimination, and worse, but I am wondering, in a situation such as this when it comes down to dollars or when it comes down to domestic interest groups that get involved in it, to try to pressure the United States to violate agreements we have entered into, what kind of signal that sends. And I wonder what President Fox, who has come in as a breath of fresh air, who has instituted components of democracy that they have not had, has reached out and is trying to get his arms around a tough economic situation in a complex culture and heritage, and has a good relationship with our President—I wonder what he must be thinking as he looks at all this. I don't think it is good.

Mr. GRAMM. Could I pose a question on that? With practical experience, I can only speak within my own lifetime, but in my lifetime we have never had a President of Mexico who was as committed in dealing with Mexico's problems and problems we have between the two countries or who was as remotely pro-American as President Fox.

This is a President who does not have a majority in his own Congress. In fact, he was elected President defeating the PRI, which is the old established party, but he does not have a majority in either the House or the Senate. He has numerous critics, and he has a coalition government where his Foreign Minister opposed NAFTA when NAFTA was adopted. He is a person who has, in essence, gotten way out on a limb in saying we can be a partner with the United States of America. Something that means more than that in Mexico is, we can be an equal partner with America.

How do you think it affects him in his political situation where, because he didn't have a majority in the Congress in either house, and he had been elected in almost a revolutionary election, he felt compelled to put together a coalition government where his Foreign Minister opposed NAFTA and who now will simply say, it is an agreement we entered into? That is as far as he will go.

What kind of position do you think it puts him in when we are no longer talking about idle speculation? I went through four different areas where, based on your legal background, you clearly concluded that there is no question, not even a gray area, that there are four—at least those are the only ones we went to—outright violations of NAFTA in the Murray amendment. No question about that, he said.

In what kind of position do you think it puts President Fox in when the United States Senate adopts provisions that violate the commitment we made to Mexico when we entered into NAFTA, we said Mexico was an equal partner with Canada and the United States, but they are not quite?

Mr. THOMPSON. I imagine his political opponents would see this as an opportunity to question his effectiveness and his relationship to this country.

It is coming at a time when he made certain commitments to work with us on problems that are very important to us. He has made commitments with regard to the illegal immigration problem knowing, as I believe most of us do, that before we can ultimately deal with that problem, we are going to have to have some progress in terms of the Mexican economy.

We can't beggar our neighbor and get by with it in this world today. We especially can't with that common border we have of 1,200 miles. We cannot solve that problem without a better Mexican economy. NAFTA is at the heart of

that. He has to be looking at all of that and seeing us move away from that.

I say his political opponents have to be looking at that and seeing an excellent opportunity to do harm to NAFTA and the principles of NAFTA and to do harm to a new, fresh face on the scene who, as you say, is the best friend we have had down there in a long time, and who is trying to do the right thing.

For all those reasons, it is extremely unfortunate we are moving in that direction.

How much time remains on my hour?

The PRESIDING OFFICER. Eight minutes thirty seconds.

Mr. THOMPSON. I reserve the remainder of my time, and I yield the floor.

AMENDMENT NO. 1165 TO AMENDMENT NO. 1030

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Is it not true that the rules of cloture provide an amendment does not need to be read?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I call up amendment No. 1165.

The PRESIDING OFFICER. The clerk will report.

Mrs. MURRAY. Mr. President, I move to table the amendment and I ask for the yeas and nays.

Mr. GRAMM. I ask the amendment be read.

The PRESIDING OFFICER. Senators will withhold.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Regular order is for the clerk to report the amendment by number.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1165.

The amendment is as follows:

At the appropriate place, insert the following: ''*Provided*, That this provision shall be effective five days after the date of enactment of this Act.''.

Mrs. MURRAY. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAMM. There is not a sufficient second.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3. Leg.]

Bennett	Gramm	Nickles
Daschle	McCain	Reid
Dayton	Murray	Thompson

The PRESIDING OFFICER. There are nine Senators present. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. I move to instruct the Sergeant at Arms to request the presence of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. ROBERTS), and the Senator from Pennsylvania (Mr. SANTORUM), are necessarily absent.

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

The result was announced—yeas 60, nays 28, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—60

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Lugar
Bingaman	Fitzgerald	Mikulski
Boxer	Graham	Murray
Byrd	Grassley	Nelson (FL)
Campbell	Gregg	Nelson (NE)
Cantwell	Harkin	Nickles
Carnahan	Hatch	Reed
Carper	Hollings	Reid
Chafee	Hutchinson	Rockefeller
Cleland	Inouye	Sarbanes
Clinton	Jeffords	Schumer
Cochran	Johnson	Shelby
Conrad	Kennedy	Stabenow
Corzine	Kerry	Thompson
Daschle	Kohl	Torricelli
Dayton	Landrieu	Wellstone
Domenici	Leahy	Wyden

NAYS—28

Allard	Ensign	Smith (NH)
Allen	Gramm	Smith (OR)
Bennett	Hagel	Snowe
Breaux	Helms	Specter
Brownback	Hutchison	Thomas
Bunning	Kyl	Thurmond
Collins	Lott	Voinovich
Craig	McCain	Warner
Crapo	McConnell	
DeWine	Murkowski	

NOT VOTING—12

Bond	Feinstein	Roberts
Burns	Frist	Santorum
Dodd	Inhofe	Sessions
Enzi	Miller	Stevens

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The Senator from Washington.

VOTE ON AMENDMENT NO. 1165

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on my motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Georgia (Mr. MILLER), are necessarily absent.

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

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent.

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

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—88

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

NOT VOTING—12

Bond	Frist	Roberts
Burns	Inhofe	Sessions
Enzi	Jeffords	Stevens
Feinstein	Miller	Thomas

The motion was agreed to.

Mr. SHELBY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, for the information of all Senators, there will be another vote. There will be a number of additional votes, five or six votes between now and 8 o'clock tonight. There will be another vote immediately.

I ask unanimous consent that the Senator from Utah be recognized for 30 minutes and that I be recognized immediately following the completion of his statement immediately following the next vote.

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

AMENDMENT NO. 1164 TO AMENDMENT NO. 1030

Mr. DASCHLE. Mr. President, I call up amendment No. 1164.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1164 to amendment No. 1030.

The amendment is as follows:

(Purpose: To provide for an effective date)

At the appropriate place, insert the following: ''*Provided,* That this provision shall be effective four days after the date of enactment of this Act.''.

Mr. DASCHLE. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent. I further announce that if present and voting the Senator from Montana (Mr. BURNS), would vote ''yea.''

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—88

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

NOT VOTING—12

Bond	Frist	Roberts
Burns	Inhofe	Sessions
Enzi	Miller	Stevens
Feinstein	Nickles	Thomas

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, at the request of Senator LOTT pursuant to rule XXII, I yield his remaining hour to Senator GRAMM of Texas.

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

Mr. DASCHLE. Mr. President, with the indulgence of the Senator from Utah, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank the majority leader for his courtesy and accommodation. I appreciate the opportunity to speak at this time. I have been told by a number of my colleagues they appreciate the fact that I have the opportunity to speak because it gives them a half hour so they can go back to their offices and do something worthwhile. Some of them, as they said that, promised to read my remarks in the RECORD. I am very grateful for that indication.

Mr. President, I hold the seat from the State of Utah that was held for 30 years by Reed Smoot. Senator Smoot rose to be the chairman of the Finance Committee and was one of the leading powers of this body. He did many wonderful things. He was an outstanding Senator in almost every way. However, he had the misfortune of being branded in history because of his authorship of the Smoot-Hawley tariff, which stands in American economic history as something of a symbol of the isolationist-protectionist point of view. I have said to Senator Smoot's relatives, who are my constituents, with a smile on my face, that I have to do my best as a militant free-trader to remove the stigma of protectionist from this particular seat. I can say that all of Senator Smoot's relatives are equally as excited about free trade as I am, and they have indicated that they approve of that.

I rise to talk in that vein because I think much of the debate that has gone on here would be debate that might go all the way back to Reed Smoot. There is a protectionist strain in our attitude towards trade in this country, and it is showing itself in this debate—a position that says, well, yes, we believe in free trade, but we can't quite trust our trading partners to do the right thing when free trade begins. Yes, we believe in allowing Mexican goods and services to enter the country, but we don't quite trust the Mexicans themselves to take the responsibility of providing those services. This is particularly focused now on the issue of Mexican drivers at the wheels of Mexican trucks.

I am very interested that in this debate we are being told again and again that this bill does not violate NAFTA; that this is an issue about safety rather than an issue about NAFTA; this is not protectionist; this is not isolationist; this is not an obstruction of free trade; this is just about safety.

Of course, if you frame the question about safety, what Senator wants to rise on this floor and be against safe trucks? What Senator wants to rise on this floor and say, I am in favor of massive highway accidents caused by unsafe drivers? Nobody wants to take that posture. Yet that is why the attempts have been made to frame the debate in that fashion—so that it will ultimately end up a 100-to-nothing vote in favor of safety. If we were to ask the Senate to vote solely on the issue of safety, it would be a 100-to-nothing vote.

I would vote in favor of safety. Everybody is in favor of safety. However, the key vote I think came when the Senator from Texas offered a very short, one-sentence amendment that would have said nothing in this bill violates NAFTA. That amendment was voted down. Once again, nothing in this bill violates NAFTA, says the amendment. And the amendment gets voted down. How do we interpret that decision? We have to interpret that decision as saying that something in the bill absent that amendment does violate NAFTA. Otherwise, the amendment would have been adopted 100 to nothing because we say we are in favor of safety. We should say we are in favor of NAFTA.

I can understand those who are opposed to NAFTA voting against that amendment. But NAFTA passed this body by a very wide margin. It was bipartisan. It was supported across the aisle. NAFTA ran into some trouble in the House but not in the Senate. NAFTA has always been strongly supported here. Why didn't an amendment that says nothing in this bill shall be allowed to violate NAFTA pass with the same wide margin? It must be that there is something in this bill that violates NAFTA and people do not want to get that exposed. They don't want to have the basis for a lawsuit and someone coming forward and saying because of the Gramm amendment that says nothing in this bill can violate NAFTA, this provision of the bill has to go, or that provision of the bill is in conflict and has to be removed.

I think there is a prima facie case here, by virtue of the vote that has been cast, that this bill violates NAFTA. That is the position of the administration. The administration is not antisafety. The administration is anxious for proper inspection. Indeed, the Mexican Ambassador and other Mexican officials have said they are in favor of proper inspection and they don't want unsafe trucks rolling on the roads in America any more than we do.

Stop and think about it. Would it be in the Mexicans' self-interest to send dangerous trucks into the United States to cause accidents in the United States? Would that be a wise foreign policy move for the Mexicans as they try to build their friendship with the United States? It is obviously in their self-interest to see to it that the trucks that come across the border are safe. The Mexicans are not stupid. They would not do something so obviously foolish as to send unsafe trucks here.

So what are we talking about? We are talking about pressures within the American political system that want NAFTA to fail. We are talking about special interest groups inside the American political circumstance that want to keep Mexican influences out of America for their own purposes. These are people who were unable to defeat NAFTA in the first place. So they decide they will defeat NAFTA, or the implementation of NAFTA in the second place, by adopting regulations in the name of something that everybody agrees with, such as safety, that will produce the effect of destroying NAFTA and preventing NAFTA from taking place. We know how powerful some of those influences are within the American political circumstance.

We have seen how some people around the world are reacting to the new reality of a borderless economy. Some people use the phrase ''globalization.'' I prefer to describe what is happening in the world as the creation of a borderless economy.

We see how money moves around the world now quite literally with the speed of light. The old days when money was transferred in attache cases handcuffed to the wrists of couriers who went in and out of airports are over. You can transfer money by sitting down at a PC that is connected to the Internet, pushing a few buttons and a few key strokes, and it is done, so that international investors pay no attention to artificial geographic borders. They move money. They move contracts. They move goods around the world literally with the speed of light.

Now, that upsets people. That upset some people in Seattle. They wanted to stop it, and they turned to looting, rioting, and civil disobedience in an attempt to stop it. From my view, that was a very difficult and unfortunate thing that happened in Seattle. The then-President of the United States was a little less convinced it was an unfortunate thing and said: Maybe we ought to listen to these people. Maybe there is something to which we ought to pay attention.

It got worse. Now it has escalated to the point, in Genoa, where one of the demonstrators has been killed—killed because of his attempt to see to it that we go back to the days when there were firm walls around countries, when the borders meant protectionism, where we go back to the attitude that produced the Smoot-Hawley tariff sponsored by the Senator in whose seat I now sit.

I do not mean to blame Senator Smoot because Senator Smoot was simply responding to the conventional wisdom of his day that said: If you keep all economic activity within your own borders, you will be better off. Senator Smoot, however well intentioned, was wrong.

I remember one historian who said the Smoot-Hawley tariff, contrary to conventional wisdom, did not cause the Great Depression; it merely guaranteed that it would be worldwide because we had reached a point in human history where one must trade with somebody other than one's own tribe.

There was a time when all trade took place in the same valley, among members of the same family, the tribe descending from a single patriarch. All of the trade took place there. Then they discovered they could do better if they started to trade with other tribes, but they stayed close to home. That mentality stayed with us. That mentality was behind the Smoot-Hawley tariff. That mentality is comfortable. That mentality makes us feel secure. It does not involve any threatening risk of dealing with strangers. It makes you feel really good when you are determined to trade only within your own tribe, but if you are going to increase your wealth, you are going to have to start trading with another tribe, and that means that artificial borders have to start coming down.

The Smoot-Hawley tariff demonstrated the foolishness of trying to keep trade entirely within the borders of a single country. But there are those, whether they are at Seattle or Genoa or, frankly, some on the floor of the Senate, who still want to do that, who still want to say: We will not trade outside our borders.

They fail to stop the treaties that say we will trade outside our borders, so they are saying: All right, if we cannot stop the treaty, we can at least stop the implementation of the treaty by adopting regulations that make it impossible for the treaty to work.

The fact is, in the United States we produce more than Americans can consume. That comes as a great surprise to many husbands and wives who think their spouses can consume all there is to consume, but it is true. We produce more than Americans can consume. We produce more food than Americans can eat. No matter how fat Americans seem to get in all of the obesity studies, we still cannot eat all the food we produce. We have to sell this food to somebody other than Americans, and that means we have to deal with the borderless economy. As we have taken steps to do that, we have entered into these free trade agreements.

We have to allow other people to come into our country with their goods and their food if we are going to send our goods and our food into their country. It is just that fundamental. I wish I could sit down with the demonstrators at Seattle and Genoa and elsewhere and explain that to them because, as nearly as I can tell, they do not understand that it is in their best interests to allow the borderless economy to grow, just as Senator Smoot did not understand, in his well-intentioned attempt to help the economy of the United States, that his protectionist stance was against his own best interests.

We found that out in the United States. We paid an enormous price for the protectionist attitudes that dominated this Chamber and both parties in the 1930s. Understand that the Smoot-Hawley tariff was not jammed down the throats of a recalcitrant Democratic Party by a dominant Republican Party. It was adopted as proper policy all across the country: Let's not trade outside our own borders. Let's protect what we have here and not expose it to the risk that foreigners might, in some way, profit at our loss.

As I say, the Smoot-Hawley tariff guaranteed that the Great Depression would go worldwide. We are smarter than that. We have treaties that are better than that. Frankly, I believe if Reed Smoot were still in this Chamber, he would endorse that; he would say: Learn from the mistakes of the past and move forward. He was that kind of a forward-thinking individual. But there are those, with regulations in this bill, who say: No. Since we couldn't defeat NAFTA, we will have to stop NAFTA another way.

The administration has made its position very clear. They intend to live up to the requirements of the treaty that has been signed. They intend to see to it that the United States discharges its responsibilities. They have said the language in this bill does not do that. And the President, if absolutely forced to do it—which he does not want to do—if absolutely forced to, has said he will veto this bill and send it back to us to rewrite.

I know of no one on either side of the aisle who wants that to happen. I know of no one who wants to have a veto. So under those circumstances, why aren't we getting this worked out? Why aren't we saying: All right, the President said he would veto it. The Mexicans have said they believe it violates NAFTA. Let's sit down and see if we can't work this out.

We cannot be that far away. I understand meetings have gone on all night trying to work it out: Nope, we can't do it. We won't budge. I am told: Well, go ahead, vote for this. It will be fixed in conference. In my opinion, that is a dangerous thing to try to do. I hope that is what happens. That is what many of the senior members of the Appropriations Committee have told me: Go ahead, vote for it. Let it go through without a protest. We will fix it in conference. I hope they are correct, but I want to make it clear that as the bill gets to conference the process is going to be watched. There are people who are going to pay attention to what goes on.

If indeed, by the parliamentary power of the majority, this gets to conference in its present language, let's not have it go to conference without any protest; let's not have it go to conference without any notification of the fact that in the minds of many of us, who are free trade supporters, this bill is a modern-day regulatory reincarnation of Smoot-Hawley.

I do not mean to overemphasize that. It is not going to cause a worldwide depression. It is not going to do the damage that Smoot-Hawley did. But it is crafted in the same view that says: A special interest group in the United States, that has power in the political process in the Senate, that is opposed to implementation of NAFTA, can, by getting Senators to stand absolutely firm on language that clearly violates NAFTA, have the effect of preventing NAFTA from going into effect on this issue.

So I hope everyone will understand the posture that I am taking.

This bill, in my view, clearly violates NAFTA. The vote that was taken against the Gramm amendment signals that people understand that it violates NAFTA or the Gramm amendment would have been adopted overwhelmingly.

I congratulate President Bush for saying, as the Executive Officer of this Government, charged by the Constitution with carrying out foreign policy: I will defend the foreign policy posture taken by the signers of NAFTA, and I will veto this bill, if necessary.

My being on the floor today is simply to plead with all of those who are in charge of the process of the bill and the language of the bill, to understand that they have an obligation, as this moves towards conference, to see to it that the effect of the Gramm amendment that was defeated takes place; that the bill is amended in conference in such a way that it does not violate NAFTA and that we do not go back on our international commitments; that we do not return to the days of my predecessor, Senator Smoot, and export protectionism around the world.

Mr. REID. Will the Senator yield?

Mr. BENNETT. I am happy to yield. Might I inquire of the time I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

EXECUTIVE SESSION

NOMINATION OF JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of John Schieffer to be Ambassador to Australia, reported earlier today by the Foreign Relations Committee, the nomination be confirmed, the motion to reconsider be laid on the table, that any statements be printed in the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? The Senator from Idaho.

Mr. CRAIG. Mr. President, reserving the right to object, and I will not object, I would like to engage the assistant majority leader. I am extremely pleased to see that one of our nominees is moving this evening, Mr. Schieffer, to become Ambassador to Australia. I do know that the assistant Republican leader and the assistant majority leader have been working for the last several days to get us to a point of a definable number of nominees that might be considered before we go out today and before we go out for the August recess and some time line as it relates to the consideration of others that are before us.

The Senator from Nevada understands some of our frustration. I am looking at a gentleman now before the Judiciary Committee who has not been given a time for hearing and consideration. He has been there since May 22, Assistant Attorney General for Natural Resources of the Environment. Yet I am told that he has been told that maybe sometime in November or December the Judiciary Committee might find time to get to his nomination.

Clearly the Senator from Nevada, as I understand, is working on this issue. Although he and the assistant Republican leader have attempted to refine it and define it, that is not a way to treat our President and the people he needs to run the executive branch of Government.

My question to the assistant majority leader is, To his knowledge, where are we now in the possibility of numbers as it relates to what we would finish before the August recess and some time line as to others that we could expect to deal with, let's say when we got back in early September, following the Labor Day period and on into October?

Mr. REID. I say to the Senator from Idaho, I have had a number of long discussions with my counterpart, Senator NICKLES. I think progress is being made. We have exchanged lists. We are exchanging scores of nominees. I think we are making good progress. There has been a little slowdown because of what has been going on on the floor the last few days. Not only have Senator NICKLES and I met on several occasions, but the majority and minority leaders have also met and discussed this. We have done very well. We certainly try not to do anything other than let the chairmen move as they believe their committee should move. We have had tremendous movement in most every committee—in fact, all committees.

As I said, we have exchanged with Senator NICKLES scores of nominees. And at the appropriate time, we are happy to sit down and discuss further with him, as the two leaders have indicated. Once we decide we have something to present to them, we will do that.

Mr. CRAIG. I thank the assistant majority leader.

Mr. President, as I have said, I will not object. It is important that we move these nominees along. I understand that the new Ambassador headed to Australia must get there for the ASEAN conference that is about to convene in the Asian, sub-Asian area which is critical to us and to our country as it relates to climate change and that whole debate, along with the trade debate and the relationships we have with Australia and New Zealand and other nations within that area.

I must also say to the assistant majority leader, clearly the debate on Mexican trucks and the Transportation bill, in my opinion, are an issue separate from the nominees.

Mr. REID. I agree with the Senator.

Mr. CRAIG. I know you had referenced some slowing down of the process. This process must not slow down. We have decisions that need to be made in the field. We have citizens waiting for decisions to be made by agencies of our Government who now are not making them or are making them not with Bush appointees but with former Clinton appointees. I don't think that is the way either of us want that to happen.

I hope that clearly we can confirm a substantial number before the August recess. We are going to pursue this and work certainly with you, and I and my colleague from Arizona will work with our leadership and with the assistant Republican leader. Time lines are critical.

I must tell the Senator that if what I am told is true, that when a nominee engages the staff of one of the committees to ask when he might be scheduled—and he has been there since May 22—and he is told, in essence, when we get around to it in November or December, that sounds to me like something other than timely scheduling. That sounds to me like a great deal of foot dragging on the part of the Judiciary Committee, its chairman, and its staff. If that is the case, and that can be determined, my guess is, there will be less work done here than might otherwise be done in the course of the next number of weeks, if we can't determine to move these folks ahead with some reasonable timeframe both for hearing and for an understanding of when they can come to the floor for a vote.

With that, I do not object.

Mr. REID. Let me say to my friend, we believe nominees should be approved as quickly as possible. I say respectfully to my friend from Idaho, this is not payback time. We have indicated, and I have indicated to the Senator personally, the majority leader has indicated to the minority leader—I spoke to my counterpart, Senator NICKLES—this is not payback time. We will not compare what happened to President Clinton to what has happened to President Bush.

We are going to do our very best. We are working as rapidly as we can.

I think what we have done is quite commendable. You are going to have to work with your side because a number of the holds on some of these important nominations are on your side.

We are doing the best we can. We appreciate your interest. I have taken the assignment given to me by my leader, as Senator NICKLES has by his leader, as being serious. We are doing our very best to come up with a product that will satisfy the body.

The PRESIDING OFFICER. Is there objection to confirmation of the nominee? Without objection, it is so ordered.

Mr. KYL. Mr. President, reserving the right to object.

Mr. REID. I have a parliamentary inquiry. I want to make sure the time is running against the cloture motion. If it is not, then we are not going to bother with this nomination because we don't have the time. Is this counting?

The PRESIDING OFFICER. The time is being charged to the 30 hours under the cloture motion.

Mr. KYL. I don't mean to take any time.

Mr. REID. We have a lot of time.

Mr. KYL. That is not the object. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to ask the assistant majority leader one, maybe two questions. This nomination is a great nomination, as the Senator from Nevada pointed out. It would not be my intention to object. What it demonstrates is, my understanding is that the President, or someone on his behalf, called and said can't we shake this nominee loose, for the reason the Senator from Idaho indicated. It illustrates the fact that we have held up the nominations so long that really important things are beginning to happen that require that we put these people in place.

Therefore, I think it is commendable to bring this nominee to the floor now. I ask the distinguished assistant majority leader—there are also some important efforts at the United Nations which require the attendance of John Negroponte, the nominee for Ambassador of the U.N. The President deserves to have his Cabinet filled out finally. John Walters, the nominee for drug czar, is somebody of great importance to the White House. I spoke yesterday with the Attorney General who asked if we could please get Tom Sansonetti, an assistant from the Department of Justice, confirmed as quickly as possible.

I ask the assistant majority leader, since there are 15 nominees who I think are on the Executive Calendar now, we can do all of those right now if he would agree not only that we could ask unanimous consent on this one nominee, but the others who are at least pending on the Executive Calendar before us.

Mr. REID. I don't think you can list in order of priority which of these nominations are more important than another. If you asked people before the committee, the Environment and Public Works Committee, it may not be, in the minds of some, as important to some under the auspices of the Judiciary Committee because that person is changing their lives to have a new assignment in life. It is very important. So we are doing everything we can to move through these quickly. We want to make sure that the chairmen and the chairwomen of these committees and subcommittees have the opportunity to do whatever they need to do to make sure it is brought before the Senate in the fashion they believe appropriate.

I say to my friend, in answer to the question, Senator NICKLES and I have been working and at an appropriate time we will report to the two leaders as to what we expect to happen on both sides in the next few hours.

Mr. KYL. Mr. President, then I will ask for a second question with the indulgence of the Senator. With all due respect, the answer is a nonanswer. It doesn't tell us when we might consider these nominees. The distinguished assistant majority leader said phrases such as ''as quickly as possible'' and ''as rapidly as we can accommodate.'' Is it not true that there are 15—if I am incorrect, please give the correct number—15 people pending on the Executive Calendar who don't await anything except our action? We can do it now or at the end of the day. Nothing stands in the way—no committee chairmen, no further vote, nothing. As far as I know, there is no controversy with respect to any of these.

Is there any reason that this number, whether it be 14 or 15, could not be agreed to today?

Mr. REID. We hope before the day's end there are more than that on the calendar. Some will be reported today.

This is not quite as easy as the Senator from Arizona has indicated. The Department of the Treasury—these four people who have been reported out by the committee, by Senator GRASSLEY and Senator BAUCUS, are really important, we think—the Deputy Secretary, Assistant Secretary, Under Secretary, and another Under Secretary. These are being held up on your side. We are trying to work our way through this. I say to my friend that we are trying to do our best. We are acting in good faith. That is why we interrupted the proceedings for Mr. Schieffer.

Senator NICKLES and I have been given an assignment. I know you will accept what I say. He and I have been working hard, but I ask you to meet with him. We have had a number of discussions relating to the nominations. I am confident it is going to bear fruit very quickly.

Mr. KYL. I will not object. I appreciate the response of the assistant majority leader, although it suggests to me that these nominees are being held hostage to the legislative process. I hope we can get these confirmations as quickly as possible.

The PRESIDING OFFICER. Is there objection to the confirmation?

Without objection, it is so ordered.

The nomination was comfirmed.

LEGISLATIVE SESSION

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Utah is recognized for his remaining 9 minutes 30 seconds.

Mr. BENNETT. Mr. President, I thank the Chair and the assistant majority leader for his courtesy. I want to conclude by commenting once again on the importance of the United States keeping its international commitment, a commitment made to Canada and Mexico to allow a free trade area to occur on the North American continent. It is in our own interest. It is the intelligent thing to do, and historically it will see to it that the economies of all three of these countries will benefit.

Here is the first test we have of whether or not the actual regulations of NAFTA will be allowed to work in a way that benefits our neighbors to the south, even though it discomfits a powerful political group in the United States. If we fail that test, we will send a message to the Mexicans that says we didn't really mean it; we don't think you really should have equal status with the Americans. I can think of no more corrosive a message to send to the Mexicans than that one. That is why I think we must be as firm as we are trying to be in this debate of making it clear that we are going to hang on to this issue until it is resolved satisfactorily.

Mr. GRAMM. Will the Senator yield for a question?

Mr. BENNETT. I am happy to yield for a question.

Mr. GRAMM. Mr. President, it is not often we get an opportunity to have someone speak in the Senate who has built a successful business, who has been engaged in international commerce, who has negotiated contracts for millions of dollars. I would like to take this opportunity, since he has a few minutes left, to pose some questions to the Senator about the debate before us.

As the Senator is aware, we entered into a free trade agreement with Canada and Mexico in 1994. A Republican President signed the agreement in San Antonio, TX—George Bush. The agreement was ratified with the vigorous support of a Democrat President, Bill Clinton. We are in the process of implementing it under another Republican President. So this is an agreement that was supported on a bipartisan basis by three Presidents.

In that agreement, in the section having to do with the question before us, we have chapter 12, which is on cross-border trade and services. The language of the trade agreement is very simple. I would like to read it to you, and I would like to ask you some questions.

First of all, the language says very simply what America's obligation is under what it calls ''national treatment.'' It is very simple. Our obligation to Canada, our obligation to Mexico, and their obligation to us is the following:

> Each party shall accord to service providers of another party treatment no less favorable than that it accords in like circumstances to its own service providers.

First of all, with regard to trucking companies, if you had to convert that legal statement of obligation into English, what do you think it would say?

Mr. BENNETT. I say to the Senator from Texas, I think it would say that Mexican trucks coming into the United States, Canadian trucks coming into the United States, or American trucks going into Mexico would all have to comply with the requirements of the States in which they were operating, but that in the process of thus complying, they would not have to change their procedures to a situation different from the procedures that were considered acceptable on both sides.

This is something that would require the Americans to say we will honor the Mexican Government's procedures just as we expect the Mexican Government to honor the American Government's procedures.

Mr. GRAMM. We would treat them the same. Whatever requirement we would have, they would have.

Mr. BENNETT. I say to the Senator, that would be my understanding of the part of the treaty which he has read.

Mr. GRAMM. Let me raise some issues in the time we have and see if the Senator believes that these issues violate the provision.

The Murray amendment says that under the Motor Carrier Safety Improvement Act of 1999, which we adopted and which has to do with motor safety in America, in general, Canadian trucks can operate in America. Let me explain the problem.

We have not yet implemented this law. Under President Clinton and now under President Bush, the difficulty in writing the regulations this bill calls for are so substantial that the provisions of this law have not yet been implemented.

Even though they have not yet been implemented, a thousand Canadian trucks are operating in the United States under the same regulations American trucks are operating. Many thousands of American trucks are operating. But under the Murray amendment, until the regulations for this law are written and implemented, no Mexican trucks can operate in the United States on an interstate commerce basis.

Would the Senator view that to be equal treatment?

Mr. BENNETT. I would not, and I say to the Senator from Texas that I am familiar with the American legislation to which he refers because I have had, as I suppose the Senator from Texas has had, considerable complaints from my constituents about the regulations proposed under that bill and have contacted the administration, both the previous one and the present one, to say: Don't implement all aspects of this bill until you look at the specifics of these regulations; some of the things you are asking for in this bill would, in my opinion, and in the opinion of the constituents who have contacted me, make the American highways less safe than they are now.

To say we must wait until that is done before we allow Mexican trucks in, in my view, would not only be a violation of NAFTA, it would be a violation of common sense because we are not implementing that for our own trucks on the grounds that it would not be good, safe procedure for our own trucks.

Mr. GRAMM. Clearly, we are letting our trucks operate even though that law is not implemented; we are letting Canadian trucks operate even though it is not implemented, but in singling out Mexican trucks, it seems to me that violates the NAFTA agreement. Does the Senator agree with that?

Mr. BENNETT. Without the benefit of a legal education, it seems to me that violates the clear language of the NAFTA treaty.

Mr. GRAMM. In the time we have, let me pose a couple more questions.

Currently, most American trucks are insured by companies domiciled in America, though some are insured by Lloyd's of London, which is domiciled in Great Britain. Most Canadian trucks, it is my understanding, are insured by Lloyd's of London, which is domiciled in Great Britain. Some of them are insured by Canadian insurance companies domiciled in Canada. The Murray amendment says that all Mexican trucks must have insurance from companies domiciled in America, a requirement that does not exist for American trucks, a requirement that does not exist for Canadian trucks.

Does it not seem to the Senator from Utah that is a clear violation of the requirement that each party shall accord the service providers of another party treatment no less favorable than that it accords, in like circumstances, to its own service providers?

Mr. BENNETT. It certainly would appear to me to be a violation. It would seem an interesting anomaly if a Mexican trucking firm had insurance with Lloyd's of London and then was denied the right to operate on American highways on the grounds——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

AMENDMENT NO. 1163 TO AMENDMENT NO. 1130

Mr. DASCHLE. Mr. President, I call up amendment No. 1163.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1163 to amendment No. 1030.

The amendment is as follows:

(Purpose: To provide for an effective date)

At the appropriate place, insert the following: ''*Provided*, That this provision shall be effective three days after the date of enactment of this Act.''.

Mr. DASCHLE. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

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

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—88

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

NOT VOTING—12

Bond	Frist	Roberts
Burns	Inhofe	Sessions
Enzi	Miller	Stevens
Feinstein	Nickles	Thomas

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. 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 Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator GRAMM be recognized for 30 minutes, and at the conclusion of that time, Senator DASCHLE or his designee be recognized.

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

Senator GRAMM of Texas.

Mr. GRAMM. Mr. President, I thank the distinguished majority leader for allowing me to be recognized.

Let me also say that we have a fair number of Members on this side who want to speak before we have our final cloture vote tonight. Whatever we can do to provide time for people to speak would be appreciated. Obviously, I understand the majority have their rights in terms of those.

Let me try to explain to my colleagues what this debate is about, at least as I see it. Obviously, the greatness of our individual personalities and of being human is, as Jefferson once observed, that good people with the same facts are prone to disagree.

I would like to try to outline how I see the issue before us, why it is so important to me, why I believe it is important to Senator MCCAIN, and why I want to do this so people will understand what this debate is about.

First of all, there is no debate about safety. Senator MCCAIN and I have an amendment that requires every Mexican truck to be inspected—every single one. Under our current procedures, 28 percent of all American trucks are inspected at least once during the year. Forty-eight percent of all Canadian trucks are inspected at least once during the year. Currently, 73 percent of all Mexican trucks coming into the border States—which is the only place they are allowed to operate—are inspected.

Senator MCCAIN and I believe in establishing our safety standards and assuring that Mexican trucks meet every safety standard that every American truck and every Canadian truck must meet. We think the logical way of doing that, to begin with, until we establish a pattern of behavior and until clear records are established is to inspect every single truck that comes across the border.

Under NAFTA, we cannot impose requirements on Mexican trucks that we don't impose on our own trucks and that we don't impose on Canadian trucks. But we have every right under NAFTA—I believe every obligation to our citizens—to assure that Mexican trucks are safe and to be sure they meet every safety standard that we set on our own trucks.

Let me also say that if we raise safety standards on our own trucks—in some areas I believe that is justified—we then would have every right to impose the same standards on Mexican trucks.

In 1994, the President of the United States, the President of Mexico, and the Prime Minister of Canada met in San Antonio to sign the North American Free Trade Agreement. It was the most historic trade agreement in the history of North America.

Under President Clinton, and through his leadership and exertion of efforts, the Congress ratified the North American Free Trade Agreement by adopting enabling legislation which the President signed. We are now in the final stages of implementing NAFTA.

One President signed NAFTA—a Republican President. A Democrat President fought for its ratification, and now a Republican is seeking to comply with the final procedures of NAFTA that have to do with cross-border traded services.

Our obligation under the treaty is very simple. It says each party shall report the service providers of another party treatment no less favorable than that it accords in like circumstances to its own providers.

In fact, the little heading ''National Treatment'' really defines what we agreed to that day in San Antonio and what we ratified here on the floor of the Senate. We agreed that we have every right to have every safety standard we want. We can impose any safety standard on any Mexican truck and on any Canadian truck so long as we impose it on every American truck.

No one disagrees that we can't have a different safety protocol for Mexico as they establish their pattern of behavior. As I said, Senator MCCAIN and I have proposed that we initially inspect every Mexican truck. But let me explain what is not allowed under the treaty which the Murray amendment does.

Under the Murray amendment, there is a provision that says we adopted a bill in 1999, and that bill had to do with highway safety. In fact, it was called the Motor Carrier Safety Improvement Act. It in essence said Congress was not happy with motor safety in America and we wanted changes. We wrote that law in 1999.

President Clinton found writing the regulations for the laws so onerous that those regulations have not yet been written. President Bush is trying now to comply with this law.

We have every right to ask that American law be complied with. But the point is this: We haven't written the regulations. The regulations are not being enforced, but yet there are thousands of Canadian trucks operating in America. There are thousands of American trucks operating in America. The Murray amendment says that until we implement this law by writing the regulations and enforcing them—something that probably cannot be done for 18 months or 2 years—no Mexican trucks will be allowed into America.

Under NAFTA, we can say until this law is implemented, no truck shall operate in the United States of America—American, Canadian, or Mexican. That would be NAFTA legal, because we would be treating Mexican trucks just as we treat American trucks and just as we treat Canadian trucks. We would all go hungry tonight. But we could do that.

What we cannot do under NAFTA is we can't say that American trucks can operate even though we have not implemented this law, and Canadian trucks can operate even though we have not implemented this law, but Mexican trucks can't operate because we haven't implemented this law. That is a clear violation of NAFTA; no ifs, ands, buts about it. It is no less arbitrary since the law has nothing to do with Mexico or Mexican trucks. It is no less arbitrary than saying that no Mexican trucks shall come into the United States until a phase of the Moon and a phase of the Sun reach a certain level on a certain day that might not occur for a million years. That is how arbitrary this is.

Unfortunately, it doesn't end there. Senator MURRAY, while opposing amendments that say things that violate NAFTA don't have to be enforced from her amendment, continues to say: My amendment doesn't violate NAFTA.

Let me give you some other examples.

Most Canadian trucks have British insurance. Most Canadian trucks have insurance from Lloyd's of London. Some of them have Dutch insurance. Some American trucks have British insurance, Dutch insurance, German insurance, and American insurance. As long as that company is licensed in America, and as long as it meets certain standards, those trucks can operate in the United States. In fact, we have Canadian trucks operating today when virtually none of them has American insurance. But the Murray amendment says, if you are operating Mexican trucks, those Mexican trucks must buy insurance from a company that is domiciled in the United States of America.

We have every right and obligation to require Mexican trucks to have good insurance. NAFTA allows us to do that. Logic dictates we do it. But we do not have the right to dictate where the company that sells the insurance is domiciled unless we are willing to do that to our own truckers, which we do not do. Currently, most trucking companies lease trucks.

The untold story of this whole debate is when Mexican truckers start operating in interstate commerce, they are not going to be driving Mexican trucks. By and large, they are going to be driving American trucks because trucking companies do not own many trucks. They lease their trucks. The Mexican companies are going to lease the trucks from the same companies that American companies lease their trucks.

Currently, when a company has leased trucks or purchased trucks, if something happens and they can't put those trucks on the road—and that something can be that they lose business or they are under some kind of suspension or restriction or limitation—they lease those trucks out to other companies. You can't be in the trucking business by having $250,000 rigs sitting in your parking lot.

Canadian trucking companies lease trucks when they cannot use them. American trucking companies lease trucks when they cannot use them. And at any time any big trucking company in America or Canada has at least one violation—at any time—often many because there are so many different things you can be in violation on.

The Murray amendment says if you are under any kind of limitation, and you are a Mexican trucking company, you cannot lease your trucks. What that does is not only violate NAFTA—clearly a violation because we do not have the same requirement for American trucking companies; we do not have the same requirement for Canadian trucking companies—and if you cannot use your trucks, if you are under any kind of restriction or limitation, then, obviously, you cannot be in the trucking business.

So what the Murray amendment does is it not only violates NAFTA, it writes a procedure that no one could stay profitably in the trucking business if they had to meet that requirement.

In the United States, there are a whole range of penalties you can get. You can get a penalty if your blinker light does not work. It may look as if it works inside, but it does not work outside. Your right mud flap is off. You are hauling too much cargo. Gravel is blowing out of the top. There are hundreds—maybe thousands; I don't know, but I will say hundreds—of potential violations you can have.

In America, those violations can mean a warning or a fine of $100; some of them that are serious may be more. It may be a warning to the company; it may be a consent decree with the company.

But under the Murray amendment, all that regime stays in place if the company is an American company, and it all stays in place if they are a Canadian company, but if they are a Mexican company, and they are found to be in violation, they get the death penalty; they get banned from operating in the United States of America.

Look, we could write a law that said, if you are in violation on anything, you are out of the trucking business in America. That would be crazy. The cost of trucking services would skyrocket, but we could do it, and it would be legal under NAFTA to do it to Mexican trucks. But you cannot have one set of rules for American trucks and another set of rules for Mexican trucks or Canadian trucks.

The amazing thing is that when so many people are talking about this debate, they write as if Senator MCCAIN and I want lesser safety standards. Senator MCCAIN and I want exactly the same safety standards for Mexican trucks that we have for American trucks, only we are willing to inspect every single truck until they come into compliance.

What we are opposed to is not tougher safety standards; what we are opposed to is protectionism, cloaked in the cloak of safety, where restrictions are written that, for all practical purposes, guarantee that Mexican trucks cannot operate in the United States—clearly in violation of NAFTA.

There are a few newspapers that are getting this debate right. The Chicago Tribune says today, in its lead editorial:

> Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray, and others pushing the Teamster line, instead are prattling on about road safety.

That is the Chicago Tribune. The Chicago Tribune believes this is not about safety, that this is about protectionism, cloaked in the garb of safety.

Finally, let me explain to my colleagues why Senator MCCAIN and I have us here on this beautiful Friday afternoon at 4 o'clock. Let me say to my colleagues that I am not calling these votes. In fact, I would be very happy to have no vote until we have the cloture vote tonight. The majority leader is calling these votes to try to get people to stay here, which is fine. It is his right.

But why we are doing this is because our Founding Fathers, when they wrote the Constitution, and they established the rules of the Senate, as it evolved, recognized that there would be those issues where the public would be easy to confuse. There would be those

issues where special interest groups were paying attention, and they would be out the door of the Senate Chamber where they have every right to be. They would be lobbying. And there would be issues where you could cloak from the public what the real issue was.

Our Founders, in recognizing there would be those issues—and I personally believe this is one of them—gave to the individual Senator, whose views were not in the majority that day on that issue, the right to require that there be full debate, the right to require that those who wanted to end the debate get 60 votes. Senator MCCAIN and I are using those rights today because we believe it is wrong and rotten for America, the greatest country in the history of the world, to be going back on a solemn commitment that it made in NAFTA.

We think it hurts the credibility of our great country, when we are calling on people all over the world to live up to the commitments they made to us, for us to be going back on commitments we made to our two neighbors. We also think it is fundamentally wrong to treat our neighbors differently.

To listen to the debate on the other side, you get the idea we are trying to have different standards for Mexico. We want the same standards for Mexico, but we do not want provisions that, in essence, prevent Mexico from having its rights under NAFTA. That is what this issue is about.

I urge my colleagues—I know we are getting late in the day and I know people are pretty well dug in; and I know a lot of commitments have been made—but we need to ask ourselves some simple questions: No. 1, do we want to go on record in the Senate in passing a rider to an appropriations bill that clearly violates a solemn treaty commitment that we made in negotiating NAFTA? And it was not some President who made it. A Republican President signed it. A Democrat President fought to ratify it. We ratified it. And now a Republican President is trying to implement it. Do we really want to go on record today—on a Friday night—for going back on our word to NAFTA?

No. 2, we have a President in Mexico who is the best friend that America has ever had in a President in Mexico. He virtually created a political revolution in Mexico when he defeated a party that had ruled Mexico for almost all of the 20th century. He is pro-trade and pro-American. But he does not have a majority in either the House or the Senate in Mexico. He had to put together a coalition government where his Foreign Minister opposed GATT, opposed NAFTA, and the best his Foreign Minister will say with NAFTA is: Well, we agree to it.

What kind of position are we putting President Fox in when we pass a bill that violates our agreement in NAFTA and treats Canadians one way and Mexicans another? What kind of signal does that send? And does anybody here—since we are all involved in politics, and we understand that when you have a vulnerability, your political enemies exploit it—does anybody doubt that all the ''hate America'' crowds in Mexico—and there are a lot of them—does anybody doubt that they are going to use this as an issue against President Fox, that we violated our agreement, that we are their neighbor but we are not their equal neighbor, that we don't treat them that bad but we don't treat them as good as we treat the Canadians, that the U.S. Congress said what is good enough for Americans and good enough for Canadians is not good enough for Mexicans?

It is not a question of safety. We have every right to force them to do everything we do. We have a right to have a more strict regime until they prove they are doing it.

What we do not have a right to do is to have a bunch of things that claim to be safety that really say: You can't operate Mexican trucks in the United States. That is what this issue is about.

Obviously, it is frustrating when the word does not get out and people don't necessarily understand what the debate is. Tonight we are using powers that the Founding Fathers thought Senators ought to have. It is up to each individual Senator's conscious as to when they use those powers. We have used those powers on this bill.

It is wrong what we are trying to do. It will hurt America. It will hurt Texas. It will hurt the 20 million people I work directly for and the 280 million people I try to represent. At least that is my opinion. Since that is my opinion and I believe it and believe it strongly, I intend to use every power we have.

We will have a cloture vote tonight. I hope it will be defeated. I am prayerfully hopeful that perhaps a few of our Members will have some enlightenment or an enlightening experience between now and the appointed hour. But we have three more cloture votes after this one, and we intend to use our full rights as Senators to see that if we are going to abrogate NAFTA, if we are going to slap President Fox in the face, if we are going to run over President Bush, we are not going to do it without resistance, without strong, committed resistance. That is what this debate is about.

How much time do I have?

The PRESIDING OFFICER. The Senator from Texas has 6½ minutes remaining.

Mr. GRAMM. Mr. President, I will reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I have been listening to the debate today and yesterday. I think we have gone beyond the realm of reasonableness.

This is a debate about safety on American highways. We are voting on technical amendments that mean nothing. We are not moving the debate forward. A lot of people are being inconvenienced by votes that don't mean anything. We could all be here voting on substantive amendments until midnight. That is what we are here to do. But to just have technical amendments in order to wait it out and see how many people will leave is wrong.

I am very interested in safety on American highways. I think we can do it within the terms of NAFTA. We are smart enough to figure that out.

The question is not whether we have safety on American highways or we violate NAFTA. It is when we make the agreement. Make no mistake about it, that is the debate.

I ask all of my colleagues to sit down and let's come to a reasonable agreement on when we are going to address the merits of this issue. No one who has an IQ of 25 believes that changing the effective date on this bill every 30 minutes or tabling a motion to change the effective date is moving the ball on the substance one bit further.

Mr. President, I think it is time for us to act as a Senate; that all of the parties who have quite reasonable substantive arguments to make, who are very close to an agreement, sit down and determine when that agreement will be made so that we can come to a reasonable and responsible conclusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

COORDINATED BORDER AND CORRIDOR PROGRAM

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished senior Senator from Michigan and the distinguished chair of the Transportation Appropriations Subcommittee. As the chair knows, over the past few years, the State of Michigan has competed for funds under the Coordinated Border and Corridor Program of the Transportation Equity Act (TEA 21).

I ask the distinguished chair to give consideration to a particularly important project on our U.S.-Canadian border in Michigan. The Ambassador Bridge Gateway Project which will provide direct interstate access to the Ambassador Bridge and improve overall traffic flow to and from our U.S.-Canadian border, needs $10 million this year to keep the project on schedule. To date, there has been a total of $30.2 million in Federal funds either spent or committed with a State match of $7 million. Any consideration that the distinguished Chairwoman can provide is much appreciated.

Mr. LEVIN. I join my colleague from Michigan in asking the chair to give this important project consideration in conference, especially since no Michigan project is funded under this account. The Ambassador Bridge in Detroit, MI is a critical project for the State's trade infrastructure. It is one of the three busiest border crossings in North America, and more trade moves over this bridge than the country exports to Japan. It is crucial that we keep traffic moving safely and efficiently at this crossing. The Ambassador Bridge Gateway project will provide direct interstate access to the bridge, and improve overall traffic flow to and from the Ambassador Bridge. This project also has a wide range of support from the State, local government, metropolitan planning and the business community.

Mrs. MURRAY. I will be happy to work with my colleagues in conference on this matter and to look at the specific corridor project they are recommending.

Mr. VOINOVICH. Mr. President, for the past few days now, we have been here on the floor of the Senate debating a very basic question: do we trust our trading partners?

As I see it, this debate is not about truck safety, but, rather, it is about whether or not the United States is willing to honor its trade agreements and adhere to the principals of NAFTA.

Over the past several years, as my colleagues are aware, the United States has enjoyed one of its longest periods of economic prosperity in our history. Vital to this remarkable economic boom has been international trade. Trade is the economic lifeblood of the United States. Some twelve million American jobs depend directly on exports, and countless millions more, indirectly.

In fact, the growth in American exports over the last ten years has been responsible for about one-third of our total economic growth. That means jobs for Americans and of particular concern to this Senator, jobs for Ohioans.

The United States is the world's single largest exporter of goods and services, accounting for 12 percent of the world's total goods exports and 16 percent of the world's total service exports. Goods and services exports from the State of Ohio constitute a significant share of exports coming from the United States, making the Buckeye State the 8th largest exporter in the nation.

Ohio is a textbook example of why international trade is good for America. When I was Governor, I had four goals in the area of economic development—agribusiness, science and technology, tourism and international trade. We pursued each of these aggressively in order to maximize Ohio's business potential, especially in the trade arena.

Thanks to trade-stimulating agreements, such as the North American Free Trade Agreement (NAFTA), overall Ohio exports have skyrocketed 103 percent in just the last decade.

When the North America Free Trade Agreement took effect on January 1, 1994, it brought together three nations and 380 million people to form the world's largest free trade zone, with a collective output of $8 trillion. We in the State of Ohio were so excited about the potential of NAFTA, that in order to take advantage of this trade agreement, Ohio opened a trade office in Mexico shortly after NAFTA's passage.

Thanks to NAFTA, historic trade barriers that once kept American goods and services out of the Canadian and Mexican markets either have been eliminated or are being phased out. The positive economic effects have been astounding:

From 1993 to 1998, U.S. exports to Canada grew 54 percent and U.S. exports to Mexico grew 90 percent.

Also from 1993 to 1998, Ohio outperformed the nation in the growth of exports to America's two NAFTA trading partners. Ohio's exports to Canada grew 64 percent and Ohio exports to Mexico grew 101 percent.

But, in my view, if the Senate enacts the Murray amendment, we will be jeopardizing one of the most successful trading partnerships that this nation has ever had.

It is hard to believe that this legislation, which singles-out just one nation and holds up one crucial aspect of their trade policy to scrutiny, would not violate NAFTA.

I cannot fathom how supporters of this legislation ignore this fact.

I am every bit as concerned as any other member of this chamber about the safety of tractor trailer trucks. As anyone who has driven through my state of Ohio knows, it is a hub of long-haul trucking.

You can be certain that I do not want my constituents endangered by unsafe tractor trailer trucks regardless of their city, state or country of origin.

But we must be cognizant of the fact that, if this amendment is enacted, we will be unfairly discriminating against our second largest trading partner—Mexico.

Mexican trucks are already required to comply with our laws governing truck safety if they want to operate on our highways. The state and federal laws are already in place.

Is there room for improvements to safety? Of course. But, I also believe if these laws were adequately enforced, we would not be having this discussion today.

Do I think we should enforce these laws vigorously? Of course. But, I am not calling for this nation to enact restrictive laws that single out Mexico.

However, what the Senate is in the process of doing is raising the bar for our Mexican trading partners by requiring an extraordinary safety requirement that does not apply to our other NAFTA trading partner, Canada, and establishes a whole new regimen that Mexican trucks will have to follow that most American trucks do not.

Make no mistake: Our other trading partners throughout the world are watching what the Senate is doing, and our action—should the Murray amendment be enacted—could shake their faith in our willingness and ability to engage in truly ''fair'' trading practices.

The stakes are high—higher than I think anyone in this Chamber realizes.

The United States has proudly claimed itself a bastion of open markets for more than 200 years. Indeed, we have set the example of consistently striving to comply with our trade treaty obligations. But, how can we ask and expect other countries to abide by international trade rules if the United States flagrantly disregards them itself? If we want a rules-based system of international trade to work, so that we can have a level playing field across the board on all goods, America must lead by example and not pass xenophobic restrictions on our neighbors.

How can USTR Ambassador Robert Zoellick successfully negotiate vital trade agreements to open up new markets for American industry that will benefit American workers when the Senate signals that America is unwilling to play by the rules? What faith can our partners have? What can we demand of them?

If the Murray amendment is enacted, can you imagine the damage that we would bring upon ourselves when we try and negotiate the Free Trade of the Americas treaty? Who would trust us?

I can just imagine President Cordoza of Brazil—who is not too keen on the Free Trade of the Americas treaty to begin with—telling all of the Central and South American leaders that they shouldn't get into a treaty with the U.S.

He just might say that the U.S. Senate, that ''reasoned, deliberative body'' cannot be trusted, and is fanned by the flames of political opportunism.

Think also what the amendment will do to the budding relationship between

President Bush and President Vicente Fox? They have worked well together and I would hate to think that this amendment could set back our relationship with the Mexican leader and his nation.

President Bush is fully aware of what this amendment would mean, and I would like to quote from the Statement of Administration Policy on this bill:

> The Administration remains strongly opposed to any amendment that would require Mexican motor carrier applicants to undergo safety audits prior to being granted authority to operate beyond commercial zones on the U.S.-Mexico border, as this would violate the NAFTA agreement and the President's strong commitment to open the U.S.-Mexico border to free and fair trade.

This amendment defies logic and reason.

If this amendment is enacted, what the Senate would be doing is re-opening one of the most significant trade treaties in history by legislative fiat.

Mr. President, but we should not be modifying our international agreements via a rider to an appropriations bill. This is no way to run our foreign policy, nor our trade policy.

Senator MCCAIN said the other day that the Commerce Committee, on which he is ranking and which has jurisdiction over surface transportation, has not considered any legislation on this important matter. This is precisely the kind of complex and delicate matter that deserves full and balanced consideration before we charge ahead and make a decision we most assuredly will regret later.

And what about my good friend from Texas, Senator GRAMM. His state has more border crossings from Mexico than any other state represented in this chamber. He would have every right in the world to oppose trucks from Mexico coming into his state.

But the Senator from Texas fully understands the importance of adhering to our trade agreements and he has spoken eloquently on this topic.

Mr. President, it is of obvious concern to make sure that all trucks that operate on American highways do so in compliance with all applicable safety standards.

However, this amendment goes too far in trying to ensure those standards, and it is an inappropriate response for the U.S. Senate to take.

I urge this body not to jeopardize the benefits of international trade in the haphazard way that this amendment would undertake.

Thank you, Mr. President.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the pending amendments be agreed to and the motions to reconsider be laid upon the table en bloc; further, that it be in order for the managers to offer a managers' amendment, postcloture, which has been agreed upon by the two managers and the two leaders, notwithstanding the provisions of rule XXII.

I further ask unanimous consent that the time until 6:25 p.m. today be equally divided and controlled and that at 6:25 p.m. the Senate proceed to a vote on the motion to invoke cloture on H.R. 2299.

The PRESIDING OFFICER (Mr. HARKIN). Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 1025 and 1030) were agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, parliamentary inquiry: How much time exists on both sides from now until the time for the vote?

The PRESIDING OFFICER. Ten and one-half minutes on each side.

Mr. MCCAIN. Mr. President, under the agreement of the managers, I request the last 3 minutes be reserved for my comments or just before the final comments of the managers, whatever the managers desire.

The PRESIDING OFFICER. Does the Senator ask unanimous consent?

Mr. MCCAIN. Yes, I ask unanimous consent.

The PRESIDING OFFICER. The understanding of the request is the last 3 minutes.

Mr. MCCAIN. Either the last 3 minutes before 6:25 or the last 3 minutes before the comments of the managers, either one.

The PRESIDING OFFICER. Be reserved for?

Mr. MCCAIN. My purpose.

The PRESIDING OFFICER. The last 3 minutes.

Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. TORRICELLI. Mr. President, as most Members of the Senate, I have listened to this debate patiently for many hours. I have heard many things said that Senators need to consider before this debate comes to a close. Mostly I have heard that the United States somehow will be violating our treaty obligations with Mexico if we insist upon the safety of our citizens on our highways from Mexican trucks. I have heard that this Senate would be turning its back on the NAFTA treaty. I have heard it not a few times but 5 times or 10 times.

For the consideration of my colleagues, I will answer it but once, because this Government does not violate a treaty obligation and the Senate does not violate the law or its obligations. Indeed, it has been said before, but in a recent arbitration panel decision looking at the NAFTA treaty and our obligations to our citizens and truck safety, it has been said:

> The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms . . . U.S. authorities are responsible for the safe operations of trucks within United States territory, whether ownership is United States, Canadian, or Mexican.

It is not our intention nor will this law violate our treaty obligations. It simply says this: 50 years of efforts to protect Americans on our highways are not abandoned. The facts are clear. Senator MURRAY simply wants to know that Mexican trucks entering America will be inspected and they will be safe.

Our intentions are well founded. Mexican trucks on average are 15 years old; American trucks are 4. Mexican trucks weigh 135,000 pounds; American trucks, 85,000 pounds. Mexican drivers are 18 years old; American, 21. American trucks are documented for hazardous or toxic cargo. Until recently, Mexican trucks were not.

Indeed, the evidence supports what Senator MURRAY is attempting to do. Forty percent of all Mexican trucks now entering the United States are failing inspections. This is not a small problem. One hundred thousand Americans a year are being injured, or their children are injured, or their neighbors are injured in serious trucking accidents in America. We share our neighborhood roads and our interstate highways with 18-wheel trucks weighing tens of thousands of pounds.

For what purpose has this Senate and our State legislatures for all these years required special engineering of trucks if we will not require it of Mexican trucks? Why do we have weight limitations? Why do we implement laws about special training and driving if we are to abandon that effort now? Of the 27 border crossings between Mexico and the United States, 2 have inspectors 24 hours a day.

What would the Senator from Texas and the Senator from Arizona do in these hours when Mexican trucks without training, without weight requirements, and without inspections arrive at America's borders if there is no one there to weigh them or inspect them or assure that our families are safe? That is a difference of what we do today. Senator MURRAY requires it. The Senator from Texas would not.

The United States has a right to insist under NAFTA that our citizens are safe. No, I say to Senator GRAMM, we don't have a right; we have an obligation recognized by an arbitration panel looking at Mexican law and American law and the NAFTA treaty.

I have never seen it more clear that the Senate has operated within its obligations and its rights to our citizens than in recognition of this amendment.

I do not know how long we will have to be here, but I can tell you this: If it requires tonight, tomorrow night, next week, next month, this Senator will not be responsible for American families losing their lives. I will stand for

our treaty obligations, but first I will stand for our families.

I commend the Senator from Washington for her tenacity and her vision.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. GRAMM. Mr. President, I yield myself 5 minutes.

Mr. President, let me read from the Chicago Tribune. The headline is ''Honk if you smell cheap politics.''

As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets.

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination.

We can scream and holler; we can be emotional all we choose to be, but this debate has nothing to do with safety and everything to do with raw, rotten protectionism. It has to do with violating NAFTA and destroying the good word of the United States of America.

The truth is that Senator MCCAIN and I have offered an amendment that would require every Mexican truck to be inspected, that would require every Mexican truck to meet the same safety standards that the United States of America requires of its own trucks, and that those trucks would not be allowed to come into the United States until they had met those standards.

But the Murray amendment is not about safety; it is about protectionism. The Murray amendment says because of a 1999 law that we passed, that had nothing to do with Mexico—and was not fully implemented by the Clinton administration, and has not been implemented by the Bush administration—that Canadian trucks can operate in the United States, that American trucks can operate in the United States, but Mexican trucks cannot.

So we have not implemented a domestic law and, therefore, we are letting Canadian trucks in, we are letting our own trucks operate, but we do not let Mexican trucks in. That violates NAFTA. American truck companies can lease each other trucks. Nobody objects to that. Senator MURRAY does not object to it. Canadian companies can lease each other trucks. But under the Murray amendment, Mexican companies cannot.

Under the Murray amendment, there is only one penalty for Mexican companies, and that is a ban on operating in the United States of America, even though we have numerous different penalties for U.S. trucks than Mexican trucks.

Under the Murray amendment, we basically have entirely different standards for Mexico than we have for the United States of America and that we have for Canada.

Under the Murray amendment, basically we say: In NAFTA we said we were equal partners, but we didn't mean it. We are equal partners with Canada, but our Mexican partners are inferior partners that will not be treated equally.

The problem is, NAFTA commits us to equal treatment. This is not about safety; this is about protectionism. We are not here tonight because Senator MCCAIN and I wanted to be here. We are here tonight because the majority party would not negotiate with us to come up with a bill that did not violate NAFTA.

We have offered two amendments. The first amendment said that any provision of the Murray amendment that violated NAFTA—a treaty, in the words of the Constitution, the supreme law of the land—that violated a commitment made by three Presidents and by the Congress would not be put into place. That was rejected.

The Senator from Arizona offered an amendment that said under the Murray amendment Mexican nationals and Canadian nationals would be treated the same. That was rejected by our colleagues who are in the majority party in the Senate.

So they say the Murray amendment does not violate NAFTA, but when we offered an amendment to not enforce the parts of it that do violate NAFTA, they rejected it. They say the Murray amendment does not discriminate against Mexico and Mexicans, but when we offered an amendment forbidding that they be discriminated against relative to Canadians, they rejected it.

The truth is, this is about special interest as compared to the public interest. I ask my colleagues—I understand politics; I have been in it a long time—is it worth it to destroy the good word of the United States of America on an issue such as this on an appropriations bill?

I urge my colleagues to vote against cloture.

Mr. President, I assume my time has expired. I yield the floor.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield our remaining time to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes 53 seconds.

Mr. DORGAN. Mr. President, seldom in political debate—especially in the Senate—do you find a bright line between that which you think is thoughtful and that which you think is thoughtless. I think I have seen some lines recently.

Let me describe my reaction to someone who suggests those of us who stand up and worry about highway safety in our country are engaged in something that is raw, rotten, and protectionist.

What we are doing is not raw, not rotten, and has nothing to do with protectionism. If you use the word ''protection'' in the manner I describe our duties in the Senate, let me plead guilty for wanting to protect the interests of Americans on American highways. Let me plead guilty for wanting to protect those interests. I, of course, would never apologize to anyone for standing in the Senate saying this is a critically important issue on behalf of those in our country who travel our country's highways.

The question is, Shall we allow Mexican long-haul trucks in beyond the 20-mile limit? Senator MURRAY from Washington has said, the only condition under which they can come in beyond that 20-mile limit is when they meet the standards that we impose in this country. We have compliance reviews and inspections. We do it in a way that protects the American interests.

What are the differences between our standards and the standards in Mexico? We have had 6 years, and both countries have understood we have come to this intersection, but nothing has been done. I wish my friend from Texas would have had the opportunity I had to sit 3 hours in a hearing on this subject and listen to the inspector general tell us what he found on the U.S.-Mexican border. We know, of course, the standards are different.

In Mexico, there is no hours of service requirement. They can drive 24 hours a day. One newspaper reporter drove with one guy for 1,800 miles. In 3 days, the guy slept 7 hours. This is a truckdriver making $7 a day, sleeping 7 hours in 3 days, driving a truck that would not pass inspection in this country. And we have some in this Senate who say: Let's let that truck into this country, or at least let's let that truck present itself to an inspection station.

The inspector general, by the way, says there will not be inspectors sufficient at those stations to inspect those vehicles as they come into the United States. So to those who say our goal is to inspect all these vehicles, I say simply look at the numbers. The fuzzy math that the inspector general described for us between the budget requests and what actually is going to happen to these inspection stations, tell us that those trucks are going to come into this country—and they have already been doing it illegally in 26 States, incidentally, including the State of North Dakota. We have had Mexican long-haul truckers violating that 20-mile limit.

My question is this: If you have radically different standards, and we do—no hours of service requirement in Mexico; we do here for 10 hours. No logbooks in Mexico. Yes, they have a law, and they don't carry them in their trucks; we have the requirement here. No alcohol and drug testing in Mexico; we have it here. Drivers' physical considerations, there is a requirement here, really none in Mexico.

The fact is, it is clear we have radically different standards. What we are saying is, we ought not allow long-haul Mexican trucks into this country until we can guarantee to the American people that the trucks or the drivers are not going to pose a safety hazard to American families driving on our roads.

This is all very simple. It is not raw. It is not rotten. It has nothing to do with protectionism. That is just total nonsense. This has to do with the question of when and how we will allow Mexican long-haul trucks into this country.

What we are saying is, we will allow that to happen when, and if, we have standards—both compliance and reviews and inspections—sufficient to tell us that the Mexican trucking industry is meeting the standards we have imposed for over 50 to 75 years in this country in our trucking industry and for our drivers.

We have had a lot of talk about a lot of things that have nothing to do with the core of this issue. We are told that NAFTA requires us to do this. No trade agreement—no trade agreement at any time, under any circumstances—ever in this country has required us to sacrifice safety on our highways. No trade agreement requires us to sacrifice safety with respect to food inspection. No trade agreement requires us to do that.

I have heard for 3 days now that the NAFTA trade agreement somehow requires us to allow long-haul Mexican trucking beyond the 20-mile limit. That is simply not the case.

In fact, the strangest argument by my friend from Texas was that if we did not do this, the Mexicans say they are going to retaliate on corn syrup. The Mexicans are already in violation of NAFTA in corn syrup. A GATT panel already decided that. I think what we ought to do is protect the Murray language. She has done the right thing, and I hope, in the end, we will understand this is about safety for Americans on American roads.

The PRESIDING OFFICER. The managers' time has expired.

The Senator from Arizona is recognized for 4 minutes 2 seconds.

Mr. McCAIN. I thank the Chair.

Mr. President, first of all, in regard to the allegation of my friend from North Dakota, and the description of the regulations and rules in the country of Mexico, the fact is, in our substitute amendment it calls for the inspection of every single truck that comes into the United States from Mexico.

There is a long list of all the requirements of licensing: Insurance, commercial value, safety compliance decals, et cetera, et cetera—a long and detailed set of requirements for Mexican trucks to enter the United States of America. The difference is, it does not have the same cumulative effect that the Murray amendment does, which violates the North American Free Trade Agreement.

I have always enjoyed these billboards that are brought up on the floor that say: Does not violate NAFTA. Does not violate NAFTA. Unfortunately, for those who allege that, the Governments of the two countries that are involved have judged that it does violate NAFTA.

Perhaps if the election last November had turned out differently, a Gore administration might have viewed it not in violation of NAFTA. But here is what the President of the United States says: ''Unless changes are made to the Senate bill, the President's senior advisers will recommend that the President veto the bill.''

So everybody is entitled to their opinions. But if you are the President of the United States, you are the only one that is entitled to veto.

The Minister of Economics in Mexico:

> We are very concerned after regarding the Murray amendment and the Administration's position regarding it that the legislative outcome may still constitute a violation of the Agreement.

The elected Governments of the two countries say, indeed, this Murray language is in violation of NAFTA. They are the ones who are elected by their people to make the determination, not individual Members of this body.

Finally, as we wind up, I apologize for any inconvenience, any discomfort, any problems this extended debate has caused any of my colleagues. I know many of them had plans and were discomfited. I extend my apologies.

I hasten to add, I have been involved in a number of major issues over the years I have been here. There has always been a willingness to negotiate and work out problems. That was not the case on this issue. I pledge, no matter what the outcome of this vote, I am still eager to sit down and work out what I view are differences that can be resolved and should be resolved between the Murray language and what we are trying to do because I don't think we are that far apart.

Let's have men and women of good faith and goodwill sit down together after this vote so that we can resolve the differences. No one wants a Presidential veto of this bill; I agree. There is a lot of pork I don't agree with, but there are also a lot of much-needed projects. We don't want a Presidential veto. We have demonstrated that we have 34 votes and can easily sustain a Presidential veto.

After this vote, I again promise my colleague from Washington and my colleague from Nevada, who have been here constantly, we want to negotiate and work out our differences. I am convinced we can.

I yield the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The time has expired. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2299, the Transportation Appropriations Act.
>
> Patty Murray, Ron Wyden, Pat Leahy, Harry Reid, Hillary Rodham Clinton, Charles E. Schumer, Jack Reed, Robert C. Byrd, James M. Jeffords, Daniel K. Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara A. Mikulski, and Thomas A. Daschle.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of Senate that debate on H.R. 2299, an act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote ''nay.''

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

The yeas and nays resulted—yeas 57, nays 27, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—57

Akaka	Carnahan	Dodd
Baucus	Carper	Dorgan
Bayh	Chafee	Durbin
Biden	Cleland	Edwards
Bingaman	Clinton	Ensign
Boxer	Cochran	Feingold
Breaux	Collins	Graham
Byrd	Conrad	Harkin
Campbell	Corzine	Hollings
Cantwell	Dayton	Hutchison

Inouye	Lieberman	Sarbanes
Jeffords	Lincoln	Schumer
Johnson	Mikulski	Shelby
Kennedy	Murray	Snowe
Kerry	Nelson (FL)	Stabenow
Kohl	Nelson (NE)	Torricelli
Landrieu	Reed	Warner
Leahy	Reid	Wellstone
Levin	Rockefeller	Wyden

NAYS—27

Allard	Enzi	Lott
Allen	Fitzgerald	Lugar
Bennett	Gramm	McCain
Bunning	Grassley	McConnell
Craig	Gregg	Murkowski
Crapo	Hagel	Smith (NH)
Daschle	Hatch	Thompson
DeWine	Hutchinson	Thurmond
Domenici	Kyl	Voinovich

NOT VOTING—16

Bond	Inhofe	Smith (OR)
Brownback	Miller	Specter
Burns	Nickles	Stevens
Feinstein	Roberts	Thomas
Frist	Santorum	
Helms	Sessions	

The PRESIDING OFFICER (Ms. STABENOW). On this vote, the yeas are 57, the nays are 27. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DASCHLE. Madam President, I enter a motion to reconsider the vote by which the motion was rejected.

The PRESIDING OFFICER. The motion is entered.

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—MOTION TO PROCEED

CLOTURE MOTION

Mr. DASCHLE. Madam President, I understand we are unable to get agreement to go to the Agriculture Supplemental Authorization. Therefore, I move to proceed to S. 1246, the Agriculture supplemental authorization, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on motion to proceed to Cal. No. 102, S. 1246, a bill to respond to the continuing economic crisis adversely affecting American farmers:

Tom Harkin, Harry Reid, Jon S. Corzine, Max Baucus, Patty Murray, Hillary Rodham Clinton, Jeff Bingaman, Tim Johnson, Ted Kennedy, Jay Rockefeller, Daniel K. Akaka, Paul Wellstone, Mark Dayton, Maria Cantwell, Benjamin Nelson, Blanche Lincoln, Richard Durbin, and Herb Kohl.

Mr. DASCHLE. I ask unanimous consent this cloture vote occur at 5:30 p.m. on Monday, July 30, and I ask unanimous consent that the mandatory quorum be waived.

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

Mr. DASCHLE. Madam President, for the information of all Senators, this will be the last vote tonight, and we will have the next vote at 5:30 p.m. on Monday.

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. 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.

Mr. DASCHLE. Madam President, I want to further elaborate on the comments I made just a moment ago. We made the motion to proceed to the Agriculture supplemental authorization bill because we could not get agreement to bring it up on Monday. As most of my colleagues know, this is a very important piece of legislation for just about every State in the country. It has passed in the House. It is important to pass it before we leave, only because, as most of our colleagues probably already know, if we are not able to utilize and commit these resources prior to the August recess, the Congressional Budget Office has indicated to us that they will not allow us the use of these resources prior to the end of the fiscal year. We will lose $5.5 billion for Agriculture if this legislation does not pass prior to the time we leave in August.

I emphasize I am not making any threats. I am not trying to cajole. I am just trying to state the fact that we need to get this legislation done. This is not a partisan bill. The administration supports dealing with Agriculture. On an overwhelming basis, it passed in the House. We need to pass it in the Senate. I am very disappointed we are not getting the cooperation to proceed to this bill because it is such an important issue. It is for that reason, and only for that reason, that I have delayed the cloture vote on the Transportation bill.

There will be a cloture vote on the Transportation appropriations bill at some point, perhaps early in the week. But, nonetheless, it will happen. If we need to, we will run out the time to get to final passage and then vote on the bill. But I needed to get started on the Agriculture supplemental. And that is what the procedural motion that we just entered into entails.

I appreciate my colleagues' attention.

Mr. DORGAN. Madam President, I wonder if the majority leader will yield for a question.

Mr. DASCHLE. I am happy to yield to the Senator from North Dakota.

Mr. DORGAN. I am trying to understand what has happened. My understanding is that the majority leader is forced to file a cloture motion not to get the bill up but on the motion to proceed to the bill dealing with an emergency appropriation for family farmers. My understanding is in the budget we reserved an amount of money that we all understood was necessary to try to help family farmers during a pretty tough time. Prices have collapsed. Family farmers are struggling. We all understood we were going to have to do an emergency appropriation to help them.

My understanding at the moment is that you are prevented not only from going to the bill but you are having to file a cloture motion on a motion to proceed to go to the bill to try to provide emergency help for family farmers.

Is that the circumstance we are in and, if so, who is forcing us to do this?

I watched this week while for a couple of days nothing happened on the floor. The appropriations subcommittee chair was here wanting amendments to come, and no amendments came. It looked like the ultimate slow motion on the floor of the Senate. Now we are told—those of us who come from farm country—that not only can we not get to the bill but we have to file cloture on the motion to proceed for emergency help for family farmers.

What on Earth is that about, and who is forcing us to do this?

Mr. CRAIG. Madam President, will the leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Idaho.

Mr. CRAIG. I am forcing it as someone who has stood on this floor for the last 4 years and fought for nearly $8 billion a year for family farmers such as you have. We have stood arm in arm in that. But the bill that is coming to the floor is $2 billion over the budget that you have talked about and that slot in the budget that we prepared.

I must tell you that this Senator is going to vote for emergency funding for farmers in agriculture, but we are not going to go above a very generous budget to do so.

I thought it was most important. Yes, the House has moved. I believe the chairman of the authorizing committee is here, and he can speak for himself.

But it is my understanding that this bill will come to the floor about $2 billion ahead of where the House was. The House complied with the budget resolution. We are rapping on that door of spending that surplus in Medicare.

I don't care how you use the argument. The reality is very simple. The majority leader is moving us—and he is right—to a very important debate. But it was important for some of us who support farmers but also support fiscal integrity and the budget to stand up and say, Mr. Leader, we are out of budget, we are out of line, and we are $2 billion beyond where we ought to be. That is why I objected.

Mr. DASCHLE. Madam President, if I could regain the floor, let me say that

I appreciate and respect the position of the Senator from Idaho. I am not sure that having this debate on the motion to proceed is the appropriate place to do it. It seems to me that it would be an appropriate subject for an amendment to reduce the amount of emergency assistance from $7.49 billion to $5.5 billion. To say, we don't need to spend $7.49 billion. We could have that amendment and have a debate about it. But having a motion to proceed and then having a debate and a filibuster, if that is required on the motion to proceed, just delays when we can actually get into the discussion and debate about whether or not it ought to be $7.49, or $7.1 billion, or $5.2 billion. But we will finish this legislation only because of the ramifications of not finishing it, whether it is Monday, or Friday, or at some other time.

I put my colleagues on notice. I have no other recourse. This is not a threat. It is simply a fact that this is a piece of must-pass legislation. I hope people understand that.

I would be happy to yield to the Senator from North Dakota.

Mr. DORGAN. Madam President, if the majority leader will yield for one additional question, of course, the Senator from Idaho would have every right to come to the floor and protest that the amount of help for family farmers is too much, too generous, and this, that, or the other thing. The Senator has every right to do that. But I think that is different than trying to delay our ability to consider legislation that responds to an emergency need for family farmers.

My question to the majority leader was not about how much money was involved. My question was who is delaying this and why. I urge my friend from Idaho not to delay us. He has every right to come to the floor of the Senate and try to cut it or try to reduce it if he thinks it is too much, but allow us to immediately go to this on Monday because it is an emergency appropriations bill.

We all understood earlier this year that we needed an emergency supplemental. We provided the money for it. Now the Senator from Idaho has a dispute about how much money is going to come to the floor. Allow that bill to come to the floor and then offer an amendment. But don't force the majority leader to file a cloture motion on the motion to proceed. Speaking as somebody who represents farm country—I know the Senator from Idaho does as well—delaying on the motion to proceed is the worst way, in my judgment, to serve our family farm interests. All of us have the same interests.

I say to majority leader, I hope if there are disagreements about the amount of aid that we will have a debate about it. But I certainly hope that Members will allow us to get to this bill. It is an emergency appropriations supplemental bill designed to address an emergency. It ill-serves those who we intend to help to have to file a cloture motion on a motion to proceed to the actual bill.

Let's not do that. Let's get it to the floor and have at it on Monday, get it passed, and help family farmers.

I appreciate the majority leader yielding to me.

Mr. DASCHLE. I would be happy to yield to the distinguished chairman.

Mr. HARKIN. I thank the leader for yielding.

I say to my friend from Idaho that we enjoyed his being on the Agriculture Committee for a number of years. I am sorry that he is not now on the Agriculture Committee. Perhaps if my friend from Idaho were on the Agriculture Committee and had been involved in our debate and deliberations and the markup of the bill, he might not be holding this bill up because it was reported out on a unanimous voice vote. We only had one amendment to take it down to $5.5 billion. That fell on a 12–9 vote.

Two things: There are farmers who are hurting all over this country—not just in Iowa, or North Dakota, or Kansas but even in Idaho. Quite frankly, this Senator went out of his way to accommodate the wishes of Senators in this Chamber representing family farmers in their States to put into that bill what was necessary to meet some of those needs.

In fact, I say to my friend from Idaho, there are provisions in the bill that will help his farmers in Idaho that are not in the bill they passed in the House.

Second, I say to my friend from Idaho that the budget that was passed here allows in the 2001 fiscal year for the Agriculture Committee to spend up to $5.5 billion. It allows the Agriculture Committee to spend for the year 2002 $7.35 billion. The Agriculture Committee in the bill we are trying to consider here adheres to those limits. It is absolutely within the budget. The $5.1 billion goes out before September 3.

The Agriculture Committee recognized that the crop-year and the fiscal year don't coincide. The needs that farmers will have this fall as a result of the crop-year happen in the 2002 fiscal year. I think a lot of us thought that we could under the budget go into that $7.35 billion in 2002 and spend it in 2002. None of that $2 billion is spent in 2001; it is spent in 2002. That is allowed by the budget. We could have gone up to $7.35 billion, but we didn't. We wanted to hold some in reserve. By taking that $2 billion, we are able after the first of the fiscal year, October 1, we are able to have help for farmers until we get a farm bill passed or until we are able to perhaps come again some other time and expend the rest of the $7.35 billion.

I say to my friend from Idaho, this is within the budget the $5.5 billion we spend this year before September 30; the other $2 billion is spent in 2002, and there is nothing in the budget that prohibits the Agriculture Committee from saying in 2001 how we want that money spent in 2002. We have met all the requirements. There will be no budget point of order because we are well within the budget. I point that out to my friend from Idaho. He is no longer a member of the committee. I know that. I am sorry he is not. Maybe had the Senator been there he would have realized and recognized how we went about this and how we are not busting the budget in 2001.

Mrs. BOXER. Will the Senator yield?

Mr. CRAIG. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Idaho.

Mr. CRAIG. I thank my colleagues for all of those considerations and I wish I did serve on the authorizing committee of agriculture. I serve on the appropriating subcommittee for agriculture, the appropriations, so I watch Agriculture budgets closely.

What the Senator from Iowa said is absolutely right. It is forward-funding; it is reaching into 2002 and pulling money out for 2001. I understand that. I know it will be spent in 2002 in a 2001 supplemental. I understand what is being done. I also understand that is not necessarily the way it is done. But it is OK if you can get the votes on the floor to do it. It is not necessarily how we work budgets around here.

I will also say, whether I am holding this up or not, we will be on the Agriculture bill come Monday, and Monday evening you will get cloture and we will be there and probably move it quite quickly, depending on the amendments that come. The leaders know this. There are several amendments that may be very protracted in their debate.

The reality is, last year somebody made us file cloture on the Agriculture appropriations conference report. I don't believe that was talked about in such dramatic terms, but that is exactly what happened last year. I have it in front of me, Agriculture appropriations, 106th Congress. After all the work was done, the bill was ready to be sent to the President and be signed so the money could go out and somebody had to file cloture to move the bill.

I don't know that this is so unprecedented. Thou doth protest a bit too much.

We will be on the Agriculture bill come Monday. I do appreciate the work the Senator has done. He has worked thoroughly.

Mr. DASCHLE. I yield to the Senator from California.

Mrs. BOXER. I would like to try to summarize where we are and see if my leader, the majority leader, can confirm if this is accurate.

I think the word of the day is ''delay.'' We are seeing an Agriculture

bill, an emergency bill, being delayed. We are not going to be on it. We are going to have to debate a motion to proceed. For those people who don't know the rules of the Senate, you can invoke these rules and it can go slow. We are seeing a delay in getting help to our farmers; and we are seeing anything but a delay in the day we will have the Mexican trucks come barreling through our highways and byways when we should delay that until we have enough inspectors. We are only inspecting 2 percent of the trucks, and out of that 2 percent, 35 percent of the trucks are failing and a lot of them have no brakes.

I will not reiterate the horror stories and nightmares we heard in the committee.

Where we have a delay, we don't want a delay; that is, to help our American farmers. And where the other side is trying to do away with the delay is the day that we have trucks coming through our border into the interior of our country that are ill-equipped for those journeys.

I wonder if my leader would agree that is where we are right now.

Mr. DASCHLE. The Senator has described it very well. We have spent a week delaying completion of our work on the Transportation appropriations bill, fundamental investments in our Nation's infrastructure. Why have we done that? Because there are those who are opposed to the regulatory commitment that we want to make for truck safety in this country. They are willing to sacrifice public investment in our Nation's infrastructure not for days but for weeks because they don't think we ought to support a rigorous inspection and a rigorous standard of quality with regard to safety on our Nation's highways.

That is what this debate has been about now for several days. I am disappointed that only because of absentee Senators we lost the cloture vote tonight, but we will win that vote and inevitably we will win on the final passage of the Transportation bill. This has been nothing more than delay. This delay has been unnecessary, unproductive, and very unfortunate.

The Senator from California could not have said it better. She is right. There will be another day. We will deal with these issues. I will say, as I said a moment ago, there are some things we must do before we leave. We have no choice. So we can delay now and we will compound the problems and the circumstances involving our departure later.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. REID. I say to the majority leader in the form of a question, we don't have nearly as many farmers—we call them ranchers—in the State of Nevada, but we have some. They have benefits from this Agriculture bill—not as much as we think they should.

I say to the leader, farmers all over America are not concerned about the partisan politics. There are Democrat farmers and Republican farmers. Isn't that right?

Mr. DASCHLE. That is correct.

Mr. REID. The American public wants us to accomplish results. The fact that you have been a leader for a short period of time should not mean we cannot move forward with the legislation. Is that fair?

Mr. DASCHLE. I would say that is fair.

Mr. REID. We had the Senator from North Dakota, the Senator from California, the Senator from South Dakota, huge producers of food and fiber for this country. I know how important it is for your respective States that we move forward on this Agriculture supplemental.

I say to the leader, if I had been in my office I would have taken more calls, but I have been here most of the time, and I have had many, many calls from people interested in the high-tech industry, people on the cutting edge of what is going on in America today with computers. They want to be competitive. They think they are unable to be competitive because we cannot move forward on the Export Administration Act. There are Democrat and Republican farmers. There are also Democrat and Republican people involved in this high-tech industry. They don't care who gets credit for it.

Would the leader agree if we can move forward on the Agriculture supplemental and the Export Administration Act, there will be lots of credit to go around for Democrats and Republicans, and it would help this country?

Mr. DASCHLE. The Senator is absolutely right. The Senator has spent a good deal of time on this floor over not only of the past few months but of the past few years trying to pass the Export Administration Act. He ran into the same problems last year that we confront this year. There are those who are unwilling to consider the tremendous, negative repercussions that this country will continue to experience as a result of our inability to update the Export Administration Act now.

Further delay, and it expires. I might add, it expires in August. Further delay further undermines our ability to be competitive abroad. I don't know why anyone would want to be in a position to put this country into that kind of a situation, but because of objections on the other side, we have so far been unable to move the bill.

Mrs. CLINTON. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from New York.

Mrs. CLINTON. As the majority leader well knows, I am new to this body and I think what we have just seen raises, in my mind, serious questions about what it is we are trying to accomplish for the people of our States and our country.

As I understand the response of the distinguished Senator from Idaho, the delay is because somebody ''unnamed'' delayed something last year. That, to me, is a strikingly inadequate explanation for a delay that is holding up our efforts to help our oldest industry and our newest industry.

With the fact that New York's largest economic sector is agriculture, which most people outside New York would have no idea of, I have a great interest in the Agriculture supplemental bill because we have some aid in there for farmers who are following in the tradition of those having farmed in New York for more than 400 years. Our apple farmers are on the brink of extinction if they do not get some emergency help. We had hail last year that destroyed the crop in the Mid-Hudson River Valley; it took out orchards in the north country. So this is not any geographic issue. This is a national issue that has to be addressed.

At the same time, in New York, we have some of the cutting edge high-tech industries that are begging for the kind of direction the Export Administration Act will give them, the certainty about what they can and cannot export, whether we can be competitive globally. Both of these important pieces of legislation have to be addressed in the next week.

It is regrettable that instead of doing the people's business, dealing with the agricultural needs and the high-tech needs that really cut across every geographic and political line we have in our Nation, we see this kind of delay.

But I would ask the majority leader, is it your intention to do everything you can possibly do, as our leader, who has done, in my view, an absolutely tremendous job since assuming the leadership, to make sure that the people's needs are met? And that includes the Agriculture bill and the Export Administration bill.

Speaking just as one Senator, I do not think there is anything more important than doing the work we were sent here to do, casting the votes that will help people, and it is striking that we do not seem to have the cooperation we need on the other side.

But I would ask the leader if it is his intention to make sure that we do the people's business before we leave for the recess that is scheduled.

Mr. DASCHLE. The Senator may be new here, but she certainly understands how this institution must work. It can only work with cooperation. As she has so rightfully indicated, the situation today is that on issues of great importance, as she said, to our oldest and our newest industries, there is no question that we cannot put any higher of a priority on the work that must be done in the next week than to address both of these bills.

The agricultural supplemental package represents, for many of our program crop farmers, a significant portion of the income they will receive in this calendar year. A large portion of the income they are depending upon rides on whether or not we get this bill done in the coming week. I do not know what percent some of our high-tech companies relate to the ability to export abroad, but I would not be surprised if it were not just as great.

So she is absolutely right. We cannot leave without addressing these critical pieces of legislation. Why? Because they expire. The authorization literally expires during the month of August. So we can do it Monday, Tuesday, Wednesday, or we can work into the weekend, or the following week, but we really have to understand that these are critical bills that must be addressed. And the only way we can address them, as she correctly points out, is through the cooperative effort of both parties, and I would hope both leaders.

Mr. REID. Will the leader yield just for one more brief question?

Mr. DASCHLE. I would be happy to yield.

Mr. REID. There have been comments the last several days about what has happened in the last year. I want the RECORD to be spread with the fact—I want this confirmed by the leader—one of the assignments you gave me as assistant leader was that when difficult matters arose on the floor, one of my assignments directly from our leader—TOM DASCHLE to HARRY REID—was to do what you can, HARRY REID, to help move legislation. If it benefited the Republicans, I still had that responsibility. And there are many statements in the RECORD by Senator LOTT of how he appreciated the work we did—my name was mentioned on occasion—to move legislation.

I did that because you believed it was the right thing to do to move legislation. That is why we were able to move eight appropriations bills last year—does the Senator remember that—before the August recess?

Mr. DASCHLE. I remember that vividly. I remember how it was that we were able to work through these important matters, because we understood that October 1st is the deadline to complete all of our work on appropriations and that when you fall short of that deadline, you find yourself in a very precarious situation, making decisions without careful thought and, in some cases, making mistakes.

We want to complete our work on time. We want to be able to finish these bills. I appreciate so much the cooperation, the effort, and the leadership shown by the Senator from Nevada in reaching that goal.

Mr. REID. Does the Senator from South Dakota, our distinguished majority leader, agree that when you were the minority leader, one of your primary responsibilities was to move legislation, no matter whether it was sponsored by a Democrat or a Republican, but to move legislation off this floor?

Mr. DASCHLE. By and large, that was exactly what we attempted to do. Obviously, there were many times when there were disagreements, but we tried to work through those disagreements. I am hopeful we can do so again in the coming week.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I will return the floor to the Senator in just one brief minute. I just want to say that I think no one knows more than I do how passionately this majority leader, the then-minority leader, worked with us to get legislation passed. That is why I repeat, eight appropriations bills were passed in this body last year before the August recess. That was hard work. It only came as a result of the direction of the majority leader saying, we have to get this stuff done, that is the responsible thing for this country; and we did it.

I know there are people who come in and make little snippets about the fact that things have happened in the past. Look at our record. Look at our record of how we helped move legislation. Of course, there were disagreements on our side, but they passed quickly. Lots of amendments were filed on bills. We worked through those.

I just say, I hope people will look at what we did and work with us to try to move legislation. We want to do that. If we do something that is good, there is credit for everyone to go around. If we do not do things, there is blame to go around, as well it should. But the blame now should be with the minority because they simply have not allowed us to proceed on important legislation for this country.

The PRESIDING OFFICER. The Senator from New York.

MORNING BUSINESS

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

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

NOMINATIONS

Mr. NICKLES. Mr. President, I have noted with interest the comments of Senators DASCHLE and REID regarding unfinished legislative work before the recess. What is also unfinished business before the recess is nominations. Over the past week, Senator REID and I have had a series of continued conversations regarding nominations, and we will continue to talk in good faith to make progress on nominations.

But our unfinished work here in the Senate is not just legislative in nature. It is necessary that we work hard to clear a sizable number of nominations before the recess, to give the President the public servants he needs to staff his administration, make it run, have it work, and see it accountable to the American people.

I look forward to seeing the Senate head towards the recess with work on both the legislative and executive calendars. I yield the floor.

PLIGHT OF DETAINED PERMANENT UNITED STATES RESIDENT LIU YAPING IN INNER MONGOLIA

Mr. DODD. Madam President, I rise today to bring to my colleague's attention a terribly distressing, and I am afraid, all too familiar situation; the arrest and detention of American citizens and permanent residents traveling in China. I specifically want to comment on the case of Mr. Liu Yaping. Mr. Liu is a resident of my home State of Connecticut and is married to a United States citizen. He has an American son and has been granted permanent residency in this country. Nevertheless, on a trip to his home country of China this past spring, he was abruptly detained and arrested on charges of tax evasion. More than four months after his initial arrest, the evidence against him for this alleged crime has yet to be produced by the Chinese authorities, and he has not been officially charged with a crime. In the meantime, he is being detained indefinitely.

Liu Yaping has been held in near isolation in Inner Mongolia, and we suspect that he may have been mistreated during his time in prison. He has been unable to contact his family, and because he is a permanent resident of the U.S., and not a citizen, he has been denied the right to consult with United States diplomats while in detention. He has been granted only very limited access to his attorneys, and has been unable to answer the charges against him.

The most troubling part of this story is that we have learned that Mr. Liu is ill and may die at any moment. It has been reported that he is suffering from a cerebral aneurysm, possibly caused by torture or beatings, for which he has gone largely untreated. Without immediate and appropriate medical attention, the aneurysm will continue to leak, and the danger is very real that he will die. His family has asked to review his medical records, but thus far this request has been denied. Instead, they receive only bills for medical services performed, without documentation or description. Mr. Liu's family has asked that he be transferred to a hospital in Beijing, but this request has been rejected by the Chinese government.

I cannot begin to imagine the toll that this ordeal has taken on Mr. Liu's

wife, and 15 year-old son. Knowing their loved one is alone and in danger, they wait anxiously for any notice from the Chinese authorities indicating that his situation has improved. Mrs. Liu has been in steady contact with my office and grows increasingly distraught with each day that passes with no news of her husband. The U.S. embassy in China, despite their best efforts, has not been able to make inroads in this case, and due to Mr. Liu's grave medical condition, time has become an important factor when considering his case.

We cannot allow gross human rights violations to continue on our watch. It is the responsibility of all of us to ensure that our citizens and permanent residents receive just and equal treatment at home and abroad.

As my colleagues know, in the past year, several American citizens and permanent residents have been detained in China. Gao Zhan, an American University researcher, was sentenced to 10 years on July 24, after a lengthy detention and a brief trial, during which not a single witness was called. She was arrested on espionage charges and linked to recently convicted business Professor Li Shaomin, who was recently ordered deported. Mrs. Gao was recently granted medical parole, due to a worsening heart condition and, as a precedent exists for this type of parole, it is my hope that Mr. Liu will be granted a similar clemency. Until such time, though, we must do all we can to fight for the safety, basic human rights, and release of Mr. Liu.

As you may know, the Senate has not stayed quiet on this matter. Along with several of my colleagues, I have signed on as a cosponsor to Senate Resolution 128, urging the release of Liu Yaping and other American permanent residents and U.S. citizens. However, despite the efforts of Congress, I believe that this is an issue best dealt with at higher diplomatic levels. As you know, this Saturday, Colin Powell will be arriving in China. Secretary Powell has expressed his frustration with the situation of Mr. Liu, and I hope that he will raise the issue of Liu Yaping's incarceration with the Chinese authorities. Although the Chinese government has indicated that it wishes to focus on the larger issues of trade and economic cooperation between our two countries, I feel that a frank discussion on human rights is an equal priority. I hope that such a discussion would lead to a better understanding of American concerns in this case specifically, and the eventual release of all prisoners wrongfully detained in China.

I feel strongly that the Chinese government must understand that detaining our citizens without due process will only exacerbate the diplomatic tensions between our two nations. By creating a climate of fear for those Chinese-American citizens who would otherwise seek to bring their expertise and knowledge back to their homeland, China is discouraging the flow of intellectual capital back into its countryside, and compromising any confidence on the part of the United States regarding pledged improvements in human rights.

I wish Secretary Powell well on his trip, and urge the Chinese government to release Mr. Liu. I have asked Secretary Powell to bring this case up specifically while in China. It is my sincere hope that this action will bear fruit, and this matter will soon be resolved. Hopefully, Mr. Liu will soon be at home again in Connecticut, safe, and in the company and care of his family.

MURDERS CANNOT GO UNPUNISHED

Mr. McCONNELL. Madam President, the murder of American citizens abroad is always a cause for concern, and I want to bring the attention of my colleagues to the killings of the Bytyqi brothers from New York City. Agron, Mehmet, and Yli were reportedly discovered in a mass grave in Petrovo Selo, Serbia with their hands bound and gunshots wounds to their chests.

This heinous crime should be of particular concern to all of us. Not only were the Bytyqi brothers American citizens, but they were also of Albanian origin. We know well the brutal treatment of Albanians in Kosova and Serbia during the war. My heart goes out to all the victims and their families.

I recently wrote to Attorney General John Ashcroft asking for the Federal Bureau of Investigation to become involved in this case. Human rights workers and investigators, including from the United Nations, should assist in delivering justice to the Bytyqi family.

There are reports that the brothers were murdered by policemen. I know my colleagues will agree that the murder of Americans overseas cannot go unpunished. I will continue to closely follow developments in this case—as well as the continued detention of political prisoners in Serbian jails.

I ask that an article from the July 15th edition of the Washington Post detailing this crime appear in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 15, 2001]

THREE AMERICANS FOUND IN SERBIAN MASS GRAVE SITE

(By R. Jeffrey Smith and Peter Fin)

PRISTINA, Yugoslavia, July 14—The three young American men had their hands tied with wire. Their heads were covered by black hoods, and they were dressed in civilian clothes. They were each shot at close range, and their bodies were dumped in a pit dug in the Yugoslav national forest near the Serbian town of Petrovo Selo.

The men—all brothers of ethnic Albanian origin—had worked with their father as painters and made pizzas on Long Island before going to fight in the Kosovo war with the so-called Atlantic Brigade, a group of about 400 Albanian Americans who volunteered to join the rebel Kosovo Liberation Army. But they disappeared into a Serbian prison 17 days after the end of NATO's bombing campaign against Yugoslavia in 1999, when hostilities had ceased.

For nearly two years, neither their family nor the U.S. government was able to learn their whereabouts. Then, last week, their bodies were discovered in a mass grave by Serbian police investigators. Together with officials of a Belgrade-based human rights group, the police have begun to assemble a picture of how the men, born in Illinois, lost their lives during the violence that raged in and around the Serbian province of Kosovo in the spring and summer of 1999.

Serbian officials and others monitoring the probe say the three—Ylli, Agron and Mehmet Bytyqi, ethnic Albanians ages 24, 23 and 21 at the time of their death—appear to have been murdered by policemen. Their bodies were placed in the grave with 13 ethnic Albanians from Kosovo, not far from a special police training center 120 miles east of the capital of Belgrade. A second grave nearby contains 59 bodies, and investigators suspect they will find many other sites as they begin to probe the forest more carefully.

The Bytyqis are the first Americans to turn up in a Serbian mass grave. ''Believe me, this is going to be a very important case for us,'' the U.S. chief of mission in Yugoslavia, William Montgomery, said in a telephone interview. ''We need to get real information from the Yugoslav authorities. We are going to insist they do a full investigation.''

Montgomery said he and other U.S. officials had sought information about the Bytyqis from the Yugoslav Foreign Ministry several times since Yugoslav President Slobodan Milosevic was ousted in October, but the ministry acknowledged only that the brothers had been imprisoned after the war ended.

Circumstantial evidence unearthed so far raises the possibility of a revenge slaying by policemen, possibly motivated by anger over the leading role that the United States played in pressing for Western intervention in Kosovo to halt human rights abuses committed by Yugoslav security forces against Kosovo's ethnic Albanian majority.

''They were killed because they were American citizens,'' said Bajram Krasniqi, a lawyer in Pristina, Kosovo's provincial capital, retained by the Bytyqi family to press for information about the case. ''There were people in that prison who were in [the rebel army] . . . and they were eventually released. This is the only case where someone was arrested, taken to court, tried, released out of the prison and then executed.

''This crime was planned, ordered and conducted without any judicial act and it was done by Serbian officials in cooperation with officials at the prison,'' Krasniqi said. ''Hopefully, the Serb authorities will now arrest these people and they will be brought to justice.''

The men's mother, Bahrije Bytyqi, and their father, Ahmet Bytyqi, had moved their family from Illinois to Kosovo in 1979 and later separated. Ahmet moved to New York and Ylli, Agron and Mehmet joined him one at a time when each turned age 17.

Bahrije was expelled from Kosovo during the war by security forces but later returned

to the southern Kosovo city of Prizren. She has been distraught and sedated since learning last week of the discovery of her sons' bodies in Serbia, and could not be interviewed today. When her 22-year old son, Fatos, a resident of Prizren, was interviewed today, he initially lied about his brothers' wartime activities, later explaining he had been ''advised'' not to discuss their membership in the Atlantic Brigade.

But members of the brigade interviewed in New York said that the brothers had been enthusiastic—if naive—volunteers in the unit. They had different personalities: Ylli was quiet, Agron an outgoing partier, Mehmet a hard worker. But all three left New York on the brigade's charter flight in the spring of 1999 and tried to join the same rebel unit—only to be told by rebel leaders that they had to fight separately.

''They had that youthfulness that exploded in their faces,'' said fellow rebel Arber Muriqui in New York.

In mid-June 1999, when NATO forces deployed inside Kosovo to police a cease-fire, the brothers escorted their mother back into the province. Roughly two weeks later, the brothers told Fatos they were going to Pristina. Their mission, he said, was to visit some ethnic Albanian friends from New York who had fought with the Atlantic Brigade.

Amid the postwar chaos—and seething tensions between ethnic Serbs and Albanians—they headed north in a Volkswagen Golf on June 26. An ethnic Roma neighbor of Bahrije's, Miroslav Mitrovic, has told the Belgrade-based Humanitarian Law Center, an independent group, that the three brothers offered him and two other Romas a ride out of Prizren and into southern Serbia, but Fatos says the brothers never mentioned the plan and he cannot confirm the tale.

There is a dispute between Fatos and Mitrovic over why the brothers did not have their U.S. passports with them on the journey; in any event, Fatos and the family lawyer say, the brothers carried other identification that clearly indicated they were American residents, including New York state driver's licenses. Around their necks, he said, were medallions bearing the seal of the Kosovo Liberation Army.

The brothers were detained at a Serbian checkpoint in the village of Merdare; the Romas were allowed to proceed, Mitrovic told the law center. A magistrate in the nearby town of Kursumlija sentenced them to at least 15 days in jail for illegally crossing the border between Serbia and Kosovo, a Serbian province. The next day—June 27—they were transferred to a prison in Prokuplje, in southern Serbia.

There, according to documents and testimony obtained by the law center, the three brothers were interviewed by a police inspector named Zoran Stakovic, whose specialty was cases involving foreign citizens. Four days before the end of their sentence. Stankovic came to the prison and told the warden to release them into his custody, the law center said it had learned.

Fatos said he was told by a prison official, whom the family bribed for information four months ago, that the three brothers were taken to the back door of the prison and handed over to two plainclothes police in the company of the uniformed patrolmen. They were driven away in the company of the uniformed patrolmen. They were driven away in a white car and never seen alive again.

Their family became so desperate that at one point they persuaded their lawyer, Krasniqui, to write a letter to Miloservic, pleading for information about her sons; their mother also went to the prison in Serbia to demand answers. ''They were very hopeful that the boys would return because once they were in prison, Serb authorities would be aware that they are American citizens,'' and Marin Vulaj, vice chairman of the National Albanian American Council.

The law center made inquiries in August, September and October 1999, after Mitrovic contacted the center to express his own concern, but only received a copy of the brothers' prison release order.

''I was hoping they were alive,'' Fatos said. ''We were very shocked. We had no idea how they could have gotten'' to the mass grave site in Petrovo Selo. In a statement issued on Saturday, the law center demanded that the Serbian government ''tell the mother the truth.''

THE PACE OF JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, I was pleased that the Judiciary Committee was able to hold another confirmation hearing for judicial and executive branch nominees this week. Since the Senate was allowed to reorganize just before the July 4th recess, returned from that recess to reconvene on July 9 and then assigned members to committees on July 10, this was the fourth hearings on Presidential nominations that the Judiciary Committee has held in 2 weeks. I cannot remember any time in the last 6 years when the Judiciary Committee held four confirmation hearings in 2 weeks. Two of those hearings involved judicial nominees to the Courts of Appeals.

I appreciated that when Senators LOTT, BAUCUS, COCHRAN, and HUTCHINSON appeared before the Judiciary Committee to introduce nominees, they recognized that we were acting quickly. Likewise, the nominees who have appeared before the committee have recognized that we have been moving expeditiously and have thanked us for doing so. I appreciate their recognition of our efforts and their kind words.

Just last Friday we were able to confirm a number of judicial and executive nominations. We confirmed Judge Roger Gregory for a lifetime appointment to the U.S. Court of Appeals for the Fourth Circuit. This is a nominee who had waited in vain since June of last year for the Senate to act on his nomination. In the year that followed his nomination he was unable even to get a hearing from the Republican majority. This month, in less than 2 weeks the Judiciary Committee held that hearing, reported his nomination favorably to the Senate on a 19 to 0 vote and the Senate voted to confirm him by a vote of 93 to 1 vote. The supposed controversy some contend surrounded this nomination was either nonexistent or quickly dissipated.

In spite of the progress we have been making during the few weeks since the Senate was allowed to reorganize, in spite of the confirmation on Friday of three judicial nominations, include one to a Court of Appeals; in spite of the confirmation of two more Assistant Attorneys General for the Department of Justice, including the Assistant Attorney General in charge of the Civil Rights Division; in spite of the back-to-back days of hearings for the President's nominees to head the Drug Enforcement Administration and the Immigration and Naturalization Service on Tuesday and Wednesday of last week; despite our noticing a hearing for another Court of Appeals nominee and another Assistant Attorney General for this Tuesday; despite our having noticed expedited hearings on the nomination to be Director of the Federal Bureau of Investigation beginning next Monday; despite all these efforts and all this action, on Monday our Republican colleagues took to the Senate floor to change the tone of Senate debate on nominations into a bitterly partisan one. That was most unfortunate.

I regret that we lost the month of June to Republican objections to reorganization or we might have been able to make more progress more quickly. There was no secret about the impact of that delay at the time. Unfortunately, that month is gone and we have to do the best that we can do with the time remaining to us this year. This month the Judiciary Committee is holding hearings on the nominees to head the FBI, DEA and INS. In addition, we have held hearings on two more Assistant Attorneys General and the Director of the National Institute of Justice.

Just last Friday we were able to confirm Ralph Boyd, Jr. to serve as the Assistant Attorney General to head the Civil Rights Division. Of course, the Republican majority never accorded his predecessor in that post, Bill Lann Lee, a Senate vote on his nomination in the 3 years that it was pending toward the end of the Clinton administration. Some of those now so publicly critical of the manner in which we are expediting consideration of President Bush's nominations to executive branch positions seem to have forgotten the types of unending delays that they so recently employed when they were in the majority and President Clinton was urging action on his executive branch nominations.

I noted last Friday that we have already acted to confirm six Assistant Attorneys General as well as the Deputy Attorney General, the Solicitor General and, of course, the Attorney General himself.

We have yet to receive a number of nominations including one for the No. 3 job at the Department of Justice, the Associate Attorney General. We have yet to receive the nomination of someone to head the U.S. Marshals Service. Even more disturbing, we have yet to receive a single nomination for any of

the 94 U.S. Marshals who serve in districts within our States. We have yet to receive the first nomination for any of the 93 U.S. Attorneys who serve in districts within our States.

We have much work to do. The President has work to do. The Senate has work to do. That work is aided by our working together, not by the injecting the type of partisanship shown over the last 6 years when the Republican majority delayed action on Presidential nominees or the partisan rhetoric that was cast about on Monday. That may make for backslapping at Republican fundraisers, but it is counterproductive to the bipartisan work of the Senate.

In this regard, I am also extremely disappointed by the decision of the Republican Leadership to have all Republican Senators refuse to chair the Senate. I was one who suggested to Senator DASCHLE, Senator LOTT and others that we resume the practice of having Senators from all parties chair the Senate. That was a longstanding practice in the Senate and the practice when I first joined this body. It was our practice until fairly recently when a breach in Senate protocol led to the period in which only Senators from the majority party sat in the chair of the President of the Senate.

I thought that it sharing the chair was one of the better improvements we made earlier this year when we were seeking to find ways to lower the partisan decibel level and restore collegiality to the Senate. It was a good way to help restore some civility to the Senate, to share the authority and responsibility that comes with being a member of the Senate. I deeply regret that the Republican minority has chosen no longer to participate in this aspect of the Senate. I am disappointed, and fear this is another sign that they are coming to view the Senate through the narrow lens of partisanship.

That partisan perspective, criticizing for criticism's sake or short-term political advantage, seems to be the motivation for the statements made in the wake of our achievements last Friday. If the Senate majority is going to be criticized when we make extraordinary efforts of the kind we have been making over the last two weeks, some will be forced to wonder whether such action is worth the effort.

Moreover, the criticism is ignorant not only of recent facts but wholly unappreciative of the historical context in which we are working. Let me mention just a few of the many benchmarks that show how fair the Senate majority is being.

This year has been disrupted by two shifts in the majority. We were delayed until March in working out the first resolutions organizing the Senate and its committees. Senator DASCHLE deserves great credit for his patience and for working out the unique arrangements that governed during the period the Senate was divided on a 50–50 basis. Likewise, I complimented Senator LOTT for his efforts in late February and early March to resolve the impasse.

In late May and early June the Senate had the opportunity to arrange a timely transition to a new majority. Republican objections squandered that opportunity and we endured a month-long delay in reorganizing the Senate. Ultimately, the reorganization ended up being what could have been adopted on June 6. Again, I commend Senator DASCHLE's leadership and patience in keeping the Senate on course, productive and working. During that month the Senate considered and passed the bipartisan Kennedy-McCain-Edwards Patients' Bill of Rights.

But work in the Judiciary Committee was limited to investigative hearings. We could not hold business meetings or fairly proceed to consider nominations. That period finally drew to a close beginning on June 29 and culminated on July 10 when Republican objections finally subsided, a resolution reorganizing the Senate was considered and Committee assignments were made.

Now consider the progress we have made on judicial nominations in that context. There were no hearings on judicial nominations and no judges confirmed in the first half of the year with a Republican majority. The first hearing I chaired on July 11 was one more than all the hearings that had been held involving judges in the first half of the year. The first judicial nomination who the Senate confirmed last Friday was more than all the judges confirmed in the first half of the year.

In the entire first year of the first Bush administration, 1989, without all the disruptions, distractions and shifts of Senate majority that we have experienced this year, only five Court of Appeals judges were confirmed. In the first year of the Clinton administration, 1993, without all the disruptions, distractions and shifts in Senate majority that we have experienced this year, only three Court of Appeals judges were confirmed all year. In less than 1 month this year—in the 2 weeks since the committee assignments were made on July 10, we have held hearings on two nominees to the Courts of Appeals and confirmed one. In 1993, the first Court of Appeals nominee to be confirmed was not until September 30. During recent years under a Republican Senate majority, there were no Court of Appeals nominees confirmed at any time during the entire 1996 session, not one. In 1997, the first Court of Appeals nominee was not confirmed until September 26. A fair assessment of the circumstances of this year would suggest that the confirmation of a Court of Appeals nominee this early in the year and the confirmation of even a few Court of Appeals judges in this shortened time frame of only a few weeks in session should be commended, not criticized.

The Judiciary Committee held two hearings on two Court of Appeals nominees this month. In July 1995, the Republican chairman held one hearing with one Court of Appeals nominee. In July 1996, the Republican chairman held one hearing with one Court of Appeals nominee, who was confirmed in 1996. In July 1997, the Republican chairman held one hearing with one Court of Appeals nominee. In 1998, the Republican chairman did hold two hearings with two Court of Appeals nominees, but neither of whom was confirmed in 1998. In July 2000, the Republican chairman did not hold a single hearing with a Court of Appeals nominee. During the more than 6 years in which the Senate Republican majority scheduled confirmation hearings, there were 34 months with no hearing at all, 30 months with only one hearing and only 12 times in almost 6½ years did the Judiciary Committee hold as many as two hearings involving judicial nominations in a month. So even looking at this month in isolation, without acknowledging the difficulties we had to overcome, our productivity compares most favorably with the last 6 years. When William Riley, the nominee included in the hearing this week is confirmed as a Court of Appeals Judge for the Eighth Circuit, we will have exceeded the Committee's record in 5 of the last 6 years. Given these efforts and achievements, the Republican criticism rings hollow.

I also observe that the criticism that our multiple hearings are proceeding with one Court of Appeals nominee ignores that has been a standard practice by the committee for at least decades. Last year the Republican majority held only eight hearings all year and only five included even one Court of Appeals nominee. Of those five nominees only three were reported to the Senate all year. Nor was last year anomalous. With some exceptions, the standard has been to include a single Court of Appeals nominee at a hearing and, certainly, to average one Court of Appeals judge per hearing. In 1995, there were 12 hearings and 11 Court of Appeals judges were confirmed. In 1996 there were only six hearings all year, involving five Court of Appeals nominees and none were confirmed. In 1997 there were nine hearings involving nine Court of Appeals nominees and seven were confirmed. In 1998 there were 13 hearings involving 14 Court of Appeals nominees and a total of 13 were confirmed. In 1999, there were seven hearings involving a rehearing for one and nine additional Court of Appeals nominees and only seven Court of Appeals judges were confirmed. Thus, over the course of the last 6 years there have been a total of 55 hearings and only 46 Court of Appeals judges confirmed.

I have also respectfully suggested that the White House work with Senators to identify and send more District Court nominations to the Senate who are broadly supported and can help us fill judicial vacancies in our Federal trial courts. According to the Administrative Office of the U.S. Courts, almost two-thirds of the vacancies on the federal bench are in the District Courts, 75 of 108. But fewer than one-third of President Bush's nominees so far, nine out of 30, have been for District Court vacancies. The two who were consensus candidates and whose paperwork was complete have had their hearing earlier this month and were confirmed last Friday.

I did try to schedule District Court nominees for our hearing this week, but none of the files of the seven District Court nominees pending before the Committee was complete. Because of President Bush's unfortunate decision to exclude the American Bar Association from his selection process, the ABA is only able to begin its evaluation of candidates' qualifications after the nominations are made public. We are doing the best we can, and we hope to include District Court candidates at our next nominations hearing.

The Senators who spoke earlier this week also sought to make much of judicial emergency designations. What they fail to mention is that of the 23 District Court vacancies classified as judicial emergencies by the Administrative Office of the Courts, President Bush has not sent the Senate a single nominee 23 District Court emergency vacancies without a nominee. Almost one-third of judicial emergency vacancies on the Courts of Appeals, 6 of the 16 are without a nominee, as well. Of course, Judge Roger Gregory was confirmed for a judicial emergency vacancy on the Fourth Circuit, but Republican critics make no mention of that either.

What I find even more striking, as someone who worked so hard over the last several years to fill these vacancies, is that the Republican criticism fails to acknowledge that many of these emergency vacancies became emergency vacancies and were perpetuated as emergency vacancies by the Republican majority's refusal to act on President Clinton's nomination over the last 6 years. Indeed, the Republican Senate over the last several years refused to take action on no fewer than a dozen nominees to what are now emergency vacancies on the Courts of Appeals. I remind my colleagues of their failure to grant a hearing or Committee or Senate consideration to the following: Robert Cindrich to the Third Circuit; Judge James A. Beaty, Jr. and Judge James A. Wynn, Jr. to the Fourth Circuit; Jorge Rangel, Enrique Moreno and H. Alston Johnson to the Fifth Circuit; Judge Helene White, Kathleen McCree-Lewis and Kent Marcus to the Sixth Circuit; Bonnie Campbell to the Eighth Circuit; James Duffy and Barry Goode to the Ninth Circuit. Those were 12 Court of Appeals nominees to 10 vacancies who could have gone a long way toward reducing the level of judicial emergencies around the country.

So when others talk about the progress we are finally making in Senate consideration of judicial nominations, I hope that in the future they will recognize our accomplishments, understand our circumstances, and consider our record in historical context. I have yet to hear our Republican critics acknowledge any shortcomings among the practices they employed over the last 6 years. When they have done that and we have established a common basis of understanding and comparison, we will have taken a significant step forward. As it is, I must sadly observe that partisan carping is not constructive. It seems part of an unfortunate pattern of actions this week that are a conscious effort to increase the partisan rhetoric. I would rather we work together to get as much accomplished as we possibly can.

QUESTIONS FOR PARENTS

Mr. LEVIN. Madam President, according to a study by the Brady Center to Prevent Gun Violence, in 1998, there was a gun in more than four out of every ten households with children and a loaded gun in one in every ten households with kids. These numbers are frightening. While most parents think to ask where their kids are going, who they are going with and when they will be home, how many think to ask the parents of their children's friends whether they keep a gun in their home and whether they keep it locked?

Unfortunately, the Brady Center's study reports that more than 60 percent of parents have never even thought about asking other parents about gun accessibility. If we want to protect our children from gun violence, these are questions we probably need to start asking. After all, while in 1 year firearms killed no children in Japan, 19 in Great Britain and 153 in Canada, guns killed 5,285 children in the United States. Asking another parent whether they keep a gun in their home is tough. But the question could save a child's life.

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 in April of 1996 in Myrtle Beach, SC. A man was beaten by a group of men yelling ''we're going to get you, faggot'' and left for dead in a trash bin under the body of his friend who had his throat slashed by the men. The attack occurred outside a primarily heterosexual bar. As a result of the attack, the man lost his hearing in one ear, suffered broken ribs and required 47 stitches in his face.

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.

TRIBUTE TO SENATOR MOYNIHAN AND HIS LEGACY OF DEFENDING ZIONISM

Mrs. CLINTON. Madam President, I rise today to honor one of the extraordinary legacies of my predecessor, Senator Daniel Patrick Moynihan, who served in this body for 24 years representing the people of New York.

With some seeking to insert contentious language regarding Zionism into declarations emerging from the upcoming United Nations World Conference Against Racial Discrimination, Xenophobia, and Related Intolerance in Durban, South Africa, I am reminded of Senator Moynihan's courageous statesmanship, when he condemned the 1975 U.N. resolution 3379 which infamously declared ''Zionism is a form of racism and racial discrimination.''

We should never forget the historic battle my predecessor waged to defeat this outrageous effort to de-legitimize the state of Israel and defame the Jewish people. Over 25 years ago, Senator Moynihan boldly called this hate-filled language ''criminal.'' It was criminal then and it's still criminal today.

On the day the resolution passed, Senator Moynihan declared, ''the United States . . . will never acquiesce in this infamous act . . . A political lie of a variety well known to the twentieth century and scarcely exceeded in all the annals of untruth and outrage. The lie is that Zionism is a form of racism. The overwhelming truth is that it is not.''

From the moment he entered the Senate in January 1977, Senator Moynihan dedicated much of his energy to repealing this despicable attack on Israel and the Jewish people, delivering passionate speeches on the Senate floor. As chair of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs, Senator Moynihan introduced Joint Resolution 246, which called on the U.N. to repeal the 1975 resolution.

It took 17 long years to remove this stain from the United Nations' reputation. And as we begin this new century,

nothing could be more damaging to the promise and integrity of the U.N. than to revive to this ignominious statement. In order to help prevent the U.N. from reviving one of the moments of its greatest shame, Senators SCHUMER, SMITH, LUGAR and I have written the following letter to Kofi Annan, the Secretary General of the United Nations, condemning any attempts to include inflammatory anti-Israel language into declarations associated with the World Conference Against Racism in Durban.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 27, 2001.

Hon. KOFI A. ANNAN,
Secretary General of the United Nations, The United Nations, New York, NY.

DEAR SECRETARY GENERAL ANNAN: We are writing to express our serious concern regarding recent efforts to insert contentious language into declarations emerging from the upcoming United Nations World Conference Against Racism in Durban, South Africa. Such language, such as ''the racist practices of Zionism,'' undermines the goals of the conference to eradicate hatred and promote understanding. This meeting of the international community should not be a forum to encourage divisiveness, but a time to foster greater understanding between people of all races, creeds, and ethnicities.

As you know, on November 10, 1975, the United Nations General Assembly designated Zionism a form of racism. It took sixteen long years for the United Nations to acknowledge that this offensive language had no place at such an important world body. In March of 1998, you appropriately condemned this ugly formulation when you noted that the ''lamentable resolution'' equating Zionism with racism and racial discrimination was ''the low-point'' in Jewish-UN relations. Our former colleague Senator Daniel Patrick Moynihan called this designation by the United Nations ''criminal.''

Though this ''Zionism equals racism'' language was overwhelmingly rescinded in 1991 by the General Assembly, this issue is far from resolved. With the Palestinians and Israelis in the middle of a delicate cease-fire and after months of violence, we believe that gratuitously anti-Israel, anti-Jewish language at a UN forum will serve only to exacerbate existing tensions in the Middle East.

Mr. Secretary, we in Congress applaud your hard work in restoring the reputation of the UN. We urge you to continue your efforts by advocating to all nations of the world the importance of keeping inflammatory language out of this important conference. It is our hope that the Conference on Racism remains only as an opportunity to promote peace and reconciliation among all people, not one to target Israel or Jews. We share a deep common interest in seeing the conference stay focused and embody a sense of unity in the fight against racism. Thank you for your attention to this matter of great importance.

Sincerely,

CHARLES E. SCHUMER,
HILLARY RODHAM CLINTON,
GORDON SMITH,
RICHARD G. LUGAR,
United States Senate.

Mrs. CLINTON. In 1975, Senator Moynihan warned his colleagues at the U.N. and the rest of the world that: ''As this day will live in infamy, it behooves those who sought to avert it to declare their thoughts so that historians will know that we fought here . . . with full knowledge of what indeed would be lost.''

Senator Moynihan recognized then, as we do today, that this language only serves to fuel hatred and bigotry throughout the world and has no place in international discourse. I am honored to have followed Senator Moynihan in the Senate, and I pledge to continue his tradition of promoting the principles of decency and human dignity and opposing efforts to sow hatred and bigotry, especially when they are cloaked in the guise of diplomacy.

I ask unanimous consent that the attached statement be printed for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH TO THE UNITED NATIONS GENERAL ASSEMBLY, BY U.S. AMBASSADOR TO THE U.N. DANIEL PATRICK MOYNIHAN, NOVEMBER 10, 1975

The United States rises to declare before the General Assembly of the United Nations, and before the world, that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.

Not three weeks ago, the United States Representative in the Social, Humanitarian, and Cultural Committee pleaded in measured and fully considered terms for the United Nations not to do this thing. It was, he said, ''obscene.'' It is something more today, for the furtiveness with which this obscenity first appeared among us has been replaced by a shameless openness.

There will be time enough to contemplate the harm this act will have done the United Nations. Historians will do that for us, and it is sufficient for the moment only to note the foreboding fact. A great evil has been loosed upon the world. The abomination of anti-semitism—as this year's Nobel Peace Laureate Andrei Sakharov observed in Moscow just a few days ago—the Abomination of anti-semitism has been given the appearance of international sanction. The General Assembly today grants symbolic amnesty—and more—to the murderers of the six million European Jews. Evil enough in itself, but more ominous by far is the realization that now presses upon us—the realization that if there were no General Assembly, this could never have happened.

As this day will live in infamy, it behooves those who sought to avert it to declare their thoughts so that historians will know that we fought here, that we were not small in number—not this time—and that while we lost, we fought with full knowledge of what indeed would be lost.

Nor should any historian of the event, nor yet any who have participated in it, suppose, that we have fought only as governments, as chancelleries, and on an issue well removed from the concerns of our respective peoples. Others will speak for their nations: I will speak for mine.

In all our postwar history there had not been another issue which has brought forth such unanimity of American opinion. The President of the United States has from the first been explicit: This must not happen. The Congress of the United States in a measure unanimously adopted in the Senate and sponsored by 436 of 437 Representatives in the House, declared its utter opposition. Following only American Jews themselves, the American trade union movements was first to the fore in denouncing this infamous undertaking. Next, one after another, the great private institutions of American life pronounced anathema in this evil thing—and most particularly, the Christian churches have done so. Reminded that the United Nations was born in struggle against just such abominations as we are committing today—the wartime alliance of the United Nations dates from 1942—the United Nations Association of the United States has for the first time in its history appealed directly to each of the 141 other delegations in New York not to do this unspeakable thing.

The proposition to be sanctioned by a resolution of the General Assembly of the United Nations is that ''Zionism is a form of racism and racial discrimination.'' Now this is a lie. But as it is a lie which the United Nations has now declared to be a truth, the actual truth must be restated.

The very first point to be made is that the United Nations has declared Zionism to be racism—without ever having defined racism. ''Sentence first—verdict afterwards,'' as the Queen of Hearts said. But this is not wonderland, but a real world, where there are real consequences to folly and to venality. Just on Friday, the President of the General Assembly, speaking on behalf of Luxembourg, warned not only of the trouble which would follow from the adoption of this resolution but of its essential irresponsibility—for, he noted, members have wholly different ideas as to what they are condemning. It seems to me that before a body like this takes a decision they should agree very clearly on what they are approving or condemning, and it takes more time.''

Lest I be unclear, the United Nations has in fact on several occasions defined ''racial discrimination.'' The definitions have been loose, but recognizable. It is ''racism,'' incomparably the more serious charge—racial discrimination is a practice; racism is a doctrine—which has never been defined. Indeed, the term has only recently appeared in the United Nations General Assembly documents. The one occasion on which we know the meaning to have been discussed was the 1644th meeting of the Third Committee on December 16, 1968, in connection with the report of the Secretary-General on the status of the international convention on the elimination of all racial discrimination. On that occasion—to give some feeling for the intellectual precision with which the matter was being treated—the question arose, as to what should be the relative positioning of the terms ''racism'' and ''Nazism'' in a number of the ''preambular paragraphs.'' The distinguished delegate from Tunisia argued that ''racism'' should go first because ''Nazism was merely a form of racism.'' Not so, said the no less distinguished delegate from the Union Soviet Socialist Republics. For, he explained, ''Nazism contained the main elements of racism within its ambit and should be mentioned first.'' This is to say that racism was merely a form of Nazism.

The discussion wound to its weary and inconclusive end, and we are left with nothing to guide us for even this one discussion of ''racism'' confined itself to world orders in preambular paragraphs, and did not at all touch on the meaning of the words as such. Still, one cannot but ponder the situation we have made for ourselves in the context of the Soviet statement on that not so distant occasion. If, as the distinguished delegate declared, racism is a form of Nazism—and if, as

this resolution declares, Zionism is a form of racism—then we have step to step taken ourselves to the point of proclaiming—the United Nations is solemnly proclaiming—that Zionism is a form of Nazism.

What we have here is a lie—a political lie of a variety well known to the twentieth century, and scarcely exceeded in all that annal of untruth and outrage. The lie is that Zionism is a form of racism. The overwhelmingly clear truth is that is it not.

The word ''racism'' is a creation of the English language, and relatively new to it. It is not, for instance, to be found in the Oxford English Dictionary (appears in 1982 supplement to Oxford Dictionary). The term derives from relatively new doctrines—all of them discredited—concerning the human population of the world, to the effect that there are significant biological differences among clearly identifiable groups, and that these differences establish, in effect, different levels of humanity. Racism, as defined in Webster's Third New International Dictionary, is ''The Assumption that . . . traits and capacities are determined by biological race and that races differ decisively from one another.'' It further involves ''a belief in the inherent superiority of a particular race and its right to dominate over others.''

This meaning is clear. It is equally clear that this assumption, this belief, has always been altogether alien to the political and religious movement known as Zionism. As a strictly political movement, Zionism was established only in 1897, although there is a clearly legitimate sense in which its origins are indeed ancient. For example, many branches of Christianity have always held that from the standpoint of biblical prophets, Israel would be reborn one day. But the modern Zionism movement arose in Europe in the context of a general upsurge of national consciousness and aspiration that overtook most other people of Central and Eastern Europe after 1848, and that in time spread to all of Africa and Asia. It was, to those persons of the Jewish religion, a Jewish form of what today is called a national liberation movement. Probably a majority of those persons who became active Zionism and sought to emigrate to Palestine were born within the confines of Czarist Russia, and it was only natural for Soviet Prime Minister Andrei Gromyko to deplore, as he did in 1948, in the 299th meeting of the Security Council, the act by Israel's neighbors of ''sending troops into Palestine and carrying out military operations aimed''—in Mr. Gromyko's words—at the suppression of the national liberation movement in Palestine.''

Now it was the singular nature—if, I am not mistaken, it was the unique nature—of this national liberation movement that in contrast with the movements that preceded it, those of that time, and those that have come since, it defined its members in terms not of birth, but of belief. That is to say, it was not a movement of the Irish to free Ireland, or of the Polish to free Poland, not a movement of the Algerians to free Algeria, nor of Indians to free India. It was not a movement of persons connected by historic membership to a genetic pool of the kind that enables us to speak loosely but not meaninglessly, say, of the Chinese people, nor yet of diverse groups occupying the same territory which enables us to speak if the American people with no greater indignity to truth. To the contrary, Zionists defined themselves merely as Jews, and declared to be Jewish anyone born of a Jewish mother or—and this is the absolutely crucial fact—anyone who converted to Judaism. Which is to say, in terms of International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the 20th General Assembly, anyone—regardless of ''race, colour, descent, or nationally or ethnic origin . . .''

The state of Israel, which in time was the creation of the Zionist Movement, has been extraordinary in nothing so much as the range of ''racial stocks'' from which it Orient and Jew from the West. Most such persons could be said to have been ''born'' Jewish, just as most Presbyterians and most Hindus are ''born'' to their faith, but there are many Jews who are just converts. With a consistency in the matter which surely attests to the importance of this issue to that religions and political culture, Israeli courts have held that a Jew who converts to another religion is no longer a Jew. Inn the meantime the population of Israel also includes large numbers of non-Jews, among them Arabs of both the Muslim and Christian religions and Christians of other national origins. Many of these persons are citizens of Israel, and those who are not can become citizens by legal procedures very much like those which obtain in a typical nation of Western Europe.

Now I should wish to be understood that I am here making one point, and one point only, which is that whatever else Zionism may be, it is not and cannot be ''a form of racism.'' In logic, the State of Israel could be, or could become, many things, theoretically, including many things undesirable, but it could not be and could not become racism unless it ceased to be Zionist.

Indeed, the idea that Jews are a ''race'' was invented not by Jews but by those who hated Jews. The idea of Jews as a race was invented by nineteenth century anti-semites such as Houston Steward Chamberlain and Edouard Drumont, who saw that in an increasingly secular age, which is to say an age made for fewer distinctions between people, the old religions grounds for anti-semitism were losing force. New justifications were needed for excluding and persecuting Jews, and so the new idea of Jews as a race—rather than as a religion—was born. It was a contemptible idea at the beginning, and no civilized person would be associated with it. To think that it is an idea now endorsed by the United Nations is to reflect on what civilization has come to.

It is precisely a concern for civilization, for civilized values that are or should be precious to all mankind, that arouses us at this moment to such special passion. What we have at stake here is not merely the honor and the legitimacy of the State of Israel—although a challenge to the legitimacy of any member nation ought always to arouse the vigilance of all members of the United Nations. For a yet more important matter is at issue, which is the integrity of the whole body of moral and legal precepts which we know as human rights.

The terrible lie that has been told here today will have terrible consequences. Not only will people begin to say, indeed they have already begun to say that the United Nations is a place where lies are told, but far more serious, grave and perhaps irreparable harm will be done to the cause of human rights itself. The harm will arise first because it will strip from racism the precise and abhorrent meaning that it still precariously holds today. How will the people of the world feel about racism and the need to struggle against it, when they are told that it is an idea as broad as to include the Jewish national liberation movement?

As the lie spreads, it will do harm in a second way. Many of the members of the United Nations owe their independence in no small part to the notion of human rights, as it has spread from the domestic sphere to the international sphere exercised its influence over the old colonial powers. We are now coming into a time when that independence is likely to be threatened again. There will be new forces, some of them arising now, new prophets and new despots, who will justify their actions with the help of just such distortions of words as we have sanctioned here today. Today we have drained the word ''racism'' of its meaning. Tomorrow, terms like ''national self-determination'' and ''national honor'' will be perverted in the same way to serve the purposes of conquest and exploitation. And when these claims begin to be made—as they already have begun to be made—it is the small nations of the world whose integrity will suffer. And how will the small nations of the world defend themselves, on what grounds will others be moved to defend and protect them, when the language of human rights, the only language by which the small can be defended, is no longer believed and no longer has a power of its own?

There is this danger, and then a final danger that is the most serious of all. Which is that the damage we now do to the idea of human rights and the language of human rights could well be irreversible.

The idea of human rights as we know it today is not an idea which has always existed in human affairs, it is an idea which appeared at a specific time in the world, and under very special circumstances. It appeared when European philosophers of the seventeenth century began to argue that man was a being whose existence was independent from that of the State, that he need join a political community only if he did not lose by that association more than he gained. From this very specific political philosophy stemmed the idea of political rights, of claims that the individual could justly make against the state; it was because the individual was seen as so separate from the State that he could make legitimate demands upon it.

That was the philosophy from which the idea of domestic and international rights sprang. But most of the world does not hold with that philosophy now. Most of the world believes in newer modes of political thought, in philosophies that do not accept the individual as distinct from and prior to the State, in philosophies that therefore do not provide any justification for the idea of human rights and philosophies that have no words by which to explain their value. If we destroy the words that were given to us by past centuries, we will not have words to replace them, for philosophy today has no such words.

But there are those of us who have not forsaken these older words, still so new to much of the world. Not forsaken them now, not here, not anywhere, not ever.

The United States of America declares that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.

HONORING BENJAMIN VINCI

Mr. SCHUMER. Madam President, Senator CLINTON and I rise today to recognize and honor the service of Benjamin Vinci of Port Chester, New York—a true American hero.

In 1941, at the age of 21, Benjamin Vinci left home to serve in the U.S.

Army, and by December of that year, was stationed in Hawaii with the 97th Army Coast Artillery Guard. Like so many there on the morning of December 7, 1941, Benjamin Vinci was going about his daily business. He had just completed all night guard duty and was eating breakfast when the whole base erupted in smoke and fire as Japanese war plans attacked Pearl Harbor and the surrounding area.

As bombers strafed the mess tent, a 50-caliber bullet hit Private Vinci in the back. But ignoring his wound, Benjamin Vinci reached an anti-aircraft emplacement and began to fight back. He stepped down only when he was ordered to find an ambulance and tend to his wound.

Along the way, instead of seeking cover, Benjamin Vinci ran down to the beach and rescued a man who had been shot through the legs. Helping the other soldier into a motorboat, he navigated through a hail of bombs and ammunition to the other side of the bay where he finally boarded an ambulance. But on the way to the hospital at Hickham field, planes targeted the ambulance and Benjamin Vinci was wounded again—this time a 50-caliber bullet coming to rest near his heart.

Mrs. CLINTON. In the aftermath of the attack, doctors believed Private Vinci's wounds were fatal, but he persevered. He received the Purple Heart and eventually was transferred to a hospital in Colorado, where doctors were able to remove one of the two bullets that had almost taken his life, but not both. He continues to carry with him the second bullet, which has never been able to be removed.

Disabled from his wounds, Benjamin Vinci returned to Port Chester after being discharged from the Army and resumed life as a civilian. For many years, Mr. Vinci worked as a vacuum cleaner salesman in Westchester County. He married Rose Civitella in 1945, and together they raised four children: Peter, Burnadette, JoAnn, and Joseph.

We honor and thank Benjamin Vinci for his tremendous sacrifice, vital contribution, and gallant service to our Nation. His acts of bravery are an exceptional example of the fortitude, determination, and strength of the American spirit. As Mr. Vinci carries the burden of his wounds and the bullet he received on that December morning of infamy, so too must we carry the memory of his heroic deeds, remembering and honoring all the men and women of that great generation—those veterans of World War II who saved our Nation, and the world.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Thursday, July 26, 2001, the Federal debt stood at $5,736,556,518,776.52, five trillion, seven hundred thirty-six billion, five hundred fifty-six million, five hundred eighteen thousand, seven hundred seventy-six dollars and fifty-two cents.

One year ago, July 26, 2000, the Federal debt stood at $5,669,530,000,000, five trillion, six hundred sixty-nine billion, five hundred thirty million.

Five years ago, July 26, 1996, the Federal debt stood at $5,181,675,000,000, five trillion, one hundred eighty-one billion, six hundred seventy-five million.

Ten years ago, July 26, 1991, the Federal debt stood at $3,558,449,000,000, three trillion, five hundred fifty-eight billion, four hundred forty-nine million.

Twenty-five years ago, July 26, 1976, the Federal debt stood at $619,492,000,000, six hundred nineteen billion, four hundred ninety-two million, which reflects a debt increase of more than $5 trillion, $5,117,064,518,776.52, five trillion, one hundred seventeen billion, sixty-four million, five hundred eighteen thousand, seven hundred seventy-six dollars and fifty-two cents during the past 25 years.

ADDITIONAL STATEMENTS

CANAL STREET STREETCAR GROUNDBREAKING

• Ms. LANDRIEU. Mr. President, I wish to congratulate New Orleans on the groundbreaking of the extension of the historic Canal Street Streetcar, which will eventually connect mid-city to downtown.

This groundbreaking is truly cause for celebration. It is a product of vision and hard work. The streetcar project enriches the city by combining New Orleans tradition with 21st century innovation. The new, state-of-the-art streetcars will be child safe, air-conditioned and in full compliance with disability laws. Not only is the streetcar project important to businesses and residents of the city, but it is also important for the expansion of tourism. By providing free, safe, public transportation, the Canal Street Streetcar will alleviate traffic on Canal Street. And it will connect all who take advantage of its use to several points of pride in the city such as the New Orleans Museum of Art.

Mayor Morial and the city council, Chairman Tucker, and several members of Louisiana's congressional delegation and I have worked hard for many years to secure funding to make this project a reality. Most recently, we helped secure $23 million for the streetcar in a transportation measure. I congratulate the local leadership for helping to make this possible. All who support this project in Congress will continue to do our part so that one day in the not-too-distant future, the streetcar will be up and running. In fact, in Washington, I will honor this dedication with an entry in the Congressional Record. The Canal Street Streetcar is a symbol of our state's rich heritage and New Orleans's eclectic character. I am proud to be a part of its restoration.•

TRIBUTE TO KEN KASPRISIN

• Mr. CONRAD. Mr. President, today I publicly thank Colonel Ken Kasprisin, who will leave his post as District Engineer and Commander of the St. Paul District of the U.S. Army Corps of Engineers today, July 27. Colonel Kasprisin is one of the finest individuals I have worked with as a U.S. Senator representing North Dakota, and we will miss him after he leaves the Corps.

North Dakota and the Nation owe Colonel Kasprisin a deep debt of gratitude. He has served as Commander of the St. Paul District since July, 1998, and he has served admirably. During that period, he has helped lead our communities through several flood disasters including the chronic flood at Devils Lake, ND. Throughout it all, he has always gone above and beyond the call of duty.

Colonel Kasprisin is among the most capable leaders I have ever had the pleasure of working with. He is a true professional, and has a unique ability to walk into a difficult condition, assess the situation, and calmly, but decisively, take action. He listens carefully to people and has a leadership style that invites creative solutions to complex problems.

Colonel Kasprisin is also a man of tremendous integrity. He cares deeply about the people of this nation, and his commitment to doing the right thing is unmatched. He has often been willing to fight for the needs of common citizens, even if it meant leading an uphill fight and challenging others within the Corps.

I know that the Colonel leaves the St. Paul Corps a better organization due to his leadership. The Colonel set high standards for his team, and they delivered time and time again. Under the Colonel's leadership, we have begun the flood protection project for Grand Forks, successfully fought several spring floods throughout the Red River Valley, and have continued to provide protection to residents of Devils Lake from the rising lake water. I will not forget the incredible contributions Colonel Kasprisin has made to the people of my State and the country.

But Colonel Kasprisin's departure from the Corps does not mean he is departing from public life. FEMA Director Allbaugh has tapped him to be the new FEMA Regional Director for the Pacific Northwest Region headquartered in Seattle. The Colonel's leadership will be a valuable addition to the FEMA team, and I believe Director Allbaugh made a great choice for

that important position. Colonel Kasprisin will continue to make a difference in people's lives in that position and I am pleased that he has agreed to continue his public service.

I want to again express my deep appreciation and respect for Colonel Kasprisin for his service to my state and to our nation. We in North Dakota will miss you, Colonel, but wish you all the best in your new career.●

RETIREMENT OF MR. PAUL JOHNSON

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a dedicated and distinguished public servant. Paul W. Johnson, the Deputy Assistant Secretary of the Army for Installations and Housing, is retiring at the end of this month after over 50 years of government service.

Paul Johnson began his career with the Federal Government serving on active duty with the Corps of Engineers beginning in 1949, and served as an engineer with the Army and the Air Force until he arrived at the Pentagon in 1962.

During his nearly forty years there, Paul Johnson became an institution in the Army and in the Pentagon. Since 1983, Paul has been the senior career official in the Army responsible for military construction, family housing, base realignment and closure, real property management and disposal, and real property maintenance issues for the active duty Army; the Army National Guard; and the Army Reserve. In this capacity, Paul is responsible for the management of over $200 billion in assets.

For decades, whenever there has been an Army installation or property issue where the Congress needed information or help, we called ''PJ'', because we knew we could rely on his leadership and sound judgment. And PJ did not hesitate to reciprocate and let us know when the Army needed help from the Congress to solve a problem. When you were talking to PJ, there was never any doubt that he was working to do what was best for the Army.

We will miss him, and the Army will miss him even more. I am sure all members of the Senate who have worked with Paul over the years, especially my colleagues on the Armed Services and Appropriations Committees, will join me in congratulating him on his astonishing record of over half a century of public service and wish him and his family all the best as he begins a well-deserved retirement.●

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–3095. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of President of the Government National Mortgage Association, received on July 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3096. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3097. A communication from the Chief of the Programs and Legislation Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, the Air Force Structure Announcement for Fiscal Year 2002; to the Committee on Armed Services.

EC–3098. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Protection and Assistance for Victims of Trafficking'' (RIN1115–AG20) received on July 25, 2001; to the Committee on the Judiciary.

EC–3099. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''End of the Service Members Occupational Conversion and Training Program'' (RIN2900–AK45) received on July 26, 2001; to the Committee on Veterans' Affairs.

EC–3100. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Navajo Abandoned Mine Land Reclamation Plan'' (NA–004–FOR) received on July 26, 2001; to the Committee on Energy and Natural Resources.

EC–3101. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Diazinon, Parathion, O , O-Diethyl S-[2-(ethylthio)ethyl] Phosphorodithioate (Disulfoton), Ethoprop, and Carbaryl; Tolerance Revocations'' (FRL6787–8) received on July 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3102. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lysophosphatidylethanolamine (LPE); Temporary Exemption From the Requirement of a Tolerance'' (FRL6788–6) received on July 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3103. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the Management Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–3104. A communication from the Acting Director of the Retirement and Insurance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Law Enforcement and Firefighter Retirement'' (RIN3206–AJ39) received on July 26, 2001; to the Committee on Governmental Affairs.

EC–3105. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC–3106. A communication from the Assistant Secretary of Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, a report on the progress made in providing International Development Association grant assistance to Heavily Indebted Poor Countries; to the Committee on Foreign Relations.

EC–3107. A communication from the Chief Counsel of the Foreign Claims Settlement Commission, Department of Justice, transmitting, pursuant to law, the Annual Report for 2000; to the Committee on Foreign Relations.

EC–3108. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3109. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–3110. 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 ''Estate Tax Return; Form 706, Extension to File'' (RIN1545–AX98) received on July 24, 2001; to the Committee on Finance.

EC–3111. A communication from the Regulations Coordinator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Update to the Prospective Payment System for Home Health Agencies for Fiscal Year 2002'' (RIN0938–AK51) received on July 26, 2001; to the Committee on Finance.

EC–3112. 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 ''Basis Shifting Tax Shelter'' (Notice 2001–45, 2001–33) received on July 26, 2001; to the Committee on Finance.

EC–3113. 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 ''Prevailing Commissioners' Standard Tables of Mortality and Morbidity'' (Rev. Rul. 2001–38) received on July 26, 2001; to the Committee on Finance.

EC–3114. A communication from the Assistant Secretary of the Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Harmonization of Definitions of Terms in the Export Administration Regulations'' (RIN0694–AC03) received on July 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3115. A communication from the Acting Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the annual report on the Resolution Funding Corporation for the calendar year 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–3116. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Attainment for PM–10; Lakeview, Oregon, PM–10 Nonattainment'' (FRL7018–5) received on July 24, 2001; to the Committee on Environment and Public Works.

EC–3117. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Attainment for PM–10; Oakridge, Oregon'' (FRL7018–6) received on July 24, 2001; to the Committee on Environment and Public Works.

EC–3118. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Preliminary Assessment Information Reporting; Addition of Certain Chemicals'' (FRL6783–6) received on July 24, 2001; to the Committee on Environment and Public Works.

EC–3119. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Type of Contracts'' (FRL7020–5) received on July 25, 2001; to the Committee on Environment and Public Works.

EC–3120. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Pharmaceuticals Production'' (FRL7020–3) received on July 25, 2001; to the Committee on Environment and Public Works.

EC–3121. A communication from the Director of the Office of Congressional Affairs, Office of State and Tribal Programs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Handbook on Nuclear Material Event Reporting in the Agreement States'' received on July 25, 2001; to the Committee on Environment and Public Works.

EC–3122. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting the monthly report on the status of licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–3123. A communication from the Chief of the Division of Endangered Species, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Turtle Conservation; Restrictions to Fishing Activities'' (RIN0648–AP20) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3124. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery; Trip Limit Adjustments'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3125. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 13'' (RIN0648–AO41) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3126. A communication from the Acting Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 14'' (RIN0648–AL51) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3127. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Large Coastal, Pelagic, and Small Coastal Shark Species; Fishing Season Notification'' (ID061101A) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3128. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Central Regulatory Area, Gulf of Alaska'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3129. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Central Regulatory Area of the Gulf of Alaska'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3130. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Northern Rockfish Fishery in the Western Regulatory Area, Gulf of Alaska'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3131. A communication from the Acting Director of the Office of the Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3132. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3 Period'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3133. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3134. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Extension of the Emergency Interim Rule That Implements 2001 Steller Sea Lion Protection Measures and the 2001 Harvest Specifications (implements Steller sea lion protection measures for the remainder of 2001)''; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lien on the table as indicates:

POM–157. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the federal Weatherization Assistance Program for Low-Income Persons and the Low-Income House Energy Assistance program; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 140

Whereas, the areas served by electric and gas utilities in Louisiana and throughout the South have poverty levels that are higher than the national average, with many customers being unable to afford utility service without sacrificing other necessities such as medicine and food; and

Whereas, disconnection of electric and gas service presents health and safety risks, particularly for the elderly, disabled, and small children residing in the substandard, poorly insulated, energy-inefficient housing that is prevalent in this region; and

Whereas, the federally funded WAP and LIHEAP are the nation's largest, most comprehensive effective residential energy efficiency and bill payment assistance programs, serving as a vital safety net during periods of escalating and volatile energy prices; and

Whereas, the state agencies and community-based organizations that administer WAP and LIHEAP and distribute the funds on behalf of those eligible and in need have demonstrated their capability to accomplish both energy efficiency services and bill payment assistance when these programs are adequately funded and assured of continued existence for a reasonable number of years; and

Whereas, the Fiscal Year 2002 Bush Administration proposed budget call for continuing LIHEAP funding at the same, inadequate levels as was provided during the past year, $1.4 billion nationally, an amount that was recently recognized as vastly insufficient by the United States Senate; and

Whereas, it is a matter of utmost importance and urgency to persuade both houses of the Congress of the United States to take swift and bold action to increase and release to the states the funding for WAP and LIHEAP: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to act at once to provide for advanced and increased funding of the Weatherization Assistance program for Low-Income Persons and he Low-Income Home Energy Assistance Program, so as to enable the programs to engage in planning their work more efficiently and engaging and retaining qualified employees. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–158. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the sale of crawfish and catfish imported from Asia and Spain; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 143

Whereas, Louisiana's crawfish and catfish industries are vital to the well-being of this state and its citizens; and

Whereas, these industries are facing a serious economic crisis due to the availability of inexpensive crawfish and catfish imported from Asia and Spain; and

Whereas, crawfish from China began appearing in the United States market in the early 1990s; however, they had no significant impact at the time because the amount of available Chinese crawfish was not enough to seriously affect the supply and demand associated with Louisiana's crawfish industry; and

Whereas, in 1993 and 1994 there was a substantial increase in the amount of Chinese crawfish, which harmed Louisiana industry, and crawfish are produced in China at a lower cost than is possible in Louisiana which allows their sale at prices with which Louisiana producers cannot compete; and

Whereas, Louisiana is also experiencing a similar problem with crawfish arriving from Spain being offered for sale at a low price; and

Whereas, since Louisiana crawfish farmers cannot compete with those in China and Spain, the crawfish plants are in danger of closing, which is devastating to Louisiana because it is difficult to re-open the plants because the crawfish peelers have sought other employment, and it is virtually impossible to replace that labor component of the Louisiana crawfish industry; and

Whereas, in response to the problem, the Federal Trade Commission recently imposed a duty on Chinese crawfish, which has allowed Louisiana fishermen and suppliers to compete with Chinese fishermen and suppliers; and

Whereas, nevertheless, crawfish suppliers are presently circumventing the duty and are still providing crawfish at a much lower price, so the threat to the Louisiana industry continues; and

Whereas, the Catfish industry in Louisiana is experiencing similar problems caused by imported Catfish from Vietnam and Spain; and

Whereas, between 1993 and 1999, the amount of Catfish exported from Vietnam increased from sixteen thousand five hundred tons to twenty-four thousand tons, and capital investments in Catfish production in the Mekong Delta have continued to grow dramatically: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to assist the Federal Trade Commission in preventing the sale of crawfish and catfish imported from Asia and Spain at prices with which Louisiana producers cannot compete. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–159. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the federal-aid highway program; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 152

Whereas, legislation is pending introduction in congress to allow states to opt out of the federal-aid highway program; and

Whereas, those states opting out would be required to replace the federal gasoline tax with a state gasoline tax; and

Whereas, five states have laws in effect which would automatically increase the state gasoline tax should the federal gasoline tax be reduced; and

Whereas, if Louisiana were authorized to levy the gasoline tax, it could control more of the revenues and would be less subject to certain efforts by the federal government to control state policy: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to adopt legislation authorizing states to opt out of the federal-aid highway program. Be it further,

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–160. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to Section 527 of the Internal Revenue Code; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 188

Whereas, Congress passed the Full and Fair Political Disclosure Act and the President signed it into law (Public Law 106–230) to require public disclosure of political activities of organizations that usually do not disclose their expenditures or contributions; and

Whereas, Rep. David Vitter has introduced H.R. 527 (also known as the Vitter Bill) to correct and clarify P.L. 106–230 by reducing duplicative and burdensome federal reporting and disclosure requirements placed on state and local political candidates, their campaign committees, and state political parties; and

Whereas, H.R. 527 relieves individuals and groups from filing pursuant to Section 527 of the Internal Revenue Code if their sole intention is to influence the election of state and local public officers or officers in a state or local political organization and if the state and local contribution and expenditure reporting requirements relating to selections, nominations, elections, and appointments to such offices provide that the reports are publicly available; and

Whereas, H.R. 527 would not exempt any political committee from the requirements if it spent even one dollar on a federal election, including congressional races, or failed to abide by state and local contribution and expenditure reporting requirements; and

Whereas, H.R. 527 exempts state and local political committees because the law is geared toward the federal election cycle which usually does not conform to state and local reporting requirements; and

Whereas, H.R. 527 establishes an exemption for state and local political committees similar to the exemption for federal political organizations that report to the Federal Elections Commission; and

Whereas, H.R. 527 intends to leave intact the intent of P.L. 160–230 as a response to stealth political action committees that were able to raise and spend unlimited amounts of money for political advocacy without having to disclose the sources and amounts of donations, all while enjoying tax-exempt status: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to support House Resolution 527 making changes to Section 527 of the Internal Revenue Code to exempt certain state and local political committees which are required to report contributions and expenditures pursuant to local or state law. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–161. A concurrent resolution adopted by the House of the State of Louisiana relative to the Bayou Lafourche restoration and diversion project from the Mississippi River; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 198

Whereas, until 1904, Bayou Lafourche carried about fifteen percent of the flow of the Mississippi River and provided vital nourishment for thousands of acres of coastal swamps and marshes throughout the Barataria and Terrebonne Basins; and

Whereas, after the bayou was sealed off from the Mississippi River in 1904 to prevent flooding, these marshes began to deteriorate and salt water began to encroach inland; and

Whereas, diverting river water into our coastal basins is the best tool we have to create a sustainable coast; and

Whereas, Bayou Lafourche provides the sole source of drinking water for about two hundred thousand citizens of Louisiana; and

Whereas, during the drought year of 2000, Bayou Lafourche became contaminated by salt water as far north as the Lockport water treatment plant, making the water hazardous to drink; and

Whereas, since 1996, the Breaux Act program has been investigating the feasibility of a project that would restore Bayou Lafourche by removing sediment that currently clogs the channel and by introducing about one thousand cubic feet per second of river water into Bayou Lafourche at Donaldsonville on a continuous basis, without flood risk to local residents; and

Whereas, the project has been proposed as a means of nourishing eight-six thousand acres of coastal marshes by reintroducing river water into a vast area that has been cut off from the river by levees; and

Whereas, the final design of the project should accommodate the reasonable concerns of landowners regarding erosion and property damage; and

Whereas, this one thousand cubic feet per second diversion project would also prevent the future saltwater contamination of municipal and industrial freshwater intakes; and

Whereas, this project would provide critical benefits to a large area of coastal marshes, it would restore the current sluggish, choked bayou to a flowing, healthy ecosystem, and it would provide a continuous supply of high quality fresh water for municipal and industrial needs into the future: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to support, with funding, the expeditious implementation of the proposed Bayou Lafourche restoration and diversion project from the Mississippi River. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–162. A concurrent resolution adopted by the House of Legislature of the State of Louisiana relative to the pending charter boat moratorium in the Gulf of Mexico; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 114

Whereas, the charter fishing industry in Louisiana is in its infancy but has begun a period of healthy growth which can only be beneficial to the state's overall economic development and the capture of tourist dollars; and

Whereas, the Gulf States Fishery Management Council voted this spring to send to the National Marine Fisheries Service a recommendation for a three-year moratorium on the issuance of new charter vessel permits for reef and coastal migratory pelagic fishing; and

Whereas, the genesis of the recommended moratorium was concerned about the area of the Gulf of Mexico near Florida where the charter industry is much more mature, much more widespread, and has created a situation where there are too many boats with too many fishermen competing for too few fish; and

Whereas, the charter industry in Louisiana exists in a significantly different environment, one where there is not an overabundance of permitted charter boat captains and where there is an abundance of habitat and fish which should result in a productive charter industry; and

Whereas, a productive and expanding charter industry would be of great benefit to the economic health of the state, a benefit that would be denied the state of Louisiana if the moratorium were adopted and new charter captains would not be eligible for permitting: Therefore, be it,

Resolved, That the Louisiana House of Representatives does hereby memorialize the Louisiana congressional delegation and the United States Congress to express its desire to the National Marine Fisheries Service that the pending charter boat moratorium in the Gulf of Mexico not be implemented. Be it further,

Resolved, That if a moratorium is considered by the National Marine Fisheries Service, that the moratorium be limited to the eastern Gulf of Mexico with an authorization for continued expansion of the industry in the western Gulf of Mexico where there are no issues of overcrowding. Be it further,

Resolved, That a copy of this Resolution be forwarded to each member of the Louisiana congressional delegation and to the presiding officers of the United States House of Representatives and the United States Senate.

POM–163. A resolution adopted by the House of the Legislature of the State of Louisiana relative to international child slavery; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 128

Whereas, it is with great moral indignation and deepest concern that the Legislature of Louisiana learns of the continued use internationally of such an unspeakable practice as child slavery; and

Whereas, despite current efforts to end the practice of trafficking in child slaves, the trade remains a serious problem, particularly in West and Central Africa where this most disturbing practice has been on the rise; and

Whereas, currently thousands of children as young as six years of age are trafficked across borders into slavery to work long hours in harsh conditions as domestic servants, as farm and plantation laborers, and as sellers in markets; and

Whereas, while parents living in some of the poorest countries on the planet are on occasion wiling to sell their children for as little as fourteen dollars, often in the belief that their children will receive education and prosperous employment, the vast majority of these children become slaves usually laboring on coffee and cocoa plantations; and

Whereas, during long-distance transportation over land and sea, these children face arduous and sometimes fatal journeys riddled with hardships such as ships that lack sufficient supplies of food and fresh drinking water; and

Whereas, through a 1998–1999 research and interview project funded by the United Kingdom National Lottery Charities Board, Enfants Solidaires d' Afrique et du Monde, a nongovernmental organization in Benin, found that child slaves transported across the border between Benin and Gabon were subjected to fourteen- to eighteen-hour work days, heavy work, and oftentimes sexual abuse including rape and forced prostitution; and

Whereas, interviews by American media reporters in Sudan have revealed a similar pattern of torments, including forced marches, sexual abuse and mutilation, and violent beatings among slaves; and

Whereas, many destination countries of child slave trafficking have failed to take the necessary steps to end the exploitation of children in slavery or other abusive labor; and

Whereas, diplomatic collaboration between nongovernmental organizations and all national governments is important for developing long-term strategies for eliminating trafficking of child slaves and rehabilitating children who have suffered from this practice; and

Whereas, national governments, and particularly the United States government, should ratify and encourage implementation of key measures protecting children, such as the United Nations Convention on the Rights of the Child, to ensure that children are protected against slavery, should work to ensure that the United Nations International Convention Against Transnational Organized Crime includes a protocol to prevent, suppress, and punish the practice of trafficking in slaves, and should urge the United Nations to adopt a specific year as the International Year Against Trafficking in Human Beings to focus attention on the issue; and

Whereas, governments may curb the practice of child slavery internationally via economic tactics, such as embargoes on products and countries that use child slavery and urging action on the part of industries to purchase directly from plantations where they can ensure that growers implement core international labor standards, particularly those banning forced labor and illegal child labor, and by collaborating with other countries to ensure that international labor standards regarding slavery are enforced throughout such countries; and

Whereas, having repealed the terrible and horrific practice of slavery within our own borders with the Emancipation Proclamation and the thirteenth amendment to our constitution, the United States unequivocally opposes slavery in all forms and universally endorses the freedom and dignity of every human being; and

Whereas, in the true and compassionate knowledge that every child deserves the opportunity to live the life of a child without subjection to the burdens of injustice, child slavery can only be deemed insufferable and repugnant: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby urge and request the United States Congress and the President of the United States to institute and enforce legislation and diplomatic action toward the eradication of child slavery internationally. Be it further

Resolved, That copies of this Resolution be transmitted to the presiding officers of both houses of the United States Congress, to the members of the Louisiana delegation to the United States Congress, and to President George W. Bush.

POM–164. A resolution adopted by the House of the Legislature of the State of Louisiana relative to the OCS oil and gas lease sales in the Gulf of Mexico; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 149

Whereas, it has been almost four years since the environmental impact statement was prepared for the Oil and Gas Lease Sales 169, 172, 175, 178, and 182 in the Gulf of Mexico; and

Whereas, as a result of public testimony in response to that EIS, there was recognition of the significant impact which will be felt relative to the infrastructure in offshore activity focal points such as Port Fourchon and LA Highway 1 through Lafourche Parish; and

Whereas, at the present time, forty of the forty-five deep water rigs working in the Gulf of Mexico are being serviced through Port Fourchon as are many of the rigs located on the OCS, with the accompanying increase in land traffic and inland waterway traffic, all primarily through Lafourche Parish; and

Whereas, efforts have so far failed to develop plans to mitigate these present and well-documented impacts while efforts to increase the number of leases in the gulf continue with no apparent effort to provide mitigation for current or increased impacts: Therefore, be it

Resolved, That the House of Representatives of the Louisiana Legislature does hereby memorialize the U.S. Congress to direct the Mineral Management Service to develop a plan for impact mitigation relative to the OCS oil and gas lease sales in the Gulf of Mexico. Be it further

Resolved, That a copy of this Resolution be forwarded to the presiding officer of each house of the U.S. Congress, to each member of the Louisiana congressional delegation, and to the director of the Minerals Management Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 127: A bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market (Rept. No. 107–47).

H.R. 1098: A bill to improve the recording and discharging of maritime liens and expand the American Merchant Marine Memorial Wall of Honor, and for other purposes (Rept. No. 107–48).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 16: A joint resolution approving the extension of nondiscriminatory treatment to the products of the Socialist Republic of Vietnam. (Rept. No. 107–49).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Sue McCort Cobb, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Nominee: Sue McCourt Cobb.

Post: Ambassador to Jamaica.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, date and no., name, and amount:

1. Self:

Federal—Political

5/14/1996, 168—Senator Bob Dole for President (Compliance Fund)	$1,000.00
10/31/1996—Friends of Bob Graham	1,000.00
02/03/1997, 223—Friends of Connie Mack	500.00
03/26/1997, CEC—Campaign for New American Century	1,250.00
09/23/1997, 230—Friends of Bob Graham	500.00
11/24/1997, 231—Friends of Bob Graham	500.00
03/04/1998, 234—Friends of Connie Mack	500.00
03/11/1999, CEC4012—Gov. George W. Bush Expl. Comm	1,000.00
04/12/1999, 4570—Friends of Connie Mack (Contribution refund)	−1,000.00
03/22/2000, 522—Tom Gallagher Campaign (Contribution)	1,000.00
04/25/2000, 523—Presidential Trust (Contribution)	10,000.00
04/28/2000, AMEX—Republican National State Elections Committee	40,000.00
06/27/2000, 4030—Tom Gallagher Campaign (Contribution refund)	−500.00
07/17/2000, Allocation—Republican National State Elections Committee	−875.00
07/17/2000, Allocation—Republican National State Elections Committee	875.00
08/10/2000, 530—McCollum for US Senate (Contribution)	500.00
09/08/2000, 532—McCollum for US Senate (Contribution)	1,000.00
12/26/2000—Bush-Cheney 2000 Presidential Transition Foundation	5,000.00
Total Political (Contribution)	62,250.00

2. Spouse, Charles E. Cobb, Jr.:

FEDERAL—5081001—IN KIND CONTRIBUTIONS

08/24/2000, 0972—Mac Parking, Inc. (Valet Parking Service 8/24—Bush Event)	$1,100.00
08/28/2000, 4832—Bill's Catering (Catering Services Bush Event)	31,406.00
Total 5081001 in Kind Contributions	32,506.00

FEDERAL—5081001—POLITICAL CONTRIBUTION—CASH PAID

04/02/1996—Republican Ntl Committee (1996 Team 100)	55,000.00
05/03/1996—Republican Party of Kentucky	500.00
05/03/1996—Sutton for Congress	500.00
05/06/1996—Helms Campaign Committee	1,000.00
05/14/1996—Senator Bob Dole for (Compliance Fund)	1,000.00
06/14/1996—Weld for Senate	1,000.00
07/01/1996—Republican National State Elections Committee	3,100.00
08/05/1996—David Funderburk (8/5 reception)	250.00
08/06/1996—People for Lightfoot, Inc. (reception 8/8/96)	500.00
08/27/1996—Jack Kemp for	1,000.00
09/19/1996—Ilena Ros-Lehtinen (Buffet 9/20/96)	200.00
09/30/1996—Bill McCollum for Congress	1,000.00
10/10/1996—Republican Party (Senator McConnell) (Item not reflected in FEC Receipts and Expenditures)	500.00
11/01/1996—Republican Fund	1,000.00
03/14/1997—Republican Ntl Committee (Team 100)	10,000.00
03/14/1997—Republican Fund ($1,250 of $2,500 SMC)	1,250.00
03/26/1997—Campaign for a New American Century	1,250.00
04/02/1997—Ilena Ros-Lethinen (Item not reflected in FEC Receipts and Expenditures)	400.00
06/11/1997—Clay Shaw, Campaign Fund (Contribution)	500.00
11/20/1997—Friends of Don Nickles of Senate	500.00
01/05/1998—Bush-Quayle '92 (92 Compliance debt)	1,000.00
12/29/1997—Bill McCollum for Congress	1,000.00
04/14/1998, 3474—Republican National State Elections Committee (98 Team 100 Contribution)	10,000.00
05/19/1998, 20071—Campaign for a New American Century (1998 Contribution)	2,000.00
05/19/1998, Re-election—Friends of Mark Foley (Re-Election Campaign)	1,000.00
09/16/1998, 3716—Campbell for Senate Victory Fund (Campaign Contribution)	250.00
10/13/1998, Donation—SNOWPAC (Snowpac Contribution)	500.00
01/29/1999, 02699—Friends of Mark Foley (Re-Election Campaign)	500.00
02/25/1999, 3999—Senator Bill Frist Re-Election Campaign (Donation to re-election campaign)	500.00
03/11/1999, 4012—Gov. G.W. Bush President Expl. Comm. ($1,000 of $2,000 SMC)	1,000.00
03/18/1999, Donation—Hagel for Nebraska (Re-election campaign)	500.00
04/16/1999, 4079—Republican National State Elections Comm. (99 Team 100 Contribution)	10,000.00
05/21/1999, Re-election—Gordon Smith for U.S. Senate (Re-election campaign)	1,000.00
09/07/1999, 1999—Florida Victory Committee (1999 Contribution)	5,000.00
12/20/1999, 4470—1999 State Victory Fund Committee	12,000.00
12/30/1999, Alloc % of contribution JT FR	−8,960.00
12/30/1999—New Jersey Republican State Committee	612.00
12/30/1999—Republican Federal Committee of Pennsylvania	951.00
12/30/1999—California State Republican Party	2,201.00
12/30/1999—Illinois Republican Party	899.00
12/30/1999—New York Republican Federal Campaign Comm.	1,342.00
12/30/1999—Ohio State Republican Party	859.00
12/30/1999—Republican Party of Kentucky	325.00
12/30/1999—Republican Party of Virginia	534.00
12/30/1999—Washington State Republican Party	456.00
12/30/1999—Republican Party of Iowa	286.00
12/30/1999—Massachusetts Republican Party State Congressional Committee	495.00
03/30/2000, 4628—Tom Gallagher for US Senate (Campaign Contribution)	1,000.00
04/25/2000, 4660—Presidential Trust (Contribution)	10,000.00
04/28/2000, CPL Amex—Republican National State Elections Committee	40,000.00
06/09/2000, CPL052500—Abraham for Senate 2000	500.00
07/17/2000, Allocation—Republican National State Elections Committee	−875.00
07/17/2000—Republican National State Elections Committee	875.00
07/27/2000, 4776—McCollum for US Senate (Contribution)	2,000.00
08/24/2000, 4831—Friends of Dick Lugar (Contribution)	500.00
09/12/2000, 4854—Tom Gallagher for US Senate (Campaign Contribution)	500.00
11/08/2000, 4942—Bush-Cheney Recount Fund (Contribution) (Item not reflected in FEC Receipts and Expenditures)	5,000.00
12/26/2000—Bush-Cheney 2000 Presidential Transition Foundation	5,000.00
Total 508100—Political Contribution—Cash paid	191,200.00
Total 508100—Political Contribution—In kind and cash paid	223,706.00

COBB PARTNERS, LIMITED

FEDERAL

3/14/97—Republican Ntl. Committee (Team 100)	15,000.00
04/14/1998 4901—Republican National State Election Commit (98 Team 100 Contribution)	15,000.00
04/16/1999 5440—Republican National State Election Commit (99 Team 100 Contribution)	15,000.00
01/08/2001 6334—Presidential Inaugural Committee (Presidential Inaugural)	20,000.00
Total 7126000—Political Contributions	65,000.00

COBB PARTNERS, INC.

FEDERAL

5/16/1996—Republican National (Team 100–1996)	25,000.00

3. Children and Spouses: Christian McCourt Cobb, none; Kolleen Pasternarck Cobb, none; Tobin Templeton Cobb, none; and Luisa Salazar Cobb, none.

4. Parents (deceased).

5. Grandparents (deceased).

6. Brothers and Spouses: Peter Edmond McCourt, $1,400; Suzanne M. McCourt, none.

7. Sisters and Spouses: John D. Veatch, none; and Patricia Cobb Veatch, none.

*Mercer Reynolds, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Nominee: Mercer Reynolds.

Post: Ambassador to Switzerland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions; date, donee, and amount:

1. Self:

8/99—Bush Exploratory Committee	1,000.00
12/22/99—1999 State Victory Fund	25,000.00
7/11/00—RNC Pres Trust	15,000.00
7/11/00—RNSEC Vic 2000	155,000.00
11/13/00—Bush-Cheney Recount Fund	5,000.00
5/30/97—Campaign America	250.00
12/1/00—Bush/Cheney Presidential Transition	10,000.00
1/6/98—Chabot for Congress	500.00
6/1/98	250.00
8/28/98	500.00
10/14/98	250.00
9/27/99	1,000.00
6/29/00	1,000.00
6/30/99—DeWine for U.S. Senate	1,500.00
2/23/00—Friends of Giuliani	500.00
7/26/00—Lazio 2000	500.00
8/30/99—McConnell for Senate	500.00
2/10/00—Portman for Congress	750.00
5/24/00	250.00
12/9/97	750.00
1/13/97—Republican Finance Committee	2,000.00
6/14/00—Voinovich for Senate	1,000.00
3/14/97	1,000.00

2. Spouse:

5/15/99—Bush	1,000.00
12/22/99—1999 State Victory Fund	25,000.00
2/10/00—Portman for Congress	750.00
5/24/00	250.00
12/9/97	750.00
7/12/00—RNC Pres Trust	20,000.00
6/14//00—Voinovich for Senate	1,000.00
7/14/97	1,000.00

3. Children and Spouses:

KATHRINE R. MCMILLAN

4/13/99—Bush Exploratory Committee	1,000.00
12/20/99—1999 State Victory Fund	10,000.00
6/28/00—Georgia Victory 2000	10,000.00
6/28/00—RNC Pres. Trust	5,000.00

R. ANDREW MCMILLAN (None)

JAMES MERCER REYNOLDS

4/13/99—Bush Exploratory Committee	1,000.00
12/20/99—1999 State Victory Fund	10,000.00
6/28/00—RNC Pres. Trust	15,000.00

TIMOTHY LINCOLN REYNOLDS

4/13/99—Bush Exploratory Committee	1,000.00
12/20/99—1999 State Victory Fund	10,000.00
6/28/00—RNC Pres. Trust	15,000.00

JAMES DAVISON REYNOLDS

4/13/99—Bush Exploratory Committee	1,000.00
12/20/99—1999 State Victory Fund	10,000.00
6/28/00—RNC Pres. Trust	15,000.00

GABRIELLE M. REYNOLDS

4/13/99—Bush Exploratory Committee	1,000.00
12/20/99—1999 State Victory Fund	10,000.00

4. Parents:

ANNA M. REYNOLDS

7/99—Bush Exploratory Committee	1,000.00

5. Grandparents (deceased).

6. Brothers and Spouses:

CHARLES E. REYNOLDS

4/20/99—Bush Exploratory Committee	1,000.00
8/22/00—Ohio Victory	5,000.00
8/22/00—RNC Pres. Trust	15,000.00

LESLIE REYNOLDS

4/20/99—Bush Exploratory Committee	1,000.00

7. Sisters and Spouses: Anna R. Hunter, none; and Rick Hunter, none.

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*Russell F. Freeman, of North Dakota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nominee: Russell F. Freeman.

Post: Ambassador to Belize.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, date, donee, and amount:

1. Self:

3/15/99—Bush Exploratory Committee	$1,000
10/4/99—Dorso for Congress Campaign	500
11/16/99—Bush for President GELAC	1,000
5/24/00—Sand for Senate	250
8/7/00—RNC Presidential Trust	1,000
11/1/00—Sand for Senate	200

2. Spouse, Sarah (Susan) Freeman

3/15/99—Bush Exploratory Committee	1,000

3. Children and spouses: Russell G. Freeman (son)

3/15/99—Bush Exploratory Committee	1,000

Angie Freeman (daughter-in-law

3/15/99—Bush Exploratory Committee	1,000

Sarah F. Lebens (daughter)

3/15/99—Bush Exploratory Committee	1,000

Michael Lebens (son-in-law)

3/15/99—Bush Exploratory Committee	1,000

4. Parents, Louise Freeman (deceased) (mother):

9/30/98—Nalewaja for US Senate	100
3/13/99—Bush Exploratory Committee	1,000

5. Grandparents (deceased).

6. Brothers and spouses, Bradford M. Freeman:

6/5/97—Matt Fong for Senate	1,000
6/23/97—Friends of Dylan Glenn US Congress	500
1997—CA Republican Party	5,000
1997—CA Republican Party	1,000
1997—Friends of Dylan Glenn US Congress	500
1997—Friends of Dylan Glenn US Congress	500
1997—Republican Party of LA County	3,000
1998—Kit Bond for Senate	1,000
1998—Republican National Committee	1,000
1998—GOP House—Senate Dinner	15,000
1998—RNC Team 100	25,000
1998—Abraham Senate 2000	1,000
3/8/99—George W. Bush for President	1,000
1999—Republican National Committee	25,000
7/8/99—Jon Kyl for Senate	1,000
1999—Dorso for Congress	1,000
1999—CRP/Victory 2000	5,000
1999—CRP/Victory 2000	20,000
1999—Bush Legal & Compliance Fund	1,000
1999—1999 State Victory Fund Committee	5,000
1999—1999 State Victory Fund Committee	15,000
12/99—NJ Republican State Committee	848
12/99—NJ Republican State Committee	282
12/99—Republican Federal Com. of PA	1,317
12/99—Republican Federal Com. of PA	439
12/99—IL Republican Party	415
12/99—MI Republican State Party	1,371
12/99—NY Republican Fed. Campaign Com.	1,859
12/99—NY Republican Fed. Campaign Com.	619
12/99—Ohio State Republican Party	1,191
12/99—Ohio State Republican Party	397
12/99—Republican Party of Kentucky	451
12/99—Republican Party of Virginia, Inc.	740
12/99—Republican Party of Virginia, Inc.	246
12/99—Washington State Republican Party	631
12/99—Washington State Republican Party	210
12/99—Republican Party of Iowa	397
12/99—Massachusetts Republican State Congressional Committee	685
12/99—Massachusetts Republican State Congressional Committee	228
2/11/00—Friends of Dylan Glen 2000	1,000
2/25/00—RNC Victory 2000 Federal Acct.	10,000
2/25/00—CRP Victory 2000 Federal Acct.	5,000
5/11/00—RNC—CA Account	25,000
6/26/00—Abraham Senate 2000	1,000
7/12/00—Republican National State Election Com.	2,000
7/12/00—Republican National State Election Com.	1,750
2000—Bush-Cheney Recount Fund	5,000
12/6/00—Bush-Cheney Transition Fund	5,000

7. Sisters and spouses; none.

*Michael E. Guest, of South Carolina, A Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Nominee: Michael E. Guest.

Post: Romania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: not applicable.

3. Children and Spouses: not applicable.

4. Parents: Rupert E. Guest, none; and Jean L. Guest, none.

5. Grandparents (deceased).

6. Brothers and Spouses: not applicable.

7. Sisters and Spouses: Julie Parker Guest, none; and Michele Jean Guest, unknown.

*Stuart A. Bernstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Nominee: Stuart Alan Bernstein.

Post: Ambassador to Denmark.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

3/4/97, Freedom & Free Enterprise PAC	$1,000.00
4/16/97, Republican Leadership Council (FKA) Committee for Responsible Government	$500.00
5/13/97, Republican National Committee	$11,000.00
6/27/97, Citizen for Arlen Specter	$250.00
7/1/97, Friends of Connie Morella for Congress Committee	$250.00
9/22/97, Regula for Congress Committee	$500.00
10/22/97, Citizens for Arlen Specter	$250.00

10/22/97, Friends of Connie Morella for Congress Committee $250.00
10/28/97, Campaign America Inc. ... $1,000.00
11/19/97, George Bush Presidential Library $500.00
12/22/97, Hatch Election Committee (Primary election contribution) $500.00
3/3/98, Missouri Republican State Committee—Federal Committee $250.00
3/19/98, Team Sununu $200.00
5/22/98, Republican National Committee (Republican Eagles) $5,000.00
5/26/98, D.C. Republican Committee Federal Campaign Committee $200.00
6/15/98, Regula for Congress Committee $500.00
6/18/98, Republican National Committee National State Elections Committee $10,000.00
7/30/98, Republican National Committee (Republican Eagles) $10,000.00
8/20/98, Republican National Committee National State Elections Committee $11,610.00
10/28/98, Citizens for Arlen Specter $200.00
10/28/98, The Coverdell Good Government Committee $200.00
10/28/98, Ensign for Senate $200.00
10/28/98, Sam Brownback for U.S. Senate $200.00
10/28/98, Voinovich for Senate Committee $200.00
10/28/98, Senate Victory '98 ..... $1,000.00
2/25/99, Hatch Election Committee (Primary election contribution) $1,000.00
3/23/99, Campbell Victory Fund $1,000.00
4/15/99, Friends of George Allen (Primary election contribution) $1,000.00
4/26/99, American Renewal PAC $1,000.00
4/26/99, Republican National Committee National State Elections Committee $25,000.00
4/28/99, Hatch Election Committee (refund) ..... –$500.00
9/8/99, Republican National Committee National State Elections Committee $10,000.00
9/28/99, Republican National Committee National State Elections Committee $15,000.00
9/28/99, Frist 2000 ..... $1,000.00
10/11/99, D.C. Republican Committee Federal Campaign Committee $250.00
10/20/99, Snowe for Senate $1,000.00
10/29/99, D.C. Republican Committee Federal Campaign Committee $750.00
11/18/99, Fund for a Responsible Future $1,000.00
12/6/99, Friends of Giuliani Exploratory Committee $500.00
1/6/00, Friends of Scott McInnis Inc. $500.00
1/21/00, Republican National Committee National State Elections Committee $10,000.00
1/21/00, Republican National Committee National State Elections Committee $15,000.00
3/3/00, Yob 2000 ..... $500.00
3/15/00, Roth Senate Committee ... $500.00
3/16/00, Bush for President Inc. $1,000.00
3/16/00, Friends of Connie Morella $250.00
4/10/00, Friends of George Allen (Primary election contribution) $500.00
4/28/00, Republican National Committee $7,500.00
4/28/00, Republican National Committee $2,500.00
4/28/00, Republican National Committee National State Elections Committee $2,500.00
5/16/00, Bush-Cheney 2000 Compliance Committee Inc. $1,000.00
5/17/00, Gordon Smith for Senate 2002 ..... $214.00
5/17/00, Gordon Smith for Senate 2002 ..... $729.23
5/18/00, Gordon Smith for Senate 2002 ..... $1,000.00
6/2/00, Cantor for Congress $250.00
6/9/00, Lazio 2000 ..... $1,000.00
6/15/00, Friends of George Allen (refund)– $500.00
6/15/00, Friends of George Allen (General election contribution $500.00
7/6/00, Republican National Committee National State Elections Committee $7,500.00
7/6/00, Republican National Committee National State Elections Committee $7,500.00
7/6/00, Republican National Committee National State Elections Committee $5,000.00
7/6/00, Republican National Committee National State Elections Committee $5,000.00
7/17/00, Republican National Committee National State Elections Committee $1,800.00
7/17/00, Republican National Committee National State Elections Committee $1,800.00
7/25/00, Republican National Committee National State Elections Committee $1,000.00
7/25/00, Republican National Committee National State Elections Committee $1,000.00
9/15/00, Republican National Committee National State Elections Committee $10,000.00
9/30/00, Republican National Committee $5,000.00
10/5/00, Republican National Committee (refund) ..... –$5,000.00
11/28/00, Bush Cheney Recount Fund $5,000.00
11/28/00, Bush Cheney Transition .. $5,000.00
1/29/01, Republican National Committee National State Election Committee $8,960.00

2. Spouse—Wilma Bernstein:

3/10/99, Bush for President Inc. $1,000.00
11/3/99, Friends of George Allen $500.00
12/22/99, 1999 State Victory Fund Committee $10,000.00
12/22/99, New Jersey Republican State Committee $241.00
12/22/99, Republican Federal Committee of Pennsylvania $374.00
12/22/99, Illinois Republican Party $353.00
12/22/99, Michigan Republican State Committee $292.00
12/22/99, New York Republican Federal Campaign Committee .. $528.00
12/22/99, Ohio State Republican Party $338.00
12/22/99, Republican Party of Virginia $210.00
4/28/00, Republican National Committee $7,500.00
4/28/00, Republican National Committee $2,500.00
4/28/00, Republican National Committee National State Elections Committee $2,500.00
5/16/00, Bush-Cheney 2000 Compliance Committee Inc. (GELAC) $1,000.00
9/30/00, Republican National Committee $5,000.00
10/5/00, Republican National Committee (refund) ..... –$5,000.00

3. Children and Spouses—Adam K. Bernstein:

9/24/97, Friends of Evan Bayh $250.00
3/2/98, Tom Davis for Congress $100.00
3/24/99, Republican National Committee $50.00
4/19/99, Governor George W. Bush Exploratory Committee $1,000.00
5/10/99, Gore 2000 Inc. $1,000.00
11/30/99, Bill Bradley for President Inc. $500.00
8/18/00, Gore/Lieberman General Election Legal and Accounting Compliance Fund $500.00
10/5/00, Friends of Connie Morella $200.00

Tracy Margel Bernstein (spouse): $1,000.00, 11/26/99, Bush for President Inc.;
Alison Bernstein Shulman: none;
John Shulman (spouse): none;
Boruch Chaim Bernstein: none;
Ronit Bernstein (spouse): none.

4. Parents—Evelyn Bishoff (mother): none;
Fred Bishoff (step-father): none;
Leo Bernstein (father): none;
Beverly Bernstein (step-mother): none.

5. Grandparents—Benjamin Bernstein (deceased): none;
Celia Bernstein (deceased): none;
Morris Bernstein (deceased): none;
Anne Bernstein (deceased): none.

6. Brother—Richard Bernstein: $1,000.00, 11/9/99, Bush for President, Inc.

7. Sisters and Spouses—Mauree Jane Perry:

$1,000.00, 2/14/97, Emily's List
$1,000.00, 3/1/99, Feinstein 2000
$1,000.00, 9/15/99, Bill Bradley for President Inc.
$1,000.00, 3/31/00, Pelosi for Congress
$2,000.00, 3/31/00, PAC to the Future

Mark Perry:

$500.00, 7/15/99, Friends of Slade Gorton
$1,000.00, 9/15/99, Bill Bradley for President, Inc.
$1,000.00, 12/15/99, Bush for President Inc.
$1,000.00, 3/7/00, McCain 2000 Inc.
$1,000.00, 3/31/00, Nancy Pelosi for Congress

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*Charles A. Heimbold, Jr., of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Nominee: Charles Andreas Heimbold, Jr.

Post: Ambassador to Sweden.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

New York Republican County Committee, $5,000, 02/97, Roy Goodman
Frist 2000, $1,000, 05/97, William Frist
Friends of John Hostettler, $500, 06/97, John Hostettler
Bristol-Myers Squibb—Political Action Committee, $5,000, 1997, to non-candidate committees and does not count against 1998 limits
National Republican Congressional Committee, $25,000, 10/97
Franks for Congress (Primary & General Election), $2,000, 01/98, Bob Franks
McCain for Senate '98 Committee (Primary & General Election), $2,000, 02/98, John McCain
Heather Wilson for Congress, $1,000, 05/98, Heather Wilson
Bliley for Congress, $1,000, 08/98, Tom Bliley
John D. Dingell for Congress, $1,000, 08/98, John D. Dingell
John Hostettler Committee, $1,000, 08/98, John Hostettler

Nancy Johnson for Congress, $1,000, 08/98, Nancy Johnson
Bennett '98 Committee, $1,000, 08/98, Robert Bennett
Friends of Senator D'Amato, $1,000, 08/98, Al D'Amato
Friend of Chris Dodd 1998, $1,000, 09/98, Christopher Dodd
Faircloth for Senate, $1,000, 09/98, Lauch Faircloth
Mikulski for Senate, $1,000, 09/98, Barbara Mikulski
Newt Gingrich Campaign, $1,000, 09/98, Newt Gingrich
Christopher Shays for Congress, $1,000, 09/98, Christopher Shays
Briston-Myers Squbb—Political Action Committee, $5,000, 1998
National Republican Senatorial Campaign Committee, $25,000, 10/98
Republican National Committee (State Election Committee), $50,000, 10/98
Zimmer 2000 (Congressman-Primary Election), $1,000, 02/99, Dick Zimmer
Torricelli for U.S. Senate, $1,000, 02/99, Robert Torricelli
Elizabeth Dole Exploratory Comm., $1,000, 02/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush
Franks for Congress (Re-election campaign), $500, 04/99, Bob Franks
Bill Thomas Campaign Committee (Primary and General Election), $2,000, 04/99, Bill Thomas
Re-elect Nancy Johnson for Congress, $500, 04/99, Nancy Johnson
Whitman for U.S. Senate (Primary—Refund—$650), $1,000, 06/99, Christine Todd Whitman
Whitman for U.S. Senate (Full refund—$1,000), $1,000, 06/99, Christine Todd Whitman
Friends of George Allen, $1,000, 06/99, George Allen
Bill Bradley for President, $1,000, 06/99, Bill Bradley
Tom DeLay Congressional Comm., (Primary and General Election), $2,000, 07/99, Tom DeLay
Hatch for President (Exploratory Committee), $1,000, 11/99, Orin Hatch
Friends of Giuliani, $1,000, 11/99, Rudolph Giuliani
Franks for Congress, $500, 11/99, Bob Franks
Bristol-Myers Squibb—Political Action Committee, $5,000, 1999, to non-candidate committees and does not count against 1998 limits
1999 State Victory Committee (Texas), $20,000, 12/99
New York Republican Committee, $5,000, 01/00, Roy Goodman
Bristol-Myers Squibb—Political Action Committee, $5,000, 2000
Guiliani Victory Committee, $25,000, 03/00
National Republican Senatorial Committee, $25,000, 03/00
National Republican Senatorial Committee, $75,000, 09/00
National Republican Congressional Campaign $50,000, 10/00
Arkansas 2000 (Republican National Committee—State Election Committee), $50,000, 10/00

2. Spouse—Monika Heimbold:

Pete Wilson for President, $1,000, 08/98, Pete Wilson
Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush
Whitman for U.S. Senate, $1,000, 06/99, Christine Todd Whitman
(Primary—Refund $650), Whitman for U.S. Senate (General Election—Refund $1,000), $1,000, 06/99, Christine Todd Whitman
Black America, $1,000, 09/00
Lazio for Senate, $1,000, 09/00, Rick Lazio

3. Children and Spouse—Joanna Welliver:

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush

Eric Heimbold:

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush
Lazio for Senate, $1,000, 09/00, Rick Lazio

Leif Heimbold:

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush

Charlotte Heimbold (daughter-in-law):

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush

Peter Heimbold:

Lazio for Senate, $1,000, 09/00, Rick Lazio
Franks for Congress, $1,000, 10/00, Bob Franks

4. Parents—Charles Heimbold, deceased; Mary Heimbold: none.

5. Grandparents—Charles and Katherine Heimbold, deceased; Peter and Therese Corrigan, deceased.

6. Brothers and Spouses—Arthur Heimbold, none.

Margaret Heimbold (sister-in-law):

D.C. Republican Committee, $125, 04/97
D.C. Republican Committee, $105, 08/97
David Catania for City Council, $125, 07/98
D.C. Republican Committee, $250, 10/98
Republican National Committee, $100, 03/99
League of Republican Women—D.C., $25, 03/99
League of Republican Women, D.C., $50, 03/99
D.C. Republican Committee, $1,000, 04/99
League of Republican Women—D.C., $30, 05/99
D.C. Republican Committee, $200, 06/99
D.C. Republican Committee, $50, 07/99
League of Republican Women—D.C., $200, 03/00
Republican National Committee, $100, 03/00
League of Republican Women—D.C., $7.50, 03/00
D.C. Republican Committee, $100, 03/00
D.C. Advisory Council, $1,500, 06/00
Bush Delegate Committee, $100, 06/00
Tribute to Laura Bush, $150, 07/00
Mrs. Ann F. Heuer (D.C. Delegation), $140, 07/00
Mrs. Ann F. Heuer (Laura Bush Luncheon), $150, 08/00

Peter and Nancy Heimbold: Lazio for Senate, $25.00, 09/00, Rick Lazio.

Richard and Ursala Heimbold, none.
John and Jennifer Heimbold, none.
David and Ellen Heimbold, none.

7. Sisters and Spouses: none.

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*Jim Nicholson, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Nominee: Robert James Nicholson.

Post: US Ambassador to the Holy See.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best my knowledge, the information contained in this report is complete and accurate.

Conributions, amount, date, and donee:

1. Self:

$15,025, 1997, RNC
$15,605, 1998, RNC
$15,000, 1999, RNC

2. Spouse—Suzanne Marie Nicholson:

$100, 1997, RNC
$345, 1998, RNC
$200, 1998, Ron Schmidt for U.S. Senate (South Dakota)
$275, 1999, Susan B. Anthony List
$515, 1999, RNC
$280, 2000, RNC
$1,225, 2000, Susan B. Anthony List
$100, 2000, Virginia State Republican Party
$140, 2001, RNC

3. Children and Spouses—Robert James Nicholson, Jr., none; Nicholas George Nicholson, none; Katherine Marie Nicholson, none.

4. Parents—Donald J. Nicholson, deceased; Helen Nicholson, deceased.

5. Grandparents—Mr. and Mrs. John Dunn, deceased; Mr. and Mrs. William Nicholson, deceased.

6. Brothers and Spouses—John and Sophie Nicholson:

$110, 1997, RNC
$85, 1998, RNC
$200, 1998, DC Republican Federal Campaign Committee
$905, 1999, RNC
$50, 1999, Alan Keyes Committee
$500, 1999, Friends of George Allen
$291, 2000, RNC
$100, 2000, Ferguson for Congress
$500 Est., 2000, Friends of George Allen (cost to host fundraiser)
$500 Est., 2000, Governor Jim Gilmore (cost to host fundraiser)
$100, 2001, RNC

Patrick J. Nicholson:

$150, 1998, RNC
$250, 1999, RNC
$100, 2000, RNC

Timothy R. Nicholson:

$25, 2000, RNC.

7. Sisters and Spouses—Donna J. Staver:

$50, 1998, RNC
$50, 1999, RNC

Mary J. and Gary Ohm:

$50, 1998, RNC
$50, 2000, RNC

Margaret A. Nicholson, None.

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*Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Nominee: Thomas J. Miller.

Post: Ambassador to Greece.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse—Bonnie Stern Miller, none.

3. Children and Spouses—Julie Michelle Miller (single), none; Eric Robert Miller (single), none.

4. Parents—Louis R. Miller, Jr. (deceased), none; Barbara S. Mason, none.

5. Grandparents—M/M Sam Shure (deceased), none; M/M Louis R. Miller (deceased), none.

6. Brothers and Spouses—Louis R. Miller (Sherry):

$1,000.00, 8/96, Pete Wilson (President)
$400.00, 4/97, Matt Fong (U.S. Senate)
$1,000.00, 1998, Janice Hahn (Congress)
$2,000.00, 12/00, Nate Holden (U.S. Congress)

M/M Richard M. Miller (Kathan), none.
Bruce D. Miller (single), none.
7. Sisters and Spouses; none.

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*Larry C. Napper, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Larry C. Napper.
Post: Republic of Kazakhstan.
Contributions, Amount, Date, and Donee:
1. Self: Larry C. Napper, None.
2. Spouse: Mary B. Napper, None.
3. Children and Spouses: John David Napper, None. Robert Eugene Napper, None.
4. Parents: Paul Eugene Napper, None. Annie Ruth Napper, None.
5. Grandparents: I.P. and Martha Cooner, None (Deceased). Charles and Nellie Kindell, None (Deceased).
6. Brothers and Spouses: Gary and Terri Napper, None. Billy Joe Napper, None.
7. Sisters and Spouses: None.

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*Thomas C. Hubbard, of Tennessee, A Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas C. Hubbard.
Post: Korea.
Contributions, Amount, Date, and Donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: Lindley Taylor Hubbard, None. Carrie Swain Hubbard, None.
4. Parents: Thomas N. Hubbard, Jr. (Deceased). Rebecca Taylor Hubbard (Deceased).
5. Grandparents: Thomas N. Hubbard (Deceased). Lillian Hubbard (Deceased).
6. Brothers and Spouses: Cato Taylor (Deceased). Lolabelle Taylor (Deceased).
7. Sisters and Spouses: Edward Dow Hubbard (Brother), None. Piera Thomason (Sister), None.

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*Marie T. Huhtala, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Marie T. Huhtala.
Post: Ambassador to Malaysia.
Contributions, Amount, Date, and Donee:
Self: $100.00, 1/20/2000, McCain for Pres.
Spouse: Eino A. Huhtala, Jr., None.
Children and Spouses: Karen and Sam Rulli, Jorma D. Huhtala, None.
Parents: Joe & Rosemary Mackey, None.
Grandparents: Austin & Bernice Williamson (deceased), Lois and Fred Wilkining (deceased), None.
Brothers and Spouses: Joe & Susan Mackey, Michael & Fiorenza Mackey, None.
Sisters and Spouses: Maureen & Tom White, None.

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*Franklin L. Lavin, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Franklin L. Lavin.
Post: Ambassador to the Republic of Singapore.
Contributions, Amount, Date, and Donee:
1. Self: 250.00 October 27, 2000 Republican National Committee; 500.00 August 19, 2000 Lazio 2000 Inc.; 1,000 June 17, 1999 Bush for President Committee; 1,000 November 2000 the Bush/Cheney Recount Committee.
2. Spouse: 250.00 October 27, 2000 Republican National Committee; 1,000 June 17, 1999 Bush for President Committee; 500.00 June 23, 2000 Hal Rogers for Congress Committee.
3. Children and spouses: Abigail, Nathaniel, and Elizabeth Lavin (none married), None.
4. Parents: Carl and Audrey Lavin: contributions of less than $100 to Ralph Regula for Congress and Tom Sawyer for Congress in both 2000 and 1998. Contribution of less than $100 to George Voinovich, exact date uncertain. Not in FEC records.
5. Grandparents: Leo B. and Dorothy Lavin (both deceased), None. Manuel and Blanche Perlman (both deceased), None.
6. Brothers and Spouses: Carl Lavin (junior) and Lauren Shay Lavin, None. Douglas Lavin and Lisa Greenwald, None.
7. Sister and Spouses: Maud K. Lavin: none. Locke Bowman (spouse): contributed to Congressional campaign of Jan Shakowski in 1998. Less than $100. Not in FEC records.

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*John Thomas Schieffer, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:
Nominee: John Thomas Schieffer.
Post: Ambassador to Australia.
1. Self: John Thomas Schieffer: 500.00, 6/5/97, Martin Frost Campaign Committee; 500.00, 8/6/97, Martin Frost Campaign Committee; 1,000.00, 10/10/97, Martin Frost Campaign Committee; 1,000.00, 4/20/98, John Breaux Committee; 500.00, 9/2/98, Max Sandlin for Congress; 1,000.00, 3/31/99, Bush for President Inc.; 1,000.00, 6/20/99, Martin Frost Campaign Committee; 1,000.00, 8/2/00, Martin Frost Campaign Committee.
2. Spouse: Susanne S. Schieffer: 1,000.00, 3/31/99, Bush for President Inc.
3. Children and Spouses: Son—Paul Robert Schieffer, None.
4. Parents: Mother—Gladys Payne Schieffer, Deceased. Father—John E. Schieffer, Deceased.
5. Grandparents: Maternal Grandparents: Florence Payne, Deceased. Worth Payne, Deceased. Paternal Grandparents: Janette Schieffer, Deceased. Emmitt Schieffer, Deceased.
6. Brothers and Spouses: Brother—Bob L. Schieffer, None. Sister-In-Law—Patricia P. Schieffer, None.
7. Sisters and Spouses: Sister—Sharon Mayes, None. Brother-in-Law—Roger Mayes, None.

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*Roger Francisco Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Roger Francisco Noriega.
Post: U.S. Permanent Representative to the Organization of American States.
Contributions, Amount, Date, and Donee:
1. Self: $250, 10/10/95, Bob Dole for Pres.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Richard Noriega, None. Lucille Noriega, None.
5. Grandparents: All Deceased, None.
6. Brothers and Spouses: James P. Noriega (Deceased); Carlos R. Noriega (Deceased).
7. Sisters and Spouses: Rita and Michael Prahm, None. Rosalie and Douglas Jackson, None. Emilie Palmer (Divorced), None.

*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. REID (for himself and Mr. ENSIGN):

S. 1257. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. DEWINE, Mr. CONRAD, and Ms. LANDRIEU):

S. 1258. A bill to improve academic and social outcomes for teenage youth; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mr. GRAHAM, and Mr. HELMS):

S. 1259. A bill to amend the Immigration and Nationality Act with respect to the admission of nonimmigrant nurses; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 1260. A bill to provide funds for the planning of a special census of Americans residing abroad; to the Committee on Governmental Affairs.

By Mr. ROCKEFELLER:

S. 1261. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. ROBERTS, and Mr. KENNEDY):

S. 1262. A bill to make improvements in mathematics and science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire (for himself and Mr. ALLARD):

S. 1263. A bill to amend title XVIII of the Social Security Act to establish a voluntary Medicare Prescription Drug Plan under which eligible medicare beneficiaries may elect to receive coverage under the Rx Option for outpatient prescription drugs and a combined deductible; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1264. A bill to require the conveyance of a petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DODD, Mr. WELLSTONE, Mr. CORZINE, and Mr. FEINGOLD):

S. 1265. A bill to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. CORZINE, Mr. TORRICELLI, and Mr. LEVIN):

S. 1266. A bill to amend title XXI of the Social Security Act to expand the provision of child health assistance to children with family income up to 300 percent of poverty; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. LUGAR, Mr. ROBERTS, and Mr. HUTCHINSON):

S. 1267. A bill to extend and improve conservation programs administered by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of New Hampshire:

S. 1268. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for real property taxes whether or not the taxpayer itemizes other deductions; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS (for himself and Mrs. FEINSTEIN):

S. Res. 140. A resolution designating the week beginning September 15, 2002, as ''National Civic Participation Week''; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 141. A resolution to authorize testimony and legal representation in People of the State of New York v. Adela Holzer; considered and agreed to.

ADDITIONAL COSPONSORS

S. 145

At the request of Mr. THURMOND, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 159

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 318

At the request of Mr. DASCHLE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 356

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 356, a bill to establish a National Commission on the Bicentennial of the Louisiana Purchase.

S. 381

At the request of Mr. ALLARD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 381, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 571

At the request of Mr. THURMOND, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 571, a bill to provide for the location of the National Museum of the United States Army.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WARNER) 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. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 940

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 952

At the request of Mr. GREGG, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 961

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 961, a bill to promote research to identify and evaluate the health effects of breast implants; to ensure that women receive accurate information about such implants and to encourage the Food and Drug Administration to thoroughly review the implant manufacturers' standing with the agency.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1030

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor

of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1044

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1044, a bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

S. 1066

At the request of Mr. HATCH, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1066, a bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the medicare program.

S. 1083

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1084

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1256

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. RES. 138

At the request of Mr. BURNS, the names of the Senator from Florida (Mr. NELSON), the Senator from Georgia (Mr. MILLER), the Senator from Connecticut (Mr. DODD), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 138, a resolution designating the month of September as ''National Prostate Cancer Awareness Month.''

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Con. Res. 3 , a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

AMENDMENT NO. 1132

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1132 intended to be proposed to H.R. 2299, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 1257. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the cold war; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, the cold war was the longest war in United States history. Lasting 50 years, the cold war cost thousands of lives, trillions of dollars, changed the course of history, and left America the only superpower in the world. Because of the nuclear capabilities of our enemy it was the most dangerous conflict our country ever faced. The threat of mass destruction left a permanent mark on American life and politics. Those that won this war did so in obscurity. Those that gave their lives in the cold war have never been properly honored.

Today I introduce a bill that requires the Department of the Interior to conduct a study to identify sites and resources to commemorate heroes of the cold war and to interpret the cold war for future generations. My legislation directs the Secretary of the Interior to establish a ''Cold War Advisory Committee'' to oversee the inventory of cold war sites and resources for potential inclusion in the National Park System; as national historic landmarks; or other appropriate designations.

The Advisory Committee will work closely with State and local governments and local historical organizations. The committee's starting point will be a cold war study completed by the Secretary of Defense under the 1991 Defense Appropriations Act. Obvious cold war sites of significance include: Intercontinental ballistic missiles; flight training centers; communications and command centers, such as Cheyenne Mountain, Colorado; nuclear weapons test sites, such as the Nevada test site, and strategic and tactical resources.

Perhaps no other State in the Union has played a more significant role than Nevada in winning the cold war. The Nevada Test Site is a high-technology engineering marvel where the United States developed, tested, and perfected a nuclear deterrent which is the cornerstone of America's security and leadership among Nations. The Naval Air Station at Fallon is the Navy's premiere tactical air warfare training facility. The Air Warfare Center at Nellis Air Force Base has the largest training range in the United States to ensure that America's pilots will prevail in any armed conflict.

The Advisory Committee established under this legislation will develop an interpretive handbook on the cold war to tell the story of the cold war and its heroes.

I'd like to take a moment to relate a story of one group of cold war heroes.

On a snowy evening in November 17, 1955, a United States Air Force C–54 crashed near the summit of Mount Charleston in central Nevada. The doomed flight was carrying 15 scientific and technical personnel to secret Area 51 where the U–2 reconnaissance plane, of Francis Powers fame, was being developed under tight security. The men aboard the ill-fated C–54 helped build the plane which critics said could never be built. The critics were wrong, the U–2 is a vital part of our reconnaissance force to this day. The secrecy of the mission was so great that the families of the men who perished on Mount Charleston only recently learned about the true circumstances of the crash that took the lives of their loved ones. My legislation will provide $300,000 to identify historic landmarks like the crash at Mount Charleston. I'd like to thank Mr. Steve Ririe of Las Vegas who brought to light the events surrounding the death of the fourteen men who perished on Mount Charleston nearly a half century ago, and for the efforts of State Senator Rawson who shepherded a resolution through the Nevada legislature to commemorate these heroes.

A grateful nation owes its gratitude to the ''Silent Heroes of the Cold War.'' I urge my colleagues to support this long overdue tribute to the contribution and sacrifice of those cold war heroes for the cause of freedom.

By Mr. DORGAN (for himself, Mr. DEWINE, Mr. CONRAD, and Ms. LANDRIEU):

S. 1258. A bill to improve academic and social outcomes for teenage youth; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, today I am introducing the YMCA Teen Action Agenda Enhancement Act of 2001, along with my colleague Mr. DEWINE. This

bipartisan legislation will enable the YMCA to reach more teenagers across the United States who are in need of safe, structured after-school activities.

Unfortunately, the evidence is all around us that our young people today need some extra care and support. Kids today face challenges and obstacles that I never dreamed about when I was growing up in Regent. Children are killing other children because they covet their tennis shoes or their jackets. Kids are having kids. One-quarter of adolescents report that they have used illegal drugs.

Part of the problem is the temptation that kids face when they have too much idle time on their own. Every day, millions of American teens are left unsupervised after school. Studies have shown that teens who are unsupervised during these hours are more likely to smoke cigarettes, drink alcohol, engage in sexual activity, and become involved in delinquent behavior than those teens who participate in structured, supervised after-school activities. Also, nearly 80 percent of teens who are involved in after-school activities are A or B students, while only half of those who are not involved earn these grades. Two out of every 3 teens said that they would participate in after-school programs to help them improve academically, if such programs were offered.

The YMCA is an exemplary organization that is dedicated to serving our nation's youth, and it wants to help them even more. Nearly 2.4 million teenagers, 1 out of every 10, are involved in a program offered by their local YMCA. The Y is a safe place for kids during after school hours. Teens participate in hundreds of programs that feature tutoring and academics, sports, mentoring, community service and life skills. To serve more teens who are in need of structured after-school programs, the YMCA has set a goal of doubling the number of teens served to 1 out of every 5 teens by 2005. This ambitious campaign is called the Teen Action Agenda.

The bill that I offer today provides funding to help the YMCA reach teens who want and need more after-school activities. This piece of legislation authorizes Federal appropriations of $20 million per year for fiscal years 2002 through 2006 for the YMCA to implement its Teen Action Agenda. This funding would in turn be distributed to local YMCAs that are located in all 50 States and the District of Columbia. Similar legislation was passed in the 105th Congress for the Boys and Girls Club and in the 106th Congress for the Police Athletic League to aid in their efforts to reach out to youth. The YMCA is an established and proven organization that is in the position to reach and influence thousands of teenagers who are in danger of falling through the cracks.

This bill will encourage public-private partnerships and leverage additional funding for teen programs. This legislation contains a matching component that will be met by the YMCA through local and private support. The matching component, along with the support the YMCA programs receive from national corporate sponsors, will turn $20 million in Federal funds into $50 million that will be invested in proven programs that serve the teens who are most in need.

In my State, there are six YMCAs that serve North Dakota teens. Through programs focusing on education, life skills, safety, leadership, and service learning, these YMCAs helped 12,500 teens in my State develop character and build confidence within the last year.

One example of how the YMCA reaches teens is the Teen Board recently established in Fargo. This board is comprised of teenage representatives who advise the YMCA and other community residents on issues and concerns affecting local teens. Similar teen programs have been created at the other YMCAs in my State. The legislation I introduce today will provide funding for these YMCAs to expand these important programs.

Nationwide, YMCAs partner with 400 juvenile courts, 300 housing authorities and over 2,500 public schools. While the YMCA is national in scope, they are local in control and every program is designed and evaluated to meet the communities' unique needs. I am confident that this bill will help the YMCA to continue to provide successful solutions for our Nation's teens and their families.

Edmund Burke once said, ''All that is necessary for evil to triumph is for good people to do nothing.'' This legislation will provide good volunteers in YMCAs across the country with the additional resources they need to reach more teens. This bill represents a small step we can take to reach out to at-risk teens in communities across the Nation. For the sake of our children's future, I urge my Senate colleagues to join me in cosponsoring this piece of legislation.

By Mr. BROWNBACK (for himself, Mr. GRAHAM, and Mr. HELMS):

S. 1259. A bill to amend the Immigration and Nationality Act with respect to the admission of nonimmigrant nurses; to the Committee on the Judiciary.

Mr. BROWNBACK. Madam President, I rise today to introduce the Rural and Urban Health Care Act of 2001. I want to thank my cosponsors Senator GRAHAM and Senator HELMS for their support and leadership on this vital issue.

Nothing can traumatize a family more than a medical emergency, particularly one that may have been prevented by timely access to a needed medical professional. In Kansas, I know many communities that would be without a doctor if it was not for an immigrant physician. I know that many communities both in Kansas and around the country would benefit from a greater number of not only doctors, but nurses, nurse aides, radiologists, medical technicians, and other healthcare professionals.

In the area of nurses, it's become apparent that the problem has developed into one of national significance.

According to the American Organization of Nurse Executives, ''A nursing shortage is emerging nationwide that is fueled by age-related career retirements, small to moderate increases in job creation, and reduced nursing school enrollments. Job replacement-related demands due to registered nurse age-related retirements are expected to increase rapidly over the next 5 to 15 years.''

According to data from the Department of Health and Numan Services, today 18.3 percent of registered nurses are under the age of 35, compared to over 40 percent in 1980. Today, only nine percent of registered nurses are under the age of 30, compared to 25 percent in 1980.

Projections by economists Peter Buerhaus, Douglas Staiger, and David Auerbach show that by the year 2020, the number of registered nurses working in America will be ''20 percent below the projected need.''

I believe this legislation contains many crucial elements that would benefit many health care providers and the patients they serve.

First, the legislation amends the H–1C category established in the ''Nursing Relief for Disadvantaged Areas of 1999. The problem with that category is that it allows only a handful of health care facilities throughout the country to hire nurses on temporary visas. That makes little sense. We should open the category up to facilities in all States, rather than select a handful of hospitals that alone would be allowed to hire foreign nurses on temporary visas. In addition, the bill streamlines some of the current processes to remove redundancy and situations that impede the arrival of nurses to work and help patients in the United States.

Second, the legislation retains stringent labor protections established previously for the H–1C category on wages, layoffs and strikes.

Third, the bill authorizes appropriations for the Secretary of Health and Human Services to work with states to develop programs aimed at increasing the domestic supply of nurses in the United States.

Finally, the legislation expands an already successful program by increasing from 20 to 40 waivers for foreign physicians that may be exercised by a

particular State, as well allowing a carryover of any unused waivers to the next fiscal year. It also eliminates the sunset date of the program.

This bill does not attempt to solve all problems related to this issue. Other, more expensive solutions, primarily very long-term, may emerge from the HELP or Finance committees. However, it is not possible in one bill to address all outstanding financial or labor issues present in today's hospitals and nursing homes. Indeed, many of these issues will have to be addressed at the State level. But simply because we cannot solve all of today's health-care problems, does not mean that we abdicate our responsibility to find practical solutions to help real people.

I think this bill provides real and immediate help for problems that are only going to grew worse the longer we wait to address them.

I ask unanimous consent that the text of the bill and a section by section summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1259

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 ''Rural and Urban Health Care Act of 2001''.

SEC. 2. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES.

(a) REQUIREMENTS.—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

''(m)(1) The qualifications referred to in the section 101(a)(15)(i)(c), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

''(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education, or has received nursing education in the United States or Canada;

''(B) has passed the examination given by the Commission on Graduates of Foreign Nursing Schools (or has passed another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services), or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

''(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to take the State licensure examination after entry into the United States, and the lack of a social security number shall not indicate a lack of eligibility to take the State licensure examination.

''(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

''(i) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed at the facility.

''(ii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

''(iii) There is not a strike or lockout in the course of a labor dispute, the facility did not lay off and will not lay off a registered staff nurse who provides patient care and who is employed by the facility within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition for clarification of such an alien under section 101(a)(15)(H)(i)(c), and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

''(iv) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to the registered nurses employed by the employer at the facility through posting in conspicuous locations.

''(v) The facility will not, with respect to any alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c)—

''(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

''(II) transfer the place of employment of the alien from one worksite to another.

''(B) A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing.

''(C) The Secretary of Labor shall review an attestation only for completeness and obvious inaccuracies. Unless the Secretary finds that the attestation is incomplete or obviously inaccurate, the Secretary shall certify the attestation within 7 calendar days of the date of the filing of the attestation. If the attestation is not returned to the facility within 7 calendar days, the attestation shall be deemed certified.

''(D) Subject to subparagraph (F), an attestation under subparagraph (A)—

''(i) shall expire on the date that is the later of—

''(I) the end of the three-year period beginning on the date of its filing with the Secretary; or

''(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and

''(ii) shall apply to petitions filed during the three-year period beginning on the date of its filing with the Secretary if the facility states in each such petition that it continues to comply with the conditions in the attestation.

''(E) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

''(F)(i) The Secretary shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for classification of nonimmigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility's attestation under subparagraph (A) and each such petition filed by the facility.

''(ii) The Secretary shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary, but excluding any governmental agency or entity). The Secretary shall conduct an investigation under this clause if there is probable cause to believe that a facility willfully failed to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether or not an attestation is expired or unexpired at the time a complaint is filed.

''(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

''(iv) If the Secretary finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has willfully failed to meet a condition attested to or that there was a willful misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

''(v) In addition to the sanctions provided for under clause (iv), if the Secretary finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph (A)(ii) (relating to payment of registered nurses at the facility wage rate), the Secretary shall order the facility to provide for payment of such amounts of back pay as may be required to comply with such condition.

''(G)(i) The Secretary shall impose on a facility filing an attestation under subparagraph (A) a filing fee in an amount prescribed by the Secretary based on the costs of carrying out the Secretary's duties under this subsection, but not exceeding $250.

''(ii) Fees collected under this subparagraph shall be deposited in a fund established for this purpose in the Treasury of the United States.

''(iii) The collected fees in the fund shall be available to the Secretary, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in clause (i), in addition to any other funds that are available to the Secretary to cover such costs.

''(3) The period of admission of an alien under section 101(a)(15)(H)(i)(c) shall be for an initial period not to exceed three years, subject to an extension for a period or periods not to exceed a total period of admission of six years.

''(4) A facility that has filed a petition under section 101(a)(15)(H)(i)(c) to employ a nonimmigrant to perform nursing services for the facility—

''(A) shall provide the nonimmigrant a wage rate and working conditions commensurate with those of nurses similarly employed by the facility; and

''(B) shall not interfere with the right of the nonimmigrant to join or organize a union.

''(5)(A) For purposes of paragraph (2)(A)(iii), the term 'lay off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) Nothing in this paragraph is intended to limit an employee's or an employer's rights under a collective bargaining agreement or other employment contract.

''(6) For purposes of this subsection and section 101(a)(15)(H)(i)(c), the term 'facility' includes a hospital, nursing home, skilled nursing facility, registry, clinic, assisted-living center, and an employer who employs any registered nurse in a home setting.

''(7) Except as otherwise provided, in this subsection, the term 'Secretary' means the Secretary of Labor.''.

(b) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor (in consultation, to the extent required, with the Secretary of Health and Human Services) and the Attorney General shall promulgate final or interim final regulations to carry out section 212(m) of the Immigration and Nationality Act (as amended by subsection (a)) The amendments made by this section shall take effect not later than 90 days after the date of the enactment of this Act, without regard to whether or not regulations to carry out such amendments have been promulgated by such date.

SEC. 3. REPEAL.

Section 3 of the Nursing Relief for Disadvantaged Areas Act of 1999 (Public Law 106–95; 8 U.S.C. 1182 note; relating to recommendations for alternative remedy for nursing shortage) is repealed.

SEC. 4. QUALIFICATION FOR CERTAIN ALIEN NURSES.

(a) ELIMINATION OF CERTAIN GROUNDS OF INADMISSABILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by striking subsections (a)(5)(C) and (r).

(b) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) is amended by adding at the end the following new sentence: ''Any such petition filed on behalf of an alien who will be employed as a professional nurse shall include evidence that the alien—

''(i) has passed—

''(I) the examination given by the Commission on Graduates of Foreign Nursing Schools (CGFNS); or

''(II) another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services; or

''(ii) holds a full and unrestricted license to practice professional nursing in the State of intended employment.''.

SEC. 5. WAIVERS OF TWO-YEAR FOREIGN RESIDENCE REQUIREMENT.

(a) IN GENERAL.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)) is amended—

(1) in paragraph (1)(B), by striking ''20'' and inserting ''40, plus the number of waivers specified in paragraph (4)''; and

(2) by adding at the end the following new paragraph:

''(4) The number of waivers specified in this paragraph is the total number of unused waivers allotted to all States for a fiscal year divided by the number of States having no unused waivers remaining in the allotment to those States for that fiscal year.''.

(b) ELIMINATION OF TERMINATION DATE.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416, as amended; 8 U.S.C.1182 note) is amended by striking ''and before June 1, 2002''.

SEC. 6. OTHER MEASURES TO MEET RURAL AND URBAN HEALTH CARE NEEDS.

(a) GRANT AUTHORITY.—The Secretary of Health and Human Services shall award grants to States, local governments, and institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965) to fund training, recruitment, and other activities to increase the supply of domestic registered nurses and other needed health care providers.

(b) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary of Health and Human Services determines to be essential to ensure compliance with the requirements of this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Health and Human Services such sums as may be necessary to carry out this section.

THE RURAL AND URBAN HEALTH CARE ACT OF 2001—SECTION-BY-SECTION

SECTION 1.

The Act may be cited as the ''Rural and Urban Health Care Act of 2001.''

SECTION 2. REQUIREMENTS FOR ADMISSION OF NON-IMMIGRANT NURSES

Section 212(m) of the Immigration and Nationality Act is amended as follows:

To qualify, the alien must:

1. Obtain a full and unrestricted license to practice professional nursing in the country where obtained nursing education, or received nursing education in the U.S. or Canada;

2. Pass the examination given by the Commission on Graduates of Foreign Nursing Schools (or other appropriate examination recognized in regulations of Secretary of Health and Human Services), or have a full and unrestricted license under State law to practice in state of intended employment;

3. Is fully qualified and eligible to take the State licensure examination after entry into the U.S., and lacking a social security number shall not indicate a lack of eligibility to take the State licensure exam.

The attestation with respect to a facility where an alien will perform services (referred to in section 101(a)(15)(H)(i)(c)), requires the following:

1. The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed at the facility;

2. The alien will be paid the wage rate for nurses similarly employed by the facility;

3. There is not a labor dispute involving a strike or lockout at the facility, and the facility did not lay off and will not lay off a registered staff nurse for a period beginning 90 days before and after the date of filing of any visa petition, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

4. At the time of filing of petition for registered nurses, notice of the filing has been given to the bargaining representative of the nurses at the facility, and in the absence of such representative, notice of the filing has been provided to the nurses employed by the employer at the facility through posting in conspicuous locations.

5. The facility will not:

a. Authorize the alien to perform nursing services at any work site other than a work site controlled by the facility;

b. Transfer the place of employment from one work site to another.

6. A copy of the attestation shall be provided to the nurses at the facility within 30 days of the date of filing.

7. The Secretary of Labor shall review an attestation only for completeness and obvious inaccuracies, and shall certify the attestation within 7 days of date of filing. If not returned within 7 days, the attestation shall be deemed certified.

8. An Attestation shall:

a. Expire on the date that is the later of:

1. The end of the three-year period beginning on the date of its filing with the Secretary, or

2. The end of the period of admission of the last alien section 101(a)(15)(H)(i)(c) was applied; and

b. Apply to petitions filed during the three-year period if the facility states in each petition that it continues to comply with the conditions in the attestation.

9. A facility may meet the requirements listed above with respect to more than one registered nurse in a single petition.

10. The Secretary shall:

a. Compile and make available to the public a list identifying facilities which have filed petitions for classification of non-immigrants under section 101(a)(15)(H)(i)(c), and provide a copy of the attestation filed for each facility.

b. Establish a process for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (but excluding any governmental agency or entity). The Secretary shall conduct an investigation if there is probable cause to believe that a facility willfully failed to meet conditions attested to. This will apply regardless of whether or not an attestation is expired or unexpired at the time a complaint is filed.

c. If a complaint is filed, the Secretary shall provide within 180 days of filing, a determination as to if a basis exists to make a finding described below (iv). If such a basis exists, the Secretary shall provide notice of such determination to the interested parties, and an opportunity for a hearing on the complaint within 60 days of the date of determination. The Secretary shall promulgate

regulations providing for penalties, including civil monetary fines, upon parties who submit complaints that are found to be frivolous.

d. After notice and opportunity for hearing, if the Secretary finds that a facility has willfully failed to meet a condition attested to, or that there was willful misrepresentation of material fact, the Secretary shall notify the Attorney General of such finding and may also impose administrative remedies (including civil monetary penalties not to exceed $1000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary deems appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

e. In addition to the sanctions listed above (iv), if the Secretary finds (after notice and opportunity for hearing) that a facility has violated conditions regarding the payment of registered nurses at the facility wage rate (subparagraph (A)(ii)), the Secretary shall order the facility to provide for payment of back pay to comply with such condition.

11. The Secretary shall:

a. Impose a facility filing fee, but not to exceed $250.

b. Such fees collected shall be deposited in a fund established for this purpose with the Treasury of the United States.

c. The collected fees shall be available to the Secretary, to the extent provided in appropriation Acts, to cover the costs described above.

The period of admission of an alien under 101(a)(15)(H)(i)(c) shall be for an initial period not to exceed three years, and subject to an extension not to exceed a total period of admission of six years.

A facility that has filed a petition under 101(a)(15)(H)(i)(c) shall:

1. Provide a wage rate and working conditions the same as those of nurses similarly employed by the facility.

2. Not interfere with the right of the immigrant to join or organize a union.

The term ''lay off'' with respect to a worker (for purposes of paragraph (2)(A)(iii)),

1. Means to cause the worker's loss of employment, other than a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

2. Does not include any situation in which the workers offered, as an alternative to such loss, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

3. Nothing in this paragraph is intended to limit an employee's or an employer's rights under a collective bargaining agreement or other employment contract.

The term 'facility' includes a hospital, nursing home, skilled nursing facility, registry, clinic, assisted-living center, and an employer who employs any registered nurse in a home setting.

The term 'Secretary' means the Secretary of Labor

1. Implementation:

a. No later than 90 days after date of the enactment of this Act, regulations to carry out this amendment shall be made by the Secretary in consultation with the Secretary of Health and Human Services, and the Attorney General. The amendments made shall take effect not later than 90 days after the date of the enactment of this Act, without regard to regulations have been made by that date.

SECTION 3. REPEAL

Section 3 of the Nursing Relief for Disadvantaged Areas As of 1999 is repealed.

SECTION 4. CERTIFICATION FOR CERTAIN ALIEN NURSES

Any such petitions filed on behalf of an alien who will be employed as a professional nurse shall include evidence that the alien has passed: (I) the examination given by the Commission on Graduates of Foreign Nursing Schools; or (II) another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services; or holds a full and unrestricted license to practice professional nursing in the State of intended employment.

SECTION 5. WAIVERS OF TWO-YEAR FOREIGN RESIDENCE REQUIREMENT FOR FOREIGN PHYSICIANS

Section 214(1) of the Immigration and Nationality Act is amended

1. In paragraph (1)(B), by striking ''20'' and inserting ''40, plus the number of waivers specified in paragraph (4)''; and

2. By adding at the end of the following new paragraph: ''(4) The number of waivers specified in this paragraph is the total number of unused waivers allotted to all State for fiscal year divided by the number of States having no unused waivers remaining in the allotment to those States for that fiscal year.''

SECTION 6. OTHER MEASURES TO MEET RURAL AND URBAN HEALTH CARE NEEDS

The Secretary of Health and Human Services shall award grants to States, local governments, and institutions of higher education to fund training, recruitment, and other activities to increase the supply of domestic registered nurses and other needed health care providers. There are authorized such sums as may be necessary to carry out this section.

By Mr. ROCKEFELLER:

S. 1260. A bill to provide funds for the planning of a special census of Americans residing abroad; to the Committee on Governmental Affairs.

Mr. ROCKEFELLER. Madam President, millions of Americans live and work overseas. While living abroad, they continue to pay taxes and they can vote in our Federal elections. They are American citizens and they want to be counted in the next decennial Census in 2010. To achieve this goal, it is essential to plan and prepare.

For several years, I have been working closely with Congresswoman CAROLYN MALONEY. She has been a true leader on the important issues of the U.S. Census and I am proud to work with her. The bill I am introducing today is the companion bill to H.R. 680. This legislation authorizes funding to being the work at the Census Bureau to count Americans living overseas. The House Appropriations Committee has included some funding for this important initiative which is encouraging news.

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. 1260

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

SECTION 1. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) an estimated 3,000,000 to 6,000,000 Americans live and work overseas while continuing to vote and pay taxes in the United States;

(2) Americans residing abroad help increase exports of American goods because they traditionally buy American, sell American, and create business opportunities for American companies and workers, thereby strengthening the United States economy, creating jobs in the United States, and extending United States influence around the globe;

(3) Americans residing abroad play a key role in advancing this Nation's interests by serving as economic, political, and cultural ''ambassadors'' of the United States; and

(4) the major business, civic, and community organizations representing Americans and companies of the United States abroad support the counting of all Americans residing abroad by the Bureau of the Census, and are prepared to assist the Bureau of the Census in this task.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Bureau of the Census should carry out a special census of all Americans residing abroad in 2004;

(2) the Bureau should, after completing that special census, review the means by which Americans residing abroad may be included in the 2010 decennial census;

(3) the Bureau should take appropriate measures to provide for the inclusion of Americans residing abroad in the 2010 decennial census and decennial censuses thereafter; and

(4) in order to ensure that the measures specified in the preceding provisions of this subsection can be completed in timely fashion, the Bureau should begin planning as soon as possible for the special census described in paragraph (1).

SEC. 2. FUNDING TO BEGIN PLANNING FOR A SPECIAL CENSUS OF AMERICANS RESIDING ABROAD.

For necessary expenses in connection with the planning of a special census of Americans residing abroad (as described in section 1(b)(1)), there is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 for fiscal year 2002, to remain available until expended.

By Mr. ROCKEFELLER:

S. 1261. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

Mr. ROCKEFELLER. Madam President, millions of Americans live abroad, serving in our military or working in foreign countries. These Americans pay taxes and have the right to vote. They deserve to know that their votes will be counted.

Today, I am introducing legislation designed to streamline and improve the

process for absentee ballots to help ensure that Americans living overseas can participate in American elections. The bill is called the Uniformed and Overseas Citizen Absentee Voting Reform Act. It is based on the bipartisan legislation introduced in the House of Representatives by Congresswoman CAROLYN MALONEY and Congressman THOMAS REYNOLDS. This bill is developed through recommendations of overseas Americans.

Our goal is to help both military and civilian citizens overseas to participate in elections. The right to vote is important in our country, and we need to encourage all of our citizens, including those millions living abroad, to participate in elections.

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. 1261

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 ''Uniformed and Overseas Citizen Absentee Voting Reform Act of 2001''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately 3,000,000 to 6,000,000 American citizens, including 576,000 Federal employees and their overseas dependents in the armed services and in other Federal agencies, live permanently or temporarily reside outside the 50 States and the District of Columbia.

(2) The members of the armed services, their dependents, other employees of the Federal Government and their dependents, and the approximately 3,000,000 to 5,500,000 other American citizens abroad make an inestimable contribution to the security, economic well-being, and cultural vitality of the United States.

(3) Although great progress has been made in recent decades in assuring that these citizens have the chance to participate fully in our democratic process, the national elections of November 2000 revealed grave shortcomings in our system, with nearly 40 percent of overseas ballots rejected in one State alone.

(4) Moreover, during these elections it became apparent that timely information about the numbers of American citizens seeking to vote and voting from abroad, information which is essential to measure the effectiveness of our overseas voting system, is not currently provided by the States.

SEC. 3. SIMPLIFICATION OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION PROCEDURES FOR ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.

(a) REQUIRING STATES TO ACCEPT OFFICIAL FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION; DEADLINE FOR PROVIDING ABSENTEE BALLOT.—

(1) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by amending paragraph (2) to read as follows:

''(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;'';

(B) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application; and

''(5) transmit the absentee ballot for an election to each absent uniformed services voter and overseas voter who is registered with respect to the election as soon as practicable after the voter is registered, but in no case later than the 45th day preceding the election (if the voter is registered as of such day).''.

(2) CONFORMING AMENDMENTS.—Section 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2) is amended by striking ''as recommended in section 104'' and inserting ''as required under section 102(4)''.

(b) USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.—Section 104 of such Act (42 U.S.C. 1973ff–3) is amended to read as follows:

''SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

''(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(4))—

''(1) the voter shall be deemed to have submitted an absentee ballot application for each subsequent election for Federal office held in the State; and

''(2) the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State (in accordance with the deadline required under section 102(a)(5)).

''(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.

''(c) NO EFFECT ON VOTER REMOVAL PROGRAMS.—Nothing in this section may be construed to prevent a State from removing any voter from the rolls of registered voters in the State under any program or method permitted under section 8 of the National Voter Registration Act of 1993.''.

SEC. 4. REMOVING BARRIERS TO ACCEPTANCE OF COMPLETED BALLOTS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each State''; and

(2) by adding at the end the following new subsection:

''(b) SPECIAL REQUIREMENTS REGARDING ACCEPTANCE OF COMPLETED BALLOTS.—

''(1) MANDATORY MINIMUM PERIOD FOR ACCEPTANCE OF ABSENTEE BALLOT AFTER DATE OF ELECTION.—Notwithstanding any other provision of law, a State shall not refuse to count an absentee ballot submitted in an election for Federal office by an absent uniformed services voter or overseas voter on the grounds that the ballot was not submitted in a timely manner if—

''(A) the ballot is received by the State not later than 14 days after the date of the election;

''(B) the ballot is signed and dated by the voter; and

''(C) the date provided by the voter on the ballot is not later than the day before the date of the election.

''(2) PROHIBITING REFUSAL OF BALLOT FOR LACK OF POSTMARK.—A State shall not refuse to count an absentee ballot submitted in an election for Federal office by an absent uniformed services voter or overseas voter on the grounds that the ballot or the envelope in which the ballot is submitted lacks a postmark if the ballot is signed and dated by the voter and a witness within the deadline applicable under State law for the submission of the ballot (taking into account the requirements of paragraph (1)).''.

SEC. 5. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 4, is amended by adding at the end the following new subsection:

''(c) OTHER REQUIREMENTS AND PROHIBITIONS.—

''(1) RESPONSE TO SUBMITTED MATERIALS.—

''(A) APPLICATIONS FOR VOTER REGISTRATION AND ABSENTEE BALLOT REQUEST.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, the State—

''(i) shall immediately notify the voter as to whether or not the State has approved the application or request; and

''(ii) if the State rejects the application or request, shall provide the voter with the reasons for the rejection.

''(B) ABSENTEE BALLOTS.—With respect to each absent uniformed services voter and each overseas voter who submits a completed absentee ballot, the State—

''(i) shall immediately notify the voter as to whether or not the State has received the ballot; and

''(ii) if the State refuses to accept the ballot, shall provide the voter with the reasons for refusal.

''(2) USE OF FACSIMILE MACHINES AND INTERNET.—Each State shall make voter registration applications, absentee ballot requests, and absentee ballots available to absent uniformed services voters and overseas voters through the use of facsimile machines and the Internet, and shall permit such voters to transmit completed applications and requests to the State through the use of such machines and the Internet. Nothing in this paragraph may be construed to prohibit a State from accepting completed absentee ballots from absent uniformed services voters and overseas voters through the use of facsimile machines.

''(3) PROHIBITING NOTARIZATION REQUIREMENTS.—A State may not refuse to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

''(4) COMPILATION OF STATISTICS.—

''(A) IN GENERAL.—For each election for Federal office held in the State, each State shall compile and publish the following information with respect to absent uniformed services voters and overseas voters:

''(i) The number of voter registration applications received from each such group of

voters, together with the number of such applications which were rejected by the State and the reasons for rejection.

''(ii) The number of absentee ballots sent to each such group of voters.

''(iii) The number of completed absentee ballots submitted by each such group of voters, together with the number of such ballots which were rejected by the State and the reasons for rejection.

''(B) BREAKDOWN BY LOCAL JURISDICTION AND OVERSEAS LOCATION.—In compiling and publishing the information described in subparagraph (A), the State shall break down each category of such information by county (or other appropriate local election district) and by the locations to which and from which the materials described in such subparagraph were transmitted and received.

''(C) TRANSMISSION TO PRESIDENTIAL DESIGNEE.—With respect to information regarding a Presidential election year, the State shall transmit the information compiled under this paragraph to the Presidential designee at such time and in such manner as the Presidential designee may require to prepare the report described in section 101(b)(6).''.

SEC. 6. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE.

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: '', and ensure that such officials are aware of the requirements of this Act;''.

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.''.

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by sections 3(a) and 4, is further amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(6) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).''.

(c) TRANSMISSION OF FEDERAL WRITE-IN ABSENTEE BALLOT THROUGH FACSIMILE MACHINES AND INTERNET.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g); and

(2) by inserting after subsection (a) the following new subsection:

''(b) TRANSMISSION OF BALLOT THROUGH FACSIMILE MACHINES AND INTERNET.—The Presidential designee shall make the Federal write-in absentee ballot and the application for such a ballot available to overseas voters through the use of facsimile machines and the Internet, and shall permit such voters to transmit completed applications for such a ballot to the Presidential designee through the use of such machines and the Internet.''.

(d) PROVIDING BREAKDOWN BETWEEN OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS IN STATISTICAL ANALYSIS OF VOTER PARTICIPATION.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by inserting after ''participation'' the following: ''(listed separately for overseas voters and absent uniformed services voters)''.

SEC. 7. GRANTING PROTECTIONS GIVEN TO ABSENT UNIFORMED SERVICES VOTERS TO RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 104 the following new section:

''SEC. 104A. COVERAGE OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.

''(a) IN GENERAL.—For purposes of this Act, an individual who is a separated uniformed services voter (or the spouse or dependent of such an individual) shall be treated in the same manner as an absent uniformed services voter with respect to any election occurring during the 60-day period which begins on the date the individual becomes a separated uniformed services voter.

''(b) SEPARATED UNIFORMED SERVICES VOTER DEFINED.—

''(1) IN GENERAL.—In this section, the term 'separated uniformed services voter' means an individual who—

''(A) is separated from the uniformed services;

''(B) was a uniformed services voter immediately prior to separation;

''(C) presents to an appropriate election official Department of Defense Form 214 showing that the individual meets the requirements of subparagraphs (A) and (B) (or any other official proof of meeting such requirements); and

''(D) is otherwise qualified to vote with respect to the election involved.

''(2) UNIFORMED SERVICES VOTER.—In paragraph (1), the term 'uniformed services voter' means—

''(A) a member of a uniformed service on active duty; or

''(B) a member of the merchant marine.''.

SEC. 8. FINANCIAL ASSISTANCE TO STATES FOR COSTS OF COMPLIANCE.

(a) IN GENERAL.—The Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act shall make a payment to each eligible State for carrying out activities to comply with the requirements of such Act, including the amendments made to such Act by this Act.

(b) ELIGIBILITY.—A State is eligible to receive a payment under this section if it submits to the Presidential designee (at such time and in such form as the Presidential designee may require) an application containing such information and assurances as the Presidential designee may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the first fiscal year which begins after the date of the enactment of this Act such sums as may be necessary to carry out this section, to remain available until expended.

SEC. 9. EFFECTIVE DATE.

The amendments made by sections 3, 4, 5, 6, and 7 shall apply with respect to elections occurring after the date of the enactment of this Act.

By Mr. ROCKEFELLER (for himself Mr. ROBERTS, and Mr. KENNEDY):

S. 1262. A bill to make improvements in mathematics and science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Madam President, one of our major national problems is the dismal educational achievement of our children in the areas of mathematics and science. In 1989 President George H. Bush proposed and the Governors adopted as a national goal that by the year 2000, the United States would be first in the world in mathematics and science. Not only has our country neglected this education goal, the evidence shows that our country has not made significant improvements. Several studies have shown that in the intervening years, our performance relative to other industrialized countries is about average and there is no indication of any change. Furthermore, the evidence clearly shows that between the 4th and 8th grades our achievement level actually declines relative to other countries.

Not only is this a concern for our future competitiveness in the modern world but it could present a serious national security problem. The U.S. Commission on National Security/21st Century concluded in a February 2001 report that the ''Second only to a weapon of mass destruction detonating in an American city, we can think of nothing more dangerous than a failure to manage properly science, technology, and education for the common good over the next quarter century.''

One major factor in this situation is the lack of sufficient qualified mathematics and science teachers. A large number of mathematics and science teachers are not certified in their subject area. The greatest number of uncertified teachers are located in areas with large minority populations and high concentrations of poverty. This situation is of great concern since many studies have shown that full certification or a major in the field is a strong predictor of student achievement. Mr. Michael Porter of the Harvard Business School has documented that over 90 percent of urban schools report teacher shortages in mathematics and science. Furthermore, recently, the National Council for Accreditation of Teacher Preparation showed that 50,000 new teachers enter the profession each year lacking appropriate preparation. More than 30 percent of secondary mathematics teachers hold neither a major or minor in mathematics.

I am proud to have Senators ROBERTS and KENNEDY as original cosponsors of this legislation since each is a recognized leader on education. We are introducing a bipartisan bill entitled the National Mathematics and Science Partnerships Act. Our bill is very similar to legislation reported out of the House Committee on Science, and I

have worked with Chairman BOEHLERT on this important initiative. The purpose of this bill is to make a major impact on the teaching of technical subjects in grades K through 12. This bill accomplishes its goal by bringing the wider community including industry into the educational process through partnerships, by increasing the number of qualified teachers and providing support programs to improve their qualifications, and by providing access to master teachers, curriculum related materials, and research opportunities. The bill also sets up Centers of Research on Learning to determine which methodologies are most effective for educating our students in mathematics and science.

One of the main provisions authorizes the National Science Foundation to establish a program of mathematics and science education partnerships involving universities and local educational agencies. These partnerships will focus on a wide array of reform efforts ranging from professional development to curriculum reform for grades K through 12. The partnerships may include the State educational agency and 50 percent of them must include businesses. These partnerships are intended to conceive, develop, and evaluate innovative approaches to education in mathematics, science, engineering, and other technical subjects. A special feature is an emphasis on encouraging the ongoing interest of girls in science, mathematics, engineering, or technology preparing them to pursue careers in these fields.

A second provision authorizes the expansion of the National Science, Mathematics, Engineering, and Technology Education Digital Library to include peer reviewed elementary and secondary education materials. The library will serve as an Internet accessible resource for state-of-the-art curriculum materials in support of teaching technical subjects.

A third provision, that is of particular importance to me, provides for the establishment of a new scholarship program designed to encourage mathematics, science, and engineering majors to pursue careers in teaching. The program provides grants to universities who will, in turn, award scholarships to mathematics, science and engineering majors who agree to teach following graduation and certification. The institutions must also provide education and support programs for the scholarship recipients. A second element is that stipends will be offered to mid-career professionals in mathematics, science, or engineering who need course work to transition to a career in teaching. Recipients are required to teach in a K through 12 school receiving assistance under Title I of the Elementary and Secondary Education Act of 1965 as payback for the scholarship.

The bill also provides for a study of Broadband Network access for schools and libraries. This requires the National Science Foundation to determine how Broadband access can be used and can be effective in the educational process. This section is important to the future of the highly successful E-Rate program that is helping close the digital divide between rich and poor schools and urban, rural, and suburban schools.

Another important provision sets up a grant program to train master teachers to work in K through 9 classrooms to improve the teaching of mathematics or science. This program will develop an invaluable in-house resource for teachers of technical subjects.

There are a number of other provisions, all of which, address shortcomings in our current approach to education in technical subjects.

I often visit West Virginia schools, and during the school year I use the Internet to host on-line chats with students across the State. I believe that students, parents, and teachers recognize the important of math, science and engineering on the workplace, but we need a better support system for these key subjects in my State, and nationwide.

The National Mathematics and Science Partnerships Act is not by itself a solution to solving the crisis in technical education. However, in conjunction with the reauthorization of the Elementary and Secondary Education Act will begin the process of addressing a major national problem. I urge my colleagues to join us in making our children the best in the world.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL MATHEMATICS AND SCIENCE PARTNERSHIPS ACT

The overall purpose of this bill is to make a major impact on the teaching of technical subjects in Grades K–12. Many studies have indicated that the US is seriously lacking in our ability to effectively convey scientific knowledge to K–12 students that will enable them to go on to college and major in technical fields. This situation has led to concern that we are losing our competitive edge in the modern world. A key element is the serious shortage of qualified math and science teachers. This bill helps by bringing the wider community including industry into the educational process, by increasing the number of qualified teachers, and by providing for access to support in the form of materials, research opportunities, and Centers of Research on Learning.

Most of the provisions of this bill originated in the House Science Committee and some of them reflect the Administration's desires. We, in Senator Rockefeller's office, have been working with the Science Committee for several months. Our major input is the inclusion of a Title that establishes scholarships for students who commit to teach mathematics or science in Grades K–12 in return. We have evaluated the other provisions and agree with them as will be reflected in the bill we are planning to introduce. The provisions of the proposed Senate bill are summarized below.

PROVISIONS OF THE ''NATIONAL MATHEMATICS AND SCIENCE PARTNERSHIPS ACT''

1. Mathematics and Science Education Partnerships: This provides for universities or consortia to receive grants to establish partnership programs to improve the instruction of math and science. The partnerships may include local educational agencies and there is a mandate that 50% will include businesses. There is a strong section on programs aimed at girls. The appropriation is $200M/year for 2002–2006

2. Teacher Research Stipend: This provides grants for K–12 math and science teachers to do research in math, science and engineering to improve their performance in the classroom. The appropriation is $15M/year for 2002–2006.

3. National Science, Mathematics, Engineering, and Technology Education Library: This Title expands the existing Digital Library to archive and provide for the timely dissemination through the Internet and other digital technologies of educational materials to support the teaching of technical subjects. The appropriation is $20M/year for 2002–2006.

4. Education Research Centers: This Section will establish 4 multi disciplinary Centers for Research on Learning and Education Improvement. This provision is to do research in cognitive science, education, and related fields to develop ways to improve the teaching of math and science. It also provides for an annual conference to disseminate the results of the Center's activities. The appropriation is $12M/year for 2002–2006.

5. Education Research Teacher Fellowships: This Section provides grants for institutions of higher education to enable teachers to have research opportunities related to the science of learning. The appropriation is $5M/year for 2002–2004.

6. Robert Noyce Scholarship Program: This Title is an updated version of a scholarship program that Senator Rockefeller and Rep. Boehlert sponsored and passed in 1989. It calls for grants to universities or consortia to award scholarships or stipends to students who agree to become K–12 math or science teachers. Scholarships are for $7,500 and are limited to 2 years. In addition, there are provisions for a stipend to enable mid-career math, science and engineering professionals to receive their certificate to teach. The stipend is $7,500 for 1 year. Recipients under this subtitle are obligated to teach math or science. The requirement is 2 years for each year of support within 6 years of graduation. The university or consortium receiving the grant is responsible for monitoring compliance and collecting refunds from those who do not comply. The appropriation is $20M/year for 2002–2005 plus an unspecified amount for the NSF to administer the program for 2006–2011.

Political History: While the Noyce scholarship was authorized in 1989, we never secured appropriations to fund the program, in part because NSF had concerns about the scholarships and never lobbied OMB for the appropriations. This time, we worked with NSF staff to get their consent so that we really can promote these scholarships.

7. Requirements for Research Centers: Grant recipients establishing research centers must offer programs for K–12 math and science teachers and the quality of their programs is a criteria for awarding grants. There is no appropriation for the Title.

The bill to be voted on by the House also contains a number of other provisions added during the Science Committee Mark-up. These are contained in a title called ''Miscellaneous Provisions''.

1. Mathematics and Science Proficiency Partnerships: This section sets up a demonstration project for local educational agencies to develop a program to build technology curricula, purchase equipment, and provide professional development for teachers. It is specifically aimed at economically disadvantaged students and requires private sector participation. The private sector will donate equipment, provide funds for internships and scholarships, and other activities helping the objectives of this section. The appropriation is $5M/year for 2002–2004.

2. Articulation Partnerships between Community Colleges and Secondary Schools: Amends the ''Scientific and Advanced Technology Act of 1992'' (P.L. 102–476) to direct the NSF to give priority to proposals that involve students that are under represented in technical fields. (The act applies to two year Associate Degree granting colleges.) The appropriation is $5M/year for 2002–2004.

3. Assessment of In-Service Teacher Professional Development Programs: This section provides for the Director of the NSF to review all programs sponsored by the NSF that support in-service teacher professional development for science teachers. The purpose is to determine whether information technology is being used effectively and how resources are allocated between summer activities and reinforcement training. A report is due 1 year after enactment of this Act. There is no appropriation.

4. Instructional Materials: The NSF may award grants for the development of educational materials on energy production, energy conservation, and renewable energy. There is no appropriation.

5. Study of Broadband Network Access for Schools and Libraries: The NSF is to provide an initial report to Congress and provide an update every year for the next 6 years. The reports are to how Broadband access can used and can be effective in the educational process. There is no appropriation. This section relates to the ERATE law to which Senator Rockefeller is very committed.

6. Educational Technology Assistance; Learning Community Consortium: This section amends the ''Scientific and Advanced Technology Act of 1992 to enable two year colleges to establish centers to assist K–12 schools in the use of information technology for technical subject instruction. The appropriation is $5M/year for 2002–2004. There is an additional appropriation of $10M to award a grant to a consortium of associate-degree granting colleges to encourage women, minorities, and disabled individuals to enter and complete programs in technical fields.

The Senate bill will also include a title that incorporates the provisions of HR 100. This bill was passed out of the House Science Committee at the same time as HR 1858. This bill was also included as Title II of S 478 previously introduced by Senator Roberts, cosponsored by Senators Kennedy and Bingaman. This approach is agreed to by the House Science Committee. The provisions are:

1. Master Teacher Grant Program: This provision establishes a grant program to train master teachers to work in K–9 classrooms to improve the teaching of mathematics or science. The appropriation is $50M/year for 2002–2004.

2. Dissemination of Information on Required Course of Study for Careers in Science, Mathematics, Engineering, and Technology Education: The NSF shall compile and disseminate information on prerequisites for entrance into college to pursue a course of study leading to teaching in a K–12 environment and on the licensing requirements for such teachers. The appropriation is $5M/year for 2002–2004.

3. Requirement to Conduct Study Evaluation: The NSF shall enter into an agreement with the National Academies of Sciences and Engineering to review existing studies on the effectiveness of technology in the classroom and to report not later than one year after enactment of this Act. The appropriation is $600K.

4. Science, Mathematics, Engineering, and Technology Business Education Conference: The NSF shall convene an annual 3–5 day conference for K–12 technology education stakeholders to 1. identify and gather information on existing programs, 2. determine the coordination between providers, and 3. identify the common goals and divergences among the participants. There will be a yearly report to the Senate Commerce Committee and the House Science Committee.

Mr. ROBERTS. Mr. President, I rise today, along with my colleagues, Senator ROCKEFELLER and Senator KENNEDY, to introduce a piece of legislation that continues to build on our efforts to improve math and science education.

The National Mathematics and Science Partnerships Act creates a program through the National Science Foundation NSF, that provides a variety of recruitment incentives for college students and individuals who are engineering, science and math professionals in other fields, to pursue teaching math and science. Additionally, math and science teachers are provided a variety of professional development opportunities. I am pleased to include in this legislation a portion of a bill I introduced earlier this year, S. 478, the Engineering, Science, Technology and Mathematics Education Enhancement Act.

The Math and Science Partnerships Act will provide grants for K–12 math and science teachers to do research in engineering, science and math to do research in these areas to improve their performance in the classroom, a demonstration project for LEAs to develop a program to build technology curricula, purchase equipment and provide professional development for teachers specifically aimed at economically disadvantaged students. It also provides in-service support and a master teacher grant program to hire master teachers who are responsible for in-classroom help and oversight. Additionally, the legislation assists high school students in pursuit of their careers as math and science teachers by informing them of courses they should complete in preparation for college.

Bipartisan efforts to increase and enhance math and science education has been encouraging and I am glad to see that math and science education is finally beginning to receive the recognition that is needed and deserved.

The need to recruit and retain teachers in the math and science fields as well as the need to improve the professional development opportunities for teachers currently teaching math and science is crucial. An article that appeared on May 6th in The Hutchinson News, discusses the teacher recruiting woes that the State of Kansas is experiencing. The article highlights Fort Hays State University in Hays, KS and tells of a young graduate, Lora Clark, who has a teaching degree in mathematics. With her degree Lora could have found a job anywhere in the State of Kansas or with several other States who were recruiting Fort Hays State teaching graduates. Thankfully, she chose to stay in her home state and fill a mathematics teaching position in Hanston, Kansas.

However, what stands out most from the article is the number of math and science positions available at the career fair at Fort Hays State and the number of students that have graduated with teaching degrees in math and science. There were 125 math and science teaching positions available and only 8 students graduating with math and science teaching degrees. We desperately need to fill these positions with teachers who have been properly trained and have professional development opportunities in order to encourage students to pursue fields in engineering, science, technology and math.

The U.S. will need to produce four times as many scientists and engineers than we currently produce in order to meet future demand. The U.S. has been a leader in technology for decades and the need for skilled workers that will require technical expertise continues to climb. Congress has had to increase the number of H–1B visas to fill current labor shortages within these fields, we need to focus on long-term solutions through the education of our children.

Improving our students knowledge of math and science is not only a concern of American companies but also a concern of U.S. National Security. According to the latest reports and studies regarding National Security, the lack of math and science education beginning at the K–12 level imposes a serious security threat. The report issued by the U.S. Commission on National Security for the 21st Century reports that ''The base of American national security is the strength of the American economy. Therefore, health of the U.S. economy depends not only on an elite that can produce and direct innovation, but also on a populace that can effective assimilate new tools and technologies. This is critical not just for the U.S. economy in general but specifically for the defense industry, which must simultaneously develop and defend against these same technologies.''

We are all aware of the need for good teacher recruitment and retention programs because of the shortage of teachers many of our states are experiencing

or will experience. Math and science education is no exception and I am glad to join my colleagues in introducing a piece of legislation that will aid in improving and enhancing math and science education and I encourage my colleagues to join in our fight.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1264. A bill to require the conveyance of a petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine; to the Committee on Armed Services.

Ms. COLLINS. Madam President, I rise today to introduce the MackPoint Petroleum Terminal Conveyance Act. This legislation will authorize the conveyance of a petroleum tank farm at MackPoint in Searsport, ME, from the United States Air Force, USAF, to the Maine Port Authority to promote economic development in the state of Maine. The bill would ultimately allow the transfer of a petroleum tank farm to the Maine Port Authority in the State Department of Transportation, which will provide critical support for the redevelopment strategy in the region. The Port Authority in Maine has developed a three-port strategic goal for economic development in Northern/Central Maine. This economic development remains high on my list of priorities, and this bill would bring us one step closer toward this goal.

I am introducing this bill as a companion to legislation, The Loring Pipeline Reunification Act, which I introduced on the floor earlier this year. This companion legislation would convey a section of a pipeline connected to the tank farm, from the USAF to the Loring Development Authority, LDA, also to contribute to the re-development of the former Loring Air Force Base. Created by the Maine State Legislature, Loring Development Authority is responsible for promoting and marketing the development of the former base so as to attract more economic development to Northern/Central Maine.

The tank farm and pipeline originally were built to supply the former Loring Air Base with fuel products critical to its mission as a support base for B–52 bombers and KC–135 tankers. Prior to the base's closure in 1994, Defense Fuels would deliver fuel products by tanker to the Searsport tank farm, where the line originates, and then pump them through the line to the base. For a period following the base closure, the Maine Air National Guard continued to use the Searsport Tank Farm and the pipeline segment from Searsport to Bangor to supply their activities in Bangor. After a study conducted by the Defense Energy Support Center, a division of the Defense Logistics Agency however, the Air National Guard changed their means of transporting fuel from pipeline to truck.

The Air National Guard supports the vision of re-unifying the pipeline and tank farm, as does the Maine State Department of Transportation, and Sprague Industries, the current owner of the land on which part of the tank farm sits. In consideration of the large geographical expanse of my State, with often treacherous winter conditions, and the fuel shortages that have vexed the Northeast over the past two winters, I believe that the conveyance of this tank farm and the adjoining pipeline would serve the public well. It would provide a safer means of transporting fuel and, by presenting a more efficient means of accessing fuel, manufacturing and processing plants currently considering new operations in the economically-challenged area would be better connected to the resources of the Eastern seaboard.

By Mr. DURBIN. (for himself, Mr. KENNEDY, Mr. REID, Mr. DODD, Mr. WELLSTONE, Mr. CORZINE, and Mr. FEINGOLD):

S. 1265. A bill to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, this past Spring thousands of students across our Nation donned their caps and gowns and received their high school diplomas as their proud parents and family members looked on. This is an important milestone in the lives of both the graduates and their parents.

However, while many of these graduates will be looking forward to college, tens of thousands of these students will never get to attend college and realize their dreams. Why? Because these children are undocumented. Most of these children were brought to the United States at a very young age by their parents and did not have the ability to make an independent decision about where they would live. They had no choice in matter. Thus, they grew up here. They went to school here. And like other children, they too had thoughts of realizing the American dream. These dreams are quickly dashed when these students realize that, unlike their classmates, college is not on their horizon because of their immigration status.

Although Congress and the United States Supreme Court rightfully require State and local education agencies to permit undocumented children to attend elementary and secondary school, there are very few mechanisms under current law for these children to legalize their immigration status or go on to college once they have completed their high school education. They are effectively denied the opportunity to go to college and are constantly under the threat of deportation. Their lives are filled with uncertainty and lost opportunity.

That is why I, along with Senators KENNEDY, REID, DODD, WELLSTONE, CORZINE, and FEINGOLD, am introducing the Children's Adjustment, Relief, and Education Act, CARE Act. Representatives CANNON, BERMAN, and ROYBAL-ALLARD introduced a companion bill in the House on May 21, 2001.

The CARE Act would provide immigration relief to undocumented children who are in the United States, have lived a significant portion of their lives in this country, are of good moral character, and are interested in remaining in the country and continuing their education. The CARE Act would help lift these vulnerable children from the shadows of society and free them to go to college, regularize their status, and fully contribute to our country, now their country.

The CARE Act includes three major provisions.

As to restoration of the State option to determine residency for purposes of higher education benefits, first, the Act would repeal Section 505 of the 1996 immigration law, under which any State that provides in-state tuition or other higher education benefits to undocumented immigrants must provide the same tuition break or benefit to out-of-state residents. In other words, under Section 505, a State must charge the same tuition to out-of-state U.S. citizens as it charges to resident undocumented aliens. Repeal of Section 505 would restore to the States the authority to determine their own residency rules.

As to immigration relief for long-term resident students, second, the Act would permit students in America's junior high schools and high schools who have good moral character, reside in the United States, and have lived in the United States for at least five years to obtain special immigration relief, known as cancellation of removal, so that they can go to college and eventually become United States citizens. The act also applies to high school graduates who are under 21 years of age and are either enrolled in or are seriously pursuing admission to college.

As to higher education benefits for Student Adjustment Act applicants, finally, the Act would ensure that students who are applying for immigration relief under the Act may obtain federal student assistance on the same basis as other students while their application is being processed.

This legislation would help children like Luis Miguel in my home State of Illinois. Luis was born to a single mother in Guadalajara, Mexico. His mother was having a very difficult time living in Mexico so she decided to take her children and migrate to the United States. Luis was eight years old. He didn't have a say in the matter.

Luis was enrolled in a grammar school and after school he worked in a supermarket carrying groceries for people. Because Luis' mother was unable to make ends meet, she sent Luis to live in Chicago with his aunt and uncle when he was nine. He has lived there ever since.

Luis is currently 17 years old and just finished up his junior year at Kelly High School in Chicago. He is an above average student, and hopes to attend the University of Illinois at Chicago someday and become a computer engineer. He says he loves being involved in all types of activities because it makes him feel good about himself, and motivates him to do better. He is very active in and out of school. He is part of his school band, where he plays percussion, and he plays soccer in the Davis Square Park League. In the past he has participated in his church's choir, marimba band and folkloric ballet dance group. Luis also volunteers as a teacher for catechism classes at Holy Cross Church.

Luis has so much promise. But without this legislation, he is barred from fulfilling his potential.

The same is true for a young musical prodigy who recently completed her senior year of high school in the City of Chicago. Because of her exceptional musical talent, she was offered a scholarship to Juilliard. It is only in filling out the application that she learned of her undocumented status. Her only recourse: go to Korea, where she has never been, and live her life there. I believe our Nation can do better than this.

These stories are not unique to Illinois. Tens of thousands of high school students across our Nation, some of them valedictorians, are similarly situated and face uncertain futures. They cannot continue their lives or education once they graduate from high school. Instead, they face deportation.

Not only do these children suffer but our Nation suffers because we are deprived of future contributors and leaders, increased tax revenues, economic growth and social richness. We suffer because children who might have been scientists, nurses, teachers or engineers are forced, instead, to settle for the limited employment options available to those without a college degree.

Moreover, the damage to our communities starts long before high school graduation. Guidance counselors report that many promising students drop out of school at an early age once they realize that they will, as a practical matter, be barred from going to college.

I urge my colleagues to join me, Senators KENNEDY, REID, DODD, WELLSTONE, CORZINE, and FEINGOLD in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1265

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Adjustment, Relief, and Education Act'' or the ''CARE Act''.

SEC. 2. DEFINITION.

In this Act, the term ''secondary school student'' means a student enrolled in any of the grades 7 through 12.

SEC. 3. STATE FLEXIBILITY IN PROVIDING IN-STATE TUITION FOR COLLEGE-AGE ALIEN CHILDREN.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–672) (8 U.S.C. 1623) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by this section to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall take effect as if included in the enactment of such Act.

SEC. 4. –CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN ALIEN CHILDREN.

(a) IN GENERAL.—Section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b) is amended—

(1) in subsection (b), by inserting at the end the following new paragraph:

''(5) SPECIAL RULE FOR RESIDENTS BROUGHT TO THE UNITED STATES AS CHILDREN.—

''(A) AUTHORITY.—Subject to the restrictions in subparagraph (B), the Attorney General shall cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States, if the alien applies for relief under this paragraph and demonstrates that on the date of application for such relief—

''(i) the alien had not attained the age of 21;

''(ii) the alien had been physically present in the United States for a continuous period of not less than five years immediately preceding the date of such application;

''(iii) the alien had been a person of good moral character during the five-year period preceding the application; and

''(iv) the alien—

''(I) was a secondary school student in the United States;

''(II) was attending an institution of higher education in the United States as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(III) with respect to whom the registrar of such an institution of higher education in the United States had certified that the alien had applied for admission, met the minimum standards for admission, and was being considered for admission.

''(B) RESTRICTIONS ON AUTHORITY.—Subparagraph (A) does not apply to—

''(i) an alien who is inadmissible under section 212(a)(2)(A)(i)(I), or is deportable under section 237(a)(2)(A)(i), unless the Attorney General determines that the alien's removal would result in extreme hardship to the alien, the alien's child, or (in the case of an alien who is a child) to the alien's parent; or

''(ii) an alien who is inadmissible under section 212(a)(3), or is deportable under section 237(a)(2)(D)(i) or 237(a)(2)(D)(ii).''; and

(2) in subsection (d)(1)(A), by inserting ''or (5)'' after ''subsection (b)(2)''.

(b) EXEMPTION FROM NUMERICAL LIMITATIONS.—Section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b), as amended by this Act, is further amended in subsection (e)(3) by adding at the end the following new subparagraph:

''(C) Aliens described in subsection (b)(5).''.

(c) APPLICATION OF PROVISIONS.—For the purpose of applying section 240A(b)(5)(A) of the Immigration and Nationality Act (as added by subsection (a))—

(1) an individual shall be deemed to have met the qualifications of clause (i) of such section 240A(b)(5)(A) if the individual—

(A) had not attained the age of 21 prior to the date of enactment of this Act; and

(B) applies for relief under this section within 120 days of the effective date of regulations implementing this section; and

(2) an individual shall be deemed to have met the requirements of clauses (i), (ii), and (iv) of such section 240A(b)(5)(A) if—

(A) the individual would have met such requirements at any time during the four-year period immediately preceding the date of enactment of this Act; and

(B) the individual has graduated from, or is on the date of application for relief under such section 240A(b)(5) enrolled in, an institution of higher education in the United States (as defined in clause (iv) of such section 240A(b)(5)(A)).

(d) CONFIDENTIALITY OF INFORMATION.—

(1) PROHIBITION.—Neither the Attorney General, nor any other official or employee of the Department of Justice may—

(A) use the information furnished by the applicant pursuant to an application filed under section 240A(b)(5) of the Immigration and Nationality Act (as added by this Act) for any purpose other than to make a determination on the application;

(B) make any publication whereby the information furnished by any particular individual can be identified; or

(C) permit anyone other than the sworn officers and employees of the Department or, with respect to applications filed under such section 240A(b)(5) with a designated entity, that designated entity, to examine individual applications.

(2) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

(e) REGULATIONS.—

(1) PROPOSED REGULATION.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall publish proposed regulations implementing this section.

(2) INTERIM, FINAL REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish final regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but shall be subject to change and revision after public notice and opportunity for a period of public comment.

(3) ELEMENTS OF REGULATIONS.—In promulgating regulations described in paragraphs (1) and (2), the Attorney General shall do the following:

(A) APPLICATION FOR RELIEF.—Establish a procedure allowing eligible individuals to apply affirmatively for the relief available under section 240A(b)(5) of the Immigration and Nationality Act (as added by this Act) without being placed in removal proceedings.

(B) CONTINUOUS PRESENCE.—Ensure that an alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of section 240A(b)(5)(ii) of the Immigration and Nationality Act (as added by this Act) by virtue of

brief, casual, and innocent absences from the United States.

(f) CONFORMING AMENDMENT.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)), as amended by this Act, is further amended in paragraph (4) by striking ''paragraph (1) or (2)'' each place it occurs and inserting ''paragraph (1), (2), or (5)''.

SEC. 5. ELIGIBILITY OF CANCELLATION APPLICANTS FOR EDUCATIONAL ASSISTANCE.

(a) QUALIFIED ALIENS.—Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)) is amended by adding at the end the following new paragraph:

''(8) for purposes of determining eligibility for postsecondary educational assistance, including grants, scholarships, and loans, an alien with respect to whom an application has been filed for relief under section 240A(b)(5) of the Immigration and Nationality Act, but whose application has not been finally adjudicated.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if enacted on August 22, 1996.

Mr. KENNEDY. Mr. President, I strongly support the Children's Adjustment, Relief, and Education Act. This needed legislation will give thousands of immigrant children who are presently unable to obtain a higher education a fair opportunity to realize the American dream.

For too many of these children, the highest level of education they can hope to attain is a high school diploma. It is not their lack of ability or their lack of desire which holds these children back. It is the fact that they were born abroad to parents who unlawfully entered this country. Under current law, they are often denied State and Federal aid for higher education. In an economy in which higher education is a prerequisite for higher wages and benefits, the result of current law is to relegate these children to an uncertain future.

It is wrong to punish these children for their parents' actions. That is why I strongly support the CARE Act. It will help undocumented children who are in the United States, who have lived a significant portion of their lives in this country, who are of good moral character, and who want to remain in this country and continue their education. It will give them special immigration relief so that they can go to college and eventually become U.S. citizens. I urge my colleagues to support this important legislation.

By Mr. CRAPO (for himself Mr. LUGAR Mr. ROBERTS, and Mr. HUTCHINSON):

S. 1267. A bill to extend and improve conservation programs administered by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, I rise today to introduce the Conservation Extension and Enhancement, CEE, Act. I am pleased to be joined in introducing this bill by Senator RICHARD LUGAR, the Ranking Member of the Senate Agriculture Committee, Senator PAT ROBERTS, and Senator TIM HUTCHINSON.

America's agricultural producers have long been the best stewards of the land. This legislation helps farmers and ranchers continue to meet the public's increasing demands for cleaner air and water, greater soil conservation, increased wildlife habitat, and more open space. These demands have resulted in more stringent applications of Federal and State environmental regulations, including the Clean Water Act, the Clean Air Act, and the Endangered Species Act. It is appropriate we direct our funding to help producers in their efforts to provide these public benefits.

Conservation is an important component of Federal farm policy. This proposal dedicates the resources necessary to ensure farmers and ranchers are receiving the assistance they need to provide the environmental benefits the public deserves. It will keep working farms working effectively from an economic and environmental perspective. To do this, CEE re-authorizes necessary conservation programs, makes enhancements to these voluntary programs, and provides increased funding to meet increasing needs.

The last farm bill built on the past successes of the Conservation Reserve Program, CRP, and Wetlands Reserve Program, WRP, and enhanced the flexibility of the compliance programs, while creating a number of new conservation programs. There are many success stories associated with these programs, both new and old. However, there have also been suggestions made to improve these programs. This initiative implements those suggestions to make the programs more effective and increases their funding.

CRP has been one of the most successful conservation programs in USDA history. The program provides a rental payment to producers for voluntarily converting highly-erodible or environmentally-sensitive cropland to a cover crop or grasses or trees. The program has led to a tremendous reduction in soil erosion, and has been responsible for creation of habitat for a wide variety of species. Unfortunately, CRP is currently nearing its acreage cap.

I share the concerns of many producers and rural Americans about the impact of idled land on production and main street economies. CEE increases the acreage cap by 3.6 million acres to a total of 40 million acres, but it sets aside those 3.6 million acres for continuous enrollment CRP and the Conservation Reserve Enhancement Program, CREP. These two programs, continuous CRP and CREP, focus on conservation buffers, allowing producers to maintain working lands, while getting assistance in protecting their most environmentally-sensitive lands.

WRP has played an important role in protecting and restoring wetlands. WRP provides payments to producers for enrolling wetlands in permanent, thirty-year, or ten-year easements. It also provides technical and financial assistance to land owners seeking help in restoring wetlands. The environmental benefits of wetlands cannot be underestimated. Unfortunately, WRP is nearing its acreage cap of 1.075 million acres. CEE allows for an additional 250,000 acres to be enrolled in the program annually.

The Farmland Protection Program is targeted at easing development pressure on agriculture lands. It provides a payment to producers who agree to enroll land in easements and has been an important program in meeting the public demand for open space. Again, producer demand far outpaces available funding. CEE provides $100 million annually to this important program.

Another successful program in need of continued authorization and funding is the Wildlife Habitat Incentives Program. This program provides technical and financial assistance to producers who want to establish improved fish and wildlife habitat. My bill provides $100 million annually to this program, while creating a pilot project that assists landowners in focusing their efforts on addressing species concerns before the species is in threat of listing under the endangered species act.

One of the most important programs available to assist producers is the Environmental Quality Incentives Program. EQIP provides technical and financial assistance to producers to adopt conservation practices. Demand for the program greatly exceeds existing funding. CEE provides for a tripling of the funding, while increasing flexibility in the program. EQIP has been the primary vehicle for assisting producers to comply with the Clean Water Act. It has been estimated producers will have to spend billions to comply with new regulations, such as total maximum daily loads and confined animal feeding operations. Increasing the funding and flexibility of the EQIP programs is vital to helping producers meet the challenges of the Clean Water Act and other environmental regulations.

Also included in this comprehensive bill is the creation of the Grasslands Reserve Program. Like the other conservation programs created through past farm bills, it is a bipartisanly-supported, voluntary program. The Grasslands Reserve Program would be a voluntary grassland easement program to provide protections for native grasslands. This will ease development pressure on ranchlands, providing a long-term commitment to wildlife and the environment. I am also pleased to be a co-sponsor of a free-standing Grassland's legislation introduced by my colleague, Senator LARRY CRAIG.

CEE also provides funding for the Conservation of Private Grazing Lands program. This program offers technical assistance to ranchers seeking to implement best management practices and other range improvements.

The bill codifies existing practices for the Resource Conservation and Development, RC&D, program, while increasing flexibility in the use of funds. RC&Ds effectively leverage federal funds to assist in stabilizing and growing communities while protecting and developing natural resources.

CEE also provides for several studies. It authorizes a National Academy of Sciences study to develop a protocol for measuring accomplishments. This protocol is necessary to ensure we are getting maximum environmental benefits for the taxpayer.

The bill also directs the Secretary of Agriculture to review existing disaster programs and report on how to improve the timeliness and effectiveness of the overall disaster program. Natural disasters are a constant threat to farmers and ranchers. Flooding, drought, fire, and other natural events impact even the most efficient operations, causing losses beyond producer control. An effective disaster program is vital to the survival of many farms and ranches.

Conservation programs are vital to continued progress in creating efficient, environmentally and farmer-friendly agricultural policies. This bill sets a baseline as we endeavor to create a farm policy that recognizes the importance of conservation efforts, builds upon past efforts, is equitable, and has measurable achievements. I ask my colleagues to join me in co-sponsoring this bill.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 140—DESIGNATING THE WEEK BEGINNING SEPTEMBER 15, 2002, AS ''NATIONAL CIVIC PARTICIPATION WEEK''.

Mr. ROBERTS (for himself, and Mrs. FEINSTEIN) submitted the following resolution: which was referred to the Committee on the Judiciary

S. RES. 140

Whereas the United States embarks on this new millennium as the world's model of democratic ideals, economic enterprise, and technological innovation and discovery;

Whereas our Nation's preeminence is a tribute to our great 2-century-old experiment in representative government that nurtures those ideals, fosters economic vitality, and encourages innovation and discovery;

Whereas representative government is dependent on the exercise of the privileges and responsibilities of its citizens, and that has been in decline in recent years in both civic and political participation;

Whereas Alexis de Tocqueville, the 19th century French chronicler of our Nation's political behavior, observed that the people of the United States had successfully resisted democratic apathy and mild despotism by using what he called ''schools of freedom''—local institutions and associations where citizens learn to listen and trust each other;

Whereas civic and political participation remains the school in which citizens engage in the free, diverse, and positive political dialogue that guides our Nation toward common interests, consensus, and good governance;

Whereas it is in the public interest for our Nation's leaders to foster civic discourse, education, and participation in Federal, State, and local affairs;

Whereas the advent of revolutionary Internet technology offers new mechanisms for empowering our citizens and fostering greater civic engagement than at anytime in our peacetime history; and

Whereas the use of new technologies can bring people together in civic forums, educate citizens on their roles and responsibilities, and promote citizen participation in the political process through volunteerism, voting, and the elevation of voices in public discourse: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CIVIC PARTICIPATION WEEK.

The Senate—

(1) designates the week beginning September 15, 2002, as ''National Civic Participation Week'';

(2) proclaims National Civic Participation Week as a week of inauguration of programs and activities that will lead to greater participation in elections and the political process; and

(3) requests that the President issue a proclamation calling upon interested organizations and the people of the United States to promote programs and activities that take full advantage of the technological resources available in fostering civic participation through the dissemination of information.

Mr. ROBERTS. Madam President, we stand in the midst of an amazing period of history. Not since the industrial revolution has society witnessed such an explosion of technological advancements. The rise of the Internet yields volumes of information to anyone at anytime and is only a mouse click away. It is imperative that we use this medium responsibly.

The strength of our country is deeply rooted in informed citizens freely exchanging ideas. Common men and women engaged in the political process is the lifeblood of the United States. As legislators, we are the stewards of democracy. It is our duty to encourage citizens of all persuasions to actively play a role in this democratic saga.

With the emergence of the Internet, there is no better way to make this possible than by supporting this resolution. I, along with my distinguished colleague, DIANNE FEINSTEIN of California, am submitting a resolution entitled, ''The National Civic Participation Week.'' It declares the week of September 15, 2002 as a time devoted to the education of the political process on the Internet. This resolution challenges the technical industry to create Web sites that promote civic involvement. Further, it calls on local communities to establish links that provide helpful information to its citizens such as polling locations, registration, and, voter information.

We submit this resolution today in response to the declining participation in the American political system, particularly among younger citizens. I offer some sobering statistics: In the last presidential election, of the 25.5 million Americans between the ages of 18–24, only 19 percent registered to vote and only 16 percent actually voted. In the 1996 presidential election, of the 24 million Americans that age, only 47 percent registered, and 32 percent voted. 22 percent of U.S. teens did not know from whom the United States won its independence. 14 percent thought it was France. 10 percent didn't know there were thirteen original colonies. About 23 percent didn't know who fought in the civil war.

Our country has come along way from the early days of the thirteen colonies. Those were times, as Alexis de Tocqueville wrote in his ''Democracy in America,'' of citizens creating ''freedom schools'' to teach and learn of freedom and democracy and the role that each of us can play to help it flourish.

We believe that the Internet and other new technologies can play a crucial role in acting as ''freedom schools.'' With so many young people drawn to the Internet, it is an ideal medium to cultivate democratic virtues and encourage participation. The possibilities are numerous. The World Wide Web has the potential to assist citizens on finding information with how the government works, how laws are made, and how citizens can effectively communicate with their elected officials.

This resolution offers no Federal mandates or governmental expenditures. It does not prescribe what information should be posted on the web or how it is disseminated. Instead, we as Senators are making a collective statement that we recognize the power of the Internet and its vast potential at promoting civic virtues. It is a resolution that encourages those within the technology industry to provide valuable information on the inner-workings of democracy.

Let us use the Internet's vast information highway to cultivate learning and greater awareness in civic affairs. It is our sincere hope that we can rekindle the spirit of the ''freedom school'' of the American Revolution through the Internet. May these new technologies illuminate and continue the lessons and dreams of our forefathers.

Mrs. FEINSTEIN. Mr. President, today Senator ROBERTS and I are submitting a resolution on civic participation. The resolution has three provision: 1. It proclaims the week beginning September 15, 2002 as National Civic Participation Week; 2. It proclaims National Civic Participation Week as a week of programs and activities that encourage greater participation in elections and the political process; and 3. It requests the President to issue a proclamation calling on organizations and the people of the country to promote the use of technology in fostering civic participation through the dissemination of information.

The thrust of this resolution is to encourage activities among Americans, especially young people, to use technology to become more involved in the country's civic life.

As our Nation's leaders, it is our job to show Americans, especially young people, the importance of being involved in local, State, and national affairs.

Civic participation is the arena in which citizens can express their views and engage in dialogue and actions that, influence public policy and guide public officials to carry out the citizen's views and recommendations.

With advances in Internet technology and other computerized forms of communication, today we can offer citizens new and innovative ways of learning about and interacting with their local, State and Federal Government in an easily accessible way.

With only 65.9 percent of all Americans registered to vote in the 1996 Presidential election, according to the Federal Election Commission, the Civic Participation Week resolution will try to make more people aware of their right and responsibility to take an active role in government.

There is no question that we need more Americans involved in their government. In fact, our democracy depends on it. In the most recent Presidential election last year in the United States, only 50.7 percent of the registered voters actually voted, according to the November 9, 2000 Washington Post. This compares to 49 percent in the 1996 and 50.1 percent in the 1988 Federal elections.

Among young people, the voter turnout in this country is considerably lower. In the 18–21 age group, only 43.6 percent are registered to vote, and a dismal 18.5 percent actually voted in 1998, according to Federal Election Commission data.

In many other countries, the voter turnout is considerably higher than in the United States. According to the Federal Election Commission, in Kazakhstan's 1999 Presidential election, there was a 87.05 percent voter turnout. In Iceland, there was a 85.9 percent voter turnout in the 1996 Presidential election. The 1995 Presidential election in Argentina had a 80.9 percent turnout of registered voters.

Internet technology may be an especially effective way to reach young Americans because information is highly accessible. Available at the click of a mouse, and young people seem to prefer computers as an information-gathering tool over more traditional methods.

This use of new technology can help bring people together and can promote citizen participation in the political process through more volunteerism, easier access to information, and heightened activism in our Nation's civic life.

I urge my colleagues to support this resolution.

SENATE RESOLUTION 141—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN PEOPLE OF THE STATE OF NEW YORK V. ADELA HOLZER

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 141

Whereas, the District Attorney of the County of New York in the State of New York is seeking testimony before the Grand Jury of the County of New York from Garry Malphrus, an employee on the staff of the Committee on the Judiciary, in a criminal action prosecuted by the People of the State of New York against Adela Holzer;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics of Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Garry Malphrus is authorized to testify in People of the State of New York v. Adela Holzer, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Garry Malphrus in connection with the testimony authorized in section one of this resolution.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Madam President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 31, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to discuss conservation on working lands for the next federal farm bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Madam President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on August 2, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to discuss rural economic development issues for the next federal farm bill.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Madam President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, August 2, 2001, at 9 a.m., in SR–301, Russell Senate Office Building, to consider the following legislation: S. 565, the ''Equal Protection of Voting Rights Act of 2001''; an original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; S.J. Res. 19 and 20, providing for the reappointment of Anne d'Harnoncourt and the appointment of Roger W. Sant, respectively, as Smithsonian Institution citizen regents; S. 829, the ''National Museum of African American History and Culture Act of 2001''; and other legislative and administrative matters ready for consideration at the time of the markup.

For further information regarding this markup, please contact Kennie Gill at the Rules Committee on 224–6352.

SUBCOMMITTEE PRODUCTION AND PRICE COMPETITIVENESS

Mr. HARKIN. Madam President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Production and Price Competitiveness will meet on August 1, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to consider the U.S. Export Market Share.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. DASCHLE. Madam President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 27, 2001, to conduct the second in a series of hearings on ''Predatory Mortgage Lending: The Problem, Impact, and Responses.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DASCHLE. Madam President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday,

July 27, at 9:30 a.m., to conduct a hearing.

The Committee will receive testimony on the nomination of Theresa Alvillar-Speake to be Director of the Office of Minority Economic Impact, Department of Energy. The Committee will also receive testimony on H.R. 308, to establish the Guam War Claims Review Commission, and H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DASCHLE. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 27, 2001 at 11:30 to hold a business meeting.

The Committee will consider and vote on the following nominees:

1. Mr. Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark.
2. Mrs. Sue M. Cobb, of Florida, to be Ambassador to Jamaica.
3. Mr. Russell F. Freeman, of North Dakota, to be Ambassador to Belize.
4. Mr. Michael E. Guest, of South Carolina, to be Ambassador to Romania.
5. Mr. Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden.
6. The Honorable Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of Korea.
7. Mrs. Marie T. Huhtala, of California, to be Ambassador to Malaysia.
8. Mr. Franklin L. Lavin, of Ohio, to be Ambassador to the Republic of Singapore.
9. Mr. Thomas J. Miller, of Virginia, to be Ambassador to Greece.
10. The Honorable Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan.
11. Mr. Roger F. Noreiga, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.
12. Mr. Jim Nicholson, of Colorado, to be Ambassador to the Holy See.
13. Mr. Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.
14. Mr. John T. Schieffer, of Texas, to be Ambassador to Australia.

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

PRIVILEGE OF THE FLOOR

Mr. DORGAN. I ask unanimous consent that Mark Zaineddin, a fellow in my office, be granted floor privileges during pendency of this legislation.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. CLINTON. Madam President, I ask unanimous consent to proceed to executive session to consider the following nominations: Calendar Nos. 262 through 285, and the military nominations placed on the Secretary's desk; that the nominees be considered en bloc; that the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles C. Baldwin, 0000.
Col. Charles B. Green, 0000,
Col. Thomas J. Loftus, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Lance L. Smith, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas C. Waskow, 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard E. Brown, III, 0000.

ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general, judge advocate general corps

Col. Scott C. Black, 0000.
Col. David P. Carey, 0000.
Col. Daniel V. Wright, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Burwell B. Bell, III, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John S. Caldwell, Jr., 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James L. Campbell, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Michael L. Dodson, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David D. McKiernan, 0000.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Marylin J. Muzny, 0000.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Thomas W. Eres, 0000.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John B. Sylvester, 0000.

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general

Col. Kevin M. Sandkuhler, 0000.

NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Michael S. Baker, 0000.
Capt. Lewis S. Libby, III, 0000.
Capt. Charles A. Williams, 0000.

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Robert E. Cowley, III, 0000.
Capt. Robert D. Hufstader, Jr., 0000.
Capt. Nancy Lescavage, 0000.
Capt. Alan S. Thompson, 0000.

The following named officers for promotion in the Naval Reserve of the United States to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. James E. Beebe, 0000.
Capt. Hugo G. Blackwood, 0000.
Capt. Daniel S. Mastagni, 0000.
Capt. Paul V. Shebalin, 0000.
Capt. John M. Stewart, Jr., 0000.

The following named officers for appointment in the United States Navy to grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Kathleen L. Martin, 0000.
Rear Adm. (lh) James A. Johnson, 0000.

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael E. Finley, 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Gordon S. Holder, 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James C. Dawson, Jr., 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Walter F. Doran, 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Timothy J. Keating, 0000.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Michael G. Mullen, 0000.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN565 Army nominations (1232) beginning DAVID L. ABBOTT, and ending X8012, which nominations were received by the Senate and appeared in the Congressional Record of June 22, 2001.

PN593 Army nominations (3) beginning CARL R. BAGWELL, and ending ALLEN M. HARRELL, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2001.

PN638 Army nominations (4) beginning DENNIS E. PLATT, and ending LAWRENCE C. SELLIN, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

PN639 Army nominations (9) beginning GEORGE J. CARLUCCI, and ending CHARLES P. SHEEHAN, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

PN559 Army nominations (342) beginning HADASSAH E. AARONSON, and ending SANG W YUM, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 2001.

PN669 Army nominations (3) beginning JOSE R. ARROYONIEVES, and ending BRIAN T. *MYERS, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2001.

PN670 Army nominations (8) beginning MARIA L. BRITT, and ending JOHN W. WILKINS, II, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2001.

MARINE CORPS

PN641 Marine Corps nominations (61) beginning DONALD L. ALBERT, and ending TIMOTHY W. WALDRON, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

NAVY

PN594 Navy nominations (190) beginning MARK M. ABRAMS, and ending DAVID P. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2001.

PN595 Navy nominations (206) beginning MICHAEL J. NYILIS, and ending RYAN S. YUSKO, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2001.

PN289 Navy nominations (231) beginning MICHAEL G. AHERN, and ending RICHARD D. ZEIGLER, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2001.

PN290 Navy nominations (347) beginning MILTON D. ABNER, and ending MICHAEL A. ZIESER, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2001.

PN436 Navy nominations (745) beginning SCOT K. ABEL, and ending WILLIAM A. ZIRZOW, IV, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2001.

PN437 Navy nominations (260) beginning CHRISTOPHER E. CONKLE, and ending PHILIP D. ZARUM, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2001.

PN642 Navy nominations (484) beginning LEIGH P. ACKART, and ending HUMBERTO ZUNIGA, JR., which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

PN671 Navy nominations (8) beginning DAVID M. BURCH, and ending MIL A. YI, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2001.

PN304 Navy nominations (315) beginning EDWARD P. ABBOTT, and ending ROBERT ZAUPER, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mrs. CLINTON. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 141, submitted earlier today by the majority and Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

A resolution (S. Res. 141) to authorize testimony and legal representation in People of the State of New York v. Adela Holzer.

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

Mr. DASCHLE. Madam President, this resolution concerns a request for testimony in a grand jury investigation in New York City relating to immigration fraud. The District Attorney for New York County has uncovered evidence that a New York resident extracted money from immigrants by falsely promising to obtain private relief legislation to benefit them through her contacts in Washington. The alleged scheme included fabrications of correspondence purporting to be from Senator THURMOND'S office. The District Attorney has requested that an employee on Senator THURMOND'S Judiciary subcommittee staff testify before the grand jury about the fabrications.

Senator THURMOND wishes to cooperate with the District Attorney by authorizing this employee to testify before the grand jury. Accordingly, this resolution authorizes this employee to testify, with representation by the Senate Legal Counsel.

Mrs. CLINTON. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 141) was agreed to.

The preamble was agreed to.

(The text of S. Res. 141 is printed in today's RECORD under ''Statements on Submitted Resolutions.'')

ILSA EXTENSION ACT OF 2001

Mrs. CLINTON. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1954, the Iran-Libya Sanctions Act, just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (H.R. 1954) to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes.

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

Mrs. CLINTON. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

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

The bill (H.R. 1954) was read the third time and passed.

ORDERS FOR MONDAY, JULY 30, 2001

Mrs. CLINTON. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 1 p.m., Monday, July 30. 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 there be a period for morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee from 1 to 1:30 p.m.; Senator GRASSLEY or his designee from 1:30 to 2 p.m.; further, at 2 p.m. the Senate resume consideration of the motion to proceed to S. 1246, the Agriculture supplemental authorization bill, with the time until 5:30 p.m. equally divided between the chairman and ranking member or their designees.

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

PROGRAM

Mrs. CLINTON. Madam President, the Senate will convene Monday at 1 p.m. with 1 hour of morning business. At 2 p.m., the Senate will consider the motion to proceed to the Agriculture supplemental bill. A cloture vote on the motion to proceed to the Agriculture bill will occur at 5:30 p.m. on Monday.

I have no further business to report, Madam President.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JULY 30, 2001

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 1 p.m. on Monday, July 30, 2001.

Thereupon, the Senate, at 7:31 p.m., adjourned until Monday, July 30, 2001, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 2001:

DEPARTMENT OF STATE

JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

AIR FORCE NOMINATION OF COL. CHARLES C. BALDWIN.
AIR FORCE NOMINATION OF COL. CHARLES B. GREEN.
AIR FORCE NOMINATION OF COL. THOMAS J. LOFTUS.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF MAJ. GEN. LANCE L. SMITH.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF MAJ. GEN. THOMAS C. WASKOW.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF MAJ. GEN. RICHARD E. BROWN III.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, judge advocate general's corps

ARMY NOMINATION OF COL. SCOTT C. BLACK.
ARMY NOMINATION OF COL. DAVID P. CAREY.
ARMY NOMINATION OF COL. DANIEL V. WRIGHT.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. BURWELL B. BELL III.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JOHN S. CALDWELL JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JAMES L. CAMPBELL.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF LT. GEN. MICHAEL L. DODSON.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. DAVID D. MCKIERNAN.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

ARMY NOMINATION OF COL. MARYLIN J. MUZNY.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

ARMY NOMINATION OF BRIG. GEN. THOMAS W. ERES.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JOHN B. SYLVESTER.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

MARINE CORPS NOMINATION OF COL. KEVIN M. SANDKUHLER.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. MICHAEL S. BAKER.
NAVY NOMINATION OF CAPT. LEWIS S. LIBBY III.
NAVY NOMINATION OF CAPT. CHARLES A. WILLIAMS.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. ROBERT E. COWLEY III.
NAVY NOMINATION OF CAPT. ROBERT D. HUFSTADER JR.
NAVY NOMINATION OF CAPT. NANCY LESCAVAGE.
NAVY NOMINATION OF CAPT. ALAN S. THOMPSON.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. JAMES E. BEEBE.
NAVY NOMINATION OF CAPT. HUGO G. BLACKWOOD.
NAVY NOMINATION OF CAPT. DANIEL S. MASTAGNI.
NAVY NOMINATION OF CAPT. PAUL V. SHEBALIN.
NAVY NOMINATION OF CAPT. JOHN M. STEWART JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

NAVY NOMINATION OF REAR ADM. (LH) KATHLEEN L. MARTIN.
NAVY NOMINATION OF REAR ADM. (LH) JAMES A. JOHNSON.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

NAVY NOMINATION OF REAR ADM. (LH) MICHAEL E. FINLEY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF VICE ADM. GORDON S. HOLDER.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF REAR ADM. JAMES C. DAWSON JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF VICE ADM. WALTER F. DORAN.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF VICE ADM. TIMOTHY J. KEATING.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF VICE ADM. MICHAEL G. MULLEN.

ARMY NOMINATIONS BEGINNING HADASSAH E. AARONSON AND ENDING SANG W. YUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 2001.

ARMY NOMINATIONS BEGINNING DAVID L. ABBOTT AND ENDING X8012, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 22, 2001.

ARMY NOMINATIONS BEGINNING CARL R. BAGWELL AND ENDING ALLEN M. HARRELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2001.

ARMY NOMINATIONS BEGINNING DENNIS E. PLATT AND ENDING LAWRENCE C. SELLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

ARMY NOMINATIONS BEGINNING GEORGE J. CARLUCCI AND ENDING CHARLES P. SHEEHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

ARMY NOMINATIONS BEGINNING JOSE R. ARROYONIEVES AND ENDING BRIAN * T. MYERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2001.

ARMY NOMINATIONS BEGINNING MARIA L. BRITT AND ENDING JOHN W. WILKINS II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2001.

MARINE CORPS NOMINATIONS BEGINNING DONALD L. ALBERT AND ENDING TIMOTHY W. WALDRON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

NAVY NOMINATIONS BEGINNING MICHAEL G. AHERN AND ENDING RICHARD D. ZEIGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

NAVY NOMINATIONS BEGINNING MILTON D ABNER AND ENDING MICHAEL A ZIESER, WHICH NOMINATIONS WERE

RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

NAVY NOMINATIONS BEGINNING EDWARD P. ABBOTT AND ENDING ROBERT ZAUPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2001.

NAVY NOMINATIONS BEGINNING SCOT K ABEL AND ENDING WILLIAM A ZIRZOW IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2001.

NAVY NOMINATIONS BEGINNING CHRISTOPHER E CONKLE AND ENDING PHILIP D ZARUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2001.

NAVY NOMINATIONS BEGINNING MARK M ABRAMS AND ENDING DAVID P YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2001.

NAVY NOMINATIONS BEGINNING MICHAEL J. NYILIS AND ENDING RYAN S. YUSKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2001.

NAVY NOMINATIONS BEGINNING LEIGH P ACKART AND ENDING HUMBERTO ZUNIGA JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

NAVY NOMINATIONS BEGINNING DAVID M. BURCH AND ENDING MIL A. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2001.

EXTENSIONS OF REMARKS

MEMORIAL DAY PRAYER, MYRTLE HILL CEMETERY GIVEN BY REV. WARREN JONES

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BARR of Georgia. Mr. Speaker, Rev. Warren Jones of Rome, Georgia, has long been an active member of the community. From his participation during college in every organization on campus except the Women's and the Home Economics Clubs, to the 18 agencies with which he currently volunteers, in addition to being a member of the Silver Haired Congress and Georgia's Silver Legislature, Rev. Jones has always believed in furthering the good of the community.

This prayer was delivered by Rev. Jones at the Memorial Day Dedication of the 1917–1918 Doughboy Statue at Veterans Plaza, Myrtle Hill Cemetery in Rome, Georgia on May 28, 2001. It contains important words and principles for all of us.

Let us pray:

To the God of Abraham, Isaac and of Jacob, to the Blessed Mother, and to our Lord and Savior, Jesus Christ:

We lift our voice in prayer on this Memorial Day to remember and give thanks for all those who have ever worn the uniform of our country; Army, Navy, Marine, Coast Guard, Air Force, Merchant Marine, WAC, WAVE, SPAR, Lady Marine, WASP.

Let us remember that Thomas Jefferson wrote ''the God who gave us life gave us liberty at the same time.'' But for more than 225 years, each generation has learned anew ''Freedom is not free.''

Across the years civilians and service personnel have sung these songs:

For the Army:
God of our Fathers
Thy love divine hath led us in the past.
In this free land by thee our lot is cast.

For the Navy:
Eternal Father, strong to save
Whose arm hath bound the restless wave,
Who bidst the mighty ocean deep
It's own appointed limits keep
O hear us when we cry to thee,
For those in peril on the sea.

For the Air Force:
Lord guard and guide the men who fly
Through the great spaces of the sky,
Be with them traversing the air,
Uphold them with thy saving grace
O God protect the men who fly
Through lonely ways beneath the sky.

Today, we remember all the men and women who have served; who have sacrificed, who have been prisoners of war, and who are serving today—all around the world. And we remember they were young.

Especially do we remember this day—and every day—those missing in action, and their families.

God on high, hear my prayer
He is young—He is afraid
And I am old and will be gone.
Bring him peace, bring him joy
He is young, he is only a boy.
You can take, you can give,
Let him live, let him live, Bring him home!
(Les Miserables)

Four score and seven years have passed since Romans gathered on this very hill to bury our President's wife—Roman Ellen Louise Axson.

For the next four score and seven years, and all the years to follow, keep us ever mindful this is one nation under God.

Amen.

A PROCLAMATION RECOGNIZING THE OUTSTANDING WORK OF THE CITY OF HEATH, OHIO FIRE DEPARTMENT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, the exemplary work of the Heath Fire Department has earned them the recognition of the Congressional Fire Service Institute for outstanding work in providing protection to their community; and,

Whereas, the partnership between the Fire Department and the city is a strong and essential component for serving the community effectively; and

Whereas, the relationship that has been cultivated between the Newark Fire Department and the city that it serves has proven to be an effective element for fire prevention;

Therefore, I ask that my colleagues join me in recognizing the impressive accomplishments of the Heath Fire Department that has brought honor, pride, and security to their community.

ROMANIA'S CHAIRMANSHIP OF OSCE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. SMITH of New Jersey. Mr. Speaker, this year, Romania holds the chairmanship of the 55-nation Organization for Security and Cooperation in Europe (OSCE). Obviously, this is one of the most important positions in the OSCE and, as Romania is a little more than half way through its tenure, I would like to reflect for a moment on some of their achievements and challenges.

First and foremost, I commend Romanian Foreign Minister Mircea Geoana for his leadership. In late January Minister Geoana met in the Capitol with members of the Helsinki Commission which I co-chair and again two weeks ago at the Parliamentary Assembly meeting in Paris, we had a helpful exchange of views. He has demonstrated, in word and deed, that he understands how important the role of chairman is to the work of the OSCE. His personal engagement in Belarus and Chechnya, for example, illustrates the constructive possibilities of the chairmanship. I appreciate Foreign Minister Geoana's willingness to speak out on human rights concerns throughout the region.

As Chair-in-Office, we also hope that Romania will lead by example as it continues to implement economic and political reform and to further its integration into western institutions. In this regard, I would like to draw attention to a few of the areas the Helsinki Commission is following with special interest.

First, many members of the Helsinki Commission have repeatedly voiced our concerns about manifestations of anti-Semitism in Romania, often expressed through efforts to rehabilitate or commemorate Romania's World War II leadership.

I was therefore encouraged by the swift and unequivocal response by the Romanian Government to the inexcusable participation of General Mircea Chelaru in a ceremony unveiling a bust of Marshal Ion Antonescu, Romania's war-time dictator. I particularly welcome President Iliescu's statement that ''Marshal Ion Antonescu was and is considered a war criminal for the political responsibility he assumed by making [an] alliance with Hitler.''

I encourage the Romanian Government to give even greater meaning to this statement and to its stated commitment to reject anti-Semitism. Clearly, the next step should be the removal of Antonescu statues from public lands, including those at the Jilava prison and in Slobozia, Piatra Neamt, and Letcani.

Mr. Speaker, I also appreciate the recent statement by Prime Minister Nastase that journalists should not be sent to jail for their writings. But frankly, it is not enough for the Prime Minister merely to reject efforts to increase the criminal penalties that journalists are now vulnerable to in Romania.

Non-governmental organizations have spoken to this issue with one voice. In fact, since the beginning of this year, NGOs have renewed their call for changes to the Romanian penal code that would bring it into line with OSCE standards. Amnesty International, Article l9, the Global Campaign for Free Expression, the International Helsinki Federation and the Romanian Helsinki Committee have all urged the repeal of articles 205, 206, 207, 236, 236(1), 238 and 239 from the criminal code and, as appropriate, their replacement by civil code provisions. I understand the Council of Europe made similar recommendations to Romania in 1997.

Moreover, the OSCE Representative on Freedom of the Media has said, clearly and repeatedly, that criminal defamation and insult laws are not consistent with OSCE commitments and should be repealed. There is no

better time to take this step than now, while Romania holds the Chairmanship of the OSCE.

Public authorities, of course, should be protected from slander and libel, just like every one else. Clearly, civil codes are more than adequate to achieve this goal. Accordingly, in order to bring Romanian law into line with Romania's international obligations and commitments, penal sanctions for defamation or insult of public authorities in Romania should be altogether ended. It is time—and past time—for these simple steps to be taken.

As Chairman-in-Office, Minister Geoana has repeatedly expressed his concern about the

Domestically, Romania is also in a position to lead by example in combating trafficking. Notwithstanding that the State Department's first annual Trafficking in Persons report characterizes Romania as a ''Tier 3'' country in the fight against human trafficking—that is, a country which does not meet minimum standards for the elimination of trafficking and is not making significant efforts to bring itself into compliance with those standards—it is clear the Government of Romania is moving in a positive direction to address the trafficking of human beings from and through its territory. For example, the Ministry of Justice is actively working on a new anti-trafficking law. The government is also cooperating closely with the Regional Center for Combating Trans-Border Crime, created under the auspices of the Southeast European Cooperative Initiative and located in Bucharest, and in particular, with the Center's anti-human trafficking task force.

I encourage the Govenmient of Romania to continue with these efforts and to undertake additional initiatives. For example, law enforcement officers in Romania, as in many other OSCE States, are still in need of thorough training on how to investigate and prosecute cases of suspected human trafficking. Training which reinforces the principle that trafficked persons deserve a compassionate response from law enforcement—as they are victims of crime themselves, not criminals—is necessary. When such training leads to more arrests of traffickers and more compassion toward trafficking victims, Romania will be a regional leader in the fight against this modem slavery.

Finally, Mr. Speaker, I would like to say a few words about the Romani minority in Romania. Romania may have as many as 2 million Roma, and certainly has the largest number of Roma of any OSCE country. Like elsewhere in the region, they face discrimination in labor, public places, education, and housing. I am especially concerned about persistent and credible reports that Roma are subjected to police abuse, such as the raids at the Zabrauti housing development, near Bucharest, on January 12, and in Brasov on February I and 9 of this year. I commend Romani CRISS and other groups that have worked to document these problems. I urge the Romanian Government to intensify its efforts to prevent abusive practices on the part of the police and to hold individual police officers accountable when they violate the law.

In the coming months, the OSCE will conduct the Human Dimension Implementation Review meeting in Warsaw, a Conference on Roma and Sinti Affairs in Bucharest, and the Ministerial Council meeting also in Bucharest, among other meetings and seminars. The legacy of the Romanian Chairmanship will entail not only the leadership demonstrated in these venues but also progress made at home through further compliance with OSCE commitments.

JOSEPH ''RED'' JONES HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the long history of service to the community by my good friend, Joseph ''Red'' Jones of Luzerne County, Pennsylvania. Red will be honored with a tribute on August 17, 2001, the 50th anniversary of his calling square dances, which he has done exclusively for charity for the past 20 years.

Red first started calling square dances at the age of 13, and is considered to be among the best callers in eastern Pennsylvania. As befits his spirit of service, the event being held to honor him will raise money for several local charities supported by the Volunteers of America, including the Caring Alternatives Pantry, The Hartman Home and Dial-A-Driver.

Red has used this talent to benefit countless community organizations, school groups and booster clubs, church organizations, volunteer fire companies, little leagues and youth clubs, Habitat for Humanity, Valley Santa and terminally ill individuals. He has donated numerous hours of his time so that these organizations and good causes could generate more revenue and build their capacity to serve others.

In addition to helping countless community causes by calling square dances for them, Red has been a weekly volunteer for the past 17 years at Mercy Center, a Sisters of Mercy sponsored nursing home in Dallas, Pennsylvania, where he spends a great deal of time comforting and helping the residents.

Red's charitable works are only part of his long history of service to the community. He has served the nation as a Marine in the late 1950s and for most of the 1960s. He also served his neighbors for four years as a Luzerne County Commissioner and for 14 years as a member of the Lake-Lehman School Board. He served twice as president of the school board, and during his tenure the district showed tremendous improvement in academic performance and participation in athletic and extracurricular programs.

Mr. Speaker, I can tell you from personal experience that he worked well as a county commissioner with citizens and community leaders from both parties. His nonpartisan approach to government was instrumental in improving flood protection throughout the Wyoming Valley, expanding Luzerne County Community College, paving the way for the Luzerne County Arena, creating a countywide 911 emergency response system and boosting key initiatives for economic development.

Last but certainly not least, under Red's leadership as basketball coach at St. Vincent's High School in Pittston, the school was honored with four consecutive Wyoming Valley Basketball Officials Sportsmanship awards for sportsmanship, conduct and respect of the game, the officials and opposing teams.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long and distinguished service of Joseph ''Red'' Jones to his neighbors and the nation, and I wish him all the best.

26 OF JULY MOVEMENT

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. DIAZ-BALART. Mr. Speaker, yesterday marked another anniversary of the tragic events of July 26, 1953, when Fidel Castro, along with a band of supporters, attacked a military barracks in eastern Cuba in order to make a name for himself, causing the deaths of dozens of Cubans in what will doubtless be considered as a national day of mourning in Cuban history.

An acute observer of 20th century Cuban history, long-time journalist and writer Jack Skelly, has written a very interesting account of some of the tragic circumstances surrounding the 26th of July, 1953, and the so called ''26 of July Movement'' . It was published in yesterday's Miami Herald and I submit it for the record for the benefit of my colleagues and the American people.

THE MEN WHO LEFT THE 26TH OF JULY MOVEMENT

(by Jack Skelly)

One more 26th of July—count them. It has been 48 years since Fidel Castro, his brother Raúl, 17 men and two women attacked Moncada, the Cuban army barracks in Santiago de Cuba.

Twenty soldiers were killed. Fidel Castro and five others escaped to the nearby hills, where they soon were captured, tried and sentenced to 15 years each.

However, in May 1955, they were freed in a general amnesty by the Cuban Congress. Castro then went to Mexico to prepare for the Dec. 2, 1956, invasion of Cuba with 81 men.

Now once more Castro will be in the center where he will recount in a three -or four-hour speech (if he can endure that long) the glories of that 26th of July and the events that led up to the great victory on Jan. 1, 1959, when the revolution took over from the Batista regime.

Sadly, Castro will not be able to tell his audience that most of the leaders of the 26th of July movement ''are at my side today.''

The original 26th of July movement disappeared almost immediately after Castro sold out to the Soviet Union and the Cuban Communist Party.

The democratic members of the movement who fought side by side with him in the Sierra Maestra mountains and were in the underground in the cities and towns are dead, in jail or in exile.

BETRAYED COMRADES

The following are some of the original members who were double-crossed by Castro:

*Maj. Sorí Marín, author of the original agrarian-reform program, who fought alongside Castro in the mountains, was caught conspiring with other rebel army officers

who had fought to restore democracy and freedom to Cuba. He was executed on specific orders of Castro himself several days before the Bay of Pigs invasion, April 17, 1961.

*Maj. Victor Mora saved Fidel, Raúl, Che Guevara and other survivors when they landed from Mexico on Dec. 2, 1956. A Sierra Maestra native, Mora led them around the Cuban Army to a safe haven high up in the mountains.

After the victory, it didn't take Mora long to realize that he and others had been sold out by Castro. Caught conspiring, Mora was sentenced to 10 years. Once released, he escaped to the United States, where he lived modestly in Little Havana.

*Pedro Luis Díaz Lanz flew weapons from Venezuela and Costa Rica to Castro's ''eagle's nest'' in the mountains. After victory, he was named Castro's personal pilot. But soon he complained to Castro that Raúl and Guevara were indoctrinating his air force men in Marxism.

Tipped that Castro had ordered his arrest, Díaz Lanz and his wife, Tania, and brother barely escaped to Miami in a sailboat in June 1959. Weeks later, Díaz Lanz became the first ''26-er'' to testify before a U.S. Senate committee, accusing Castro of selling out the revolution to the Soviet Union.

*Maj. Húber Matos, a school teacher turned guerrilla fighter, was one of the genuine heroes in the fight against the Cuban army. In October 1959, 10 months after the revolution came to power, Matos sent a letter of resignation to Castro, complaining that communists, who had not lifted a finger to oust the Batista regime, were taking over the revolution.

Castro ordered a court martial in which Matos was accused of being a ''counterrevolutionary.'' After serving a 20-year sentence, Matos came to Miami, where he has been one of the leaders of the Cuban Forum.

*Jesús Yánes Pelletier was a sergeant in the Cuban Army assigned to Boniato Prison, where Castro was sent after being sentenced for attacking the Moncada barracks. Yánes Pelletier was ordered to poison Castro's food. He refused, was given a dishonorable discharge and then Joined the 26th of July movement.

When the revolution arrived, Castro made Yánes Pelletier a captain in charge of his personal guard. Soon Yánes Pelletier became disenchanted with the communists and began conspiring. He was caught and in 1977 was sentenced to 15 years. He refused to leave Cuba and was the vice president of the Cuban Committee for Human Rights before his death last year.

*Among the saddest cases—and there are hundreds in every city, town and village in Cuba—is that of Mario Chanes de Armas. He had impeccable credentials as a founder of the revolutionary movement with Castro before the attack on the Moncada barracks.

Chanes de Armas survived the Moncada attack, trained in Mexico, came over on the yacht Gramma and lived to greet Castro in Havana when the conquering heroes arrived on Jan. 9, 1959, on top of a U.S. Sherman tank. The movement disappeared after Castro sold out to the Soviet Union and the Communist Party.

Chanes de Armas could have had any position he wanted in the revolutionary government, but he opted to return to his work in a brewery. For two years he watched his former leader betray their movement. Finally, he spoke against the communists. He was tried as a ''counterrevolutionary,'' and on July 17, 1961, was sentenced to 30 years.

After spending six years in solitary, he was released exactly 30 years to the date of his imprisonment. In 1993 he was united with his four sisters in Miami.

Although he doesn't belong to any exile political group, he forms part of a group of former prisoners who travel throughout Latin America talking to heads of states about the reality of Castro's Cuba.

HONORING SEN. PAUL COVERDELL OF GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BARR of Georgia. Mr. Speaker, on August 10, 2001 a building will be dedicated honoring the late Senator Paul Coverdell at the Federal Law Enforcement Training Center (FLETC), near Brunswick, Georgia. I would like to recognize Mr. Coverdell's commitment to our nation's education and America's criminal justice system.

Senator Coverdell was always an ardent supporter of the law enforcement community, not just in Georgia but nationwide. It is a honor to the Coverdell family and Georgia to have a part of the nation's premier interagency law enforcement training center named for Senator Coverdell.

As recent as June, 2000 Senator Coverdell was opposing attempts of other politicians to move part of the FLETC's training program elsewhere. Senator Coverdell and Representative JACK KINGSTON, in whose district the facility is located, were successful in maintaining FLETC's premier training role. It is evident Senator Coverdell had a personal interest in this absolutely essential federal facility.

Unfortunately I will not be able to attend the dedication ceremony. I would like to pass on to the Coverdell family and to former President George H.W. Bush and Mrs. Bush that this dedication makes me, Georgia, and the nation proud. We are forever indebted to Senator Coverdell for his untiring work for Georgia and the United States of America.

A PROCLAMATION RECOGNIZING THE OUTSTANDING WORK OF THE NEWARK FIRE DEPARTMENT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, the exemplary work of the Newark Fire Department has earned them the recognition of the Congressional Fire Service Institute for outstanding work in providing protection to their community; and,

Whereas, the partnership between the Fire Department and the city is a strong and essential component for serving the community effectively; and

Whereas, the relationship that has been cultivated between the Newark Fire Department and the city that it serves has proven to be an effective element for fire prevention;

Therefore, I ask that my colleagues join me in recognizing the impressive accomplishments of the Newark Fire Department that has brought honor, pride, and security to their community.

DEPARTMENT OF DEFENSE—DEPARTMENT OF VETERANS AFFAIRS HEALTH RESOURCES ACCESS IMPROVEMENT ACT OF 2001

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Veterans' Affairs Committee, I am introducing the ''Department of Defense–Department of Veterans Affairs Health Resources Access Improvement Act of 2001'' on behalf of myself and Mr. BROWN of South Carolina, Mr. EVERETT of Alabama, Mr. SIMMONS of Connecticut, Mr. GIBBONS of Nevada, Mr. WAMP of Tennessee, Mr. KIRK of Illinois, Mr. BUYER of Indiana, and Mr. BILIRAKIS of Florida.

America's servicemen and women, their families, and our veterans who have served in uniform deserve the best health care we can offer them as a Nation. My bill addresses the urgent need for the Departments of Defense and Veterans Affairs to improve their programs of health resource sharing as originally authorized by Public Law 97–174, the ''Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act of 1982.'' This authority was originally intended to provide opportunities to make it easier for the two Departments—whose combined health care budgets this year total over $35 billion—to increase the variety and amount of their health resource sharing for the benefit of their veteran and military beneficiaries, while helping hold down costs in Federal health care for the benefit of taxpayers.

Currently, the Secretaries of each Department have at their discretion the option not to share. With this bill, we take a new approach: it would make sharing the order of the day. Sharing must be an important priority of both Departments, and we should create strong incentives for the Secretaries to work together to achieve common ends. The bill's proposed findings are indicative of our disappointment with the current state of VA–DoD sharing. We believe that neither department has taken full advantage of sharing opportunities and that the intended results of the 1982 sharing authority have not been achieved. We know VA–DoD sharing could be greatly increased, and with this bill we want to get sharing moving again.

Mr. Speaker, this bill seeks to establish a health care facilities sharing demonstration project in keeping with the intent of the original legislation for VA–DoD sharing. Under the bill, five qualifying sites across the country would be selected for participation in a demonstration project. The purpose of the demonstration

project is to identify and measure the advantages of sharing, and work through the challenges of the two systems becoming true partners in health care

This legislation would require a unified management system to be adopted in the five demonstration sites to the extent feasible. A unified system would incorporate budget and financial management, health care provider assignments, and medical information systems compatibility. At the present time, the two Departments' information systems are incompatible, but this legislation would also create a framework for greater software compatibility. By making such systems communicate better, we can better ensure continuity of care, equality of access, uniform quality of service and seamless transmission of data. This is a third important goal of our bill.

In addition, the demonstration project would provide for enhancement of graduate medical educational programs at the five sites for physicians in training and other health care providers. This will create a unique opportunity for health professions students by giving them a combined exposure that has not been available to them before. It would also bring a greater awareness and understanding of differences in the two beneficiary populations for new and experienced health care professionals alike.

Congress has made efforts in the past to promote specific sharing. At best, the results have been modest. For example, we authorized the Mike O'Callaghan Federal Hospital at Nellis Air Force Base outside Las Vegas. It is a 96-bed Air Force managed hospital with 52 VA-dedicated beds. This facility still has significant potential to serve as a model for sharing, but the VA and the Air Force made the decision to maintain separate budgets, financial, human resources, patient care records and data management systems. This facility, spending combined appropriations of over $46 million, is really operating as two independent federal facilities within the same walls, with needless duplications of systems and services and inefficient use of resources.

Another example is the VA Medical center and Kirkland AFB Hospital in Albuquerque, New Mexico. Albuquerque is a VA–Air Force partnership that provides admitting privileges to Air Force physicians. The relationship between the VA and Air Force at these facilities is an example of a good beginning to sharing. What was once a 40-bed Air Force hospital occupying VA space has evolved to a contractual relationship today. Now the Air Force purchases inpatient care services from the VA, rather than operating less efficiently as a separate hospital within the confines of the Albuquerque facility.

While many of the lost opportunities to share observed in Las Vegas do not pertain to the situation in Albuquerque, some do. For example, the Air Force and VA needlessly maintain separate dental clinics, central dental laboratory functions and separate supply chains. Also, the Air Force continues to maintain a management presence as though it were still operating as an independent facility, even though most of its activities duplicate those of VA.

The Committee has also examined sharing in VA and DoD health care facilities in San Diego, CA; Fayetteville, NC; Charleston, SC; and San Antonio and El Paso, TX. It appears that substantial benefits could be achieved on both sides of the sharing equation if sharing became more of a standard operating policy between VA and DoD. Obviously, sharing is more likely to occur if one potential partner has something perceived to be valuable or useful to offer the other and if the right incentives are in place to encourage follow-through on sharing arrangements. VA Medical Centers have been successful in fields such as rehabilitation, prosthetics, treatment of spinal cord injuries and geriatrics, but DoD medical facilities treat a broader base of patients, which provides opportunities for the medical staff to broaden its experience.

Some of these facilities that could share or share more are close neighbors, and close proximity clearly makes sharing much easier to achieve. For some of these essentially co-located facilities, a joint facility would almost certainly reduce administrative costs as well as staffing needs. With such savings, additional resources would be made available for patient treatment and technological improvements. For instance, at the San Diego VA Medical Center, the fiscal year 2001 budget is $202 million, and at the Balboa Naval Medical Center, the fiscal year 2001 budget is over $338 million. Although these facilities are only a few miles apart, no sharing occurs between them. The most recent clinical sharing between VA and the Navy in the San Diego area appears to have ended in 1989. It appears that Congress must be more vigorous or this deplorable situation will continue.

For too many neighboring VA and DoD health facilities, separate management and operations have become the only way they can conceive of doing business, even when another federal medical facility, also supported by tax dollars, may be little more than a stone's throw away. This separateness is mostly about ingrained habits, organizational cultures and protecting turf, and is not about promoting the best quality medical treatment for veterans and military patients, extending specialty care to more federal beneficiaries, or conserving scarce resources and funding.

Our bill would require, among other things, no later than two years after its enactment, the Secretaries of both Departments must submit to Congress a prospectus for the construction of a new joint federal medical facility. The two Secretaries would jointly select the location with two options to consider. They could select a location

Importantly, Mr. Speaker, this bill would make VA–DoD health sharing mandatory. This change in the law would require jointly located facilities, beginning with those participating in the demonstration project, to actively engage in developing and implementing meaningful and sustainable plans for sharing. We understand that DoD and VA health facilities do not always operate in the same fashion, and that even a small change in policy or procedure can have large consequences. That is why in order to fully test the principles of this sharing legislation, the Secretaries of DoD and VA would be granted the authority to waive certain administrative regulations and policies otherwise applicable within their respective Departments. This bill includes provisions for close monitoring of any administrative regulations and policies that the Secretaries would deem appropriate for waiver, and would require them to report to the Committee on Veterans' Affairs and the Committee on Armed Services on their use of such waiver authority.

In summary, this bill reflects the Committee's belief that veterans and military beneficiaries deserve the best health care a grateful Nation can offer. Through the creation of this demonstration project and other provisions of this bill, we hope to improve health resource sharing by providing stronger incentives for both departments to join forces and make VA–DoD sharing a reality.

When I assumed the Chairmanship of this Committee I promised to do what is right for veterans. I am convinced that the Department of Defense—Department of Veterans Affairs Health Resources Improvement Act of 2001 would be good for veterans and the military community alike. I urge my colleagues to come on board and support this bill.

HONORING JAMES GLOVER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. LEE. Mr. Speaker, I rise today to honor James Henry Glover for his role as an inspirational African-American family-man, friend and colleague.

James Glover was born in Kansas City, Missouri. In 1942, he enlisted in the United States Army and was stationed in New York, where he met his wife, Carrie Hunley.

Mr. & Mrs. Glover moved to San Francisco and began a family. As a husband, Mr. Glover worked hard to provide his wife a secure and stable home. As a father, he ensured that his children received the best education possible. He instilled in them and all that knew him the importance of an education.

Mr. Glover believed that people can continue to learn beyond the academics of the classroom. He believed that life itself taught lessons. From his experiences, he educated his family, friends and colleagues to the importance of tolerance, compassion for human beings and the power of love.

Mr. Glover was active in the NAACP and in the National Kidney Foundation. He contributed his services to these organizations, because he believed in the empowerment of people and service to his community.

I will always remember Mr. Glover as a proud father, always at the side of his son, Danny, with a smile on his face. Mr. Glover touched us with his love, his warmth, his compassion, his wisdom and his insight. He was an incredible human being who served as a wonderful role model and an inspiration for young African-American men.

Mr. Glover was an extraordinary and honorable man, who will be dearly missed. His memory will be cherished by his three sons, Danny Glover, Rodney Glover and Martin Glover, and to his daughter Connie Grier. I Join his family and friends to salute James Henry Glover.

THE LITTLE SANDY WATERSHED PROTECTION ACT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. DEFAZIO. Mr. Speaker, I'm proud to be an original cosponsor of H.R. 427, the Little Sandy Watershed Protection Act. This bill extends the boundaries of the Bull Run Watershed to include the Little Sandy Watershed, ensuring quality drinking water for the Portland Metropolitan area for many years to come. It will also protect water quality and vital habitat for wildlife, including endangered species of steelhead and chinook salmon.

The Bull Run Reserve was established in 1892 to provide clean and safe drinking water to the residents of Portland, Oregon, and surrounding communities. Over the next century, logging shrunk the reserve from 142,000 acres to just over 90,000. During the same time, the Portland Metropolitan area swelled to a population of nearly one million people. By protecting the hydrology of the Little Sandy Watershed, this Congress will build on over a century long legacy of drinking water protection for Oregon.

H.R. 427 is an important step in providing safe drinking water for Oregon's largest population center. I strongly support this bill and I urge its adoption.

EXPLANATION REGARDING H.R. 2506—THE FOREIGN OPERATIONS APPROPRIATIONS ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. OTTER. Mr. Speaker, I rise today to provide an explanation of my vote against H.R. 2506, the Foreign Operations Appropriations Act.

I voted against H.R. 2506 because of my concerns about the level of federal spending and the dangerous assumption that federal tax dollars belong to the federal government and not the taxpayers in the states. This bill, which contained the vital economic and military aid our close allies deserve and which I support, became a vehicle for passing all manner of spending inconsistent with the principles I was elected to represent. I would like to name but a few of the multiple programs which, although good in themselves, do not justify the expenditure of taxpayers dollars.

For example, this bill contained more than $100 million each for the Asian and African development funds. As an international businessman I have engaged in extensive business ventures in both these continents. I do not see the need for my constituents to underwrite those ventures at the cost of their own well-being.

$35 million is appropriated for the European Bank for Reconstruction and Development. The people of Idaho should not be forced to pay their taxes into an institution that European governments certainly can afford to maintain themselves. $95 million was appropriated for the Korean Peninsula Energy Development Organization. I would suggest that Korea, one of the worlds largest economies, has the resources to fund this organization.

Thomas Paine once wrote that "What we obtain too cheap, we esteem too lightly." I hope my colleagues will join me in showing more esteem for the taxpaying men and women for whom the cost of this bill, along with the rest of the federal budget, is anything but cheap.

HONORING WATSON "MAC" DYER OF CAVE SPRING, GA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BARR of Georgia. Mr. Speaker, much has been written in recent years concerning the meaningful contributions made by those men and women who have fought for this great country, especially those who served during World War II. We are rapidly losing those who fought so gallantly and much can be learned from these soldiers, described as "The Greatest Generation."

One member of that generation is Mac Dyer of Cave Spring, GA. He will be 100 years old today, July 27, 2001. Born to Joseph Albert and Nina Collins Dyer in Union County, Georgia, in 1901, Mac has fond memories of growing up in the country. He remembers helping his father make sorghum syrup and driving two days by wagon to purchase any groceries they could not grow themselves.

Mr. Dyer served in the United States Navy during World War II, serving on the Submarine tender *USS Bushnel*, off Midway Island, as a Naval Photographer. After his discharge from military service, Mr. Dyer managed the print shop at Georgia School for the Deaf, and later became the Manager of the Georgia State Print Shop, retiring in 1961.

In 1952, Mr. Dyer married a lady friend he had known in his younger years. Jewell was the Librarian in Cave Spring. When Mr. Dyer moved to Atlanta to work for the State of Georgia, Jewell became involved with the Deaf Library of the State of Georgia. After her death, Mr. Dyer moved back to Cave Spring and became interested in genealogy, serving 16 years as President of the Rome Genealogy Society. He has traveled extensively, researching his family history, and has written five books, the last published in 1998.

Mr. Dyer will be honored with a birthday celebration on his birthday. The party will be held at the First Baptist Church of Cave Spring, where Mr. Dyer is a member. Many friends and acquaintances will gather there at noon to celebrate this special day with him. In addition to remaining active in his Church and neighborhood, he often travels to Alabama, or other Georgia cities for lunch so he can try something new each day.

Happy 100th Birthday, Mac, from a grateful nation.

HONORING JERI ANN BALICK

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Jeri Ann Balick, Ed.D., who is retiring after 35 years of dedicated service to the San Bernardino School District.

From her first assignment in 1966 as a teacher at Adelanto School, to her current position as Director of Student and Family Advocacy, Mrs. Balick has demonstrated outstanding teaching skills, supervisorial expertise and leadership in the development of innovative educational programs.

Mrs. Balick's impressive record of academic, career and community service has earned the admiration and respect of those who have had the privilege of working with her. I would like to congratulate her on these accomplishments and sincerely thank her for her service to the San Bernardino School District.

TOP TEN ALL AMERICA CITY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to recognize Independence, Missouri, a city in my district recently named a Top Ten All America City by the National Civic League for the third time. Of 93 cities that competed, Independence was unanimously selected by the 12 member panel of civic leaders during the first round. Independence previously received this honor in 1961 primarily for its city charter revisions. In 1981, it took top honors based on the work of the Independence Neighborhood Councils. On June 23, 2001, Independence again proved itself worthy of being the hometown of former President Harry Truman.

David Rein, a spokesman for the National Civic League, describes the winners as "models of exemplary grassroots problem solving," which perfectly describes the Independence delegation's message of "Together We Can." The special designation of All America City pays tribute to Independence's unique spirit and inventive approaches in dealing with youth, infrastructure, and other civic issues. The participating businesses, non-profit organizations, government agencies, and schools did a tremendous job demonstrating the rehabilitation of older communities and the dedication of its youth to public service. To win a recognition whose stated goal is to honor "communities that teach the rest of us how to face difficult situations and meet those challenges in innovative and collaborative ways" is an achievement Independence can be proud of for years to come.

Each city was judged on three efforts toward community betterment. Independence chose its street and park improvements, Midtown and Truman Road Corridor Project, and the William Chrisman High School Association

for Chrisman Excellence ''ACE'' youth volunteer program. Independence has made $150 million worth of improvements to its transportation infrastructure in the past three years, and this past year 325 Chrisman students involved in the ACE program volunteered more than 11,000 hours of their time in community service. Those students who volunteered 40 hours or more were rewarded with a varsity letter.

Even more impressive, the City won this honor after overcoming a period of decline in its public facilities as well as civic apathy. In his presentation to the All America City judges Truman impersonator Ray Ettinger, while holding a replica of the famous ''Dewey Defeats Truman'' newspaper, declared to the jury, ''I know a great comeback when I see one.''

Mr. Speaker, please join me in honoring the 50 delegates and Mayor Ron Stewart who represented Independence in this competition. This award reflects the City's civic leaders and its citizens, whose commitment to bettering their hometown made these accomplishments possible. I concur with Lenneal J. Henderson, one of the All America City judges, who said, ''There was no debate about Independence.'' Mr. Speaker, please join me in congratulating the City of Independence for its excellence. I am proud to represent them.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mrs. EMERSON. Mr. Speaker, I was unavoidably delayed at a meeting with the President and missed roll call votes 275 and 276 on July 26, 2001. Had I been present, I would have voted no on roll call vote 275 and yes on roll call vote 276.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. NETHERCUTT. Mr. Speaker, last evening, July 26, 2001, I was unavoidably detained and missed Roll Call votes number 280, 281, 282, 283, 284, and 285.

Had I been present I would have voted ''no'' on each of these votes.

IN HONOR OF HARRY BRIDGES

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to Harry Bridges, arguably the most significant labor leader of the 20th century. He died on March 30, 1990 at age 88. I am here to celebrate his life and achievements on this day, the 100th anniversary of his birth.

After leaving his native Australia at age fifteen he spent several years as a merchant marine, before he settled in San Francisco in 1920. In those days workers wages were ten dollars a week, with seventy-two hour work shifts. Work was dangerous and injuries were not uncommon. Harry Bridges set out to improve the lives of workers everywhere.

As leader of the International Longshoremen's and Warehousemen's Union (ILWU), the most progressive union of the time, Harry Bridges led the struggle for worker's dignity. He called for the San Francisco General Strike of 1934, which was suppressed with brutality, but Harry Bridges and the ILWU-led strike prevailed, and to this day, workers have benefited from safe work conditions, health care benefits, and eight hour work days. Today we can all hold our heads high and be proud of Harry Bridges' legacy.

Harry Bridges' passionate support for workers rights made him the enemy of the corporate titans and anti-union government officials. His persecution led to his attempted deportation, but justice prevailed. Supreme Court Justice Frank Murphy praised Bridges stating, ''Seldom if ever in the history of this Nation has there been such a concentrated, relentless crusade to deport an individual simply because he dared to exercise the freedoms guaranteed to him by the constitution''.

Harry Bridges successfully fought for the integration of segregated unions. In addition, he fought for women's rights and he opposed the internment of Japanese Americans during the Second World War. He later fought against apartheid in South Africa with strikes and boycotts of South African Cargo, and he advocated for divestment of the union pension funds from businesses that trade and operate in South Africa.

Harry Bridges and the longshoremen of the 1930's will be memorialized on July 28th when the City of San Francisco dedicates the plaza in front of its historic Ferry building as the Harry Bridges Plaza. He is truly deserving of such a distinguished honor. Harry Bridges is respected by the people of San Francisco, beloved by the workers of this Nation, and recognized as one of the most important labor leaders in the world.

FIREFIGHTERS ANTHONY V. MURDICK AND SCOTT B. WILSON

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. HART. Mr. Speaker, I take the floor today to pay tribute to two fallen heroes. Anthony Murdick and Scott Wilson were volunteer firefighters in Unionville, Pennsylvania, who drowned while trying to recover the body of a kayaker in Slippery Rock Creek in Slippery Rock Township, on April 8 of this year. Their deaths were the first in the line of duty in the 64-year history of the Unionville Volunteer Fire Company. Their lives and act of bravery are being honored at a memorial service this Saturday, July 26 in Slippery Rock Township.

Firefighters Murdick and Wilson, both from Butler, Pennsylvania, traveled similar paths in life. Both were 25 years old; both graduated from Butler High School; and both joined the Unionville Volunteer Fire Company as junior firefighters. Murdick and Wilson were also experienced divers. However, the creek's swift current prevented the firefighters from resurfacing after their dive to retrieve the body of the drowned Ambridge man.

In other ways, Murdick and Wilson's lives were very different. Murdick worked as a landscaper, and as a structural firefighter for the VA Medical Center in Butler. He was also taking classes to become a code-enforcement officer. Murdick is survived by his fiancée, Beth McCurdy, and their son, Talan.

Wilson graduated from Indiana University of Pennsylvania's criminal justice training program. He worked with the Butler Ambulance Service, served as a 911-operator, and also served as the director of the ambulance authority in Wetzel County. At the time of his death, Wilson was an instructor at the Butler County Area Vocational Technical School. Wilson is survived by his wife, Tracy, and son, Cole.

The act of courage and commitment that these men showed is extraordinary. Without fear or hesitation, Murdick and Wilson dove into the swift waters of Slippery Rock Creek, as their job called upon them to do. On Saturday, these two men will be honored for their valiant act by family, friends, fellow firefighters, and members of the community of Slippery Rock Township. I join them in their tribute and hope that others find inspiration in their sense of duty and selfless service just as I have.

CONCERN FOR THE AMERICAN WORKER

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. HONDA. Mr. Speaker, I rise today to express my deep concern for the health and safety of the American Worker. Ergonomic hazards contribute to hundreds of thousands of injuries each year, we must do more to address the problem. Unfortunately, instead of dealing with this serious problem, the President with help from the majority party in the House of Representatives, took the drastic step of overturning workplace safety regulations that had been carefully studied for the past 10 years.

The ergonomic rule that was overturned earlier this year protected over 100 million working women and men in this nation and covered over 6 million work sites around the country. These critically important ergonomic regulations would have prevented 4.6 million musculoskeletal disorders, including carpal tunnel syndrome and other ailments related to repetitive motion, force, awkward postures, contact stress and vibration.

Now the Bush Administration, in conjunction with its Labor Department, is going through the motions, dare I say ''repetitive motions'' of having ''field hearings'' to review the effects of ergonomic related injuries. These problems have been studied for the past 10 years, how much more information does this administration need to be convinced that this is a pressing matter?

I have seen recent testimony by Amy Dean, Executive Officer of the South Bay AFL–CIO Labor Council given at one of the Labor Department's ergonomic standard hearings. I believe this testimony illustrates the real life consequences of not protecting workers in this nation from ergonomic hazards and so I include it in the Congressional Record for the information of my colleagues.

TESTIMONY OF AMY B. DEAN, EXECUTIVE OFFICER SOUTH BAY AFL–CIO LABOR COUNCIL, JULY 24, 2001

My name is Amy Beth Dean and I am the Executive Officer of the South Bay AFL–CIO Labor Council. The Labor Council represents more than 100,000 working families throughout Silicon Valley.

In this community, there are union members in every occupation. We work in manufacturing. We work in construction. We work in health care. We look after young children, We're even the people who keep this building clean.

But far more important than any of those differences in the work we do, are the values we all share—values that begin with the belief that each of us has the right to a safe and healthy workplace. That's why I'm here today.

A number of years ago a British journalist once wrote that, ''in politics, being ridiculous is more damaging than being extreme.'' By destroying OSHA's ergonomics standard—and then stacking these forums in favor of big business—the Bush Administration has demonstrated itself to be both. And American workers are paying for George Bush's extremism every single day.

Since George Bush and the Republicans in Congress killed this safety standard, more than 500,000 workers have suffered carpal tunnel syndrome and other injuries. That's one more worker every 18 seconds.

What kinds of workers are we talking about? Some of them are people who work in poultry processing plants. Some work with heavy equipment. Others work in places like nursing homes and warehouses. But many of these women and men work in high technology. They're clerical and technical workers. And many are professionals.

They're people like Patricia Clay. She works at the Referral Center at the Valley Medical Center. She worked for five years at a desk that was too high. She raised the issue with her supervisor, but her employer was indifferent. Eventually, she began noticing that something was wrong with her right hand. She found out it was carpal tunnel syndrome. Eventually, she lost so much strength that, after a while, she couldn't hold anything over two pounds. That meant she couldn't even pick up the baby grandson she was helping her daughter to look after. A week ago, Patricia Clark had surgery, but her doctor tells her she'll never be the same that she was before.

We know from experience that, with the right equipment and practices, injuries like those suffered by Patricia can be avoided. Just ask anyone who was on the staff at the San Jose Mercury News back in the mid-90s. As a result of using outdated computer keyboards and poorly designed workstations, there wre 70 repetitive stress injuries reported back in 1993.

I'm not talking about workers suffering an ache every now and then, but sometimes excruciating pain. I'm talking about the kind of pain that keeps you from leading a normal life. Well, those workers at the Mercury News were lucky. At that time, thanks to the effort of the San Jose Newspaper Guild—and the cooperation of the Mercury News—changes were made. The paper began investing in the kind of equipment computer users need. And guess what? By 1998 repetitive strain injuries declined by 49%!

But, the fact is, not every worker has an employer who wants to do the right thing. The fact is that far too many employers still believe they don't have an obligation to provide safe and healthy working conditions. Employers who would rather see workers wear wrist splints or undergo physical therapy, or even suffer through surgery than invest in computer keyboards that are safe to use.

It's the women and men working for those kinds of employers who need this ergonomic standard most of all. And those are the very people George Bush chose to betray.

I know that three questions are being asked of those participating in these forums. You've asked what is an ergonomics injury. You've asked how OSHA can determine whether an ergonomics injury was caused by work.

And you've asked what the most useful and cost effective government measures are to address ergonomic injuries. It seems to me that if the Department of Labor reviewed the 10 years of research and expert testimony it compiled to draft the ergonomics standard it could find the answer to those and many other questions.

Instead, I have a fourth question I would like to ask this Administration. When a young newspaper reporter's hands are numb after hours of typing at an obsolete keyboard, who is going to help her to drive her car?

When a baby cries out in the middle of the night and the pain in her mother's arms and hands is so severe from working at an obsolete keyboard that she can't reach down to lift that child from her crib and that young mother is left standing there with her heart breaking, who will be there to comfort her baby?

Will it be the company she works for? Will it be Secretary Chao? Or will it be George W. Bush?

I have no further comments.

PERSONAL EXPLANATION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. TANCREDO. Mr. Speaker, on rollcall vote 227 which occurred yesterday, July 26, I was present on the floor and I voted ''aye'' in support of H. Res. 209.

Unfortunately, the House voting machine did not record my vote.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday July 25, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes:

Ms. WATERS. Mr. Chairman, I rise today to support the amendment sponsored by Representative KUCINICH which would create a commission to oppose the privatization of Social Security.

Individuals may question why we would create a commission whose outcome is already known. Well, I would pose that question to the President.

On May second, when the White House Commission on Social Security was announced, the President said that when reforms are made, benefits must be maintained at their current level, payroll taxes cannot be raised, reforms must restore Social Security to ''sound financial footing,'' and young workers must be allowed to invest part of their earnings in private accounts. So we knew what the Commission was going to recommend privatization.

But if we do privatize there is no way that we can satisfy the other requirements of President Bush. Privatizing will result in reduction of benefits and it will surely wreck the financial stability of the program.

First, advocates of privatization suggest diverting part of the payroll tax, which funds Social Security, into the private accounts. However, by doing this we actually put the program in greater jeopardy. Studies have shown that by diverting just 2 percent of the payroll tax to private accounts, we bring the solvency rate closer. The President's very plan to restore stability to the program actually bankrupts Social Security sooner than if we do nothing at all.

In addition, privatization does not guarantee financial security. As an Economic Policy Institute study shows, ''a bursting of the stock market bubble has meant the largest absolute decline in household wealth since World War II, even after adjusting for inflation. In relative terms, the market's drop represents the sharpest decline in household wealth in 25 years.'' So it is very possible that this kind of market volatility could happen throughout a worker's lifetime, jeopardizing his or her retirement savings.

From the end of 1999 to the end of 2000, the total financial assets of American households declined 5% or $1.7 trillion. Therefore, the money some were planning on retiring with is not there any longer. Those who wanted to retire have to stretch their savings even further or continue working. That is a scary and unfair proposition for our seniors.

But what really concerns me is the idea of individuals putting their money in the stock market without sound financial advice. Many working families do not have the time or the extra money to hire financial advisors to make recommendations on where to put their money. The President's plan, indirectly, favors wealthy individuals and families because they are the only ones who have disposable income to invest, hire professionals and the time to meet with them.

Social Security is the most successful social policy to keep individuals out of poverty in the history of the United States. To privatize Social Security, especially without any type of

professional advice, means to put individuals, mostly women and minorities, into poverty.

In 1997, 9 percent of all Social Security beneficiaries aged 65 or older were in poverty. Without Social Security, that number would have risen to 49 percent. In addition, without Social Security, nearly 60 percent of blacks, native Americans and Hispanics would have been in poverty. Privatization is not the solution to provide financial security for retirees.

What my colleagues and the public should be concerned about, though, is that the members of the commission had no alternative but to support privatization. In fact, as a condition of being named to the group, you had to support the idea of privatization.

It has been said many times that this is another way for President Bush to pay back his supporters who helped him into office. By supporting privatization, President Bush will put millions, probably billions, of dollars in the pockets of Wall Street firms and their CEOs. In fact, Wall Street firms are starting a multimillion dollar advertising campaign to win public support of the plan.

As the Wall Street Journal reported:

''. . . a range of financial-service firms are pooling their efforts, and millions of dollars for advertising, to assist him in raising public concern about the retirement program's woes. But the ad dollars are a pittance compared with the billions at stake for Wall Street should Mr. Bush achieve his goal of carving private accounts out of Social Security.''

The group's name? It is ironically called ''Coalition for American Financial Security.'' The only financial security they ensure is their own.

So by adopting this amendment, sponsored by Mr. Kucinich, we will be able to provide a report to the President and to the public to show why privatization is a bad choice. Only then, when we can see both sides of the story, can we make an informed and sound decision.

60TH ANNIVERSARY OF MILITARY SERVICE OF PHILIPPINE COMMONWEALTH ARMY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. GILMAN. Mr. Speaker, I rise to bring to my colleagues' attention the fact that yesterday was the 60th anniversary of President Franklin Roosevelt's Executive Order calling into military service the Commonwealth Army of the Philippines.

In accordance with this the White House released a statement yesterday commemorating this important anniversary. It is long overdue that we resolve the inequity in our Nation's failure to provide veterans benefits to these Philippine veterans.

I request that the full text of this statement be included in the RECORD.

THE WHITE HOUSE,
Washington, July 26, 2001.

I am pleased to send greetings to the 4,000 members of the American Coalition for Filipino Veterans as you celebrate ''Filipino Veterans of World War II Day.''

On July 26, 1941, President Franklin D. Roosevelt issued an executive order calling the organized forces of the Commonwealth Army of the Philippines to join the United States armed forces in preparing for the possible outbreak of war with Japan. Tens of thousands of Filipino soldiers bravely answered the President's call.

When war finally came, more than 120,000 Filipinos fought with unwavering loyalty and great gallantry under the command of General Douglas MacArthur. The combined U.S.–Philippine forces distinguished themselves by their valor and heroism in defense of freedom and democracy. Thousands of Filipino soldiers gave their lives in the battles of Bataan and Corregidor. These soldiers won for the United States the precious time needed to disrupt the enemy's plans for conquest in the Pacific. During the three long years following those battles, the Filipino people valiantly resisted a brutal Japanese occupation with an indomitable spirit and steadfast loyalty to America.

This month, as we commemorate the 60th anniversary of President Roosevelt's military order, we recognize the important service and contributions of Filipino soldiers in turning back aggression and preserving democracy. America extends to you heartfelt and abiding thanks for the sacrifices made by Filipino soldiers during World War II.

Laura joins me in sending best wishes for a successful celebration here in Washington, D.C.

MARKING THE 27TH ANNIVERSARY OF THE TURKISH INVASION AND OCCUPATION OF NORTHERN CYPRUS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, Homer's Illiad reads on the birth of Venus: ''The breath of the west wind bore her Over the sounding sea, Up from the delicate foam, To wave-ringed Cyprus, her isle . . . . [which] Welcomed her joyously.''

This describes how after her birth, Cyprus, a place of tranquility, beauty, and peace—worthy of gods—served as the home of Venus herself. However, if other stories could still be added to the volumes of Greek mythology, we would read of the Trojan invasion and terror seized upon the goddess of love's paradise island.

Mr. Speaker, I applaud the persistent efforts of my colleagues CAROLYN MALONEY and MICHAEL BILIRAKIS for calling this special order and arduously maintaining the plight of the Greek Cypriots in the minds of their fellow Members of Congress.

On July 20, 1974, the island nation of Cyprus fell victim to 35,000 Turkish armed forces who invaded this land and tore it apart along a ″Green Line.″ Remaining one of the most militarized areas of the world, Northern Cyprus has suffered a vast and continued deterioration of human rights protection throughout the last 27 years, despite an international agreement signed in 1975, known as the Vienna III agreement, which was originally drafted in order to guarantee the most basic human rights and freedoms to 20,000 Greek Cypriots and Maronites enclaved in the Karpass Peninsula, which feel under Turkish rule. Today, after systematic intolerable harassment, intimidation, and inhuman treatment, only 400 Greek Cypriots and 160 Maronites remain.

From the onset of the invasion in 1974, Turkish leaders initiated a campaign intent on the permanent displacement—or rather extinction—of the Greek Cypriots. Upon Turkey's invasion of Cyprus, 200,000 Greek Cypriots—victims of a policy of ethnic cleansing—were forced from their homes and became a population fo internally displaced peole, refugees, within theiri own country. These communities, these families were evicted from the towns and homes they have lived in for centuries, in order to accommodate over 80,000 settlers from mainland Turkey. The U.S. committee for Refugees calls the internal displacement of people in Cyprus the 'longest standing in the [European] region.'' Cyprus' total population is 750,000. Currently throughout the whole of the island, 265,000 people have been displaced because of the violent break up of one nation.

Furthermore, the Turkish led occupation of Northern Cyprus has created a labyrinth from which Greek Cypriots can *not* escape. The man-made ''green line'' imposed upon this ancient bicommunal culture is the embodiment of heinous practices of human rights violations employed by Turkish forces to divide this community. Freedom of movement and association are nonexistent. A Greek Cypriot press is prohibited. Even Turkish Cypriots are banned from engaging in bicommunal contact at the grassroots level with Greek Cypriots.

In addition, is the impunity allotted to Turkish armed forces responsible for the disappearances of 1,463 Greek Cypriots, including four Cypriot-Americans, despite Turkey's obligation under the UN Declaration on the Protection of All Persons from Enforced Disappearances. The regime in place in Northern Cyprus is guilty of taking an island nation community and turning neighbor against neighbor. Thus, the 27th anniversary of Cyprus' occupation comes at the heels of the European Court of Human Rights decision made on May 10th of this year, finding Turkey guilty of violating 14 articles of the European Convention on Human rights, and of being an illegal and illegitimate occupying force in Cyprus.

In December 1999, under the good auspices of the United Nations, proximity talks began, bringing both sides closer to possible negotiations. After 5 rounds of talks, and seemingly successful strides, the Turkish Cypriot leader has *STALLED HOPE*. His attempt for international recognition, despite the UN Security Council's call for non-recognition of Northern Cyprus in 1983, and demand for the withdrawal of the *sovereign* Republic of Cyprus' application for EU membership, are both ironic and foolish.

Mr. Speaker, as a Member of Congress with a long history of support of due justice and freedom of the enclave in Cyprus, I speak out today to convey to this Congress and the Administration the crucial necessity to maintain pressure on the Turkish government so as to ensure the continuation of the proximity talks, and hopefully soon, negotiations leading to the return, once again of a single sovereign and peaceful Cyprus as Venus knew it to be.

TURKEY INVASION OF CYPRUS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would first like to thank my colleague from Florida, Mr. Bilirakis, for organizing this special event to commemorate the 27th anniversary of the Turkish occupation of the island of Cyprus.

In 1960, the Republic of Cyprus was formed after the island was granted independence by Great Britain. However, the people of Cyprus enjoyed this freedom for only fourteen short years. On July 20th 1974, sixteen days after our own independence day, Turkish troops invaded and took control of one third of the island nation. The Republic of Cyprus was then divided into two parts—Cyprus and the Turkish Republic of Northern Cyprus—by a 113 mile barbed wire fence. This present day equivalent of a Berlin Wall remains standing even now. As a result, over 200,000 Greek Cypriots were displaced and forced to flee their homes. To this day, they are not permitted to return.

The Turkish government has made little progress in normalizing any sort of relations with Cyprus. The Turkish government still maintains 35,000 troops on the island, making it one of the most militarized areas in the world. Most recently, the Turkish Cypriot leader refused to take part in talks with the U.N. Security Council about the issue of Cyprus unless his own preconditions were met.

Most disturbing though, the Turkish government is guilty of countless human rights violations against the island of Cyprus, including continued inhuman treatment, harassment, and intimidation. Because of this deplorable human rights record, no other nation besides Turkey itself recognizes the Turkish Republic of Northern Cyprus. It is a cruel irony that Cyprus, a nation so rich in history and culture, has been subdued by the most barbaric of methods-unlawful military occupation.

There is a glimmer of hope, though, despite the bleak outlook. The Republic of Cyprus is expected to be brought into the European Union. I hope that with their acceptance into the European Union, Cyprus will once again be able to become a free and united nation. And as a free and united nation, Cyprus will grant stability to a violate area of the world where the United States has crucial interests.

Mr. Speaker, during my years in congress, I have worked diligently on behalf of the Greek and Cypriot community to help locate family members lost during the Turkish invasion and advocated for the removal of the barbed wire which prevents the restoration of a independent and united Cyprus.

This Congress has let the issue of Cyprus remain quiet for too long. I ask my colleagues to show their strong support for a united Cyprus.

TURKEY INVASION OF CYPRUS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to mark the 27th anniversary of Turkey's invasion of Cyprus.

As Greek-Cypriots in America and around the world gathered last week to mark a tragic day in their nation's history, it is proper and fitting that we in this body join them in the hope that peace will soon return to their island nation.

As we gather on the floor of the House to mark the 27th anniversary of Turkey's invasion of Cyprus, 37 percent of that country remains occupied by Turkish military forces. It is equally unfortunate that five American citizens of Cypriot descent and over 1,600 Greek-Cypriots are still unaccounted for as a result of Turkey's 1974 invasion of Cyprus.

We, in this Congress, have passed resolution after resolution urging Turkey to withdraw its forces from Cyprus. We have passed measures and written letters urging Turkish-Cypriot leaders to renounce ''declarations of independence'' that they have issued in defiance of international law. And in the United Nations, the United States has consistently and forcefully urged Turkey to end its military occupation of over a third of the sovereign territory of the Republic of Cyprus.

Yet despite these efforts, today, we remain far from a final settlement that will end the artificial division of Cyprus.

It is my belief that Congress has a solemn obligation to speak out and support a just and lasting solution to the Cyprus problem. A solution which must follow the precepts laid down in United Nations Security Council 1250, which was adopted on June 29, 1999 and which in part reads, ''. . . a Cyprus settlement must be based on a State of Cyprus with a single sovereignty.'' In short, the U.S. House of Representatives should serve as a guiding force in the pursuit of a reunified Cyprus, an island nation where all citizens enjoy fundamental freedoms.

Mr. Speaker, let me conclude by saying that I am of the belief that the solution to the Cyprus problem resides in the will of the United States and the international community to renounce the violence that divided Cyprus over a quarter century ago and to affirm that the reunification of Cyprus is a priority.

Mr. Speaker, let me close by thanking the Co-Chairs of the Hellenic Caucus, Representatives MICHAEL BILIRAKIS and CAROLYN MALONEY for their exceptional work. I look forward to working with them in the 107th Congress to ensure that some day soon, the unification, not the division of Cyprus, will be commemorated in this body.

TURKEY INVASION OF CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BILIRAKIS. Mr. Speaker, as I have done every year, I rise again today to reiterate my fierce objection to the illegitimate occupation of the island of Cyprus by Turkish troops and declare my grave concern for the future of the area, The island's twenty-seven years of internal division make the status quo absolutely unacceptable.

In July 1974, Turkish troops captured the northern part of Cyprus, seizing over a third of the island. The Turkish troops expelled 200,000 Greek-Cypriots from their homes and killed 5,000 citizens of the once-peaceful island. The Turkish invasion was a conscious and deliberate attempt at ethnic cleansing. Turkey proceeded to install 35,000 military personnel. Today, these troops, in conjunction with United Nations peacekeeping forces, make the small island of Cyprus one of the most militarized areas in the world. Over a quarter of a century later, about 1,500 Greek-Cypriots remain missing, including four Americans.

The Green Line, a 113-mile barbed wire fence, separates the Greek-Cypriot community from its Turkish-Cypriot counterpart. The Turkish Northern Republic of Cyprus (TNRC), recognized by no nation in the world except for Turkey, prohibits Greek-Cypriots from crossing the Green Line to visit the towns and communities of their families. With control of about thirty-seven percent of the island, Turkey's military occupation has had severe consequences, most notably the dislocation of the Greek Cypriot population and the resulting refugees.

Twenty-seven years later, forced separation of these two communities still exists despite efforts by the UN and G–8 leadership to mend this rift between north and south. So far, the UN, with the explicit support of the United States, has sponsored six rounds of proximity talks between the President of the Republic of Cyprus, Mr. Glafcos Clerides, and Mr. Rauf Denktash, the self-proclaimed leader of the TNRC.

Regrettably, the implementation of any agreements has been thwarted by the intransigent position taken by Mr. Denktash, with the full backing of the Turkish Government. His refusal to participate in the UN sponsored talks until demands for the recognition of Northern Cyprus as a separate state are met is unacceptable. Mr. Denktash has made it clear that his position on the issue is non-negotiable, leaving very little room for progress. In his recent testimony before the Senate Commerce, Justice, State, and Judiciary Appropriations Subcommittee, Secretary of State Colin Powell specifically singled out Mr. Denktash as the main obstacle in developing a comprehensive solution to the problem.

Impressively, even with this division constantly taking center-stage, the Republic of Cyprus has flourished and grown as an economy and society. Growth has been averaging 6% per year and its per capita income ranks near the top of all developed countries. Its unemployment rate of 3.6% is lower than that of the United States. It is a Europe-oriented nation that is of strategic, economic, and political importance to the region and to the rest of the world.

This success has brought Cyprus to a critical turning point in its history. For the first time, the people of Cyprus have the opportunity to seal their future by becoming part of

the European Union which is about to accept a large number of new members. Upon accession to the European Union, Cyprus will, in capacity as a full member, be firmly anchored to the western political and security structures, enhancing both geographically and qualitatively the operational capabilities of the Western world.

The Republic of Cyprus and the United States share a common tradition of respect for human rights, a faith in the power of democratic institutions, and a commitment to free market economics. Our two governments have similarly had close ties. Consequently, it is in the interest of the United States to see a strong and vibrant Cyprus which will enhance the future strength of our alliance. To that end, the most meaningful way to ensure that outcome is to promote Cyprus's membership in the European Union.

Union membership for Cyprus also has the potential to resolve some of the ongoing disputes in the Mediterranean region. At the European Council meeting in Helsinki in December 1999, Turkey was granted the status of a candidate country for accession to the EU. In accordance with the Accession Partnership Document of Turkey, which was endorsed by the European Council meeting in Nice in December 2000, Turkey must strongly support the UN Secretary General's efforts to bring about a successful conclusion to the process of finding a comprehensive settlement of the Cyprus problem.

The European Council decision taken in Helsinki in December 1999 also states that the Council's decision on accession for Cyprus will not be preconditioned on a settlement to the Cyprus problem. On the other hand, it is understood that accession negotiations with Turkey cannot begin until Turkey complies with the stipulations and conditions laid down by the European Council decisions in Helsinki, Copenhagen and Nice.

The United States government has strongly supported the Helsinki Conclusions both on the issue of Cyprus' accession and Turkey's candidacy for membership and should continue to do so. Additionally, serious efforts have been undertaken by the UN Secretary General to resume negotiations between the two communities in Cyprus. These efforts have always enjoyed the full support of the United States.

It is obvious that resolution of the perennial dispute between Greece and Turkey on Cyprus remains the key to a successful and lasting settlement of the problem. Although the Helsinki decision does not consider a Greco-Turkish agreement on Cyprus a precondition for the accession of the Republic of Cyprus to the European Union, such an agreement would remove any obstacles to the accession of Turkey to the European Union, benefitting all parties concerned in the current dispute.

First, it will act as a catalyst in resolving the problem of Cyprus, which has been poisoning the relations among the parties to the conflict, their NATO allies, and the United States. Second, improvement in the relations between Greece and Turkey will also strengthen the South-Eastern flank of NATO so it can function in its full capacity, unhindered by ancient frictions that have virtually prevented any cooperation between the two allies at periods in the past.

Third, an agreement between the conflicting parties will enhance stability and security in two troubled regions of the world, the Middle-East and the Balkans. These areas are vital to the national interests of the United States and any stabilizing influence might serve to facilitate other peace agreements.

In pursuing this goal, it should be made clear to the Turkish leadership and Mr. Denktash that their position on these issues is unsatisfactory. No effort should be made to appease the Turkish-Cypriot leader in order to entice his return to the negotiating table. Not only should he return, but he should negotiate in good faith in order to reach a comprehensive settlement within the framework provided for by the relevant United Nations Security Council resolutions, This includes the establishment of a bizonal, bi-communal federation with a single international personality, sovereignty, and a single citizenship.

It would also be in the best interest of Turkey to cooperate with the United Nations and the rest of the international community on Cyprus in order to advance its own membership in the European Union. In addition, Turkey spends more than $200 million annually to sustain northern Cyprus; it also maintains 35,000 of its own troops illegally in the region. With settlement on the matter of Cyprus, this huge financial obligation will be removed. Northern Cyprus will perhaps be the greatest beneficiary of Cypriot membership and resolution of the entire affair. It is currently in a state of economic distress, being bolstered only by Turkish support. By joining the rest of Cyprus, it would become part of an already progressive economy, eliminating its financial dependence on Turkey.

So far we have seen that both Turkey and Mr. Denktash have sought to create preconditions on Cyprus' accession by tying that process to the resolution of a comprehensive settlement in Cyprus. The United States should remind Turkey that any threat against the Republic of Cyprus will be met with strong determination and opposition and that Turkey does not possess any veto power over European Union membership. Promotion of Cyprus' membership will remove what has been a stumbling block in comprehensive settlement negotiations, and it will allow Turkey to strive toward the laudable goal of its own accession.

We are all standing at the threshold of a historic opportunity that will shape the futures of generations of Cypriots, Greeks, and Turks. We have a responsibility to these ensuant generations to secure their futures by contributing to the efforts to create a peaceful world.

It is precisely to stress the above stated points that I have felt compelled to submit House Concurrent Resolution 164 which expresses the United States' support for Cyprus' admission to the European Union according to the Helsinki Conclusions of 1999 which state that while a solution to the political crisis in Cyprus is preferable prior to EU accession, it is not a precondition for entry.

Mr. Speaker, we have a moral and ethical obligation to use our influence as Americans to reunify Cyprus—as defenders of democracy, and as defenders of human rights. There have been twenty-seven years of illegitimate occupation, violence, and strife; let's not make it twenty-eight.

DR. ORNISH'S LIFESTYLE MODIFICATION PROGRAM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BURTON of Indiana. Mr. Speaker, I rise to speak on America's battle with heart disease. The Government Reform Committee, which I Chair, has been conducting an oversight investigation into the role of complementary and alternative therapies in our health care system. Dr. Dean Ornish has testified before our Committee. His program prevents heart attacks and strokes—not through expensive medication or surgery—but through lifestyle modification like diet, stress management and yoga.

It's innovative, low cost, non-invasive, and scientifically proven to be effective. Scientific research has demonstrated that Dr. Ornish's program not only helps prevent heart problems like arterial blockages, it actually reverses heart disease in people with serious conditions.

The Medicare program is currently conducting a pilot program to test Dr. Ornish's program on 1,800 Medicare patients. Last year, Congressman RANGEL and I introduced legislation to extend this demonstration program for two more years to make sure that all 1,800 patients can complete the program and be thoroughly evaluated. I really believe that this program can save lives, and save the Medicare program billions of dollars. At a time when HCFA has estimated that our health care costs will double by the year 2007, programs like this lifestyle modification program hold out real hope for reducing open-heart surgery and cutting down on the need for expensive prescription medications.

I salute Dr. Ornish for all of the hard work he has done on this issue for America.

45TH ANTIOCHIAN ARCHDIOCESE CONVENTION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. ISSA. Mr. Speaker, I rise today to recognize all the faithful here in Los Angeles for the Forty-fifth Archdiocese Convention of the Antiochian Orthodox Christian Archdiocese of North America. In welcoming the diverse spiritual leaders of the Church that are gathering together, I especially want to recognize His Excellency, Issam Fares, Deputy Prime Minister of Lebanon.

This biennial convention is an opportunity to share the history, cultural heritage and religious dedication of the members throughout North America. The convention is an opportunity for the Archdiocese to discuss social issues facing families today. The work of Antiochian Orthodox Church through such programs as the International Orthodox Christian Charities, the bone marrow testing drive, health fairs and the Jerusalem Project, are the finest examples of the religious freedom that only we share in the United States.

I wish to congratulate the members of the Antiochian Orthodox community on their efforts and wish them many years of success in their work throughout the United States.

TRIBUTE TO DAVE KORBELIK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to one of Colorado's outstanding public servants, Mr. Dave Korbelik who recently announced his resignation as County Commissioner. Dave Korbelik is a hard worker and has performed his elected duties with the highest degree of excellence. All who have been fortunate to know Dave speak of his deep commitment to his job and his community. I know Dave Korbelik and am glad to say that he has been a strong advocate for the citizens of Kit Carson County. Dave's representation will be sorely missed.

Dave saw his job as both a public duty and a challenge. Leaving his home to accept his new post leading the Farm Bureau in Trinidad, Colorado was not an easy decision. His reflections in a recent edition of the Flagler News capture the difficult nature of his decision. ''This was not an easy decision to make. Kit Carson County has always been my home, and my family's home, and it will always be where our roots are deeply planted.''

Dave is a distinguished individual carrying out both his personal and professional life with the values of dignity, respect, reverence to God, and a dedication to serving the public. He is truly a fine example for all Americans.

A constituent of Colorado's 4th Congressional District in Colorado, Dave not only makes his community proud, but also those of his state and his country. It is a true honor to know such an extraordinary citizen and we owe him a debt of gratitude for his service and dedication to the community. I ask the House to join me in extending hearty congratulations to Mr. Dave Korbelik.

PERUVIAN INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to commemorate the joyous occasion of the Peruvian Festival, 'Independence of Peru'. Peru is located in the southwestern section of South America and was a colony of Spain with other surrounding territories until 1821. After many ferocious battles against the Spanish army, Peru defeated Spain and gained their independence by becoming a democratic Republic on July 28, 1821. Peruvians in Cleveland have joined together year after year on this festive occasion to celebrate this day and honor their heroes, martyrs and intellectuals who shed their blood for freedom of their country from the Spanish Crown.

This year to celebrate the 180th anniversary of the Independence of Peru, an outdoor celebration is being held portraying a civic ceremony and a childrens' soccer tournament. A traveling team of eighteen Peruvian boys under the age of twelve are flying in from Lima, Peru and will play against Cleveland and Columbus teams. There will also be a group of students from Pittsburgh, LACU who will present dance and music performances.

My fellow colleagues, please join me in commemorating this festive affair to show our support of this Peruvian celebration.

RECOGNIZING THE HOUSTON MINORITY BUSINESS COUNCIL'S EXPO 2001

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BENTSEN. Mr. Speaker, I rise in recognition of the Houston Minority Business Council's EXPO 2001. As Texas' largest minority business development trade fair, EXPO provides a forum for major corporations to identify and build relationships with capable and dependable minority businesses and suppliers. This year's business forum will be held on Wednesday, September 26, 2001 at the George R. Brown Convention Center.

For many years, EXPO has served as a multi-faceted network linking Minority Business Enterprises (MBES) with leaders of major corporations. MBEs utilize EXPO as an efficient and productive means of connecting with key purchasing personnel and decision makers at major corporations. Corporations take advantage of this networking opportunity, using it as a tool to distribute personalized information on doing business with their companies. EXPO allows MBEs to gain valuable insights into both the local and national strategies of major corporations. Featuring approximately 200 major corporations and government agencies, EXPO prides itself in its ability to spur the development of minority businesses by bringing together minority businesses and corporate executives.

As a result of the Houston Minority Business Council's EXPO 2000, more than 2,000 participants were afforded the opportunity to furnish new business contacts and promote economic opportunity for their businesses. MBEs made an average of 23 sales calls from which 44 percent reported instantaneous results. On average, at least two-thirds of participants reported the establishment of new business relationships that totaled as high as $2 million in eight months. EXPO 2001 promises to be an even more successful event.

James Postal, of Penzoll Quaker State, will serve as this year's Honorary Chair. As in the past, participants can look forward to the stimulating and insightful remarks from the event's keynote speaker, Harriet Michel, President of the National Minority Supplier Development Council (NMSDC), a private non-profit organization that expands business opportunities to minority-owned companies. Her expertise on minority businesses and the issues they are facing will make her an interesting and exciting addition to the convention.

Mr. Speaker, the Houston Minority Business Council serves the important function of incorporating minority businesses in local and national commerce. Their mission, ''to actively involve [their] members in efforts that will increase and expand business opportunity and business growth for minority business enterprises,'' is vital to the promotion and expansion of minority business opportunities. I applaud the efforts of the Houston Minority Business Council and look forward to another successftil event.

DEDICATION OF THE PACIFIC COAST HIGHWAY AS LOS ANGELES COUNTY VIETNAM VETERANS MEMORIAL HIGHWAY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. HARMAN. Mr. Speaker, I rise to commend the dedication taking place today in my district of more than 60 miles of the infamous Pacific Coast Highway as the Los Angeles Country Vietnam Veterans Memorial Highway. I regret that the House schedule prevents me from joining in the dedication ceremony, but wanted to share the remarks I had planned to make.

As this long stretch of road is dedicated to our Vietnam Veterans, the analogy of this road to a ribbon seems appropriate.

Roads sometimes divide, but this ribbon of road is designed to unite. It stretches seamlessly and ties the diverse communities that comprise the South Bay into one.

This ribbon of road is intended to heal, despite the divisiveness of the war itself. Just as this road embraces people from every walk of life, so too do we continue to embrace our soldiers, sailors and airmen.

This ribbon is intended to honor. Like the yellow ribbon used to signal our eternal hope of homecoming, this ribbon of road is dedicated not just to those who served and returned from Vietnam, but also to those who remain missing or unaccounted for.

But, while this ribbon of road is well-traveled and familiar, for those of us of the Vietnam generation, the war has started to recede—perhaps too quickly. What is our memory is now history to a sizable portion of our citizenry. Not only do they fail to understand the historic context of that war, they also fail to appreciate those who served.

Designating this highway will provide a constant and continuing reminder of the valor and sacrifice of the men and women who served in Vietnam. It will be a tribute—a memorial—a symbol to a not-so-distant period in our Nation's history.

Like a ribbon, it will bind our community in a collective expression of appreciation—of love—of gratitude—of remembrance.

Today's dedication ceremony is the result of the hard work of the members of the Vietnam Veterans of America Chapter 53, who first suggested to California State Assemblyman George Nakano the designation of the Vietnam Veterans Memorial Highway. Assemblyman Nakano was able to secure the passage

of the appropriate state legislation to authorize this designation, while VVA Chapter 53 helped raise the private funding necessary to post signage along the way.

I commend the Joint efforts of Assemblyman Nakano and VVA Chapter 5 3 and welcome the inauguration of the Los Angeles County Vietnam Veterans Memorial Highway.

WALTER B. DORSEY A LIFETIME OF PUBLIC SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. HOYER. Mr. Speaker, former Maryland State Senator and St. Mary's County, Maryland State's Attorney Walter B. Dorsey is being honored Saturday, July 28, 2001, at the Anniversary Crabfeast of the newspaper ST. MARYS TODAY for a Lifetime of Public Service.

Senator Dorsey is a third generation member of the Maryland General Assembly, having been preceded in service by his father, the late Circuit Court Judge Phillip H. Dorsey, who was elected to the Maryland House of Delegates in 1930 and 1934 and by his grandfather, Walter B. Dorsey, who was elected to the House of Delegates in 1911. Senator Dorsey was elected to the Maryland Senate in 1958 representing St. Mary's County, as was his father who was elected to the same seat in 1926. The late Judge Dorsey also served as a delegate to the Maryland Constitutional Convention in 1967.

Senator Dorsey was first elected St. Mary's County State's Attorney in 1954 after serving in the U. S. Army in Korea in the Judge Advocate General Corps. and won election again in 1982, 1986, 1990 and 1994 when he retired from office. Senator Dorsey also served as Deputy Maryland Public Defender during the administration of Maryland Governor Marvin Mandel. He has also maintained a law practice between his service as Public Defender and State's Attorney and at this time is of counsel to his the firm headed by his son Phillip H. Dorsey II as well as being engaged in the operation of Checker's Restaurants in Virginia and Maryland as a franchise owner. Senator Dorsey also owned and published the newspaper St. Mary's Journal in Leonardtown, Maryland from 1958 to 1961 as well as a doing a brief stint in the bakery business and developing the attractive waterfront new home community on Breton Bay known as Mulberry Point.

Senator Dorsey is married to his lovely wife of 28 years, Brenda B. Dorsey. Senator Dorsey has three sons and one daughter, Phillip, John Michael, Paul and Helen from his first marriage to the former Jeanne Duke Dorsey Mandel and two daughters he has raised with his wife Brenda, Sheryl and Suzanne.